

ORDINANCE NO. 40

An Ordinance declaring the intention of the South Suburban Sanitary District of Klamath County, Oregon, to monitor the use of public sewers; to establish the policies, practices, prohibitions, procedures, remedial actions and fees required to protect the environment; the District sewer system and the general public health and welfare, the District personnel, public welfare; to establish an Ordinance to comply with the federal and state criteria and requirements of sewer discharge; to establish an equitable distribution of costs for monitoring and treating nonresidential wastes, as required under federal and state environmental regulations and statutes governing the operations and maintenance of a publicly owned treatment works.

WHEREAS the Board of Directors for South Suburban Sanitary District of Klamath County, Oregon have recognized the necessity to establish an ordinance to regulate the discharge of nonresidential waste into the South Suburban Sanitary District sewer system and

WHEREAS the Board of Directors for the South Suburban Sanitary District of Klamath County, Oregon desire, to the maximum extent practicable, to protect the general public and District personnel's health, maintenance and welfare when dealing with nonresidential discharge and

WHEREAS the Board of Directors for the South Suburban Sanitary District of Klamath County, Oregon recognize the state and federal statutory requirements to establish an equitable distribution of costs for monitoring such nonresidential discharge waste and

WHEREAS the Board of Directors for the South Suburban Sanitary District of Klamath County, Oregon desire to comply with all state and federal statutory regulations and statutes governing the operation and maintenance of publicly owned treatment works and

WHEREAS the Board of Directors for the South Suburban Sanitary District of Klamath County, Oregon desire to set forth in Ordinance No. 40 the specific requirements for commercial industrial users who discharge into the publicly owned treatment facility of South Suburban Sanitary District and

Whereas the general requirements contained within South Suburban Sanitary District's Ordinance No. 31, it is the intent of the Board of Directors of the South Suburban Sanitary District to repeal and replace Article V of Ordinance No. 31 and

Whereas this Ordinance No. 40 shall also repeal and replace the definition of "sewage", "user", "industrial waste", "sludge" from Ordinance No. 31 and to incorporate Ordinance No. 39 by reference, the Board of Directors for the South Suburban Sanitary District hereby enact the following Ordinance No. 40.

SECTION 1 - GENERAL PROVISIONS

1.1 Purpose and Policy

This ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works (POTW) for the South Suburban Sanitary District, and enables the District to comply with all applicable State and Federal laws, including the Clean Water Act (33 USC 1251 et seq.), the General Pretreatment Regulations (40 CFR Part 403), and *Oregon Administrative Rules (OAR) Chapter 340*. The objectives of this ordinance are:

- A. To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW;
- B. To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;
- C. To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;
- D. To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;
- E. To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW;
- F. *To provide for equitable distribution of the cost of the wastewater system;*

This ordinance shall apply to all users of the POTW. The ordinance authorizes the issuance of wastewater discharge permits; authorizes monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

1.2 Administration

Except as otherwise provided herein, the General Manager, as directed and authorized by the SSSD Board shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the General Manager may be delegated by the SSSD *Board or* General Manager to other South Suburban Sanitary District personnel or SSSD Agents.

1.3 Definitions

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

- A. Accessible. Accessible, when applied to required pretreatment monitoring or treatment equipment, shall mean direct access without the necessity of removing any panel, door, vehicle, equipment, materials, or other similar obstruction.
- B. Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.
- C. Administrative Penalty (fine). *A monetary charge unrelated to treatment cost, which is assessed by the General Manager or SSSD Board rather than a court, pursuant to this ordinance.*
- D. Applicable Pretreatment Standards. For any specified pollutant, District prohibitive standards, District specific pretreatment standards (local limits), State of Oregon pretreatment standards, or EPA's Categorical Pretreatment Standards (when effective), whichever standard is appropriate and most stringent.
- E. Approval Authority. The Director in an NPDES State with an approved State Pretreatment Program and the appropriate EPA Regional Administrator in a non-NPDES State or State without an approved pretreatment program as defined by 40 CFR 403.3c.
- F. Authorized Representative of the User.
- (i) If the user is a corporation:
 - (1) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - (2) The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
 - (ii) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively;
 - (iii) If the user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her authorized designee.
 - (iv) The individuals described in paragraphs 1 through 3 above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the District.

- G. Average Daily Flow. *The arithmetical mean of the total Process Wastewater flow over a one (1) year period. This mean shall be calculated based on days when a discharge occurs.*
- H. Best Management Practices (BMPs) *means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of "waters of the United States." BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.*
- I. Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter amenable to measurement *by the methods described in the most recently EPA approved version of Standard Methods for the examination of Water and Wastewater*; under standard laboratory procedures for five (5) days at 20° centigrade, usually expressed as a concentration [milligrams per liter (mg/L)].
- J. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by the US EPA in accordance with Sections 307(b) and (c) of the Act (33 USC 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- K. Categorical User. A user covered by one of EPA's Categorical Pretreatment Standards.
- L. Chemical Oxygen Demand (COD). A measure of the oxygen consuming capacity of inorganic and organic matter present in wastewater amenable to measurement by the methods described in the most recently EPA approved version of Standard Methods for the examination of Water and Wastewater. COD is expressed as the amount of oxygen consumed from a chemical oxidant in mg/L during a specific test.
- M. Cooling Water/Non-Contact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product. Cooling water may be generated from any use, such as air conditioning, heat exchangers, cooling or refrigeration to which the only pollutant added is heat.
- N. Color. The optical density at the visual wave length of maximum absorption, relative to distilled water. One-hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.
- O. Composite Sample. The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.
- P. Control Authority. A POTW with an approved pretreatment program or the approval authority in the absence of a POTW pretreatment program as defined by 40 CFR 403.12a.
- Q. Day. Day shall be defined as a calendar day.

- R. District. The South Suburban Sanitary District, Oregon, its designated agent and/or representative.
- S. General Manager. *The General Manager of the South Suburban Sanitary District, or his duly authorized representative.*
- T. Discharge Authorization. *A wastewater discharge permit authorizing users to discharge wastewater to the SSSD POTW. These permits would be for users other than Significant Industrial Dischargers, or Categorical industries, but still requiring a control mechanism.*
- U. Domestic Sewage. *Domestic sewage means the liquid and water borne wastes derived from ordinary living processes, free from industrial wastes, and of such character to permit satisfactory disposal, without special treatment, into the POTW.*
- V. Domestic User (Residential User). Any person who contributes, causes, or allows the contribution of wastewater into the District POTW that is of a similar volume and/or chemical make-up as that of a residential dwelling unit. Discharges from a residential dwelling unit typically include up to 100 gallons per capita per day at 0.2 pounds of BOD per capita per day, and 0.17 pounds of TSS per capita per day.
- W. Environmental Protection Agency (EPA). The US Environmental Protection Agency or, where appropriate, the Director of the Region 10 Office of Water, or other duly authorized official of said agency.
- X. Existing Source. For a categorical industrial user, an "existing source" is any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.
- Y. Existing User. For non-categorical users, an "existing user" is defined as any user which is discharging wastewater prior to the effective date of this ordinance.
- Z. Fats, Oils and Grease (FOG). *The term fats, oils, and grease shall mean those components of wastewater amenable to measurement by the methods described in the most recently EPA approved version of Standard Methods for the examination of Water and Wastewater. The term Fats, Oils And Grease shall include polar and non polar fats, oils, and grease and other components extracted from wastewater by these methods.*
- AA. Grab Sample. A sample which is taken from a wastestream on a one-time basis without regard to the flow in the wastestream and without consideration of time.
- BB. Grease Interceptor. *An interceptor of at least 750 gallon capacity to serve one or more fixtures and which shall be remotely located.*
- CC. Grease Trap. *A device designed to retain grease from one to a maximum of four fixtures.*
- DD. High Strength Waste. *Any waters or wastewater having a concentration of BOD or Total Suspended Solids in excess of 250 mg/L, or having a concentration of Fats, Oil and Grease in excess of 50 mg/L.*

EE. Holding Tank Waste. Any nondomestic wastewater from holding tanks that is generated from sources other than domestic and/or residential sewage.

FF. Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act. The discharge into the POTW is normally by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches, and all constructed devices and appliances appurtenant thereto.

GG. Industrial User (IU). All users who discharge industrial wastes into the District's wastewater treatment system (POTW).

HH. Industrial Waste. Any solid, liquid, or gaseous waste resulting from any industrial, manufacturing, trade, health service, educational institution, business, laboratory, research establishment or facility, or from the development, recovery, or processing of natural resources, excluding domestic waste; any non-domestic waste.

II. Interceptor. An interceptor is a device designed and installed so as to separate and retain deleterious or undesirable matter from normal wastes and permit normal liquid wastes to discharge by gravity.

JJ. Interference. A discharge which alone or in conjunction with a discharge or discharges from other sources, either: (1) inhibits or disrupts the POTW, its treatment processes or operations; (2) inhibits or disrupts its sludge processes, use or disposal; or (3) is a cause of a violation of the District's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/ regulatory provisions or permits issued thereunder: Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

KK. Liquid Waste. Liquid waste is the discharge from any fixture, appliance or appurtenance in connection with a plumbing system which does not receive fecal matter.

LL. Maximum Allowable Discharge Limit. The maximum concentration (or loading) of a pollutant allowed to be discharged at any time.

MM. Medical Wastes. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

NN. New Source.

- (i) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such

source if such standards are thereafter promulgated in accordance with that section, provided that:

- (1) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - (2) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (3) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
- (ii) Construction on a site at which an existing source is located results in a modification rather than a new source, if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (iii) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
- (1) Begun, or caused to begin as part of a continuous on-site construction program;
- (iv) any placement, assembly, or installation of facilities or equipment; or
- (v) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or;
- (1) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

OO. New User. A "new user" is a user that is not regulated under federal categorical pretreatment standards but that applies for a new building permit and plans to discharge to the District's collection system or any person who occupies an existing building and plans to commence discharge of wastewater to the District's collection system after the effective date of this ordinance. Any person that buys an existing facility that is discharging non-domestic wastewater will be considered an "existing user" if no significant changes are made in the operation.

- PP. O and M. Operation and maintenance activities.
- QQ. Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the District's NPDES permit (including an increase in the magnitude or duration of a violation).
- RR. Permittee. A person or user issued a wastewater discharge permit, or discharge authorization.
- SS. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents, or assigns. This definition includes all Federal, State, or local governmental entities.
- TT. pH. A measure of the acidity or alkalinity of a substance, expressed in standard units.
- UU. Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the characteristics of the wastewater [i.e., pH, temperature, TSS, turbidity, color, BOD, Chemical Oxygen Demand (COD), toxicity, or odor].
- VV. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to (or in lieu of) introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means (except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard).
- WW. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.
- XX. Pretreatment Standards or Standards. Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits established by the District.
- YY. Process Wastewater. *Process Wastewater is Industrial Waste minus Cooling Water/Non-Contact Cooling Water.*
- ZZ. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Sections 2.1 (A) and (B) of this ordinance.
- AAA. Publicly Owned Treatment Works (POTW). A "treatment works," as defined by Section 212 of the Act (33 USC 1292) which is owned by the District. This definition includes all devices, facilities, or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant. The term also means the South Suburban Sanitary District.

BBB. Sanitary Flow: Sewage.

CCC. Septic Tank Waste. Any domestic and/or residential sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

DDD. Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.)

EEE. Sewer. Any pipe, conduit, ditch, or other device used to collect and transport sewage from the generating source.

FFF. Shall, May. "Shall" is mandatory, "may" is permissive.

GGG. Significant Industrial User (SIU).

(1) A user subject to categorical pretreatment standards; or

(2) A user that:

(a) Discharges an average daily flow of 25,000 GPD or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blowdown wastewater); or

(b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(c) Is designated as such by the District on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(3) Upon a finding that a user meeting the criteria in Subsection two (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any applicable pretreatment standard or requirement, the District may at any time, on its own initiative or in response to a petition received from a user [and in accordance with procedures in 40 CFR 403.8(f)(6)] determine that such user should not be considered a significant industrial user.

HHH. Slug Load. Any discharge at a flow rate or concentration which could cause a violation of the discharge standards in Section 2.1 through 2.4 of this ordinance or any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge.

III. SSSD Board. *The Board of Directors of the South Suburban Sanitary District.*

JJJ. Standard Industrial Classification (SIC) Code. A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

KKK. State. The State of Oregon.

- LLL. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- MMM. Total Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering and is amenable to measurement by the methods described in the most recently EPA approved version of Standard Methods for the examination of Water and Wastewater.
- NNN. Toxic Pollutant. *One of the pollutants, or combination of those pollutants, listed as toxic in regulations promulgated by EPA under Section 307 (33 USC 1317) of the Act, or other pollutants as may be promulgated.*
- OOO. Treatment Plant Effluent. The discharge from the POTW into waters of the United States.
- PPP. User or Industrial User. *Any person, lot, parcel of land, building, premises, municipal corporation or other political subdivision that discharges, causes or permits the discharge of wastewater into the sewage system. Such user or industrial user includes, severally and jointly, both lessor and lessee of the premises.* The source shall not include "domestic user" as defined herein.
- QQQ. Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- RRR. Wastewater Discharge Permit (Industrial Wastewater Discharge Permit, Discharge Permit, Discharge Authorization). An authorization or equivalent control document issued by the District to users discharging wastewater to the POTW. The permit may contain appropriate pretreatment standards and requirements as set forth in this ordinance.
- SSS. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.
- TTT. Zero Discharge Permit. *A Permit for a Categorical User that operates its processes so that no Industrial Waste is discharged to the POTW.*

The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

1.4 Abbreviations

The following abbreviations shall have the designated meanings:

ASPP.....	Accidental Spill Prevention Plan
BMPs	Best Management Practices
BOD	Biochemical Oxygen Demand
CFR.....	Code of Federal Regulations
COD.....	Chemical Oxygen Demand

EPA.....US Environmental Protection Agency
FOGFats, Oils, and Grease
GPDgallons per day
L.....liter
LELLower Explosive Limit
mgmilligrams
mg/L.....milligrams per liter
NPDES.....National Pollutant Discharge Elimination System
O&M.....Operation and Maintenance
POTWPublicly Owned Treatment Works
RCRAResource Conservation and Recovery Act
SICStandard Industrial Classifications
SWDA.....Solid Waste Disposal Act (42 USC 6901, et seq.)
TSSTotal Suspended Solids
USC.....United States Code

SECTION 2 - GENERAL REQUIREMENTS

2.1 Prohibited Discharge Standards

- A. **General Prohibitions:** *No user shall discharge or convey, or permit or allow to be discharged or conveyed, to a public sewer any wastewater containing pollutants of such character or quantity that will disrupt the normal operation, process, or efficiency of the wastewater treatment system. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.*
- B. **Specific Prohibitions:** No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
- (1) Any liquid, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21. *At no time shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the system be more than five percent (5%) nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides and any other substance which the District, the State, or EPA has notified the user is a fire hazard or a hazard to the system;*
 - (2) Wastewater having a *grab sample* pH less than 5.5 or more than 9.5, or otherwise causing corrosive structural damage to the POTW or equipment;
 - (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than *one quarter inch (1/4")*;
 - (4) Pollutants, including oxygen-demanding pollutants (BOD, COD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
 - (5) Wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C) unless the Approval Authority, upon the request of the POTW, approves alternate temperature limits;

- (6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
- (7) 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;
- (8) Trucked or hauled pollutants, unless authorized by permit from the District, and at discharge points designated by the District.
- (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the District's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than ten percent (10%) from the seasonably established norm for aquatic life;
- (11) Wastewater containing any radioactive wastes or isotopes except as specifically approved by the District in compliance with applicable State or Federal regulations;
- (12) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted wastewater, unless specifically authorized by the District;
- (13) Any sludges, screenings, or other residues from the pretreatment of industrial or commercial wastes or from industrial or commercial processes;
- (14) Medical wastes, except as specifically authorized by the District;
- (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
- (16) Detergents, surface-active agents, or other substances in amounts which may cause excessive foaming in the POTW;
- (17) Animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dusts, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt, glue, epoxies, primers, paints, polymers,

pastes, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

- (18) Any substance which will cause the POTW to violate its NPDES and/or other disposal system permits.
- (19) Any wastewater, which in the opinion of the District can cause harm either to the sewers, sewage treatment process, or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance, unless allowed under written special agreement by the District (except that no special waiver shall be given from categorical pretreatment standards).
- (20) *The contents of any tank or other vessel owned or used by any person in the business of collecting or pumping sewage, effluent, septage, or other wastewater unless said person has first obtained testing and approval as may be generally required by the South Suburban Sanitary District and paid all fees assessed for the privilege of said discharge.*
- (21) Any hazardous or dangerous wastes as defined in rules published by the State of Oregon and/or in EPA rules 40 CFR Part 261.
- (22) Persistent pesticides and/or pesticides regulated by the Federal Insecticide Fungicide Rodenticide Act (FIFRA)
- (23) *Any slug load, which shall mean any pollutant, including oxygen-demanding pollutants (BOD, etc), released in a single extraordinary discharge episode of such volume or strength as to cause interference to the POTW.*
- (24) *Any substance which may cause the POTW's effluent or treatment residues, sludges, or scums to be unsuitable for reclamation and reuse, or to interfere with the reclamation process.*
- (25) *Fats, oils and grease in amounts that may cause obstructions or maintenance problems in the collection/conveyance system, or interference in the POTW.*

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

2.2 Federal Categorical Pretreatment Standards

The National categorical pretreatment standards as amended and promulgated pursuant to the Act and as found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated and shall be enforceable under this ordinance.

2.3 State Requirements

Users are required to comply with applicable State pretreatment standards and requirements set out in OAR Chapter 340 and incorporated herein. State requirements and limitations on discharges to the POTW shall be met by all users which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations, or those in this ordinance or other applicable ordinances.

2.4 Local Limits (reserved)

2.5 District's Right of Revision

The District reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

2.6 Special Agreement

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

2.7 Dilution

A user shall not increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with an applicable pretreatment standard or requirement unless expressly authorized by an applicable pretreatment standard or requirement. The General Manager may impose mass limitations on users which he believes may be using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

2.8 Pretreatment Facilities

- A. General: Users shall provide necessary wastewater treatment as required to comply with this ordinance and shall achieve compliance with all applicable pretreatment standards and requirements set out in this ordinance within the time limitations specified by the EPA, the State, or the District, whichever is more stringent.

Any facilities required to pretreat wastewater to a level acceptable to the District shall be provided, operated, and maintained at the user's expense.

In addition, the District may establish Best Management Practices (BMPs) for particular groups of users. These BMPs may include, but are not

limited to types or methods of pretreatment technology to be used, methods of source control, minimum maintenance requirements, drag out prevention practices, spill prevention practices, or other requirements as deemed necessary.

When required by the District, detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the District for review, and shall be acceptable to the District before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the District under the provisions of this ordinance.

Within ninety (90) days after the completion of the wastewater pretreatment facility, the discharger shall furnish as built drawings and its operations and maintenance procedures. Any subsequent significant changes in the pretreatment facility or method of operation shall be reported to and approved by the District prior to the initiation of the changes.

New sources, and new users determined to be Significant Industrial Users (SIU's) must have pretreatment facilities installed and operating prior to discharge, if required.

B. *Pretreatment Facilities for FOG: The District shall approve installation of grease removal and treatment systems. Systems shall meet the following criteria.*

- 1) *All grease traps shall, at a minimum, comply with the requirements of Section 7 of the UPC.*
- 2) *No dishwashers are to be discharged to grease traps.*
- 3) *Interceptors must meet the requirements of Appendix H of the UPC, except that the District may allow for variances, but in no case shall interceptors be less than 750 gallons.*
- 4) *Interceptors shall have an effluent sampling box approved by the District.*
- 5) *Users that recycle fats, oils, and grease must utilize a recycling or rendering service approved by the District. Users disposing of grease in any other manner must do so in a way that complies with all applicable State, District, and Health Department regulations.*

Servicing and maintenance of grease traps and grease interceptors where grease is removed and disposed of must likewise be performed by recyclers, renderers, or haulers authorized by the District or in a manner approved by the District. Grease which is removed shall not be discharged into any part of the POTW, any private sewer, any drainage piping, or storm sewer system.

- 6) *Other factors may influence the type of pretreatment required. Those factors include but are not limited to:*
- If a user is located in a grease problem area;*
 - If there have been past problems (blockages, NOVs, etc.) with a user;*
 - The type of food the users prepare;*
 - Volume of water discharged by a user;*
 - Number of meals a user serves per day;*
 - Adequacy of existing pretreatment equipment;*
 - Use of approved alternate grease removal systems;*
 - Proper implementation of Best Management Practices (BMPs).*
- 7) *Businesses installing additional or alternative pretreatment systems, such as biological (enzyme) treatment systems must have said treatment systems approved by the District prior to installation or use.*

The General Manager is authorized to adopt and publish additional criteria for grease interceptors and additional requirements for grease control.

- C. *Other Interceptors: Dischargers who operate automatic and coin-operated laundries, car washes, filling stations, commercial garages or similar businesses having any type of washing facilities (including pressure washing and steam cleaning) or any other dischargers producing grit, sand, oils, lint, or other materials which have the potential of causing partial or complete obstruction of the service lateral or other areas in the POTW shall, upon order of the District, install approved interceptors, oil/water separators, or tanks in accordance with specifications adopted by the South Suburban Sanitary District such that excessive amounts of oil, sand and inert solids are effectively prevented from entering the POTW.*
- D. *Installation and Maintenance. All grease interceptors, oil/water separators, settling tanks and grit traps shall be properly installed, maintained and operated by the discharger at his own expense. The installation shall be kept in continuous operation at all times, and shall be maintained to provide efficient operation. Cleaning must be performed by a service contractor qualified to perform such cleaning, or in a manner approved by the District. All material removed shall be disposed of in accordance with all state and federal regulations. Records and certification of maintenance shall be made readily available to the District for review and inspection, and must be maintained for a minimum of three (3) years.*

If a failure to maintain settling tanks, grit traps, grease interceptors, or oil/water separators results in partial or complete blockage of the building sewer, private sewer system discharging to the District Sewer System, or other parts of the District Sewer System, or adversely affects the treatment or transmission capabilities of the POTW, or requires excessive maintenance by the District, or poses a possible health hazard, the discharger responsible for the facilities shall be subject to the remedies herein, including cost recovery, enforcement and penalties

All users shall allow access to inspect grease interceptors (i.e. traps, oil/water separators) to determine proper installation and maintenance. Users may be required to reimburse the District for cleaning and additional maintenance of public sewer mains due to discharge of grease caused by noncompliance with these rules and regulations.

1) In the event of the District, during routine line maintenance, discovers an accumulation of grease in a public line sufficient to restrict the normal flow of waste, upstream IUs shall be inspected. When the District determines which user was responsible for the grease or oil discharge, the user may be required to cease discharge of the prohibited waste, install an interceptor, maintain the interceptor, and may be charged for the cost of cleaning the line.

2.9 Deadline for Compliance with Applicable Pretreatment Requirements

Compliance by existing sources covered by Categorical Pretreatment Standards shall be within 3 years of the date the Standard is effective unless a shorter compliance time is specified in the appropriate Standard. The District shall establish a final compliance deadline date for any existing user not covered by Categorical Pretreatment Standards or for any categorical user when the local limits for said user are more restrictive than the federal Categorical Pretreatment Standards.

New source dischargers, and new users are required to comply with applicable pretreatment standards within the shortest feasible time (not to exceed 90 days from the beginning of discharge). New Sources and new users 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.

Any wastewater discharge permit issued to a categorical user shall not contain a compliance date beyond any deadline date established in EPA's Categorical Pretreatment Standards. Any other existing user or a categorical user that must comply with a more stringent local limit which is in non-compliance with any local limits shall be provided with a compliance schedule to insure compliance within the shortest time feasible.

2.10 Additional Pretreatment Measures

A. Whenever deemed necessary, the District may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the

POTW and determine the user's compliance with the requirements of this ordinance.

- B. When determined necessary by the District, any user discharging into the POTW shall install and maintain, on his property and at his expense, a suitable storage and flow-control facility to insure equalization of flow. The District may require the facility to be equipped with alarms and a rate of discharge controller, the regulation of which shall be determined by the District. A wastewater discharge permit, or Discharge Authorization (DA) may be issued solely for flow equalization.
- C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the District, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the District and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at his expense.
- D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

2.11 Accidental Spill Prevention Plans

The District may require any user to develop and implement an accidental spill prevention plan. Where deemed necessary by the District, facilities to prevent accidental discharge or slug discharges of pollutants shall be provided and maintained at the user's cost and expense.

An accidental spill prevention plan (ASPP)/slug control plan showing facilities and operating procedures to provide this protection shall be submitted to the District for review and approval before implementation. The District shall determine which user is required to develop a plan and require said plan to be submitted within 90 days after notification by the District. Each user shall implement its ASPP as submitted or as modified after such plan has been reviewed and approved by the District. Review and approval of such plans and operating procedures by the District shall not relieve the user from the responsibility to modify its facility as necessary to meet the requirements of this Section.

- A. Any user required to develop and implement an accidental discharge/control slug plan shall submit a plan which addresses, at a minimum, the following:
 - (1) Description of discharge practices, including non-routine batch discharges;
 - (2) Description of stored chemicals;
 - (3) Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any

discharge which would violate any of the standards in Sections 2.1 through 2.4 of this ordinance; and

- (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.
- B. Users shall notify the District immediately upon the occurrence of a "slug" or "accidental discharge" of substances regulated by this ordinance. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any affected user shall be liable for any expense, loss, or damage to the POTW, in addition to the amount of any fines imposed on the District on account thereof under state or federal law.
- C. Within five (5) days following an accidental discharge, the user shall submit to the General Manager a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this Ordinance or other applicable law.
- D. Signs shall be permanently posted in conspicuous places on the user's premises advising employees whom to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedures.

2.12 Septic Tank Wastes (reserved)

2.13 Holding Tank Waste (reserved)

SECTION 3 - WASTEWATER DISCHARGE PERMIT REQUIREMENTS

No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the General Manager. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in this ordinance. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

The District may require other users, including liquid waste haulers, to obtain wastewater discharge permits (as necessary) to carry out the purposes of this ordinance.

3.0 *Industrial Wastewater Survey*

When requested by the District, all users must submit information on the nature and characteristics of their wastewater by completing an Industrial Wastewater Survey prior to commencing their discharge. The General Manager is authorized to prepare a form for this purpose and may periodically require users to update the survey. Failure to complete this survey shall be considered a violation of this ordinance and subjects the user to the sanctions set out herein.

3.1 Wastewater Discharge Permitting: Existing SIU

Any SIU that was discharging wastewater into the POTW prior to the effective date of this ordinance and that wishes to continue such discharges in the future shall, within sixty [60] days after notification by the District submit a permit application to the District in accordance with Section 3.5 of this ordinance, and shall not cause or allow discharges to the POTW to continue after 90 days of the effective date of this ordinance except in accordance with a wastewater discharge permit issued by the District.

3.2 Wastewater Discharge Permitting: New Source and New user

At least 90 days prior to the anticipated start-up, new sources, sources that become a user subsequent to the promulgation of an applicable categorical pretreatment standard, and new users that are determined to be Significant Industrial Users (SIU), shall apply for a wastewater discharge permit and will be required to submit to the District at least the information listed in paragraphs (A)-(E) of Section 3.5 of this ordinance. A new source, or new user that is determined to be a Significant Industrial User (SIU), cannot discharge without first receiving a wastewater discharge permit from the District. New sources, and new users that are determined to be Significant Industrial Users (SIU's), shall also be required to include in their application information on the method of pretreatment the user intends to use to meet applicable pretreatment standards. New Sources, and new users that are determined to be Significant Industrial Users (SIU's), shall give estimates of the information requested in paragraphs (D) and (E) of Section 3.5 of this ordinance.

3.3 Wastewater Discharge Permitting: Extra jurisdictional Users

Any existing user located beyond the District limits required to obtain a wastewater discharge permit shall submit a wastewater discharge permit application as outlined in Section 3.1 of this ordinance.

New Source, and "new users" that are determined to be Significant Industrial Users (SIU's), located beyond the District limits required to obtain a wastewater discharge permit shall comply with Section 3.2 of this ordinance.

3.4 *Wastewater Discharge Permitting: Zero Discharge Permits*

Any categorical user that operates its regulated processes so that no industrial waste is discharged to the POTW may request that a zero discharge permit (ZDP) be issued by the District. To be eligible for a ZDP the user shall demonstrate to the District's satisfaction that no industrial waste will be discharged and shall either permanently seal all accesses to the POTW other than those required for disposal of domestic sewage or install shutoff devices that will accept District-installed tamper evident seals. Breaking this seal without prior authorization by the District shall be a violation of the ZDP and this ordinance.

3.5 Wastewater Discharge Permit Application Contents

All users required to obtain a wastewater discharge permit must submit, at a minimum, the following information. The General Manager, at the direction and approval of the SSSD Board, shall approve a form to be used as a permit application. Categorical users submitting the following information shall have complied with 40 CFR 403.12 (b).

- A. Identifying information. The user shall submit the name and address of the facility including the name of the operator and owners;
- B. Permits. The user shall submit a list of any environmental control permits held by or for the facility;
- C. Description of operations. The user shall submit a brief description of the nature, average rate of production, and Standard Industrial Classification of the operation(s) carried out by such Industrial User, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW; number and type of employees; hours of operation; each product produced by type, amount, process or processes, and rate of production; type and amount of raw materials processed (average and maximum per day) and the time and duration of discharges. This description should also include a schematic process diagram which indicates points of discharge to the POTW from the regulated or manufacturing processes. Disclosure of site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation.
- D. Flow Measurement.
 - (1) Categorical User:

The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:

 - (i) Regulated or manufacturing process streams; and
 - (ii) Other streams as necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e).
 - (2) Non-Categorical User

The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:

- (i) Total process flow, wastewater treatment plant flow, total plant flow or individual manufacturing process flow as required by the District.

The District may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

E. Measurements of pollutants.

(1) Categorical User:

- (i) The user shall identify the applicable pretreatment standards for each regulated or manufacturing process.
- (ii) In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration (or mass) where required by the Categorical Pretreatment Standard or as required by the District of regulated pollutants (including standards contained in Sections 2.1 through 2.4 of this ordinance, as appropriate) in the discharge from each regulated or manufacturing process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall conform to sampling and analytical procedures outlined in Section 5.
- (iii) The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
- (iv) Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) for a categorical user covered by a categorical pretreatment standard this adjusted limit along with supporting data shall be submitted as part of the application.

(2) Non-Categorical User

- (i) The user shall identify the applicable pretreatment standards for its wastewater discharge.
- (ii) In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration (or mass where required by the District) of regulated pollutants contained in Sections 2.1 through 2.4 of this ordinance, as appropriate in the discharge. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall conform to sampling and analytical procedures outlined in Section 5 of this ordinance.

- (iii) The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
 - (iv) Where the District developed alternate concentration or mass limits because of dilution, this adjusted limit along with supporting data shall be submitted as part of the application.
- F. Certification. A statement, reviewed by an authorized representative of the user and certified by a qualified professional as outlined in Section 3.6 of this ordinance, indicating whether the applicable Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O and M) and/or additional pretreatment is required for the user to meet the applicable Pretreatment Standards and Requirements;
- G. Compliance Schedule. If additional pretreatment and/or O and M will be required to meet the applicable Pretreatment Standards, the District will establish the schedule by which the user will provide such additional pretreatment and/or O and M. The schedule shall conform to the requirements of Section 4.4. The completion date in this schedule shall not be later than the compliance date established pursuant to Section 2.9 of this ordinance.
 - (1) Where the user's categorical Pretreatment Standard has been modified by a removal allowance (40 CFR 403.7), the combined waste stream formula (40 CFR 403.6(e)), and/or a Fundamentally Different Factors variance (40 CFR 403.13) at the time the user submits the report required by this paragraph, the information required by paragraphs (D) and (E) of this section shall pertain to the modified limits.
 - (2) If the categorical Pretreatment Standard is modified by a removal allowance (40 CFR 403.7), the combined wastestream formula (40 CFR 403.6(e)), and/or a Fundamentally Different Factors variance (40 CFR 403.13) after the user submits the report required by paragraphs (D) and (E) of this section, then a new report shall be submitted by the user within 60 days after the modified limit is approved.
- H. Any other information as may be deemed necessary by the District to evaluate the wastewater discharge permit application. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

3.6 Signatory and Certification Requirement

All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

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

3.7 Wastewater Discharge Permit Decisions

The District will evaluate the data furnished by the user and may require additional information. Within thirty (30) days of receipt of a complete wastewater discharge permit application, the District will determine whether or not to issue a wastewater discharge permit. *If no determination is made within this time period, the application will be deemed denied.* Upon a determination to issue, the permit shall be issued within thirty [30] days of full evaluation and acceptance of the data furnished. The District may deny any application for a wastewater discharge permit.

3.8 Wastewater Discharge Permit Contents

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

A. Wastewater discharge permits must contain the following conditions:

- (1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed three (3) years;
- (2) A statement that the wastewater discharge permit is non-transferable without prior notification to and approval from the District, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (3) Applicable pretreatment standards and requirements, including any special State requirements;
- (4) Self monitoring, sampling, reporting, notification, submittal of technical reports, compliance schedules, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and

- (5) Requirement for immediate notification to the District where self-monitoring results indicate non-compliance;
- (6) Requirement to report a by-pass or upset of a pretreatment facility;
- (7) Requirement for the SIU who reports non-compliance to repeat the sampling and analysis and submit results to the District within 30 days after becoming aware of the violation.
- (8) A statement of applicable civil, criminal, and administrative penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule.

B. Wastewater discharge permits may contain, but need not be limited to, the following conditions:

- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- (3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges;
- (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
- (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
- (7) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit;
- (8) Any special agreements the District chooses to continue or develop between the District and user;
- (9) Other conditions as deemed appropriate by the District to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

3.9 Wastewater Discharge Permit Appeals

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

- A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- B. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- C. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- D. If the District fails to act within sixty (60) days of the receipt of an appeal, a request for reconsideration shall be deemed to be denied.
- F. Any party involved in the administrative appeal may seek to have the administrative decision reviewed by the full SSSD Board within 30 days of the administrative appeal decision. Decisions by the SSSD Board not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit, shall be considered final administrative actions for purposes of judicial review.
- E. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a petition for review with the Klamath County Circuit Court pursuant to ORS Chapter 34, within thirty (30) days following the final administrative wastewater discharge permit decision.

3.10 Wastewater Discharge Permit Duration

Wastewater discharge permits shall be issued for a specified time period, not to exceed three (3) years. A wastewater discharge permit may be issued for a period less than three (3) years, at the discretion of the District. Each wastewater discharge permit will indicate a specific date upon which it will expire. *The wastewater discharge permit will expire at 11:59 PM on the specified date.*

3.11 Wastewater Discharge Permit Modification

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

- A. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
- B. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;

- C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- D. Information indicating that the permitted discharge poses a threat to the District's POTW, District personnel, or the receiving waters;
- E. Violation of any terms or conditions of the wastewater discharge permit;
- F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- H. To correct typographical or other errors in the waste water discharge permit; or
- I. To reflect a transfer of the facility ownership and/or operation to a new owner/operator.
- J. *Any Permit Modification may be appealed under Section 3.9 of this ordinance.*

3.12 Wastewater Discharge Permit Transfer

Wastewater discharge permits may be reassigned or transferred to a new owner and/or operator only if the permittee gives at least ninety (90) days advance notice to the District and the District approves the wastewater discharge permit transfer. The notice to the District must include a written certification by the new owner and/or operator which:

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

Provided that the above occurs and that there were no significant changes to the manufacturing operation or wastewater discharge, the new owner will be considered an existing user and be covered by the existing limits and requirements in the previous owner's permit. Failure to provide advance notice of a transfer renders the wastewater discharge permit voidable as of the date of facility transfer.

3.13 Wastewater Discharge Permit Revocation

Wastewater discharge permits may be revoked for the following reasons:

- A. Failure to notify the District of significant changes to the wastewater prior to the changed discharge;

- B. Failure to provide prior notification to the District of changed conditions;
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsifying self-monitoring reports;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the District timely access to the facility premises and records;
- G. Failure to meet discharge limitations;
- H. Failure to pay fines;
- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a wastewater survey or the wastewater discharge permit application;
- L. Failure to provide advance notice of the transfer of a permitted facility;
- M. If the District has to invoke its emergency provision as cited in Section 9.7 of the Ordinance;
- N. Violation of any pretreatment standard or requirement;
- O. Violation of any terms of the wastewater discharge permit;
- P. Violation of any provisions of this ordinance; or
- Q. *Violation of any terms of a written order of the District issued under this ordinance.*

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

3.14 Wastewater Discharge Permit Re-issuance

A user, required to have a wastewater discharge permit, shall apply for wastewater discharge permit re-issuance by submitting a complete wastewater discharge permit application, in accordance with Section 3.5 of this ordinance, a minimum of ninety (90) days prior to the expiration of the user's existing wastewater discharge permit. A user, whose existing wastewater discharge permit has expired and has submitted its re-application in the time period specified herein, shall be deemed to have an effective wastewater discharge permit until the District issues or denies the new wastewater discharge permit. A user, whose

existing wastewater discharge permit has expired and who failed to submit its re-application in the time period specified herein, will be deemed to be discharging without a wastewater discharge permit.

SECTION 4 - REPORTING REQUIREMENTS

4.1 Baseline Monitoring Reports

- A. Within either one hundred and eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4) (whichever is later) existing categorical users currently discharging to or scheduled to discharge to the POTW, shall be required to submit to the District a report which contains the information listed in Section 3.5 of this ordinance.

At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the District a report which contains the information listed in Section 3.5 of this ordinance.

A new source shall also be required to report the method of pretreatment it intends to use to meet applicable categorical standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.

4.2 Final Compliance report (Initial Compliance Report)

- A. Within 90 days following the date for final compliance by the Significant Industrial User with applicable pretreatment standards and requirements set forth in this ordinance, in a wastewater discharge permit, or within 30 days following commencement of the introduction of wastewater into the POTW by a new source or "new users" considered by the District to fit the definition of SIU, the affected user shall submit to the District a report containing the information outlined in Paragraph (D)-(F) of Section 3.5 of this ordinance.
- B. For users subject to equivalent mass or concentration limits established by the District in accordance with procedures established in 40 CFR 403.6 (c), this report shall contain a reasonable measure of the user's long term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period.

4.3 Periodic Compliance Report (Monthly Report)

- A. Any user that is required to have an industrial waste discharge permit and performs self-monitoring shall submit to the District during the months of June and December, unless required on other dates or more frequently by the District, a report indicating the nature of the effluent over the previous reporting period. The frequency of monitoring shall be as prescribed

within the industrial waste discharge permit. At a minimum, *except for zero discharge users*, users shall sample their discharge at least twice per year.

- B. The report shall include a record of the concentrations (and mass if specified in the wastewater discharge permit) of the pollutants listed in the wastewater discharge permit that were measured and a record of all flow measurements (average and maximum) taken at the designated sampling locations, and shall also include any additional information required by this ordinance or the wastewater discharge permit. Production data shall be reported if required by the wastewater discharge permit. Both daily maximum and average concentration (or mass, where required) shall be reported.

If a user sampled and analyzed more frequently than what was required by the District or by this ordinance, using methodologies in 40 CFR Part 136, it must submit all results of sampling and analysis of the discharge during the reporting period.

- C. Any user subject to equivalent mass or concentration limits established by the District or by unit production limits specified in the applicable categorical standards, shall report production data as outlined in Section 4.2 (B) of this ordinance.
- D. *Zero discharge users shall submit periodic reports as required by the General Manager stating that no process waste has been discharged to the POTW.*
- E. If the District calculated limits to factor out dilution flows or non-regulated flows, the user will be responsible for providing flows from the regulated process flows, dilution flows and non-regulated flows.
- F. Flows shall be reported on the basis of actual measurement; provided, however, that the District may accept reports of average and maximum flows estimated by verifiable techniques if the District determines that an actual measurement is not feasible.
- G. Sampling shall be representative of the user's daily operations and shall be taken in accordance with the requirements specified in Section 5 of this ordinance.
- H. The District may require reporting by users that are not required to have an industrial wastewater discharge permit if information or data is needed to establish a sewer charge, determine the treatability of the effluent or determine any other factor which is related to the operation and maintenance of the sewer system.
- I. The District may require self-monitoring by the user or, if requested by the user, may agree to perform the periodic compliance monitoring needed to prepare the periodic compliance report required under this section. If the District agrees to perform such periodic compliance monitoring, it may charge the user for such monitoring, based upon the costs incurred by the District for the administration, sampling, and analyses. Any such charges shall be added to the normal sewer charge and shall be payable as part of

the utility bills. The District is under no obligation to perform periodic compliance monitoring for a user.

4.4 Compliance schedules for meeting applicable pretreatment standards

- A. The schedule 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 user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
- B. No increment referred to in paragraph (A) of this section shall exceed 9 months.
- C. Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the District 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 user to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports.

4.5 Notification of Significant Production Changes

Any user operating under a wastewater discharge permit incorporating mass or concentration limits based on production levels shall notify the District within two (2) business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not providing a notice of such anticipated change will be required to comply with the existing limits contained in its wastewater discharge permit.

4.6 Hazardous Waste Notification

Any user that is discharging 15 kilograms of hazardous wastes as defined in 40 CFR 261 (listed or characteristic wastes) in a calendar month or any facility discharging any amount of acutely hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e) is required to provide a one time notification in writing to the District, EPA Region 10 Office of Waste and Chemicals Management Director, and Oregon Department of Environmental Quality. Any existing user exempt from this notification, shall comply with the requirements contained herein within 30 days of becoming aware of a discharge of 15 kilograms of hazardous wastes in a calendar month or the discharge of acutely hazardous wastes to the District sewer system.

Such notification shall include:

- A. The name of the hazardous waste as set forth in 40 CFR Part 261,

- B. The EPA Hazardous waste number; and
- C. The type of discharge (continuous, batch, or other).
- D. If an industrial user discharges more than 100 kilograms of such waste per calendar per month to the sewer system, the notification shall also contain the following information to the extent it is known or readily available to the industrial user:
 - (1) an identification of the hazardous constituents contained in the wastes,
 - (2) an estimation of the mass and concentration of such constituents in the wastestreams discharged during that calendar month, and
 - (3) an estimation of the mass of constituents in the wastestreams expected to be discharged during the following 12 months.

These notification requirements do not apply to pollutants already reported under the self-monitoring requirements.

Whenever the EPA publishes final rules identifying additional hazardous wastes or new characteristics of hazardous waste, a user shall notify the District of the discharge of such a substance within 90 days of the effective date of such regulations.

In the case of any notification made under this paragraph, an industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical. *Discharging Hazardous waste to the sewer system is prohibited as per section 2.1 of this ordinance*

4.7 Notice of potential problems, including accidental spills, slug loadings

Any user shall notify the District immediately of all discharges that could cause problems to the POTW, including any slug loadings, as defined in Section 1.3 of this ordinance. The notification shall include the concentration and volume and corrective action. Steps being taken to reduce any adverse impact should also be noted during the notification. Any user who discharges a "slug" (or slugs) of pollutants shall be liable for any expense, loss, or damage to the POTW, in addition to the amount of any fines imposed by the District or on the District under state or federal law.

4.8 Non-Compliance Reporting

If sampling performed by a user indicates a violation, the user shall notify the District within 24 hours of becoming aware of the violation. The user shall also repeat the sampling within 5 days and submit the results of the repeat analysis to the District within 30 days after becoming aware of the violation, except the user is not required to resample if:

- A. The District performs sampling at the user at a frequency of at least once per month, or

- B. The District performs sampling at the user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.

4.9 Notification of changed discharge

All users shall promptly notify the District in advance of any substantial change in the volume or character of pollutants in their discharge, including significant manufacturing process changes, pretreatment modifications, and the listed or characteristic hazardous wastes for which the user has submitted initial notification under 40 CFR 403.12 (p).

4.10 TTO Reporting.

Categorical users which are required by EPA to eliminate and/or reduce the levels of toxic organics (TTOs) discharged into the sewer system must follow the Categorical Pretreatment Standards for that industry. Those users must also meet the following requirements:

- A. *Must sample, as part of the initial application requirements, for the organics listed under the TTO limit reasonably expected to be present;*
- B. *May submit a statement that no TTOs are used at the facility and/or develop a solvent management plan in lieu of continuously monitoring for TTO, if authorized by the District:*

If allowed to submit a statement or develop a solvent management plan, the user must routinely submit a certification statement as part of its self-monitoring report that there has been no dumping of concentrated toxic organic into the wastewater and that it is implementing a solvent management plan as approved by the District. The District may require the development and implementation of a solvent management plan in addition to monitoring for TTO.

4.11 Reports from Unpermitted Users

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the District as the District may require.

4.12 Record Keeping

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 and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or POTW, or where the user has been specifically notified of a longer retention period by the District.

4.13 Timing

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

SECTION 5 - SAMPLING AND ANALYTICAL REQUIREMENTS

5.1 Sampling Requirements for Users.

- A. A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. The District will determine on a case-by-case whether the user will be able to composite the individual grab samples. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The District may waive flow-proportional composite sampling for any user that demonstrates that flow-proportional is not feasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged.
- B. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated or manufacturing process if no pretreatment exists or as determined by the District and/or contained in the user's wastewater discharge permit. For categorical users, if other wastewaters are mixed with the regulated wastewater prior to pretreatment the user shall measure the flows and concentrations necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e) in order to evaluate compliance with the Applicable Categorical Pretreatment Standards. For other SIUs, for which the District has adjusted its local limits to factor out dilution flows, the user shall measure the flows and concentrations necessary to evaluate compliance with the adjusted pretreatment standard(s).
- C. All sample results 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 from the user. If a user sampled and analyzed more frequently than what was required in its wastewater discharge permit, using methodologies in 40 CFR Part 136, it must submit all results of sampling and analysis of the discharge as part of its self-monitoring report.

5.2 Analytical Requirements

All pollutant analyses, including sampling techniques, shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA.

To ensure that the reported data is valid for determining compliance with requirements, all data shall have a detection level (DL) no greater than twenty-five percent (25%) of the regulatory limit included in this ordinance or applicable State or Federal regulation. (i.e. for pH, with a regulatory limit of 1.89 mg/L, the DL shall be no greater than 0.47 mg/L.)

5.3 District Monitoring of User's Wastewater

The District will follow the same procedures as outlined in Sections 5.1 and 5.2 of this ordinance.

5.4 Laboratory Certification Requirements (reserved)

SECTION 6 - COMPLIANCE MONITORING

6.1 Inspection and Sampling

*Continued connection and/or use of the South Suburban Sanitary District sewer system shall be contingent on the right of the District to inspect and sample all discharges into the system. The District shall have the right to enter the facilities of any user to ascertain whether the purpose of this ordinance and any wastewater discharge permit or order issued hereunder, is being met and whether the user is complying with all requirements thereof. Users shall allow the District or its representatives ready access to all parts of the premises for the purposes of inspection, sampling, *photographic documentation*, records examination and copying, and the performance of any additional duties.*

- A. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, *SSSD personnel, State personnel, and EPA personnel* will be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The District shall have the right to set up on the user's property, or require installation of such devices as are necessary to conduct sampling and/or metering of the user's operations. All costs associated with these requirements shall be the responsibility of the user.
- C. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the General Manager and shall not be replaced. The costs of clearing such access shall be borne by the user.
- D. Unreasonable delays in allowing *SSSD personnel* access to the user's premises shall be a violation of this ordinance.

6.2 Monitoring Facilities

Each user shall provide and operate at its own expense a monitoring facility to allow inspection, sampling, and flow measurements of each sewer discharge to the District. Each monitoring facility shall be situated on the user's premises, except where such a location would be impractical or cause undue hardship on the

user, the District may concur with the facility being constructed in the public street or sidewalk area, providing that the facility is located so that it will not be obstructed by landscaping or parked vehicles. The District, whenever applicable, may require the construction and maintenance of sampling facilities at other locations (for example, at the end of a manufacturing line or a wastewater treatment system).

There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications.

The District may require the user to install monitoring equipment as necessary. All devices used to measure wastewater flow and quality shall be calibrated to ensure their accuracy.

6.3 Search Writs

If *SSSD personnel* have been refused access to a building, structure or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect as part of a routine inspection program of the District designed to verify compliance with this ordinance or any wastewater discharge permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the District shall seek issuance of a search and/or seizure writ from the Klamath County Circuit Court. Such writ shall be served at reasonable hours by the General Manager and may be accomplished in the in the company of a uniformed police officer.

6.4 Vandalism

No person shall willfully or negligently break, damage, destroy, uncover, deface, tamper with, or prevent access to any structure, appurtenance or equipment, or other part of the POTW. Any person found in violation of this requirement shall be subject to the sanctions set out in this ordinance.

SECTION 7 - CONFIDENTIAL INFORMATION

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from District inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the District, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable State law.

When requested and demonstrated by the user furnishing a report that such information should be held confidential, *the District shall make reasonable efforts to protect* the portions of a report which might disclose trade secrets or secret processes from inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or

pretreatment program, and in enforcement proceedings involving the person furnishing the report.

Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

SECTION 8 - PUBLICATION OF USERS IN SIGNIFICANT NON-COMPLIANCE

The District shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous twelve (12) months, were in significant non-compliance with applicable pretreatment standards and requirements. For the purposes of this provision, an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six (6) month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria [1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH];
- C. Any other discharge violation that the District believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of District personnel or the general public);
- D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the District's exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report non-compliance; or
- H. Any other violation(s) which the District determines will adversely affect the operation or implementation of the local pretreatment program.

SECTION 9 - ADMINISTRATIVE ENFORCEMENT REMEDIES

9.1 Notification of Violation (Notice of Violation, NOV)

When the District finds that a user has violated (or continues to violate) any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the District may serve upon that user a written Notice of Violation. *The District shall serve notice upon the user by means of regular mail and certified mail.*

Within seven (7) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the District. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the District to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

9.2 Consent Orders

The District may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for non-compliance. Such documents will include specific action to be taken by the user to correct the non-compliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 9.4 and 9.5 of this ordinance and shall be judicially enforceable. Use of a Consent Order shall not be a bar against, or prerequisite for, taking any other action against the user.

9.3 Show Cause Hearing

The District may order a user which has violated or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the District and show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

9.4 Compliance Orders

When the District finds that a user has violated or continues to violate any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the District may

issue an order to the user responsible for the discharge directing that the user come into compliance within a time specified in the order. *Compliance Orders may require users to refrain from certain activities, install additional pretreatment equipment, increase self monitoring, use best management practices designed to minimize the amount of pollutants discharged to the sewer.* If the user does not come into compliance within the time specified in the order, sewer service may be discontinued. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

9.5 Cease and Desist Orders

When the District finds that a user has violated (or continues to violate) any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the District may issue an order to the user directing it to cease and desist all such violations and directing the user to:

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

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

9.6 Administrative Fines

- A. When the District finds that a user has violated or continues to violate any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the District may fine such user in an amount *not less than \$250 and not to exceed \$10,000.* Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation. *Said Administrative fines shall constitute a sewer service surcharge, and upon assessment, shall be subject to collection in the same manner as all other sewer utility rates, charges and penalties.*
- B. Unpaid charges, fines, and penalties shall, after 30 calendar days, be assessed an additional penalty of the maximum percentage of the unpaid balance allowable under Oregon law, and interest shall accrue thereafter at the maximum percentage allowed under Oregon law. A lien against the user's property will be sought for unpaid charges, fines, and penalties. *After 90 days, if charges, fines, and penalties have not been paid, the District may revoke the user's discharge permit.*
- C. Users desiring to appeal and dispute such fines must file a written request for the District to reconsider the fine along with full payment of the fine amount within ten (10) days of being notified of the fine. Where a request has merit, the District shall convene a hearing on the matter within 30 days of receiving the request from the user. In the event the user's appeal is

successful, the payment, together with any interest accruing thereto, shall be returned to the user. The District *shall* add the cost of preparing administrative enforcement actions, such as notices and orders, *including the cost of additional inspections, sampling and analysis*, to the fine

- D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.
- E. *Users seeking judicial review of administrative fines must do so by filing a Petition for Review in the Klamath County Circuit Court within thirty (30) days of the decision of the District, pursuant to ORS Chapter 34.*

9.7 Emergency Suspensions

The District may immediately suspend a user's discharge (after informal notice to the user) whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons.

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

- A. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the District 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 District shall also notify Public Health of the termination of discharge.

The District shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the District that the period of endangerment has passed, unless the termination proceedings in Section 9.8 of this ordinance are initiated against the user.

- B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the District prior to the date of any show cause or termination hearing under Sections 9.3 and 9.8 of this ordinance.

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

9.8 Termination of Discharge (Non-Emergency)

In addition to the provisions in Section 3.13 of this ordinance, any user that violates the following conditions is subject to discharge termination:

- A. Violation of wastewater discharge permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;
- D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling; or
- E. Violation of the pretreatment standards in Section 2 of this ordinance.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 9.3 of this ordinance why the proposed action should not be taken. Exercise of this option by the District shall not be a bar to, or a prerequisite for, taking any other action against the user.

9.9 *Appeal Procedures*

A. *Appeals.*

1. *Any user seeking to dispute a Notice of Violation, order, fine, or other action of the District may file an appeal.*

2. *The appeal must be filed in writing and received by the General Manager, in writing, within ten (10) days of the receipt of the disputed action. If the notice of appeal is not received by the District within the 10 day period, the right to an appeal is waived. The notice of appeal shall state with particularity the basis upon which the appellant is disputing the action taken.*

3. *Upon receipt of a timely appeal, the District shall set a date and time for an appeal hearing, but in no case shall the hearing be set more than thirty (30) days from the receipt of the timely notice of appeal. The appellant shall be notified in writing of the date, time, and place for the appeal hearing. The General Manager or his/her designee shall serve as the Hearing Examiner.*

B. *Appeal Hearing.*

1. *The hearing examiner may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent men in the conduct of their affairs. The hearing examiner shall give effect to the rules of privilege recognized by law. The hearing examiner may exclude incompetent, irrelevant, immaterial and unduly repetitious evidence. Factual issues shall be resolved by a preponderance of evidence.*

2. *Documentary evidence may be received in the form of copies or excerpts or by incorporation by reference.*

3. Every party shall have the right to cross examine witnesses who testify and shall have the right to submit rebuttal evidence; provided, that the hearing examiner may control the manner and extent of the cross examinations and rebuttal.

4. The hearing examiner may take notice of judicially cognizable facts.

C. *Appeal Conclusion.*

At the conclusion of the hearing, the hearing examiner shall determine if the disputed action was proper, and shall approve, modify, or rescind the disputed action. The final determination of the hearing examiner shall be in writing, and all parties shall be provided a copy of the final determination within 60 days.

D. *Judicial Review of Appeal.*

1. Any party, including the District, the Oregon Department of Environmental Quality, the United States Environmental Protection Agency, or the user/appellant, is entitled to review of the final determination of the hearing examiner in the Klamath County Circuit Court. Provided, that any writ shall be filed no later than thirty (30) days after date of the final determination.

2. Copies of the petition for review shall be served as in all civil actions.

3. The filing of the petition shall not stay enforcement of the final determination except by order of the Circuit court and on posting of a bond to be determined by the court naming the District as beneficiary.

4. The review shall be conducted by the court without a jury. The record shall be satisfied by De Novo review or a narrative report certified by the hearing examiner and no verbatim record of proceedings before the hearing examiner shall be required to be presented to the Circuit court.

5. The court may affirm the final determination or remand the matter for further proceedings before the hearing examiner; or the court may reverse the final determination if the substantial rights of the petiotres may have been prejudiced because the final determination was:

i. In violation of constitutional provisions.

SECTION 10 - JUDICIAL ENFORCEMENT REMEDIES

10.1 Injunctive Relief

When the District finds that a user has violated or continues to violate any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the District may petition the Klamath County Circuit Court through the District's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the user.

The District may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user. *The Court shall grant an injunction. Injunctive relief shall be nonexclusive to other remedies available to the District.*

10.2 Civil Penalties

- A. A user which has violated or continues to violate any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the District for a maximum civil penalty of \$1,000 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The District may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the District.
- C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
- D. *Where appropriate, the District may accept mitigation projects in lieu of the payment of civil penalties where the project provides a valuable service to the District and the user's expense in undertaking the project is at least one hundred and fifty percent (150%) of the civil penalty.*
- E. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for taking any other action against a user.

10.3 Criminal Prosecution

- A. A user who willfully or negligently violates any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a gross misdemeanor, punishable by a fine of not more than \$1,000 per violation per day or one year in jail, or both.
- B. A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a gross misdemeanor and be subject to a penalty of not more than \$1,000 per violation per day or one year in jail, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.
- C. A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be guilty of a gross misdemeanor, and punished by a fine of not more than \$1,000 per violation per day or one year in jail, or both.

In addition, the user shall be subject to:

- 1) *the provisions of 18 USC Section 1001 relating to fraud and false statements;*
- 2) *the provisions of Sections 309 (c) 4 of the Clean Water Act, as amended governing false statements, representation, or certification; and*
- 3) *the provision of Section 309 (c) (6) of the Clean Water Act, regarding responsible corporate officers.*

10.4 Remedies Non-exclusive

The provisions in Sections 8 through 11 of this ordinance are not exclusive remedies. The District reserves the right to take any, all, or any combination of these actions against a non-compliant user. Enforcement of pretreatment violations will generally be in accordance with the District's enforcement response plan. However, the District reserves the right to take other action against any user when the circumstances warrant. Further, the District is empowered to take more than one enforcement action against any non-compliant user. These actions may be taken concurrently.

SECTION 11 - SUPPLEMENTAL ENFORCEMENT ACTION

11.1 Performance Bonds

The District may decline to issue or reissue a wastewater discharge permit to any user which has failed to comply with any provision of this ordinance, a previous wastewater discharge permit or order issued hereunder, or any other pretreatment

standard or requirement unless such user first files a satisfactory bond, payable to the District, in a sum not to exceed a value determined by the District to be necessary to achieve consistent compliance.

11.2 Financial Assurances

The District may decline to issue or reissue a wastewater discharge permit to any user which has failed to comply with any provision of this ordinance, a previous wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to *meet pretreatment requirements, and/or* restore or repair damage to the POTW caused by its discharge.

11.3 Public Nuisances

A violation of any provision of this ordinance, wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, is hereby declared a public nuisance and shall be corrected or abated as directed by the General Manager or his/her designee.

11.4 Contractor Listing

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

11.5 *Publication of Violations and/or Enforcement Actions.*

The District may publish violations and/or enforcement actions at any time, where monetary fines may be inappropriate in gaining compliance, or in addition to monetary fines. Violations and/or enforcement actions may also be published when the District feels that public notice should be made, or at other appropriate times. The cost of such publications will be recovered from the user.

SECTION 12 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

12.1 Upset

- A. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary non-compliance with applicable pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. An upset shall constitute an affirmative defense to an action brought for non-compliance with applicable pretreatment standards if the requirements of paragraph (C) are met.

- C. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
- (1) An upset occurred and the user can identify the cause(s) of the upset;
 - (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - (3) The user has submitted the following information to the POTW and treatment plant operator within twenty four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]:
 - (a) A description of the indirect discharge and cause of non-compliance;
 - (b) The period of non-compliance, including exact dates and times or, if not corrected, the anticipated time the non-compliance is expected to continue; and
 - (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the non-compliance.
- D. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof by clear and convincing evidence.
- E. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for non-compliance with applicable pretreatment standards.
- F. Users shall control production of all discharges to the extent necessary to maintain compliance with applicable pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

12.2 Prohibited Discharge Standards

A user shall have an affirmative defense to an enforcement action brought against it for non-compliance with the prohibitions in Section 2.1 A and B (3) through (7) if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either: (a) a local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or (b) no local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the District was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

12.3 Bypass

- A. For the purposes of this section,
 - (1) "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.
 - (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- B. A user may allow any bypass to occur which does not cause applicable pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this section.
- C. Notice of Bypass
 - (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the POTW, at least ten (10) days before the date of the bypass, if possible.
 - (2) A user shall submit oral notice to the District of an unanticipated bypass that exceeds applicable pretreatment standards within twenty four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The POTW may waive the written report on a case-by-case basis if the oral report has been received within twenty four (24) hours.
- D. Bypass Conditions
 - (1) Bypass is prohibited, and the POTW may take an enforcement action against a user for a bypass, unless
 - (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in

the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

- (c) The user submitted notices as required under paragraph (C) of this section.
- (2) The POTW may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the three conditions listed in paragraph (D)(1) of this section.

SECTION 13 – [RESERVED]

SECTION 14 - MISCELLANEOUS PROVISIONS

14.0 *Tenant Responsibility*

Any person who shall occupy an industrial user's premises as a tenant under any rental or lease agreement shall be jointly and severally responsible for compliance with the provisions of the Ordinance in the same manner as the owner.

14.1 Pretreatment Charges and Fees

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

- A. Fees for wastewater discharge permit applications including the cost of processing such applications, *administering the permit, and reviewing monitoring reports submitted by users;*
- B. *Fees for modifying or transferring permits*
- C. Fees for monitoring, inspection, *laboratory analysis, surveillance, and enforcement* procedures including the costs of collection and analyzing a user's discharge and reviewing monitoring reports submitted by users;
- D. Fees for reviewing and responding to accidental discharge procedures and construction;
- E. *Fees for preparing and executing enforcement action;*
- F. Fees for filing appeals; and
- G. Fees for High Strength Waste and Industrial Process flow;
- H. *Fees for consistent removal by the District of pollutants otherwise subject to Federal Pretreatment Standards, State pretreatment standards, or this ordinance; and*

- I. Other fees as the District may deem necessary to carry out the requirements contained herein.

All fees or charges will be collected by direct billing. Unless the District has been made aware of extenuating circumstances that would prevent prompt payment, all fees are payable within 30 days of the billing. Fees past due will be considered a violation of this ordinance. Users not paying fees within 60 days of the billing period will be subject to termination of service. The District may change existing or adopt new fees.

14.2 Fee Structure (reserved)

14.3 Severability

If any section, subsection, paragraph, sentence, clause or phrase or provision of this ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any other person or situation. The District Board of the South Suburban Sanitary District hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

14.4 Conflicts / Repeal.

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

14.5 Non-Liability

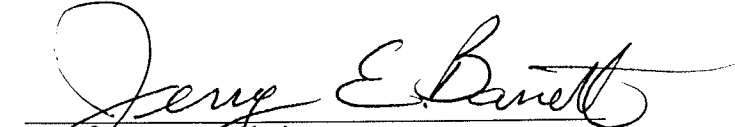
It is not the intent of this ordinance to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms or requirements of this ordinance.

It is the specific intent of this ordinance to place the obligation of complying with these regulations upon the applicant or Discharger and no provision nor any term used in this ordinance is intended to impose any duty whatsoever upon the District or any of its officers, employees or agents, except as provided under the Act or other related statutes of the United States or the State of Oregon.

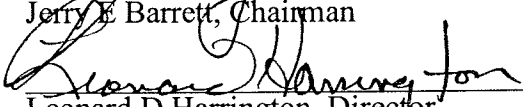
Nothing contained in this ordinance is intended to be nor shall be construed to create or form the basis for any tort liability on the part of the District or its officers, employees or agents, for any injury or damage resulting from the failure of an applicant or Discharger to comply with the provisions of this ordinance, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued or done in connection with the implementation or enforcement of this ordinance, or inaction on the part of the District related in any manner to the implementation or the enforcement of this ordinance by its officers, employees or agents.

SECTION 15 - EFFECTIVE DATE

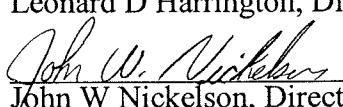
This ordinance shall be in full force and effect immediately following its passage, approval and publication, as provided by law.



Jerry E Barrett, Chairman

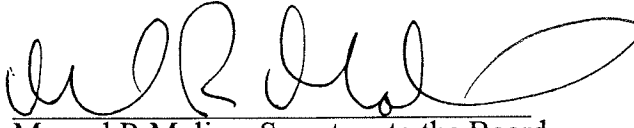


Leonard D Harrington, Director



John W Nickelson, Director

ATTEST:



Manuel R Molina, Secretary to the Board

Passed: 1.13.04

Valid: _____

Published: _____

Effective: _____

EPA region 10 model ordinance language in BLACK text

Woodburn, OR – ordinance language differences noted in RED

Klamath Falls, OR – ordinance language differences noted in GREEN

Corvallis, OR – relevant ordinance language differences noted in BLUE

Everett, WA – ordinance language differences noted in PURPLE

Glendale, AZ – relevant ordinance language difference noted in ORANGE

Portland, OR – relevant ordinance language differences noted in PINK

(1988) Ordinance No. 31 Article V – Use of Public Sewers

Section 1: No person shall discharge or cause to be discharged any storm water, surface water, ground water, uncontaminated cooling or wash or process water to any sanitary sewer.

Section 2: No person shall discharge or cause to be discharged any substances, material, waters or wastes if it appears likely in the opinion of the district engineer that such wastes can harm either the sewer, sewage treatment works or process, equipment, or have an adverse effect on the receiving stream or can endanger life, limb, or public property or constitute a menace or nuisance. Such prohibited substances include (but are not limited to) the following:

- (a) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid, or gas.
- (b) Any toxic or poisonous liquid, solid or gas in sufficient quantity, either alone or by interaction with other wastes, to cause a hazard or nuisance of any kind. There shall be a specific limitation of 0.5 mg/l for cyanides in the form of CN as a constituent of any sewage discharge into the public sewer. This shall include the 65 Toxic Pollutants referred in 307 (a) of the Clean Water Act of 1977.
- (c) Any sewage discharge having a pH lower than 5.5 or higher than 9.5, or having any corrosive property capable of causing a hazard or nuisance of any kind.
- (d) Any solid or viscous substances in quantities of such size or shape capable of causing obstruction of flow into sewers or other interference such as, but not limited to, ashes, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, paunch manure, hair, entrails, paper dishes or containers either whole or shredded by a garbage grinder
- (e) Any liquid or vapor having a temperature higher than 60° centigrade (140°).
- (f) Any waste containing fats, was, grease or oils, whether emulsified or not, in excess of one hundred mg/l or containing substances which may solidify or become viscous at temperatures between 0° and 60° centigrade (32° to 140°F).
- (g) Any radioactive waste of such half-life or concentration as may exceed limits of applicable federal and state regulations.
- (h) Any material or substance which imparts objectionable taste or discoloration to the receiving waters after discharge from the sewage treatment works.
- (i) Any waste discharge which is not amenable to treatment or reduction by the sewage treatment process employed by South Suburban Sanitary District, or which exerts an unusual oxygen demand or chlorine requirements on the sewage treatment works.

(j) Any unusual flow or concentration of wastes constituting a "slug" as defined herein.

- 3: If any wastes are discharged or proposed to be discharged into the public sewer which possess the characteristics described in Section 2 above, the district engineer may:
 - (a) Reject the waste and not allow such discharge into the public sewer.
 - (b) Require pretreatment to an acceptable condition for discharge into public sewer.
 - (c) Require control over the quantity and rate of discharge.
 - (d) Require payment to meet additional costs of handling or treating or monitoring such waste discharges in excess of the normal service charges imposed in other sections of the ordinance.
- 4: If the district engineer permits pretreatment or flow equalization of waste discharge by a user, the design and installation of plants and equipment shall be subject to review and approval of the district engineer. All such installation shall be subject to the requirements of any federal, state or local law or regulation, and shall be designed and installed and maintained and operated at the sole cost to the user, including such sampling or monitoring as may be required by the district engineer.
- 5: No statement contained in this article shall be construed to prevent any special arrangement or agreement between South Suburban Sanitary District and any user with respect to any unusual waste discharge or cost thereof or payment therefore by the user.