

**MINUTES OF THE MEETING OF THE  
BOARD OF DIRECTORS OF  
UNION SANITARY DISTRICT  
August 12, 2019**

**CALL TO ORDER**

President Toy called the meeting to order at 7:00 p.m.

**SALUTE TO THE FLAG**

**ROLL CALL**

PRESENT: Jennifer Toy, President  
Tom Handley, Vice President  
Pat Kite, Secretary  
Anjali Lathi, Director  
Manny Fernandez, Director

STAFF: Paul Eldredge, General Manager/District Engineer  
Karen Murphy, District Counsel  
Armando Lopez, Treatment and Disposal Services Manager  
Sami Ghossain, Technical Services Manager  
Robert Simonich, Fabrication, Maintenance, and Construction Manager  
James Schofield, Collection Services Manager  
Gene Boucher, Human Resources Manager  
Laurie Brenner, Business Services Coach  
Michael Dunning, Environmental Compliance Coach  
Regina McEvoy, Executive Assistant to the General Manager/Board Clerk

VISITORS: Roelle Balan, Tri-City Voice Newspaper

**APPROVE MINUTES OF THE BOARD MEETING OF JULY 22, 2019**

It was moved by Secretary Kite, seconded by Director Lathi, to Approve the Minutes of the Board Meeting of July 22, 2019.

**WRITTEN COMMUNICATIONS**

There were no written communications.

**PUBLIC COMMENT**

There was no public comment.

**PUBLIC HEARING TO CONSIDER ADOPTING ORDINANCE 36.04, SEWER USE ORDINANCE, AND TO REPEAL ORDINANCE 36.03**

This item was reviewed by the Legal/Community Affairs Committee. Environmental Compliance Coach Dunning stated Ordinance 36 provides the requirements for restrictions on discharges to the sanitary sewer; applies to industrial, commercial, and residential dischargers; and establishes

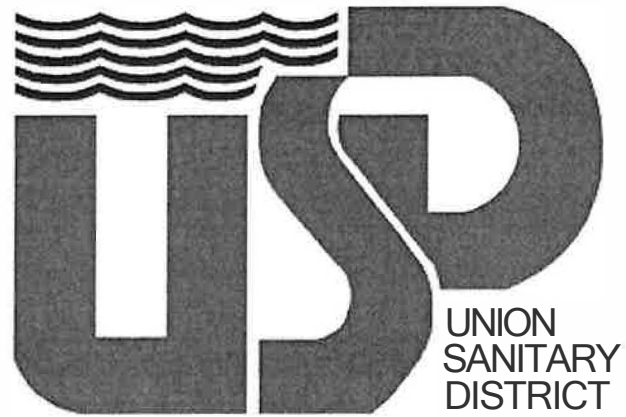
the requirements for the District's pretreatment program. A Notice of Public Hearing was published in the Argus Newspaper on June 28 and July 5, 2019. The proposed revisions to Ordinance 36 include revised definitions, additional prohibitions of various discharges, additional requirements for Industrial Users regarding Immediate Notification of Slug Loadings, and updated language of Requirements for Dental Facilities pursuant to the Code of Federal Regulations. Following the public hearing, District staff will publish a summary of the ordinance in the Tri-City Voice Newspaper on August 20 and 27, 2019, and will also publish in The Argus Newspaper August 23 and 30, 2019. The proposed ordinance was scheduled to go into effect September 12, 2019. Staff recommended the Board conduct a public hearing and consider adopting Ordinance 36.04, Sewer Use Ordinance.

President Toy opened the public hearing. There were no speakers.

President Toy closed the public hearing.

It was moved by Vice President Handley, seconded by Director Fernandez, to Adopt Ordinance 36.04, Sewer Use Ordinance. Motion carried unanimously.

**####**



**UNION SANITARY DISTRICT  
SEWER USE ORDINANCE**

**ORDINANCE NO. 36.04**

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## 1.02 Definitions

Unless otherwise defined herein, terms shall be as found in Title 40 Code of Federal Regulations (CFR) Parts 403 and 136.

- (a) *Agency*: Union Sanitary District.
- (b) *Amalgam*: an alloy containing mercury, tin, silver, or copper that is used in dentistry to restore teeth.
- (c) *Amalgam Separator*: a device that applies filtration, settlement, centrifugation, or ion exchange to remove amalgam and its metal constituents from a dental office vacuum system before it discharges to the sewer.
- (d) *Amalgam Waste*: includes non-contact amalgam (amalgam scrap that has not been in contact with the patient); contact amalgam (including, but not limited to, extracted teeth containing amalgam); amalgam sludge captured by chair-side traps, vacuum pump filters, screens and other amalgam trapping devices; used amalgam capsules; and leaking or unusable amalgam capsules.
- (e) *Authority*: The East Bay Dischargers Authority.
- (f) *Batch Discharge*: A definite quantity or volume of wastewater produced under conditions that are considered uniform.
- (g) *Beneficial Uses*: Uses of the waters of the state that may be protected against quality degradation include, but are not necessarily limited to, domestic, municipal, agricultural and industrial supply, power generation, recreation, aesthetic enjoyment, navigation and the preservation and enhancement of fish, wildlife and other aquatic resources or reserves, and other uses, both tangible or intangible, as specified by federal or state law.
- (h) *Best Management Practices or BMPs*: Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage and leaks, sludge or waste disposal, or drainage from raw materials.
- (i) *Building Sewer*: A sewer conveying wastewater from a point 30 inches or less from the building or structure to a main sewer. The building sewer includes that portion on the property and that portion from the property line or easement line to the sewer main (Lateral Sewer).

- (u) *Federal Act, Clean Water Act:* The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, PL 92-500 Title 33 U.S. Code, section 1251 et seq. (and any amendments thereto; as well as any guidelines, limitations, and standards promulgated by the Environmental Protection Agency pursuant to the Act.)
- (v) *Grab Sample:* A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- (w) *Hazardous Waste:* Waste substances which can pose a hazard to human health or the environment when improperly managed; or waste that possesses at least one of these four characteristics: ignitability, corrosivity, reactivity or toxicity; or appears on special U.S. EPA lists. This definition also includes all wastes covered in the California Code of Regulations, Title 22, Division 4.5 Environmental Health Standards for the Management of Hazardous Waste.
- (x) *Holding Tank Waste:* Any waste from temporary or permanent containers such as holding tanks, vessels, truck tanks, chemical toilets, campers, trailers, septic tanks, totes, drums, vacuum pump tank trucks, etc.
- (y) *Incompatible Pollutant:* Any pollutant, which is not a compatible pollutant as defined in this section.
- (z) *Industrial User.* An industrial or commercial business, which discharges, or causes, or allows the discharge of non-domestic wastewater to the POTW.
- (aa) *Industrial Wastewater:* Liquid waste or liquid-borne waste that is generated in a commercial or industrial process.
- (bb) *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 Clean Water Act.
- (cc) *Interference:* A discharge that, alone or in conjunction with discharges from other sources, both:
  - (1) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and therefore
  - (2) is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued there under (or more stringent state or local regulations): Section 405 of the Clean Water Act, the

- U) *pH*: A measure of the acidity or alkalinity of a solution, expressed in standard units.
- (kk) *POTW Treatment Plant*: That portion of the Publicly Owned Treatment Works which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.
- (ll) *Pass Through*: A discharge that exits the POTW into waters of the United States in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).
- (mm) *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 any Federal, State and local governmental entity.
- (nn) *Pesticides*: Total pesticides identified in Table 1, Section 307 of the Clean Water Act which are detectable by EPA approved methods.
- (oo) *Phenolics*: Compounds having one or more hydroxy groups attached to a benzene or other polynuclear aromatic hydrocarbons as tested using EPA Method 420.
- (pp) *Pollution*: An alteration of the quality of the waters of the state by waste to a degree which unreasonably affects such waters for beneficial use or facilities which serve such beneficial uses. Pollution may include contamination.
- (qq) *Pollution Prevention*: Activities which reduce the amount of pollutants discharged to the community sewer, without transferring those pollutants to the air or land, including reduction in the use of chemicals containing regulated pollutants, reduction in the generation of wastes which contain pollutants, recovery and recycling of wastes and/or improved pretreatment of wastes prior to discharge.
- (rr) *Polychlorinated biphenyls (PCB)*: Total PCBs detectable by EPA approved methods.
- (ss) *Polynuclear Aromatic Hydrocarbons (PAH)*: Total organic pollutants containing more than one fused aromatic ring, which are detectable by EPA approved methods.
- (tt) *Premise*: A parcel of real estate including any improvements thereon which is determined by the Agency to be a single user for purposes of receiving, using, and paying for service.



- (2) A user that:
- (i) Discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
  - (ii) Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
  - (iii) Is designated as such by the Agency 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 finding that a User meeting the criteria in Subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the Agency may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.
- (ccc) *Significant Noncompliance:* An industrial user is in significant noncompliance with applicable pretreatment requirements if any violation meets one or more of the following criteria:
- (1) Chronic violations of wastewater discharge limits defined here as those in which 66 percent or more of all the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(1).
  - (2) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all the measurements taken for the same pollutant parameter during a 6-month period are equal to or exceed the product of the numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(1) multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants except pH.)
  - (3) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(1) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the POTW determines has caused, alone or in combination with other discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public).

agency having jurisdiction thereof for disposal to storm or natural drainages or directly to surface waters.

- (kkk) *User*: Any person that discharges, causes, or permits the discharge of wastewater into a community sewer.
- (lll) *User Classification*: A classification of user based on the latest edition of the Standard Industrial Classification (SIC) Manual prepared by the Executive Office of Management and Budget.
- (mmm) *Waste*: Includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of, disposal.
- (nnn) *Wastewater*: Waste and water, whether treated or untreated, discharged into or permitted to enter a community sewer.
- (ooo) *Wastewater Constituents and Characteristics*: The individual chemical, physical, bacteriological and radiological parameters, including volume and flow rate and such other parameters that serve to define, classify or measure the contents, quality, quantity, and strength of wastewater.
- (ppp) *Wastewater Discharge Permit*: A legal document used as a control mechanism to ensure compliance with regulations that grants revocable permission to discharge wastewater to the sanitary sewer, including the following types of Wastewater Discharge Permit:
  - Class I Permit - Issued to Significant Industrial Users both Categorical and Non-Categorical
  - Class II Permit - Issued to Non-Significant Industrial Users.
  - Class III Permit - Issued to Industrial or Commercial Users determined by the Agency not to fall in the Class I or Class II categories.
  - General Permit - Similar to a Class III permit, issued to Industrial or Commercial User groups that perform similar functions or activities.
  - Groundwater Permit - Issued for the discharge of treated groundwater from contaminated site remediation, excavation groundwater or potable water related projects.

threaten to cause, or are capable of causing, either alone or by interaction with other substances:

- (1) a fire or explosion, including but not limited to discharges with a closed cup flashpoint of less than 140 F (60 C) using the test methods specified in 40CFR261.21;
- (2) obstruction of flow in a sewer system or injury of the system or damage to the wastewater collection, treatment, or disposal facilities;
- (3) danger to life or safety of personnel;
- (4) a nuisance or prevention of the effective maintenance or operation of the sewer system, through having a strong, unpleasant odor;
- (5) air pollution by the release of toxic or malodorous gases or malodorous gas-producing substances;
- (6) interference with the wastewater treatment process; and/or pass through of any pollutant which causes a violation of the Agency's National Pollutant Discharge Elimination System (NPDES) permit;
- (7) the Agency's effluent or any other product of the treatment process, residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process;
- (8) a detrimental environmental impact or a nuisance in the waters of the state or a condition unacceptable to any public agency having regulatory jurisdiction over the Agency;
- (9) discoloration or any other condition in the quality of the Agency's treatment works effluent in such a manner that receiving water quality requirements established by law cannot be met;
- (10) conditions at or near the Agency's treatment works which violate any statute or any rule, regulation, or ordinance of any public agency or state or federal regulatory body;
- (11) quantities or rates of flow which overload the Agency's collection or treatment facilities or cause excessive Agency collection or treatment costs, or may use a disproportionate share of the Agency facilities;
- (12) the evolution of toxic gases, fumes, or vapors in quantities injurious to the health and safety of Agency personnel;

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.

## **2.02 Requirements for Dental Facilities that Remove or Place Amalgam Fillings**

- (a) All owners and operators of dental facilities that remove or place amalgam fillings shall comply with the following waste management practices:
  - (1) No person shall rinse chair-side traps, vacuum screens, or amalgam separator equipment in a sink or other connection to the community sewer per 40CFR441.30(b)(1). Such traps, vacuum screens or amalgam separator equipment must be recycled or disposed of in an appropriate manner according to recycler or equipment manufacturer.
  - (2) Amalgam waste and other hazardous solutions shall be properly collected, packaged, labeled, stored, managed, and disposed.
  - (3) Dental unit water lines, chair-side traps, and vacuum lines that discharge amalgam process wastewater to a community sewer must not be cleaned with oxidizing or acidic cleaners, including but not limited to bleach, chlorine, iodine and peroxide that have a pH lower than 6 or greater than 8 per 40CFR441.30(b)(2).
  - (4) Owners and operators of dental facilities shall ensure that all staff members who handle amalgam waste are trained in the proper handling, management and disposal of mercury-containing material and other hazardous solutions and shall maintain training records that will be made available for inspection by an employee of the District during normal business hours.
  - (5) The use of bulk mercury is prohibited. Only pre-capsulated dental amalgam is allowed.
- (b) All owners and operators of dental vacuum suction systems, except as set forth in subsection (c) of this section, shall comply with the following:
  - (1) Install amalgam separator device compliant with 40CFR441.30 (existing offices) or 40CFR441.40 (new offices). Amalgam separator device must achieve at least a 95 percent removal efficiency. No bypass of separator device or related plumbing shall be allowed.
  - (2) Per 40CFR441.50, a One-Time Compliance Report must be submitted to the District from existing offices by no later than October 12, 2020, or 90 days after a transfer of ownership. For new offices, a One-Time Compliance Report must be submitted to the District no later than 90 days following the introduction of wastewater into the community sewer.

sewer unless a permit is issued by the Agency. The Agency may approve the discharge of such water at its discretion and only when no reasonable alternative method of disposal is available.

If the permit is granted for the discharge of such water into a community sewer, the user shall pay the applicable charges and fees and meet such other conditions as required by the Agency. For the purpose of permits and fees, the discharge shall be considered a Class I discharge subject to permit requirements in Section 4 and discharge limitations or prohibitions of Section 2. The Agency retains the right to terminate the discharge at any time for cause. Each discharge permit must be reviewed on an annual basis.

#### **2.04 Acceptance of Groundwater from Remediation Projects**

Wastewater generated from the cleanup of spills, leaking underground storage tanks, groundwater remediation, monitoring wells, excavation groundwater, potable water projects or other similar sources shall not be discharged through direct or indirect connections to a community sewer unless a discharge permit is issued by the Agency. The Agency may approve the discharge of such water at its discretion only when no reasonable alternative method of disposal is available.

If a discharge permit is granted for the discharge of such water into the community sewer, the user shall pay the applicable charges and fees and meet such other conditions as required by the Agency. For the purpose of permits and fees, the discharge shall be considered a Class I discharge subject to permit requirements in Section 4 and discharge limitations or prohibitions of Section 2. The Agency retains the right to terminate the discharge at any time for cause. Each discharge permit must be reviewed on an annual basis.

#### **2.05 Prohibition on Unpolluted Water**

Unpolluted water, including but not limited to cooling water, process water, or blow-down from cooling towers or evaporative coolers, will not be discharged through direct or indirect connection to a community sewer unless a permit is issued by the Agency. The Agency may approve the discharge of such water at its discretion and only when no reasonable alternative method of disposal is available.

If authorization is granted for the discharge of such water into a community sewer, the user shall pay the applicable user charges and fees and shall meet such other requirements and/or conditions as required by the Agency.

tanks provided that such discharges are made into an Agency approved facility designed to receive such wastes.

## 2.10 Limitations on Wastewater Strength

- (a) The Manager is authorized to establish Local Limits or Best Management Practices (BMP's) pursuant to 40 CFR 403.5(c).
- (b) The following pollutant limits are established to protect against Pass Through and Interference.
  - (1) The following limits are maximum allowable discharge limits (the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event). Limits for metals are for total recoverable metals.

No person shall discharge wastewater containing in excess of:

Arsenic	0.35	mg/L
Cadmium	0.2	mg/L
Copper	2.0	mg/L
Cyanide	0.65	mg/L
Lead	1.0	mg/L
Mercury	0.01	mg/L
Nickel	1.0	mg/L
Silver	0.5	mg/L
Total Chromium	2.0	mg/L
Zinc	3.0	mg/L
TTO	2.13	mg/L
Formaldehyde	50.0	mg/L
Phenolics	5.0	mg/L

- (2) No person shall discharge wastewater:
  - (A) having a temperature higher than 150° F (65.5° C), or any thermal discharge which as a result of temperature and/or volume causes the influent of the wastewater treatment plant to exceed 104° F (40° C);
  - (8) containing more than 300 mg/L of oil or grease of animal or vegetable origin, unless specifically approved by the District. The District may approve, on a case by case basis, a modification to the analytical method if the discharger can demonstrate that constituents in their wastewater interfere with the freon extraction, hexane extraction or current EPA approved procedure and have no negative impact on the POTW and/or receiving waters.

Total Halogenated Organics (THO)	0.02mg/L
Total Organics	2.0mg/L

**2.10.1 Mass Limit Rate Determination**

- (a) Mass Limit Rates for non-compatible or compatible pollutants that are present or anticipated in the User's wastewater discharge may be set for each User and made an applicable part of each User's wastewater discharge permit. These rates shall be based on Maximum Allowable Local Discharge Limits, Federal Categorical Pretreatment Standards, the User's average daily wastewater discharge for the past three years, the most recent representative data, or other data or factors determined by the Manager
- (b) To verify the User's operating data, the User may be required to submit an inventory of all wastewater streams and/or records indicating production rates.
- (c) The District may revise limits or Mass Limit Rates previously established in the User's permit at any time, based on current or anticipated operating data of the User or the District the District's ability to meet NPDES limits, or changes in the requirements of regulatory agencies.
- (d) The excess use of water to establish artificially high flow rate for the Mass Limit Rate determination is prohibited.

**2.11 Prohibition on Slug Discharges**

No user shall discharge any pollutant, including oxygen-demanding pollutants, at a flow rate and/or pollutant concentration which causes or threatens to cause interference with the wastewater treatment process. For the purposes of this section, any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards or limitations in Section 2 of this ordinance shall be deemed a slug discharge.

**2.12 Prohibition on Use of Dilution**

Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no user shall increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with a pretreatment standard, requirement or discharge limitation.

The Agency may approve the discharge of such wastes at its sole and absolute discretion.

### **2.15 Prohibition of the Discharge of Petroleum or Mineral Oil Causing Pass-through or Interference**

Notwithstanding the provisions of section 2.10(b), no user may discharge petroleum oil, non-biodegradable cutting oil or other products of mineral origin in any amount that causes interference or pass-through.

### **2.16 Prohibition of the Discharge of Trucked or Hauled Wastes**

The discharge of any trucked or otherwise hauled wastes to the sanitary sewer system is prohibited except as the Agency may permit under the provisions of section 2.09.

### **2.17 Prohibition of the Discharge from Containment Areas**

The discharge of waste (solid or liquid), wastewater or chemicals from a chemical storage containment area is prohibited unless expressly authorized by the Agency.

### **2.18 Prohibition of Unapproved Sanitary Sewer Connections**

Unapproved connections to the community sewer are strictly prohibited. Any building sewers that have not been permitted, inspected, or where capacity and/or current sewer service charges have not been paid, are subject to the conditions of Ordinance 34, Article 2, Section 7, Connection of Building Drains.

## **Section 3**

### **WASTEWATER VOLUME DETERMINATION**

#### **3.01 Application**

Section 3 does not apply to "dwelling units" as defined in Agency Ordinance 31.

#### **3.02 Metered Water Supply**

User charges and fees shall be applied against the total amount of water used from all sources unless, in the opinion of the Agency, significant portions of water received are



## **4.02 Discharge Reports**

- (a) The Agency, or the Authority through the Agency, may require that any person discharging or proposing to discharge wastewater into a community sewer file a periodic discharge report. The discharge report may include, but not be limited to, nature of process, volume, rates of flow, mass emission rate, production quantities, hours of operation, number and classification of employees, or other information which relates to the generation of waste including wastewater constituents and characteristics in the wastewater discharge and sample analysis demonstrating compliance with Section 2. Such reports may also include the chemical constituents and quantity of liquid or gaseous materials stored on site even though they may not normally be discharged.
- (b) The agency may prohibit, authorize or condition any discharge into the sanitary sewer in accordance with this ordinance and applicable state and federal regulations, whether or not a Discharge Permit is issued.
- (c) Acceptance of any new discharge is contingent on available capacity in the collection system and/or treatment plant, as determined by the District Engineering Division and Operations Department.

## **4.03 Wastewater Discharge Permits**

4.03.1 Class I Permits. All significant industrial users (SIU), as defined in Section 1.02 (bbb), must have a current Class I Wastewater Discharge Permit.

Each new SIU, if not connected to a community sewer, must obtain a Class I Wastewater Discharge Permit before connecting to or discharging into a community sewer.

Any user currently connected to the community sewer who in the future is deemed to be an SIU shall be required to obtain a Class I permit. User will be required to pay all applicable fees as set forth in the Agency's current fee schedule.

4.03.2 Class II Permits. Users who, as determined by the Agency, do not fall within the requirements for a Class I Permit, yet require some sampling and regular monitoring of wastewater discharge, if connected to a community sewer, may be required to obtain a Class II Wastewater Discharge Permit before connecting to or discharging into a community sewer. User will be required to pay all applicable fees as set forth in the Agency's current fee schedule.

4.03.3 Class III Permits. Users who, as determined by the Agency, do not fall within the requirements for a Class I or II permit, yet have a wastewater discharge that the Agency may decide requires oversight due to potential risks associated with said discharge, if connected to a community sewer, may be required to obtain a Class III wastewater

- (g) Description of activities, facilities, and plant processes on the premises, 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;
- (h) each product produced by type, amount, and rate of production;
- (i) number and type of employees, and hours of work;
- (j) description of wastewater treatment system(s), and/or procedures, including system design, piping, layout, hydraulic and pollutant removal capacity, design criteria, calibration and maintenance procedures, alarm systems, sample points, treatment chemicals, excursion response procedures, and any other information necessary to evaluate the adequacy and appropriateness of the treatment system and/or procedures.
- (k) management plans, including any or all of the following: solvent management plan, best management practice plan, slug control plan, hazardous materials management plan, emergency/violation response plan, and/or pollution prevention plan.
- (l) any other information as may be deemed by the Manager to be necessary to evaluate the permit application.

The Manager will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Manager may issue a Wastewater Discharge Permit subject to terms and conditions provided herein.

#### **4.05 Permit Conditions**

Wastewater Discharge Permits shall be expressly subject to all provisions of these regulations and all other regulations, user charges, and fees established by the Agency. The conditions of Wastewater Discharge Permits shall be uniformly enforced by the Manager in accordance with these regulations, and applicable state and federal regulations. Permits may contain the following:

- (a) A statement that indicates the duration of the wastewater discharge permit;
- (b) A statement that the wastewater discharge permit is nontransferable without prior notification to the Agency in accordance with Section 4.08 of this ordinance;
- (c) Effluent Limits, including Best Management Practices (BMPs), based on applicable pretreatment standards;
- (d) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or Best

- (q) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
- (r) Development and implementation of pollution prevention plans to reduce the amount of pollutants discharged to the POTW;
- (s) Other conditions as deemed appropriate by the Agency to insure compliance with these regulations;
- (t) Requirements to control Slug Discharges, if determined by the Agency to be necessary.

#### **4.06 Duration of Permits**

Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than one year or may be stated to expire on a specific date. The terms and conditions of the permit may be subject to modification and change by the Agency during the life of the permit. The user shall be informed of any proposed changes in his or her permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

#### **4.07 Modification of Permits**

The Agency may modify an individual/general wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (1) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
- (2) To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual/general wastewater discharge permit issuance;
- (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (4) Information indicating that the permitted discharge poses a threat to the Agency's POTW, Agency personnel, the beneficial use of the Agency's bio-solids, or the receiving waters;
- (5) Violation of any terms or conditions of the individual/general wastewater discharge permit;

- (d) Failure to provide prior notification to the Agency of changed conditions pursuant to Section 4.19 of this ordinance;
- (e) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (f) Falsifying self-monitoring reports;
- (g) Tampering with monitoring equipment;
- (h) Refusing to allow the Agency personnel timely access to the facility premises and records;
- (i) Failure to meet effluent limitations;
- (j) Failure to pay fines;
- (k) Failure to pay sewer charges,
- (l) Failure to meet compliance schedules;
- (m) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (n) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (o) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance.

#### **4.10 Monitoring Facilities**

The Agency may require the user to construct at his or her own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer or internal drainage systems and may also require sampling or metering equipment to be provided, installed, and operated at the user's expense. The monitoring facility should normally be situated on the user's premises; but the Agency may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area with the approval of the public agency having jurisdiction over that street or sidewalk, and located so that it will not be obstructed by landscaping or parked vehicles.

If the monitoring facility is inside the user's fence, there shall be accommodations to allow access for Agency personnel, such as a gate secured with an Agency lock. There shall be ample room in or near such sampling manhole to allow accurate sampling and

#### **4.13 Pretreatment**

Users shall make wastewater acceptable under the limitations established herein before discharging to any community sewer. Any facilities required to pretreat wastewater to a level acceptable to the Agency shall be provided and maintained at the user's expense. Detailed plans showing the pretreatment facilities, design criteria and operating procedures shall be submitted to the Agency for review and shall be acceptable to the Agency before construction of the facility. The review of such plans, design criteria, and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Agency under the provisions of these regulations. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Agency.

#### **4.14 Protection from Accidental Discharge**

Each user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by these regulations. Such facilities shall be provided and maintained at the user's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Agency for review and shall be acceptable to the Agency 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 provide the protection necessary to meet the requirements of this section.

#### **4.15 Confidential Information**

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Agency's 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 Manager, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State and/or Federal law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available immediately to the EPA upon request. Such information will also be made available immediately upon request to other 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.

of this section must be submitted to the Agency prior to or together with any reports to be signed by an authorized representative.

(b) Reports and applications must include the following certification statement:

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

#### **4.17 Retention of Records**

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 2.10(a), including but not limited to discharge reports, permits, self-monitoring data, pretreatment system process control logs, and relevant correspondence (whether or not required by these regulations). All records must be maintained by the user for a period of not less than three (3) years. All such records shall be made available for inspection and copying by a duly authorized representative of the Agency or any other governmental entity having jurisdiction. The retention period may be extended in the case of unresolved litigation or at any time at the request of the Agency, the State or US EPA

#### **4.18 Notices to Employees**

In order that employees of users be informed of Agency requirements, users shall make available to their employees copies of these regulations together with such other wastewater information and notices which may be furnished by the Agency from time to time directed toward more effective water pollution control. A notice shall be furnished and permanently posted on the user's bulletin board advising employees whom to call in case of an accidental discharge in violation of these regulations.

#### **4.19 Preventive Measures**

Any direct or indirect connection or entry point for persistent or deleterious wastes to the user's plumbing or drainage system should be eliminated. Where such action is

## **4.22 Special Agreements**

Special agreements and arrangements between the Agency and any persons or agencies may be established when, in the opinion of the Agency, unusual or extraordinary circumstances compel special terms and conditions. Under no circumstances, however, will any special agreement or arrangement be established which contravenes any federal pretreatment regulation, categorical pretreatment standard, or any other provision of state or federal law.

## **4.23 Immediate Notification of Slug Loadings to the POTW**

All SIU's shall notify the Manager immediately of any slug loading, as defined by 40 CFR 403.5(b), or any other discharge that could adversely affect the POTW.

## **4.24 Industrial User Self-Monitoring Requirements**

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

- (a) Except as indicated in Sections (b) or (c) below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the District. Where time-proportional composite sampling or grab sampling is authorized by the District, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides, the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by District, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.
- (b) Samples for oil and grease, temperature, pH, cyanide, phenolics, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- (c) For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 4.25(c) below [40 CFR 403.12(b) and (d)], A minimum of four (4) grab samples must be used for pH, cyanide, phenolics, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the District may

- (A) The name and address of the facility including the name of the operator and owners;
- (B) A list of any environmental control permits held by or for the facility;
- (C) A brief description of the nature, average rate of production, and Standard Industrial Classification of the operation(s) carried out by such Industrial User. This description should include a schematic process diagram which indicates points of Discharge to the POTW from the regulated processes.
- (D) The measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:
  - (i) Regulated process streams; and
  - (ii) Other streams as necessary to allow use of the combined wastestream formula. The Control Authority may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.
- (E) The Pretreatment Standards applicable to each regulated process, and the results of sampling and analysis identifying the nature and concentration (or mass, where required by the Standard or Control Authority) of regulated pollutants in the Discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations;
- (F) A statement, reviewed by an authorized representative of the Industrial User and certified to by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O and M) and/or additional pretreatment is required for the Industrial User to meet the Pretreatment Standards and Requirements; and
- (G) If additional pretreatment and/or O and M will be required to meet the Pretreatment Standards; the shortest schedule by which the Industrial User will provide such additional pretreatment and/or O and M. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

New sources must give estimates of information requested in paragraphs (D) and (E) and must include information on the method of pretreatment that will be used to meet applicable pretreatment standards.

(d) Compliance Schedule Progress Reports



(o) Solvent Management Plan

(p) Any other reports, written documents, and/or analytical results as deemed necessary by the Agency, to determine a user's compliance status with local, state and federal limits or requirements.

## **Section 5**

### **WASTEWATER CHARGES AND FEES**

#### **5.01 Schedule of Charges and Fees**

The agency may adopt ordinances for the collection of charges and fees for, but not limited to, the following purposes:

- Capacity Charges
- Sewer Service Charges
- Annexation Fees
- Construction Permit Fees
- Construction Inspection Fees
- Wastewater Discharge Permit Fees

#### **5.02 Environmental Compliance Charges and Fees**

The Agency may adopt reasonable fees for reimbursement of costs of setting up and operating its Environmental Compliance Program including, but not limited to, the following:

- (a) Fees for wastewater discharge permit applications including the cost of processing such applications;
- (b) Fees for monitoring, inspection, and surveillance procedures including the cost of sample collection and analyzing a user's discharge, reviewing monitoring reports submitted by users, and conducting inspections of the user's facilities;
- (c) Fees for reviewing and responding to discharge violations, accidental discharges and spills, and related enforcement activities.
- (d) Fees for filing appeals; and
- (e) Other fees as the Agency may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the Agency.

#### **6.04 Show Cause Hearing**

The Manager may order a user which has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued here under, or any other pretreatment standard or requirement, to appear before the Manager and show cause why the 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). 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.

#### **6.05 Administrative Orders**

When the Manager finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued here under, or any other pretreatment standard or requirement, the Manager may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Administrative orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. An administrative order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does an administrative order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

#### **6.06 Issuance of Cease and Desist Orders**

When the Agency finds that a discharge of wastewater has taken place in violation of prohibitions or limitations of these regulations, or the provisions of a Wastewater Discharge Permit, the Manager may issue an order to cease and desist, and direct that those not complying with such prohibitions, limits, requirements, or provisions:

- (a) comply forthwith;
- (b) comply in accordance with a time schedule set forth by the Agency; or
- (c) 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.

through any noncompliance, the nature and persistence of the violation, the length of time over which the violation occurs and corrective action, if any, attempted or taken by the discharger.

(d) Civil Penalties. In accordance with Section 54740.5 of the California Government Code, Civil penalties may be imposed by the agency as follows:

- (1) In an amount which shall not exceed two thousand dollars (\$2,000) for each day for failing or refusing to furnish technical or monitoring reports.
- (2) In an amount which shall not exceed three thousand dollars (\$3,000) for each day for failing or refusing to timely comply with any compliance schedule established by the local agency.
- (3) In an amount which shall not exceed five thousand dollars (\$5,000) per violation for each day for discharges in violation of any waste discharge limitation, permit condition, or requirement issued, reissued, or adopted by the local agency.
- (4) In an amount which does not exceed ten dollars (\$10) per gallon for discharges in violation of any suspension, cease and desist order or other orders, or prohibition issued, reissued, or adopted by the agency.
- (5) The amount of any civil penalties imposed under this section which have remained delinquent for a period of 60 days after finality of the decision, can become a lien against the real property of the discharger from which the discharge originated resulting in the imposition of the civil penalty. In accordance with the procedures specified in Health & Safety Code Section 5473 et seq., the Board of Directors can have the lien imposed against the real property to be assessed on the tax roll, to be collected at the same time and in the same manner, together with and not separately from, general taxes, and shall be delinquent at the same time and thereafter be subject to the same delinquency penalties.
- (6) In addition, in the event that the penalty is imposed as a court judgment in the same manner as in an arbitration award, the judgment thereon shall be renewable in accordance with the provisions of California Code of Civil Procedures Sections 683.110 through 683.220.
- (7) Any legal action, including arbitration, shall allow attorneys' fees and costs to the prevailing party.

(e) Administrative Penalties

Administrative penalties shall be imposed for all violations of Union Sanitary District Pretreatment Ordinance No. 36 for which a Notice of Violation would be issued. The violations are categorized as discharge or non-discharge violations.

writ of mandate within 30 days following service of a copy of a decision and order denying review by the board.

- (k) If no aggrieved party petitions for writ of mandate within the time provided by this section, an order of the board or a hearing officer shall not be subject to review by any court or agency, except that the board may grant review on its own motion of an order issued under this Section after the expiration of the time limits set by that section.
- (l) The evidence before the court shall consist of the record before the board, including the hearing officer's record, and any other relevant evidence which, in the judgment of the court, should be considered to effectuate and implement policies of this division. In every such case, the court shall exercise its independent judgment on the evidence.
- (m) Except as otherwise provided in this section, subdivisions (e) and (f) of Section 1094.5 of the California Government Code or the Code of Civil Procedure shall govern proceedings pursuant to this section.

#### **6.09 Submission of Compliance Time Schedule**

When the Agency finds that a discharge of wastewater has been taking place in violation of prohibitions or limitations prescribed in these regulations, or wastewater source control requirements, effluent limitations or pretreatment standards, or the provisions of a Wastewater Discharge Permit or at any time the Agency determines a time schedule to be necessary to comply with the requirements of Section 4.13, the Agency may require the user to submit for approval, with such modifications as it deems necessary, a detailed time schedule of specific actions which the user shall take in order to prevent or correct a violation of the requirements.

#### **6.10 Compliance Schedule Progress Reports**

The following conditions shall apply to the compliance schedule required by Section 6.09 of this ordinance:

- (a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- (b) No increment referred to above shall exceed nine (9) months;

(c) All Users are required to notify the Agency of any changes at their facility affecting the potential for a Slug Discharge.

**6.13 Notice of Violation/Repeat Sampling and Reporting**

If sampling performed by a user indicates a violation, the user must notify the Agency within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Agency within thirty (30) days after becoming aware of the violation.

Within five (5) days following such discharge, the user shall, unless waived by the Agency, submit a detailed written report describing the cause(s) 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, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.

**6.14 Reports from Unpermitted Users**

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

**6.15 Public Notification of Dischargers Found to be in Significant Non-Compliance**

At an interval of not less than once per year, the Agency will publish the identities of any user(s) which is (are) found to be in significant non-compliance of any national pretreatment standard, discharge limitation or prohibition, or any other requirement of these regulations. The definition of significant non-compliance shall be as specified in Section 1.02 (bbb). The publication shall occur in the newspaper of general circulation that provides meaningful public notice within the service area of the Agency.

**Section 7**

**ABATEMENT**

**7.01 Public Nuisance**

Discharge of wastewater in any manner in violation of these regulations or of any order issued by the Manager as authorized by these regulations, is hereby declared a public nuisance and shall be corrected or abated as directed by the Manager. Any person

## **7.06 Court Imposed Civil and Criminal Penalties**

The Agency may refer any violations of these regulations to the office of the Alameda County District Attorney for civil or criminal prosecution under any applicable statute or provision of law.

In accordance with Section 54740 of the California Government Code:

- (a) Any person who violates any requirement adopted or ordered by the Agency pursuant to Section 6.07 of this ordinance may be civilly liable in a sum of not to exceed twenty-five thousand dollars (\$25,000) a day for each violation.
- (b) The Agency may petition the superior court to impose, assess, and recover the sums provided for in paragraph (a). In determining the amount, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the economic benefit derived through any noncompliance, the nature and persistence of the violation, the length of time over which the violation occurs, and corrective action, if any, attempted or taken by the discharger.
- (c) Notwithstanding any other provision of law, all civil penalties imposed by the court for any violation of this section shall be distributed to the local agency.
- (d) Remedies under this section are in addition to and do not supersede or limit any and all other remedies, civil or criminal, but no liability shall be recoverable under this section for any violation for which liability is recovered under Section 6.07.
- (e) Any person who violates any provision of these regulations, or of a permit or a cease and desist order issued pursuant to these regulations, is guilty of a public offense. The classification of such public offense and the punishment therefore shall be as provided by local, county, state and/or federal law.

## **7.07 Falsifying Information**

Any person who knowingly makes any false statements, representation, record, report, plan, or other document filed with the Agency, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under these regulations, shall be punished in accordance with the Agency codes or ordinances governing such falsifications. The Agency may petition the Superior Court to impose, assess, and recover such sums as may be applicable or in accordance with Sections 7.05 and 7.06 of this ordinance.

**Section 8**

**SEVERABILITY**

If any provision of these regulations or the application to any person or circumstances is held invalid, the remainder of the regulations or the application of such provisions to other persons or other circumstances shall not be affected.

**Section 9**

Union Sanitary District Ordinance No. 36 and all its amendments are hereby repealed.

**Section 10**

**PUBLICATION AND MINUTE ENTRY**

This Ordinance shall take effect and be in force as of September 12, 2019, and a summary of the Ordinance has been published in The Argus and Tri-City Voice, newspapers of general circulation published in the UNION SANITARY DISTRICT service area. This Ordinance shall be entered in the minutes of the District.


Passed and adopted by the Board of Directors of UNION SANITARY DISTRICT on this 12<sup>th</sup> day of August 2019, by the following vote:

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: None

ABSENT: None

ABSTAIN: None

  
\_\_\_\_\_  
JENNIFER TOY  
President, Board of Directors  
UNION SANITARY DISTRICT

ATTEST:

  
\_\_\_\_\_  
PAT KITE  
Secretary, Board of Directors  
UNION SANITARY DISTRICT

## SUPPLEMENT

This Wastewater Discharge Regulations Supplement includes selected Code of Federal Regulations parts (listed as 40 CFR) referred to in the main section of this ordinance for convenience only. Other 40 CFR parts, which are too lengthy to include in their entirety, are summarized. More information relating to these Federal Regulation references is available in the Union Sanitary District's Environmental Compliance Division Office and the text of the regulations is available online at <https://www.epa.gov/laws-regulations/regulations>.

Federal Regulations are updated from time to time. This document contains current regulations as of April 2019. However, it is the responsibility of the user to ensure compliance with federal regulations, including any future amendments.

### **40 CFR Part 2.302(2): Definition of Effluent Data**

- "(i) Effluent data means, with reference to any source of discharge of any pollutant (as that term is defined in section 502(6) of the Act, 33 U.S.C. 1362 (6)):
- (A) Information necessary to determine the identity, amount, frequency, concentration, temperature or other characteristics (to the extent related to water quality) of any pollutant which has been discharged by the source (or of any pollutant resulting from any discharge from the source), or any combination of the foregoing;
  - (B) Information necessary to determine the identity, amount, frequency, concentration, temperature or other characteristics (to the extent related to water quality) of the pollutants which, under an applicable standard or limitation, the source was authorized to discharge (including, to the extent necessary for such purpose, a description of the manner or rate of operation of the source); and
  - (C) A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation or operation constituting the source).
- (ii) Notwithstanding paragraph (a)(2)(i) of this section, the following information shall be considered to be effluent data only to the extent necessary to allow EPA to disclose publicly that a source is (or is not) in compliance with an applicable standard or limitation, or to allow EPA to demonstrate the feasibility, practicability, or attainability (or lack thereof) of an existing or proposed standard or limitation:



- (i) It did not know or have reason to know that its Discharge, alone or in conjunction with a discharge or discharges from other sources, would cause Pass Through or Interference; and
- (ii) (A) A local limit designed to prevent Pass Through and/or Interference, as the case may be, was developed in accordance with paragraph (c) of this section for each pollutant in the User's Discharge that caused Pass Through or Interference, and the User was in compliance with each such local limit directly prior to and during the Pass Through or Interference; or

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

(b), *Specific prohibitions.* In addition, the following pollutants shall not be introduced into a POTW:

- (1) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a close cup flashpoint of less than 140° F or 60° C using the test methods specified in 40 CFR 261.21.
- (2) Pollutants which will cause corrosive structural damage to the POTW, but in no case Discharges with pH lower than 5.0, unless the works is specifically designed to accommodate such Discharges;
- (3) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in Interference;
- (4) Any pollutant, including oxygen demanding pollutants (BOD, COD) released in a Discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW.
- (5) Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40° C (104° F) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits.
- (6) Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that will cause Interference or Pass Through;

**40 CFR Part 403.8(f)(2)(vi): Slug Control Plans**

The District has the authority to evaluate whether each Significant Industrial User needs a plan to control slug discharges. For purposes of these regulations, a slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.

"If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

- (A) Description of discharge practices, including non-routine batch discharges;
- (B) Description of stored chemicals;
- (C) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5(b), with procedures for follow-up written notification within five days;
- (D) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response;"

**40 CFR Part 403.12: Reporting Requirements for POTWs and Industrial Users**

(Summary) This part contains the monitoring and reporting requirements for baseline monitoring reports and other required reports such as the periodic report of continued compliance. 40 CFR Part 403.12 is crucial to the implementation of and compliance with self-monitoring and reporting requirements. Portions of the regulations are summarized or cited below.

**40 CFR Part 403.12(h): Reporting Requirements for Industrial Users Not Subject to Categorical Pretreatment Standards**

At least once every 6 months, industrial users not subject to categorical Pretreatment Standards must submit a description of the nature, concentration and flow of the pollutants discharged to the POTW. These reports shall be based on sampling and analysis performed during the reporting period.

## 40 CFR Part 405-471: Categorical Standards and Requirements

(Summary) These parts describe the regulations applicable to categorical discharges. The following types of industries are currently subject to categorical standards:

Aluminum Forming	Fruit & Vegetable Processing	Paving and Roofing (Tars & Asphalt)
Asbestos Manufacturing	Glass Manufacturing	Pesticides
Battery Manufacturing	Grain Mills Manufacturing	Petroleum Refining
Builder's Paper	Hospitals	Pharmaceuticals
Carbon Black	Ink Formulating	Phosphate Manufacturing
Cement Manufacturing	Iron and Steel Manufacturing	Photographic
Centralized Waste Treatment	Landfills	Plastics Molding and Forming
Chemicals-Inorganic	Leather Tanning and Finishing	Porcelain Enameling
Chemicals-Organic	Meat & Poultry Processing	Pulp and Paper
Chemicals-Gum & Wood	Metal Finishing	Rubber Processing
Concentrated Animal Feeding Ops.	Metal Molding and Casting	Seafood Processing
Coil Coating	Metal products & Machinery	Soaps and Detergents Mfg
Copper Forming	Mining - Coal	Steam Electric
Dairy Products Processing	Mining - Mineral	Sugar Processing
Electrical and Electronic Components	Mining - Ore	Timber Products Mfg
Electroplating	Nonferrous Metals Forming	Transportation
Explosives Mfg	Nonferrous Metals Mfg	Textile Mills
Ferroalloy Manufacturing	Oil & Gas Extraction	Waste Combustors
Fertilizer Manufacturing	Paint Formulating	

**AUTHORIZE THE GENERAL MANAGER TO EXECUTE A COST-SHARING AGREEMENT WITH THE ALAMEDA COUNTY WATER DISTRICT AND THE SAN FRANCISCO PUBLIC UTILITIES COMMISSION FOR THE PURIFIED WATER FEASIBILITY EVALUATION**

This item was reviewed by the Budget & Finance Committee. Technical Services Manager Ghossain stated the Bay Area's largest water agencies have been working to develop a regional solution to improve water supply reliability. The 2019 Joint Alameda County Water District (ACWD), San Francisco Public Utilities Commission (SFPUC), and Union Sanitary District (USD) Purified Water Feasibility Evaluation will build upon past studies by starting with previous recommendations for reuse of advanced treated purified water for recharge of the Niles Cone Groundwater Basin to augment potable supplies as the lower limit of potential alternatives. The study will evaluate a broader range of alternatives to use locally controlled purified water to augment water supply, including both direct and indirect potable reuse. The details of the cost-sharing agreement were outlined in the Board meeting packet. Staff recommended the Board authorize the General Manager to execute a cost-sharing agreement with ACWD and SFPUC for the Purified Water Feasibility Evaluation.

It was moved by Secretary Kite, seconded by Director Lathi, to Authorize the General Manager to Execute a Cost-Sharing Agreement with the Alameda County Water District and the San Francisco Public Utilities Commission. Motion carried unanimously.

**REVIEW AND CONSIDER APPROVAL OF POLICY NO. 5334, EQUAL EMPLOYMENT OPPORTUNITY**

This item was reviewed by the Personnel Committee. Human Resources Manager Boucher stated Policy No. 5334 provides guidelines to staff on State and Federal laws regarding protected categories and status when considering a person for employment. The Policy is scheduled for review every five years and was last approved by the Board at the January 14, 2013, Board meeting. Staff edited the Policy to reflect updates to State and Federal laws. Staff recommended the Board consider and approve revisions to District Policy No. 5334, Equal Employment Opportunity.

It was moved by Director Fernandez, seconded by Vice President Handley, to Approve Policy No. 5334, Equal Employment Opportunity. Motion carried unanimously.

**INFORMATION ITEMS:**

**Board of Directors Internal Committee Assignments for Fiscal Year 2020**

President Toy stated Board of Directors Internal Committee Assignments for Fiscal Year 2020 were included in the Board meeting packet.

**Solar and Cogeneration Facilities Operational Update**

This item was reviewed by the Budget & Finance Committee. Technical Services Manager Ghossain stated the total benefit to date for the Alvarado Wastewater Treatment Plant Solar Carport, constructed in 2011, was \$604,461 for a 67.9% simple payback. The total benefit to date for the Irvington Pump Station Solar Facility, constructed in 2012, was \$2,704,702 for a 94.6% simple payback. The total benefit to date for the Cogeneration Facility, constructed in 2014, was \$7,758,769 for a 60.6% simple payback.

**Boardmember Expenses, Fourth Quarter Fiscal Year 2019**

This item was reviewed by the Budget & Finance Committee. Business Services Coach Brenner provided an overview of the Fourth Quarter Boardmember Expenses included in the Board meeting packet.

**Report on the East Bay Dischargers Authority (EBDA) Meeting of July 18, 2019**

Director Lathi provided an overview of the EBDA meeting minutes included in the Board meeting packet.

**Check Register**

Staff responded to Boardmember questions regarding the Check Register.

**COMMITTEE MEETING REPORTS:**

The Budget & Finance, Personnel, and Legal/Community Affairs Committees met.

**GENERAL MANAGER'S REPORT:**

General Manager Eldredge stated:

- General Manager Eldredge provided an update on the status of East Bay Regional Park District repair projects at the Hayward Marsh.
- General Manager Eldredge stated he will attend the California Association of Sanitation Agencies Annual Conference August 21 - 23, 2019.

**OTHER BUSINESS:**

There was no other business.

**ADJOURNMENT:**

The meeting was adjourned at 7:26 p.m. to the next Regular Meeting in the Boardroom on Monday, August 26, 2019, at 7:00 p.m.


SUBMITTED:

  
REGINA McEVOY  
BOARD CLERK

ATTEST:

  
1/4bV  
SECRETARY

APPROVED:

  
JENNIFER TOY  
PRESIDENT

Adopted this 12<sup>th</sup> day of August 2019