



**INDUSTRIAL WASTE AND PRETREATMENT ORDER**

**TRAVIS COUNTY WATER CONTROL &  
IMPROVEMENT DISTRICT NO. 17**

**Adopted January 24, 2019**

## TABLE OF CONTENTS

	<b>Page</b>
SECTION 1 - GENERAL PROVISIONS .....	1
1.1 Purpose and Policy.....	1
1.2 Administration .....	1
1.3 Abbreviations .....	2
1.4 Definitions.....	2
SECTION 2 - SEWER USE REQUIREMENTS .....	9
2.1 Prohibited Discharge Standards .....	9
2.2 National Categorical Pretreatment Standards .....	12
2.3 Local Limits .....	13
2.4 The District’s Right of Revision .....	14
SECTION 3 - PRETREATMENT OF WASTEWATER.....	14
3.1 Pretreatment Facilities .....	14
3.2 Additional Pretreatment Measures.....	14
3.3 Accidental Discharge/Slug Control Plans.....	15
3.4 Hauled Wastewater .....	16
3.5 Tenant Responsibility .....	16
3.6 Toxic Organic Management Plan .....	16
3.7 Best Management Practices .....	17
3.8 Commercial or Institutional Food Preparation .....	17
3.9 Vehicle or Equipment Wash Facility .....	17
3.10 Vehicle or Equipment Minor Maintenance Facility .....	17
3.11 Vehicle or Equipment Major Maintenance or Fluid Change Facility.....	17
3.12 Steam Cleaning or Chemical Cleaning Facility.....	18
3.13 Requirements for Cleaning Grease Traps .....	18
3.14 Requirements for Cleaning Grit Traps.....	19
SECTION 4 - WASTEWATER DISCHARGE PERMIT APPLICATION.....	19
4.1 Denial or Condition of Permit.....	19
4.2 Wastewater Discharge Permit Requirement .....	19
4.3 Wastewater Discharge Permitting: Existing Connections - (Appendix G) .....	19
4.4 Wastewater Discharge Permitting: New Connections .....	20
4.5 Wastewater Discharge Permitting: Extra-jurisdictional Industrial Users .....	20
4.6 Wastewater Discharge Permit Application Contents – (Appendix F).....	20
4.7 Application Signatories and Certification.....	21
4.8 Fraud and False Statements .....	21
4.9 Wastewater Discharge Permit Decisions .....	21
SECTION 5 - WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS.....	21
5.1 Wastewater Discharge Permit Duration.....	21
5.2 Wastewater Discharge Permit Contents.....	21
5.3 Wastewater Discharge Permit Appeals.....	23
5.4 Wastewater Discharge Permit Modification .....	24
5.5 Wastewater Discharge Permit Transfer .....	24
5.6 Wastewater Discharge Permit Revocation.....	25
5.7 Wastewater Discharge Permit Reissuance.....	26

SECTION 6 - REPORTING REQUIREMENTS – CATEGORICAL INDUSTRIAL USERS .....	26
6.1 Baseline Monitoring Reports .....	26
6.2 Compliance Schedule Progress Reports .....	28
6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline .....	28
6.4 Categorical Compliance Reports – (Appendix J) .....	29
SECTION 7 - REPORTING REQUIREMENTS – SIGNIFICANT INDUSTRIAL USERS	30
7.1 Significant Compliance Reports .....	30
SECTION 8 – REPORTING, MONITORING, AND ANALYSIS – ALL INDUSTRIAL USERS .....	30
8.1 Reports of Changed Conditions .....	30
8.2 Reports of Potential Problems .....	31
8.3 Reports from Unpermitted Users .....	31
8.4 Notice of Violation/Repeat Sampling and Reporting .....	32
8.5 Notification of the Discharge of Hazardous Waste .....	32
8.6 Monitoring and Analytical Requirements .....	33
8.7 Sample Collection .....	33
8.8 Certification .....	34
8.9 Timing .....	34
8.10 Record Keeping .....	35
SECTION 9 - COMPLIANCE MONITORING .....	35
9.1 Right of Entry: Inspection and Sampling .....	35
9.2 Search Warrants .....	36
SECTION 10 - CONFIDENTIAL INFORMATION .....	36
SECTION 11 - PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE .....	36
SECTION 12 - ADMINISTRATIVE ENFORCEMENT ACTIONS/ ADMINISTRATIVE ORDERS .....	37
12.1 Notification of Violation (NOV) – (Appendix K) .....	37
12.2 Consent Orders .....	38
12.3 Show Cause Orders .....	38
12.4 Compliance Orders .....	38
12.5 Cease and Desist Orders .....	38
12.6 Suspension of Water/Wastewater Services Orders .....	39
12.7 Termination of Water Service and/or Discharge .....	39
SECTION 13 – CIVIL LITIGATION .....	40
13.1 Consent Decree .....	40
13.2 Injunctive Relief .....	40
13.3 Civil Penalties .....	40
13.4 Criminal Prosecution .....	41
13.5 Remedies Nonexclusive .....	41
SECTION 14 – SUPPLEMENTAL ENFORCEMENT ACTION .....	41
14.1 Performance Bonds .....	41
14.2 Liability Insurance .....	42
14.3 Termination of Water and Wastewater Service .....	42
14.4 Contractor Listing .....	42
SECTION 15 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS .....	42

15.1	Prohibited Discharge Standards .....	42
15.2	Bypass .....	43
15.3	Act of God.....	44
SECTION 16 - WASTEWATER TREATMENT RATES .....		44
SECTION 17 - MISCELLANEOUS PROVISIONS .....		44
17.1	Pretreatment Charges and Fees – (Appendix A).....	44
17.2	Severability .....	47
17.3	Notice to Customer of Leak or Defect .....	47
17.4	Duty or Repair or Replace .....	47
17.5	Termination of Water and Wastewater Service .....	47
17.6	Manhole Required (Wastewater Manhole, Mini-Manhole, or Control Manhole ...	47
17.7	Alternate Construction .....	48
17.8	Ownership and Maintenance of Manholes .....	48
17.9	Dedication of Wastewater Manhole.....	49
17.10	Sampling Port or Control Manhole.....	49
17.11	Sample Port Required for Wastewater Manhole .....	49
SECTION 18 - EFFECTIVE DATE.....		50
SECTION 19 - APPENDICES.....		51

## **SECTION 1 - GENERAL PROVISIONS**

### **1.1 Purpose and Policy**

Travis County Water Control and Improvement District No. 17 (the District) owns and operates wastewater collection, treatment, and disposal systems and provides retail wastewater service to customers within its boundaries.

This Order sets forth uniform requirements for users of the District's wastewater collection, treatment and disposal systems consistent with the following policies and purposes:

- A. To prevent the introduction of pollutants into the District's and a Wholesale Providers' systems that will interfere with their operation;
- B. To prevent the introduction of pollutants into the District's and Wholesale Providers' systems that will pass through inadequately treated, into receiving waters, or otherwise be incompatible with the systems;
- C. To protect the general public and personnel who may be affected by wastewater and sludge in the course of their employment;
- D. To promote reuse and recycling of industrial wastewater and sludge from the District's wastewater systems;
- E. To provide for fees for the equitable distribution of the cost of operation maintenance, and improvement of the District's wastewater systems;
- F. To enable the District to comply with requirements of any wholesale service contracts with Wholesale Providers;
- G. To ensure the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal to be in compliance with applicable regulations.

This Order shall apply to all users of the District's systems. The Order authorizes the issuance of wastewater discharge permits; provides for 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 District's General Manager shall administer, implement, and enforce the provisions of this Order. Any powers granted to or duties

imposed upon the District are delegated to the General Manager, who may delegate such duties to other District personnel.

The District shall or has entered into wholesale service agreement(s) with one or more adjacent retail public utilities through which the District receives wholesale wastewater collection, treatment and/or disposal services (“Wholesale Providers”). It is the District’s intent that this Order shall be at least as stringent as the rules and regulations governing non-residential waste and pretreatment requirements promulgated by its Wholesale Providers. Throughout this Order, provision is made for coordination with the District’s Wholesale Providers regarding the regulation of users with the potential of impacting the Wholesale Provider’s systems.

Throughout this Order, Texas State Industrial Pretreatment Standards are incorporated by reference from 40 CFR 302, the National Pretreatment Standards.

### **1.3 Abbreviations**

The following abbreviations, when used in this Order, shall have the designated meanings:

- CFR - Code of Federal Regulations
- EPA – Environmental Protection Agency
- gpd - gallons per day
- mg/l - milligrams per liter
- NPDES - National Pollutant Discharge Elimination System
- RCRA - Resource Conservation and Recovery Act
- TCEQ - Texas Commission on Environmental Quality
- TPDES - Texas Pollutant Discharge Elimination System
- U.S.C. - United States Code

### **1.4 Definitions**

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

- A. Act or “the Act.” The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. Part 1251 *et seq.*
- B. Authorized Representative of the User.
  - 1. If the user is a corporation:
    - a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

- b. The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  2. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
  3. If the user is a limited liability company, the manager of such company as defined in the company's articles of organization.
  4. 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 governmental facility, or their designee.
  5. The individuals described in paragraphs 1 through 4, 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.
- C. Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).
- E. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- F. Chemical Oxygen Demand (COD). The measure of the oxygen consuming capacity of inorganic and organic matter present in the water or wastewater expressed in mg/l as the amount of oxygen consumed from a chemical oxidant in a specific test, but not differentiating between stable and unstable organic matter and thus not necessarily correlating with biochemical oxygen demand.

- G. Composite Sample. A composite sample is a sample resulting from the combination of individual aliquots taken at equal intervals based on increments of time, flow or both.
- H. Control Point. A point of access to a course of discharge before the discharge mixes with other discharges in the public sewer.
- I. Discharge or Indirect Discharge. Introduction of a pollutant to the POTW from a nondomestic source regulated under Act sections 1317 (b), (c), or (d).
- J. District. Travis County Water Control and Improvement District No. 17 as authorized by its' board of directors, General Manager, staff or consultants.
- K. Existing Source. 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.
- L. Garbage. Animal and vegetable wastes and residue from preparation, cooking, and dispensing of food; and from the handling, processing, storage, and sale of food and products and produce.
- M. Grab Sample. A sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed 15 minutes.
- N. Grease. Fats, waxes, oils, and other similar nonvolatile material and wastes which are extracted by hexane from a solidified sample using the Test Procedures for Analysis.
- O. Industrial User or User. Any source of non-residential wastewater discharging or proposing to discharge to the POTW.
- P. Industrial Waste. Any amount of liquid waste and waterborne liquid, gaseous and solid substances discharged or disposed in any form from any industrial, manufacturing, trade or commercial establishment including nonprofit organizations, governmental agencies or business activities. Such term does not include sewage discharged from sanitary conveniences on the premises unless such sewage is commingled with wastewater containing industrial waste or other prohibited waste.
- Q. Instantaneous Maximum Allowable Discharge Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.



- R. Interceptor. A receptacle designed and constructed to interrupt, separate, and prevent passage of sand, grit, or other objectionable solids into the drainage system to which it is connected. An interceptor may be integrated with a separator for vehicle wash bays or repair areas.
- S. Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the District's TPDES 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, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, 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 Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and sanctuaries Act.
- T. Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis waste.
- U. New Source.
1. 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:
    - a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
    - b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
    - c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source.

2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
3. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
  - a. Begun, or cause to begin, as part of a continuous onsite construction
    - i. any placement, assembly, or installation of facilities or equipment; or
    - ii. significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
  - b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within 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.
- V. Noncontact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- W. Order. This Industrial Waste and Pretreatment Order as adopted by the District.
- X. Pass Through. A discharge which exits the POTW into waters of the United States or waters of the State 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 Water Quality Permit, including an increase in the magnitude or duration of a violation.
- Y. 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, and local governmental entities.

- Z. pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.
- AA. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive material, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- BB. 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 change or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
- CC. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.
- DD. Pretreatment Standards or Standards. Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.
- EE. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 of this Order.
- FF. Publicly Owned Treatment Works (POTW). A treatment works, that is owned and/or operated by the District or a Wholesale Provider. This definition includes any devices 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 municipal entity having jurisdiction over the industrial users and responsibility for the operations and maintenance of the treatment works.
- GG. Sewage. Human excrement and gray water (household showers, dishwashing operations, etc).
- HH. Significant Industrial User (SIU).
1. A user subject to categorical pretreatment standards; or
  2. A user that:

- a. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
    - 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; or
    - c. Is designated as such by the District and the Wholesale Provider, if applicable, 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 has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the District and the Wholesale Provider, if applicable, 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.
- II. Slug Load or Slug. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 2.1 of this Order or any discharge of a non-routine nature, including, but not limited to, an accidental spill or a non-customary batch discharge.
- JJ. Standard Industrial Classification (SIC) Code. A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.
- KK. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- LL. Texas Commission on Environmental Quality (TCEQ). The governing body for the District's TPDES permit and the District's pretreatment program.
- MM. Total Suspended Solids (TSS). 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.
- NN. 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.

- OO. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.
- PP. Water Quality Permit. Any TPDES or other wastewater discharge or disposal permit authorizing the ultimate disposal of treated wastewater whether by discharge to surface waters, land application, or other method held by the District or a Wholesale Provider.
- QQ. Wholesale Provider. Any retail public utility providing wholesale wastewater collection, treatment and/or disposal services to the District pursuant to an agreement with the District, including but not limited to the City of Austin.
- RR. Wholesale Provider Representative. Authorized representative of a Wholesale Service Provider. For the City of Austin, this is Water and Wastewater Utility Director or his or her representative.

*Shall is mandatory, may is permissive or discretionary. The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.*

## **SECTION 2 - SEWER USE REQUIREMENTS**

There are three types of pretreatment standards: prohibited discharge standards – including general, specific, and dilution prohibitions; national categorical standards; and local limits.

### **2.1 Prohibited Discharge Standards**

#### **A. General**

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**

No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

1. Pollutants which create a fire or explosive hazard in 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;

2. Wastewater having a pH less than 6.0 or more than 10.0, or otherwise causing corrosive structural damage to the POTW or equipment; wastewater having pH less than 2.0 and greater than 12.5 are considered hazardous wastes under 40 CFR 261.22 of the Act;
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 1/2 inch in any dimension;
4. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW or is not treatable;
5. A substance causing heat in the POTW at a temperature of 120 degrees Fahrenheit (48.9°C) or higher, or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C); or to increase at a rate of 10° or more per hour;
6. Petroleum oil, nonbiodegradable 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 otherwise approved by the District pursuant to this Order.
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 a Water Quality Permit;
11. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations and without written approval of the District and the Wholesale Provider, if applicable;

12. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the District and the Wholesale Provider if applicable;
13. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
14. Medical wastes, except as specifically authorized by the District and the Wholesale Provider, if applicable, in a wastewater discharge permit;
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 which may cause excessive foaming in the POTW;
17. Fats, wax, oils, or greases, whether emulsified or not, in excess of two hundred (200) mg/l or containing substances which may solidify or become viscous at temperatures between 32°F and 150°F (0°C and 65°C); as measured instantaneously at the designated sampling location, downstream of any onsite, private pretreatment facilities;
18. Ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers tar, plastics, wood, whole blood, paunch manure, hair and fleshings, entrails, lime slurry, lime residues, slops, chemical residues, paint residues, or bulk solids in such quantities capable of causing interference;
19. No waste or wastewater discharged containing iron pickling wastes, or concentrated plating solutions whether neutralized or not;
20. Objectionable or toxic substances, exerting an excessive chlorine requirement;
21. Any substance capable of causing obstruction to the flow in sewers, interference with the operation of treatment processes or facilities, or excessive loading of treatment facilities.

C. Additional Sewer Prohibitions or Restrictions

The District is entitled to review and approve the installation and operation of any garbage grinder.

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.

- D. Dental Dischargers one-time compliance report, see Appendix H for full detail.
  - 1. In accordance with federal and local law, this form must be completed and returned by the applicable due date to Travis County WCID 17, attention Industrial Waste Program.
  
- E. Dilution Prohibitions
  - 1. No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The District may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements or in other cases when the imposition of mass limitations is appropriate.
  - 2. This prohibition does not include dilution which is a normal part of the production process or a necessary part of the process to treat a waste, such as adding lime for neutralization or precipitation, or the mixture of compatible wastes in order to treat at capacity levels rather than treating wastes in small batches.

## **2.2 National Categorical Pretreatment Standards**

National Categorical Pretreatment Standards (40 CFR Chapter I, Subchapter N, parts 405-471) apply at end of process release. The following are possible Exceptions to Categorical Pretreatment Standards:

- A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the District may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the District shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).
- C. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40



CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

- D. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

### 2.3 Local Limits

Local limits are periodically reviewed by the District and revised as necessary to respond to changes in federal, state, or local regulations, environmental protection criteria, plant design and operational criteria, and the nature of industrial discharges to the POTW.

#### A. Specified Local Limits

The following pollutant limits are established to protect against pass through and interference. No industrial user shall discharge wastewater containing in excess of the following maximum allowable discharge limits and maximum monthly average limits.

0.2 mg/l arsenic	.002 mg/l mercury
0.4 mg/l cadmium	1.1 mg/l molybdenum
2.4 mg/l chromium	1.6 mg/l nickel
1.1 mg/l copper	200 mg/l oil and grease
.0 mg/l cyanide	1.8 mg/l selenium
65.0 mg/l fluoride	1.0 mg/l silver
0.4 mg/l lead	2.3 mg/l zinc
6.1 mg/l manganese	

No other heavy metals or toxic materials may be discharged into public sewers without a permit from the District specifying conditions of pretreatment, concentrations, volumes, and other applicable provisions.

Local limits apply at the point where the wastewater is discharged to the POTW by the user. All concentrations are for “total” metal unless indicated otherwise. The District may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

The local surcharge limit for BOD is 200 mg/l, COD is 450 mg/l, and TSS is 200 mg/l. There is no prohibition limit for these; however, any amount discharged above the surcharge limit will be assessed a surcharge fee.

#### B. Case-By-Case Local Limits

Local limits that have not yet been established for a material may be developed on a case-by-case basis. A user must have the case-by-case local limit(s) included in a permit before discharging to the POTW.

- C. A person may not discharge or allow the discharge of wastewater containing total toxic organics to the POTW in excess of an instantaneous maximum allowable limit of 2.0 mg/l. The federal Total Toxic Organic (TTO) list (40 CFR, Part 122, Appendix D, Table 2) is included by reference.

## **2.4 The District's Right of Revision**

The District reserves the right to establish, by regulation or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW if deemed necessary to comply with the objectives of this Order or as may be required by a Wholesaler Provider in accordance with Wholesale Provider's rules and regulations governing pretreatment and industrial waste.

## **SECTION 3 - PRETREATMENT OF WASTEWATER**

### **3.1 Pretreatment Facilities**

Industrial users shall provide wastewater treatment as necessary to comply with this Order and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in this Order and any applicable rules and regulations of a Wholesale Provider. Such compliance shall be achieved within the time limitations specified by EPA, the TCEQ, or the District, whichever is more stringent. Any facilities required to pretreat wastewater for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the District for review, and must be approved by the District prior to discharge to the POTW before such facilities are constructed. The review and approval of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce acceptable discharge to the District under the provisions of this Order. The District shall be notified forty-eight (48) hours prior to start-up of new or modified wastewater pretreatment facilities.

### **3.2 Additional Pretreatment Measures**

- A. Restriction of Discharge

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 wastestreams from industrial wastestreams, and

such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this Order.

B. Flow Equalization

The District or a Wholesale Provider may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

C. Flow Measurement

The District may require a person discharging industrial waste or prohibited waste into the POTW to install equipment necessary to measure the flow at a designated point.

The District may determine the volume of wastewater to be discharged to the POTW based on:

1. actual metered flow of water through the District's water meter;
2. the average of the actual metered flow of water through the District's water meter for the winter wastewater averaging months; or
3. the actual metered flow of water measured through a water meter or wastewater flow meter of a design, size, construction and installation approved by the District.

D. Gas Detection Metering

Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter and/or additional pretreatment measures.

### **3.3 Accidental Discharge/Slug Control Plans**

The District may require any user to develop, submit for approval, and implement such a plan. Alternatively, the District may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including nonroutine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the District of any accidental or slug discharge, as required by Section 8.2 of this Order; and

- D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing chemicals, and/or measures and equipment for emergency response.

### **3.4 Hauled Wastewater**

- A. Septic tank waste haulers and industrial waste haulers are not permitted to discharge into the District's collection system or wastewater treatment system.
- B. Chemical toilet waste may be discharged at a specified location into the collection system with a permit from the District.

### **3.5 Tenant Responsibility**

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

### **3.6 Toxic Organic Management Plan**

- A. The District may require submission of a toxic organic management plan as an alternative to or in addition to routine total toxic organics monitoring for a user regulated under the CFR categories of:
  - 1. electroplating;
  - 2. metal finishing;
  - 3. electrical and electronic components; or
  - 4. other categories authorized by the CFR.
- B. A toxic organic management plan submitted under this section must include:
  - 1. a complete inventory of all toxic organic chemicals:
    - a. used in regulated process operations, including organic constituents of a trade-name product; or
    - b. identified through wastewater sampling and analysis;
  - 2. a description of disposal methods, excluding dumping, used for inventoried compounds;
  - 3. spill prevention, control, and countermeasures plan to prevent spillage or leakage of a regulated toxic organic chemical into process

wastewater, floor drains, non-contact cooling water, groundwater, surface water or general discharge of a toxic organic chemical;

4. determination of identity and approximate quantity of toxic organic chemical used and discharged from a regulated manufacturing process; and
5. identity of toxic organic chemicals that may be present in wastewater discharged to the sanitary sewer as a result of a regulated process or disposal, spill, leak, rinse water carryover, air pollution control, and other source.

### **3.7 Best Management Practices**

The District may require a person discharging to the POTW to adopt and implement best management, source reduction and pollution prevention practices necessary to protect the POTW.

### **3.8 Commercial or Institutional Food Preparation**

A person operating a commercial or institutional food preparation business, including a food processor, bakery, restaurant, school, hospital, retirement home, assisted living center, grocery store or other commercial or institutional food preparation operation must construct, operate, and maintain a pretreatment facility approved by the District.

### **3.9 Vehicle or Equipment Wash Facility**

A person operating a commercial vehicle or equipment wash facility with manual or automated equipment shall discharge drainage or wastewater through a pretreatment facility approved by the District. A person operating a vehicle or equipment wash facility shall prevent drainage water from entering the sanitary sewer.

### **3.10 Vehicle or Equipment Minor Maintenance Facility**

A person operating a vehicle or equipment minor repair business that performs engine tune-up, air conditioning repair, electrical repair, front end alignments, exhaust system repair, suspension system repair, or brake system repair, shall obtain the District's approval of the building design, size, and construction before discharging floor wash water to the POTW through a pretreatment facility.

### **3.11 Vehicle or Equipment Major Maintenance or Fluid Change Facility**

- A. A person operating a vehicle or equipment major repair business that performs engine dismantling, transmission repair, hydraulic system repair, differential repair, engine part rebuilding, or fluid changing, shall construct, operate, and maintain a pretreatment system approved by the District.

- B. A person operating a vehicle or equipment major repair business may not discharge wastewater to the POTW through a floor drain or other device unless the effluent produced consistently complies with the standards established in this Order.
- C. A person operating a vehicle or equipment major repair business that does not maintain a pretreatment system or process shall:
  - 1. discharge into a hold-haul tank of a design, size, and construction approved by the District; or
  - 2. physically separate the major vehicle or equipment maintenance and fluid change facility from building areas that drain to the POTW.

### **3.12 Steam Cleaning or Chemical Cleaning Facility**

A person operating a steam cleaning or chemical cleaning facility shall construct, install, or maintain a pretreatment facility or process approved by the District prior to discharging wastewater to the sanitary sewer.

### **3.13 Requirements for Cleaning Grease Traps**

- A. A person who discharges wastewater from a grease trap to the POTW shall:
  - 1. completely remove all fat, oil, or grease waste, other liquid waste, semi-solid or solid and residue from the grease trap when the grease trap is cleaned; and
  - 2. clean the grease trap the earlier of:
    - a. at least every three months; or
    - b. when 50 percent or more of the wetted height of the grease trap, as measured from the bottom of the grease trap to the invert of the outlet pipe, contains grease and solids.
- B. The District may reduce the cleaning frequency requirement in writing if the District determines, based on written documentation submitted by the generator, that the reduced cleaning frequency does not contribute to or cause a violation of this chapter.
- C. A person cleaning a grease trap shall dispose of the waste removed from a grease trap in accordance with federal, state, and local regulations.
- D. The District may establish other cleaning requirements for grease traps as necessary to protect the POTW or a portion of the sanitary sewer.

- E. Grease trap manifest documentation – (Appendix L)

### **3.14 Requirements for Cleaning Grit Traps**

- A. A person who discharges wastewater from a grit trap to the POTW shall completely remove all oil and grease waste, other liquid waste, semi-solid, or solid and residue from the grit trap when the grit trap is cleaned.
- B. A person cleaning a grit trap shall dispose of the waste removed from a grit trap in accordance with federal, state, and local regulations.
- C. The District may establish other cleaning requirements for grit traps as necessary to protect the POTW or a portion of the sanitary sewer system.

## **SECTION 4 - WASTEWATER DISCHARGE PERMIT APPLICATION**

### **4.1 Denial or Condition of Permit**

The District has the right to deny or condition a permit for any non-domestic discharges that do not meet the Pretreatment Requirements or would cause the District or a Wholesale Provider if applicable to be noncompliant with its Water Quality Permit.

### **4.2 Wastewater Discharge Permit Requirement**

- A. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the District.
- B. The District may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this Order. This will be determined by the District at its sole discretion as a condition of wastewater service.
- C. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Order and subjects the wastewater discharge permittee to the sanctions set out in Sections 11 through 14 of this Order. 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.

### **4.3 Wastewater Discharge Permitting: Existing Connections - (Appendix G)**

Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this Order and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the District for a wastewater discharge permit in accordance with Section 4.7 of this Order, and shall not cause or allow discharges to the POTW to continue after

one hundred twenty (120) days of the effective date of this Order except in accordance with a wastewater discharge permit issued by the District.

#### **4.4 Wastewater Discharge Permitting: New Connections**

Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with Section 4.7 of this Order, must be filed at least sixty (60) days prior to the date upon which any discharge will begin or recommence.

#### **4.5 Wastewater Discharge Permitting: Extra-jurisdictional Industrial Users**

Alternately, the District may enter into an agreement with the neighboring jurisdiction in which the significant industrial user is located to provide for the implementation and enforcement of pretreatment requirements against said industrial user. However, the District acknowledges that said service connection may only occur if this service is compliant with the conditions and terms of any contract with a Wholesale Provider.

#### **4.6 Wastewater Discharge Permit Application Contents – (Appendix F)**

All users required to obtain a wastewater discharge permit must submit a permit application in writing to the District, fill out the District's forms and provide any supporting documentation required. A copy of the application will be given to the Wholesale Provider, if applicable. The District may require all users to submit as part of an application the following information:

- A. All information required by Section 6.1B of this Order;
- B. 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;
- C. Number and type of employees, hours of operation, and proposed or actual hours of operation;
- D. Each product produced by type, amount, process or processes, and rate of production;
- E. Type and amount of raw materials processed (average and maximum per day);
- F. The amount, storage, of, and disposal of any hazardous waste on site, or generated by the user;



- G. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- H. Time and duration of discharges; and
- I. 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.

#### **4.7 Application Signatories and Certification**

All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user as defined in this Order and certified using the certification statement specified in 40 CFR 403.6(a)(2)(ii).

#### **4.8 Fraud and False Statements**

The Reports and other documents required of the industrial users are subject to the provisions of 18 U.S.C. 1001 relating to fraud and false statements and the provisions of Section 309(c)(4) of the Act, as amended, governing false statements, representation, or certification in reports required under the Act and the provisions of Section 309 (c)(6) regarding responsible corporate officers.

#### **4.9 Wastewater Discharge Permit Decisions**

The District will evaluate the data furnished by the user and may require additional information. Within sixty (60) days of receipt of a complete wastewater discharge permit application, the District will determine whether or not to issue a wastewater discharge permit. The District may deny any application for a wastewater discharge permit.

### **SECTION 5 - WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS**

#### **5.1 Wastewater Discharge Permit Duration**

A wastewater discharge permit shall be issued for a specified time period, not to exceed two (2) years. A wastewater discharge permit may be issued for a period less than two (2) years, at the discretion of the District. Each wastewater discharge permit will indicate a specific date upon which it will expire.

#### **5.2 Wastewater Discharge Permit Contents**

A wastewater discharge permit shall include such conditions as are deemed reasonably 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 in addition to the following, the individual's name and address of the responsible party for the permitted operation:
  - 1. A statement that indicates wastewater discharge permit duration, which in no event shall exceed two (2) years;
  - 2. A statement that the wastewater discharge permit is nontransferable without prior notification to the District in accordance with Section 5.5 of this Order, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
  - 3. Effluent limits based on applicable pretreatment standards;
  - 4. Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and
  - 5. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
  
- 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, including but not limited to, a compliance schedule for the installation of such technology, controls, or devices;
  - 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 nonroutine 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; and
8. Other conditions as deemed appropriate by the District to ensure compliance with this Order, and State and Federal laws, rules, and regulations, including those of the Wholesale Provider where applicable.

### **5.3 Wastewater Discharge Permit Appeals**

Any District customer, including the user, may petition the District to reconsider the terms of a wastewater discharge permit within thirty (30) days of notice 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. Decisions not to reconsider a wastewater discharge permit, not to issue 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 complaint with a court of competent jurisdiction within the appropriate statute of limitations.

#### **5.4 Wastewater Discharge Permit Modification**

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

- A. To incorporate any new or revised Federal, State, City of Austin, Wholesale Provider, or District 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, the District personnel, a Wholesale Provider 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 wastewater discharge permit; or
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

#### **5.5 Wastewater Discharge Permit Transfer**

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) 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 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.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

## **5.6 Wastewater Discharge Permit Revocation**

The District may revoke a wastewater discharge permit for good cause, including, but not limited to, 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 pursuant to Section 8.1 of this Order;
- 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 or a Wholesale Provider (if applicable) timely access to the facility premises and records;
- G. Failure to meet effluent limitations;
- H. Failure to pay fines;
- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a wastewater survey or the wastewater discharge permit application;
- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- M. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this Order.

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.

## **5.7 Wastewater Discharge Permit Reissuance**

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 4.7 of this Order, a minimum of sixty (60) days prior to the expiration of the user's existing wastewater discharge permit.

## **SECTION 6 - REPORTING REQUIREMENTS – CATEGORICAL INDUSTRIAL USERS**

### **6.1 Baseline Monitoring Reports**

- A. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 4036(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the District a report which contains the information listed in Section 6.1 B, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical user subsequent to the promulgation of an applicable categorical standard, shall submit to the District a report which contains the information listed in Section 6.1 B, below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
  
- B. Users described above shall submit the information set forth below.
  - 1. Identifying Information. The name and address of the facility, including the name of the operator and owner.
  - 2. Environmental Permits. A list of any environmental control permits held by or for the facility.
  - 3. Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
  - 4. Flow Measurement. Information showing the measured average daily, maximum daily flow, and estimated existing flow if measurement is not practical, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

5. Measurement of Pollutants.
  - a. The categorical pretreatment standards applicable to each regulated process.
  - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the District of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 8.6 of this Order.
  - c. A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. 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 industrial user that demonstrates that flow-proportional sampling is infeasible. 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 discharge.
  - d. The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this section.
  - e. Sampling must be performed in accordance with procedures set out in Section 8.7 of this Order.
  - f. The District may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.
  - g. The baseline report shall indicate the time, date and place, or sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
6. Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating

whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

7. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 6.2 of this Order.
8. Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Section 4.8 of this Order.

## **6.2 Compliance Schedule Progress Reports**

The following conditions shall apply to the compliance schedule required by Section 6.1B7 of this Order:

- 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. The user shall submit a progress report to the District no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- D. In no event shall more than nine (9) months elapse between such progress reports to the District.

## **6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline**

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the District a report containing the information described in



Section 6.1 B4-6 & 8 of this Order. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the 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. All compliance reports must be signed and certified in accordance with Section 4.8 of this Order.

#### **6.4 Categorical Compliance Reports – (Appendix J)**

- A. All categorical industrial users shall, at a frequency determined by the District, but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by such standards and the measured or estimated average and maximum daily flows for the reporting period. The report shall include a record of measured or estimated average and maximum daily flows for the reporting period for regulated process streams and other streams as necessary.
- B. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- C. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the District the results of this monitoring shall be included in the report.
- D. All periodic compliance reports must be signed and certified in accordance with Section 4.8 of this Order.
- E. This sampling and analysis may be performed by the District in lieu of the categorical industrial user. Where the District performs the required sampling and analysis in lieu of the industrial user, the user will not be required to submit the compliance certification. In addition, where the District collects all the information required for the report including flow data, the industrial user will not be required to submit the report.

## **SECTION 7 - REPORTING REQUIREMENTS – SIGNIFICANT INDUSTRIAL USERS**

### **7.1 Significant Compliance Reports**

- A. All significant industrial users shall, at a frequency determined by the District, but in no case less than twice per year (in June and December), submit a report indicating the nature, concentration, and flow of the pollutants required to be reported by the District.
- B. The reports shall be based on sampling and analysis performed in accordance with the techniques described in 40 CFR part 136 and amendments thereto. Where 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the District determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the District or other persons, approved by the District.
- C. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the District the results of this monitoring shall be included in the report.
- D. All periodic compliance reports must be signed and certified in accordance with Section 4.8 of this Order.
- E. This sampling and analysis may be performed by the District in lieu of the significant industrial user. Where the District performs the required sampling and analysis in lieu of the industrial user, the user will not be required to submit the compliance certification. In addition, where the District collects all the information required for the report including flow data, the industrial user will not be required to submit the report.

## **SECTION 8 – REPORTING, MONITORING, AND ANALYSIS – ALL INDUSTRIAL USERS**

### **8.1 Reports of Changed Conditions**

Each user must notify the District of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change.

- A. The District may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4.5 of this Order.
- B. The District may issue a wastewater discharge permit under Section 5 of this Order or modify an existing wastewater discharge permit under Section 5.4 of this Order in response to changed conditions or anticipated changed conditions.
- C. For purposes of this requirement, significant changes include, but are not limited to, flow increases of ten percent (10%) or greater, and the discharge of any previously unreported pollutants.

## **8.2 Reports of Potential Problems**

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the District and the Wholesale Provider, if applicable, of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- B. Within five (5) days following such discharge, the user shall, unless waived by the District, 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 Order.
- C. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in Section 8.2 A, above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.
- D. Failure to notify the District and the Wholesale Provider (if applicable) of potential problem discharges shall be deemed a violation of this Order.

## **8.3 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.

#### **8.4 Notice of Violation/Repeat Sampling and Reporting**

If sampling performed by a user indicates a violation, the user must notify the District 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 District within thirty (30) days, unless otherwise specified by the District, after becoming aware of the violation. The user is not required to resample if the District monitors at the user's facility at least once a month, or if the District samples between the user's initial sampling and when the user receives the results of this sampling.

#### **8.5 Notification of the Discharge of Hazardous Waste**

- A. Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notification of changed conditions must be submitted under Section 8.1 of this Order. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of Sections 6.1, 6.3, and 6.4 of this Order.
- B. Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one- time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

- C. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the District, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- D. In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Order, a permit issued thereunder, or any applicable Federal or State law.

## **8.6 Monitoring and Analytical Requirements**

- A. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, 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 EPA.
- B. The reports required in Sections 6.1, 6.3, 6.4, and 7.1 shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the District, of pollutants contained therein which are limited by the applicable pretreatment standards.
- C. This sampling and analysis may be performed by the District in lieu of the significant industrial user. Where the District performs the required sampling and analysis in lieu of the industrial user, the user will not be required to submit the compliance certification. In addition, where the District collects all the information required for the report including flow data, the industrial user will not be required to submit the report.

## **8.7 Sample Collection**

- A. The District is authorized to require samples of wastewater discharges from industrial users as often as necessary to adequately monitor and control their discharge. In the event the District requires such samples, the District shall retain the services of a reputable commercial laboratory and pay all costs of sample collection and laboratory services to determine and report the wastewater characteristics.

- B. The District shall sample and analyze the effluent from significant industrial users at least once per year. Samples may be randomly collected at users' facilities by the District or its authorized representative. The cost of such sampling and laboratory analyses shall be paid by the industrial users.
- C. All handling and preservation of collected samples and laboratory analyses of samples shall be performed in accordance with 40 CFR part 136 and amendments thereto. Where 40 CFR Part 136 does not contain samples or analytical techniques for the pollutant in question, or were the EPA determines that Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or another applicable sampling and analytical procedures, including procedures suggested by the District or other persons approved by the EPA or TCEQ.
- D. 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 industrial user at the written or verbal request of the District and shall not be replaced. The costs of clearing such access shall be borne by the industrial user.
- E. Unreasonable delays in allowing the District personnel access to the industrial user's premises shall be a violation of this Order.
- F. The District must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the District may authorize the use of time composite sampling if it demonstrates that this will provide a representative sample of the wastewater being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
- G. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

## **8.8 Certification**

All reports shall contain a certification statement as described in Section 4.8 of this Order.

## **8.9 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.

## **8.10 Record Keeping**

For users subject to the reporting requirements of this Order, the District 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 the District, or where the user has been specifically notified of a longer retention period by the District.

## **SECTION 9 - COMPLIANCE MONITORING**

### **9.1 Right of Entry: Inspection and Sampling**

The District, a Wholesale Provider, and other governmental agencies, where applicable, shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this Order and any wastewater discharge permit or order issued hereunder. Users shall allow the parties named above ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- A. Where 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, the District will be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The inspecting party 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.
- C. The inspecting party may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated to ensure their accuracy.
- D. 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 inspecting party and shall not be replaced. The costs of clearing such access shall be borne by the user.

- E. Unreasonable delays in allowing the inspecting party access to the user's premises shall be a violation of this Order.

## **9.2 Search Warrants**

If the District, a Wholesale Provider, and other governmental agencies as applicable have been or are refused access to a building, structure, or property, or any part thereof, and are able to demonstrate probable cause to believe that there may be a violation of this Order, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the District designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the District may seek issuance of a search warrant.

## **SECTION 10 - 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 District's inspection and sampling activities, (including effluent data) 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. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated to the District 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 be presumed confidential, and the District shall follow the procedures of the Texas Public Information Act in determining whether to release such information upon any request made under the Act. The information shall be made available immediately upon request to governmental agencies for uses related to the TPDES 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 11 - PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE**

The District may publish annually, on the District's website or in a newspaper of general circulation in the District, a list of the users that, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean, in addition to the latest requirements of 40 CFR 403, the following:

- 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-month (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-month (6) 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 POTW personnel or the general public;
- D. Any discharge of pollutants that have caused imminent endangerment to the public or to the environment, or have 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 noncompliance; or
- H. Any other violation(s) which the District determines will adversely affect the operation or implementation of the local pretreatment program.

**SECTION 12 - ADMINISTRATIVE ENFORCEMENT ACTIONS/  
ADMINISTRATIVE ORDERS**

**12.1 Notification of Violation (NOV) – (Appendix K)**

When the District finds that a user has violated, or continues to violate, any provision of this Order, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the District may serve upon that user a written NOV. Within fifteen (15) 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 NOV. 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 NOV.

## **12.2 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 noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance 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 12.4 and 12.5 of this Order and shall be judicially enforceable.

## **12.3 Show Cause Orders**

The District may order a user which has violated, or continues to violate, any provision of this Order, a wastewater discharge permit or Order issued hereunder, or any other pretreatment standard or requirement, to appear before the District 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) 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.

## **12.4 Compliance Orders**

When the District finds that a user has violated, or continues to violate, any provision of this Order, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, including those of a Wholesale Provider, the District 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, water and sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance 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. A Compliance Order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a Compliance 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.

## **12.5 Cease and Desist Orders**

When the District finds that a user has violated, or continues to violate, any provision of this Order, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, including those of a Wholesale Provider, 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.

## **12.6 Suspension of Water/Wastewater Services Orders**

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 that 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 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, the termination proceedings in Section 12.7 of this Order 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 12.3 or 12.7 of this Order.

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

## **12.7 Termination of Water Service and/or Discharge**

In addition to the provisions in Section 5.6 of this Order, any user who violates the following conditions is subject to termination of water and wastewater services:

- 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 Order.

Such user will be notified of the proposed termination of its water service or discharge and be offered an opportunity to show cause under Section 12.3 of this Order why the proposed action should not be taken. Exercise of this option shall not be a bar to, or a prerequisite for, taking any other action against the user.

## **SECTION 13 – CIVIL LITIGATION**

### **13.1 Consent Decree**

After the District finds that a user has violated, or continues to violate, any provision of this Order, and after a lawsuit has been filed, an agreement between the District and the user may be reached. This agreement is the Consent Decree and shall be signed by the judge assigned to the case.

### **13.2 Injunctive Relief**

When the District finds that a user has violated, or continues to violate, any provision of this Order, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, including those of a Wholesale Provider, the District may petition a civil district court of competent jurisdiction 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.

### **13.3 Civil Penalties**

- A. A user who has violated, or continues to violate, any provision of this Order, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, including those of a Wholesale Provider, shall be liable to the District for a maximum civil penalty of \$5,000 per day, per violation. 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 District (in seeking the civil penalties) and the Court (in assessing the civil penalties) shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, 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. To the extent possible, the civil penalty, at a minimum, shall be set at an amount equal to the estimated economic benefit the user may have realized as a result of its noncompliance.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

#### **13.4 Criminal Prosecution**

- A. The District may pursue criminal prosecution for any violation of this Order that is also considered a violation of any State or local law.
- B. =
- C. Any user that violates any provision of this Order and thereby causes the District to violate a rule or regulation of the TCEQ or any other state or federal agency, and as a consequence causes the District to incur any civil or criminal penalty, shall be liable to the District for the amount of any such civil or criminal penalty, as well as any costs of compliance with any order issued by the TCEQ or any State or Federal Court and, additionally, any costs and/or attorneys' fees incurred by the District in defense or compliance with such judicial or administrative action

#### **13.5 Remedies Nonexclusive**

The remedies provided for in this Order are not exclusive. The District may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the Order and any other District policy. However, the District may take other action against any user when the circumstances warrant. Further, the District is empowered to take more than one enforcement action against any noncompliant user.

### **SECTION 14 – SUPPLEMENTAL ENFORCEMENT ACTION**

#### **14.1 Performance Bonds**

The District may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this Order, 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.

#### **14.2 Liability Insurance**

The District may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this Order, 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 restore or repair damage to the POTW caused by its discharge.

#### **14.3 Termination of Water and Wastewater Service**

Whenever a user has violated or continues to violate any provision of this Order, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, water and wastewater service to the user may be terminated. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

#### **14.4 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 noncompliance with pretreatment standards or requirements may be terminated at the discretion of the District.

### **SECTION 15 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS**

#### **15.1 Prohibited Discharge Standards**

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 2.1 A of this Order or the specific prohibitions in Sections 2.1 B 1 through B 22 of this Order 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 or Wholesale Provider was regularly in compliance with its TPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

## 15.2 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 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 Sections 15.2 C and D, below.
- C.
  - 1. If a user knows in advance of the need for a bypass, it shall submit prior notice to the District, at least ten (10) days before the date of the bypass, if possible.
  - 2. A user shall submit verbal 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 District may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- D.
  - 1. Bypass is prohibited, and the District 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 Section 15.2 C, above.
- 2. The District may approve anticipated bypass, after considering its adverse effects, if the District determines that it will meet the three conditions listed in Section 15.2 D 1, above.

### **15.3 Act of God**

In an action brought in municipal or state court, if a person can establish that an event would otherwise be a violation of this Section or a permit issued under this Section was caused solely by an act of God, war, strike, riot, or other catastrophe, as defined in Texas Water Code Section 7.251, the event is not a violation of this Article or the permit. In an enforcement proceeding, the user seeking to establish the occurrence of an act of God, war, strike, riot, or other catastrophe shall have the burden of proof. In the event that an act of God, war, strike, riot, or other catastrophe has been established the user shall control production of all discharges to the extent possible until such time as the reduction, loss, or failure of its treatment facility is restored or an alternative method of treatment is provided.

## **SECTION 16 - WASTEWATER TREATMENT RATES**

### **A. Applications**

A user is subject to the following application fees:

New Permit	\$100.00
Permit Renewal	\$100.00
Permit Modification	\$100.00

## **SECTION 17 - MISCELLANEOUS PROVISIONS**

### **17.1 Pretreatment Charges and Fees – (Appendix A)**

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

- 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 collection and analyzing a user’s discharge, and reviewing monitoring reports submitted by users
- C. Fees for reviewing and responding to accidental discharge procedures and construction
- D. Fees for filing appeals; and
- E. Other fees as the District may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Order and are separate from all other fees, fines, and penalties chargeable by the District.
- F. Surcharge for discharge of extra-strength wastewater. – (Appendix B)  
Often, the wastewater discharged from schools and businesses contains solids and organic material at higher concentrations in comparison to the concentrations found in residential wastewater. Wastewater is considered to be “normal strength” if it meets the wastewater quality standards established for typical residential wastewater. Wastewater that exceeds these standards is considered to be “extra strength”. Much of the cost associated with treating wastewater is related to the amount of solids that must be removed and the amount of oxygen that is required to stabilize and digest the organic matter in the wastewater. Therefore, the treatment of wastewater from schools and businesses may be significantly more expensive than other users.

Relying on the annual collection and analysis of wastewater samples from each permitted source of industrial waste, the surcharge program enables the District to recover additional costs associated with extra strength wastewater. Individual charges are determined from each source. They are based on Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS), and Chemical Oxygen Demand (COD). The surcharge is only applied to those permitted sources if their average discharge quality exceeds one or more of the following parameters:

BOD 200 mg/l  
 COD 450 mg/l  
 TSS 200 mg/l

Surcharges will be calculated as follows: - (Appendix I)

Using an average of all applicable sample results, a surcharge will be determined for every permitted source of industrial waste based on the following formula:

$$S = V \times 8.34 [A (BOD-200) + B (TSS-200)],$$

Or, if the COD is more than 2.25 times greater than the BOD, then the formula is:

$$S = V \times 8.34 [C (\text{COD}-450) + B (\text{TSS}-200)]$$

Where:

S = Surcharge in dollars that will appear on the customer's monthly bills.

V = Wastewater actually billed in millions of gallons during the billing period.

8.34 = Pounds per gallon of water

A = Unit charge in dollars per pound of BOD in excess of 200 mg/l, currently \$0.5043 per lb. If measured BOD is less than 200, the rate does not apply.

BOD = Biochemical Oxygen Demand in mg/l.

200 = Normal BOD and normal TSS in mg/l.

B = Unit charge in dollars per pound of TSS in excess of 200 mg/l, currently \$0.1087 per lb. If measured TSS is less than 200, the rate does not apply.

TSS = Total Suspended Solids in mg/l.

C = Unit charge in dollars per pound of COD in excess of 450 mg/l, currently \$0.2242 per lb. If the COD is less than 450 mg/l, the rate does not apply.

COD = Chemical Oxygen Demand in mg/l

450 = Normal COD in mg/l

The surcharge billed (S) changes according to the wastewater billed (V), which may vary from one month to the next. For that reason, it is often more useful to discuss surcharges in terms of the Surcharge Factor (SF), the quality component of the surcharge formula. This is expressed as:

$$(\text{SF}) = 8.34[A(\text{BOD}-200) + B (\text{TSS}-200)]$$

Or, if the COD is more than 2.25 times greater than the BOD, then the formula is:

$$(\text{SF}) = 8.34[C(\text{COD}-450) + B (\text{TSS}-200)]$$

Monthly surcharge fees will be applied to the customer's monthly utility bill. Retesting may be done at the customer's expense. – (Appendix E)

G. Recommended Kitchen Practices to lower surcharge. - (Appendix C)

H. Use of enzymes, bacteria and other agents. - (Appendix D)

## **17.2 Severability**

If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be effected and shall continue in full force and effect.

## **17.3 Notice to Customer of Leak or Defect**

The District shall notify a customer of a plumbing defect or leak that permits excess wastewater to enter or infiltrate the POTW.

## **17.4 Duty or Repair or Replace**

A. A person notified under this article shall repair the defect or leak in compliance with the Plumbing Code no later than the 60th day after the date the person received notice.

B. A person notified under this article shall provide the director with written notice of compliance no later than the fifth day after the date repair work is completed.

## **17.5 Termination of Water and Wastewater Service**

The District may terminate water and wastewater service to a property if:

1. a defect or leak exists in the plumbing of the property;
2. the magnitude of the defect or leak causes an immediate threat or danger to public health, safety or property; and
3. Notice has been issued under this Order.

## **17.6 Manhole Required (Wastewater Manhole, Mini-Manhole, or Control Manhole)**

A. A customer shall construct a wastewater manhole on the sewer system of a building, structure, facility, or installation, built or modified to:

1. discharge a pollutant required to be permitted under this Order;
2. contain more than 15 dwelling units or guest units;

3. be served by a water meter greater than two inches in diameter; or
  4. be served by a building sewer main greater than four inches in diameter.
- B. A customer shall construct a wastewater manhole or mini-manhole at the customer's expense.
  - C. A customer required by Subsection (A) to install a control manhole shall install the manhole at the customer's expense as part of the customer's plumbing system. A control manhole must be accessible to the District at all times to allow maintenance of the wastewater service connection, discharge sampling, flow monitoring, and inspection.
  - D. A wastewater manhole, mini-manhole, or control manhole constructed under this section must conform to standards and specifications approved by the District.

### **17.7 Alternate Construction**

The District may approve the construction of a control manhole, two-way cleanout, or mini-manhole instead of a wastewater manhole if the General Manager determines that the installation of these facilities provide the utility with sufficient access to maintain the wastewater service connection, monitor flow, sample building discharge, and conduct an inspection.

### **17.8 Ownership and Maintenance of Manholes**

- A. The District shall own and maintain a wastewater manhole or mini-manhole when:
  1. construction is completed;
  2. the District accepts the wastewater manhole or mini-manhole; and
  3. the customer pays all inspection fees.
- B. A customer shall own and maintain a control manhole.
- C. A customer may access a mini-manhole to maintain or inspect a building sewer.
- D. Private manholes must be maintained per WCID 17 criteria.

### **17.9 Dedication of Wastewater Manhole**

A customer shall:

1. deliver to the District a Utility Conveyance Agreement or other instrument of transfer for the dedication of a wastewater manhole or mini-manhole; and
2. assign to the District any warranties, guarantees, maintenance bonds, or assurances of performance related to a wastewater manhole or mini-manhole.

### **17.10 Sampling Port or Control Manhole**

- A. A person discharging wastewater containing prohibited waste to the POTW shall install, operate and maintain a sampling port or control manhole.
- B. A person shall locate a sampling port or control manhole at or near the property line as approved by the District.
- C. A person shall locate a sampling port or control manhole on:
  1. a common building drain line connected to the sanitary sewer;
  2. each drain line connected to the sanitary sewer, if the property has more than one drain line; or
  3. a drain line installed for collection of representative samples.
- D. A person shall submit commercial site plans for construction of a sampling port or control manhole to the District for review and approval before construction.
- E. A person shall operate and maintain a sampling port or control manhole in compliance with the manufacturer's specifications.
- F. A person shall allow the District access to a sampling port or control manhole for inspection, sampling, flow monitoring, and enforcement of this Order.

### **17.11 Sample Port Required for Wastewater Manhole**

The General Manager may require a customer to install a sample port constructed in compliance with the requirements of this Order if the customer discharges pollutants required to be permitted under this Order.

**SECTION 18 - EFFECTIVE DATE**

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