

## ORDINANCE NO. 1-2015

### AN ORDINANCE OF THE BOARD OF DIRECTORS OF TAHOE-TRUCKEE SANITATION AGENCY ADOPTING PRETREATMENT REQUIREMENTS

BE IT ORDAINED by the Board of Directors of the Tahoe-Truckee Sanitation Agency as follows:

#### SECTION 1. GENERAL PROVISIONS

##### 1.1. Purpose and Policy.

This Ordinance sets forth uniform requirements for Industrial Users, as defined herein, of the Publicly Owned Treatment Works (POTW) for the Tahoe-Truckee Sanitation Agency ("Agency") and enables the Agency to comply with all applicable State and Federal laws, including the Clean Water Act (33 U.S.C. 1251 et seq.) and the General Pretreatment Regulations (40 CFR Part 403). The objectives of this Ordinance are:

- To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW;
- To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;
- To ensure that the quality of the wastewater treatment plant sludge is maintained at a level that allows its use and disposal in compliance with applicable statutes and regulations;
- To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW;
- To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public; and
- To comply with the Agency's Local Limits.

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

Member entities of the Agency, as defined in Section 1.2 (ee) below, may have additional and/or more stringent requirements than are set forth herein,

## 1.2. Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Ordinance, 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. § 1251 et seq.
- (b) Administrator. The Administrator of the United States Environmental Protection Agency and/or the Environmental Protection Agency Office of Administration.
- (c) Agency or T-TSA. The Tahoe-Truckee Sanitation Agency.
- (d) Applicable Pretreatment Standards. For any specified pollutant, the Agency's prohibitive standards, the Agency's specific pretreatment standards (local discharge limits), State of California pretreatment standards, or EPA's Categorical Standards (when effective), whichever standard is appropriate or most stringent.
- (e) Approval Authority. The Executive Officer of the Lahontan Regional Water Quality Control Board.
- (f) Authorized Representative. (1) If the Industrial 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, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. (2) If the Industrial User is a partnership or sole proprietorship: a general partner or proprietor, respectively. (3) If the Industrial User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his or her designee. (4) The individuals described in subparagraphs 1 through 3 above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Agency.

- (g) Best Management Practices or BMPs. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 C.F.R., § 403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
- (h) 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 Celsius, usually expressed as a concentration (milligrams per liter (mg/L)).
- (i) Categorical Industrial User. Any facility that: (1) performs an industrial activity that is regulated by one or more Categorical Standards; and (2) the facility discharges process wastewater to the POTW. All Categorical Industrial Users are deemed Significant Industrial Users.
- (j) Categorical Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which applies to a specific category of Industrial Users and which appears in in 40 CFR Parts 405-471.
- (k) Chemical Oxygen Demand (COD). The measure of the water to consume oxygen based on the organic matter content and inorganic compounds susceptible to oxidation by a strong chemical oxidant.
- (l) Composite Sample. The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.
- (m) Control Authority. The Board of Directors of the Tahoe-Truckee Sanitation Agency.
- (n) Cooling Water / Non-Contact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product. Cooling Water may be generated from any use, such as air conditioning, heat exchangers, cooling or refrigeration to which the only pollutant added is heat.
- (o) Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.
- (p) Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the Daily Maximum is the total mass discharged over the course of a day.

- (q) Discharge. The introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act (33 U.S.C. § 1317). The Discharge into the POTW is normally by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches, and all constructed devices and appliances appurtenant thereto. The Discharge is indirect because it is to the POTW, which in turn discharges pollutants under the terms of its WDR.
- (r) Domestic Source. The contribution of wastewater that is of a similar chemical make-up to that of a residential dwelling unit; i.e., the contribution of Sewage.
- (s) Environmental Protection Agency (EPA). The U.S. Environmental Protection Agency or, where appropriate, the Director of the Region 9 Office of Water, or other duly authorized official of said agency.
- (t) Existing Industrial User. Any Industrial User that was discharging wastewater prior to the effective date of this Ordinance.
- (u) General Manager. The General Manager of the Agency, or his or her designee.
- (v) Grab Sample. A sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.
- (w) Holding tank waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trunks.
- (x) Industrial User. A source of non-domestic waste; any non-domestic source that introduces non-domestic pollutants into the POTW from any source regulated under Section 307(b), (c), or (d) of the Act (33 U.S.C. § 1317), including holding tank waste from a non-domestic source that is discharged into the POTW.
- (y) Instantaneous 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 flow rate and the duration of the sampling event.
- (z) Interference. A Discharge which, alone or in conjunction with a Discharge or Discharges from other sources, (1) inhibits or disrupts the POTW, its treatment processes or operations; (2) inhibits its sludge processes or disposal; or (3) is a cause of a violation of any requirement of this Ordinance, any other Agency ordinance, rule or regulation, any waste discharge requirement imposed upon the Agency by the Lahontan Regional Water Quality Control Board, or any applicable State and Federal laws and regulations.

- (aa) Local Limits. Specific discharge limits developed and enforced by POTWs upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR § 403.5(a)(1) and (b).
- (bb) Maximum Allowable Headworks Loading (MAHL). The estimated maximum loading of a pollutant that can be received at a POTW's headworks without causing pass through or interference. The most protective (lowest) of the allowable headworks loadings estimated for a pollutant.
- (cc) Maximum Allowable Industrial Loading (MAIL). The estimated maximum loading of a pollutant that can be received at a POTW's headworks from all Significant Industrial Users and other permitted Industrial Users without causing pass through or interference. The MAIL is usually calculated by applying a safety factor to the MAHL and discounting for uncontrolled sources, hauled waste, and growth allowance.
- (dd) Medical Wastes. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, needles, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- (ee) Member Entity. A local sewage collection district that receives wastewater treatment service from the Agency. Member entities include the Tahoe City Public Utility District, the North Tahoe Public Utility District, Alpine Springs County Water District, Squaw Valley Public Service District, and Truckee Sanitary District.
- (ff) National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Any regulation developed under the authority of section 307(b) of the Act (33 U.S.C. § 1317) and 40 CFR § 403.5.
- (gg) New Source. 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 (33 U.S.C. § 1317) which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that: (i) the building, structure, facility or installation is constructed at a site at which no other source is located; or (ii) the building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or (iii) the production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

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 (ii) or (iii) stated above in this definition, but otherwise alters, replaces, or adds to existing process or production equipment.

Construction of a New Source as defined under this paragraph has commenced if the owner or operator has: (a) begun, or caused to begin as part of a continuous onsite construction program: (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 a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

- (hh) Non-Categorical Industrial User. Any Industrial User that is not subject to any Categorical Standard.
- (ii) Notice of Violation. A Notice issued to an Industrial User under this Ordinance when the Industrial User is violating Pretreatment Standards or Requirements, this Ordinance, and/or a Permit or Temporary Permit issued under this Ordinance.
- (jj) Pass Through. A Discharge that exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a Discharge or Discharges from other sources, is a cause of a violation of any requirements of this Ordinance, any other Agency ordinance, rule or regulation or of the waste discharge requirements imposed upon the Agency by the Lahontan Regional Water Quality Control Board.
- (kk) Permit or Wastewater Discharge Permit. A permit issued by the Agency to an Industrial User, which sets forth the terms by which the Industrial User may discharge wastewater into the Agency's wastewater system and POTW under this Ordinance. A Permit under this Ordinance shall be in addition to any permit required to make a connection to the Agency's wastewater system.
- (ll) Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their representatives, agents or assigns.
- (mm) pH. A measure of the acidity or alkalinity of a substance, expressed in standard units.
- (nn) Pollution. The man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of the water.

- (oo) Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes discharged into water.
- (pp) Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes, by process changes, or by other means, except as prohibited by 40 CFR section 403.6(d).
- (qq) Pretreatment Requirement or Requirement. Any substantive or procedural requirement related to Pretreatment.
- (rr) Pretreatment Standard or Standard. Prohibited discharge standards, Categorical Standards, and Local Limits and/or BMPs established by the Agency.
- (ss) Prohibited Discharge Standard or Prohibited Discharge. Absolute prohibitions against the Discharge of certain substances, which appear in Sections 2.1.1 and 2.1.2 of this Ordinance.
- (tt) Publicly Owned Treatment Works (POTW). A "treatment works," as defined by Section 212 of the Act (33 U.S.C. § 1292) that is owned by the Agency. 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 Agency.
- (uu) POTW Treatment Plant. That portion of the POTW designed to provide treatment to wastewater.
- (vv) Schedule of Fees and Charges. A listing of applicable Agency fees adopted by the Board of Directors, and revised, amended or updated from time to time.
- (ww) Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).
- (xx) Significant Industrial User. An Industrial User subject to Categorical Standards or any Industrial User of the Agency wastewater treatment and disposal system who:
  - (i) has a Discharge flow of 25,000 gallons or more of process wastewater to the POTW per average work day (excluding sanitary, non-contact cooling, and boiler blowdown wastewater); or
  - (ii) has a flow greater than 5% of the flow in the Agency wastewater treatment system; or
  - (iii) is found by the Agency to have a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.

- (yy) Slug Load. Any Discharge at a flow rate or concentration that could cause a violation of the Discharge standards of this Ordinance, or any discharge of a non-routine, episodic nature. including but not limited to, an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits, or Permit conditions.
- (zz) Standard Industrial Classification (SIC) Code. A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.
- (aaa) Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- (bbb) Temporary Permit. A Permit issued by the Agency to an Industrial User for a specified period for Discharges into the POTW.
- (ccc) Total Dissolved Solids (TDS). The combined content of all inorganic or organic substances contained in a liquid in molecular, ionized or micro-granular suspended form. TDS comprise inorganic salts (principally calcium, magnesium, potassium, sodium, bicarbonates, chlorides and sulfates) and some small amounts of organic matter that are dissolved in water.
- (ddd) 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.
- (eee) Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the EPA under the provisions of section 307(a) of the Act (33 U.S.C. § 1317) or as specified in any other State or Federal law.
- (fff) Wastewater. The liquid and water-carried industrial, medical or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, whether treated or untreated, which is contributed into, or permitted to enter, the POTW.
- (ggg) Waters of the State. All streams, lakes, ponds, marshes, water-courses, waterways, springs, and all other bodies or accumulations of water, which are contained within, flow through or border upon the State or any portion thereof.

### 1.3. Abbreviations.

The following abbreviations shall have the designated meanings:

- (a) BOD. Biochemical Oxygen Demand.



- (b) CFR. Code of Federal Regulations.
- (c) COD. Chemical Oxygen Demand.
- (d) EPA. Environmental Protection Agency.
- (e) L. Liter.
- (f) MAHL. Maximum Allowable Headworks Loading
- (g) MAIL. Maximum Allowable Industrial Loading
- (h) mg. Milligrams.
- (i) NPDES. National Pollutant Discharge Elimination System.
- (j) O&M. Operation and Maintenance.
- (k) POTW. Publicly Owned Treatment Works.
- (l) SIC. Standard Industrial Classification.
- (m) SWDA. Solid Waste Disposal Act, 42 U.S.C. § 6901, et seq.
- (n) TDS. Total Dissolved Solids.
- (o) TSS. Total Suspended Solids.
- (p) USC. United States Code.
- (q) WDR. Waste Discharge Requirements.

#### 1.4. Construction.

The masculine shall include the feminine and the singular shall include the plural. Any use of the word "include" along with any examples shall not be construed or considered to be an exhaustive listing of the relevant examples.

## SECTION 2. REGULATIONS

### 2.1. Discharge Prohibitions.

#### 2.1.1. General Discharge Prohibitions.

No Industrial User shall contribute, or cause to be contributed, directly or indirectly, or introduce, or cause to be introduced any pollutant or wastewater which causes Pass Through or Interference, or which otherwise interferes with the operation of the POTW. These general prohibitions apply to all Industrial Users of the POTW whether or not they are Significant Industrial Users or are subject to Categorical Standards or any other Federal, State, or local Pretreatment Standards or Requirements.

#### 2.1.2. Specific Discharge Prohibitions.

An Industrial User may not contribute any of the following to the POTW, or process or store any of the following in such a manner that they could be discharged to the POTW:

- (a) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter, at the point of Discharge into the system, or at any point in the system, be more than

5%, nor shall any single reading be over 10%, of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, the following: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, fuel oil, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, cyanides, hydrides, and sulfides, and any other substances which the Agency, the State or the EPA has notified the Industrial User is a fire hazard or a hazard to the system.

- (b) Solid or viscous substances that may cause obstruction to the flow in a sewer or other Interference with the operation of the wastewater treatment facilities. These substances include, but are not limited to: garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing fuel or lubricating oil, mud or glass grinding or polishing wastes.
- (c) Wastewater containing free or floating oil and grease, and any discharge containing animal fat or grease by-product in amounts that may cause Interference or Pass Through or may cause obstruction to the flow in POTW facilities that convey wastewater to the POTW Treatment Plant.
- (d) Wastewater having a pH less than 5 or more than 11, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the POTW.
- (e) Wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a Categorical Standard. A toxic pollutant shall include but not be limited to any pollutant identified under Section 307(a) of the Act (33 U.S.C., § 1317), or any other State or Federal law.
- (f) Any noxious or malodorous liquids, gases, or solids that, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for maintenance and repair.
- (g) Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with: (i) sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act (33 U.S.C. § 1345); or (ii) any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act (42

U.S.C. 6901 et seq.), the Clean Air Act, the Toxic Substances Control Act or State criteria applicable to the sludge management method being used.

- (h) Any substance that will cause the Agency to violate any WDR or any receiving water quality standards imposed by the Lahontan Regional Water Quality Control Board.
- (i) Wastewater with objectionable color not removed in the treatment process which consequently imparts color to the POTW Treatment Plant's effluent, thereby violating the Agency's WDR. Color (in combination with turbidity) shall not cause the POTW Treatment Plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than ten percent (10%) from the seasonably established norm for aquatic life.
- (j) Wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in Interference, but in no case wastewater with a temperature at its introduction into the POTW Treatment Plant which exceeds 104 degrees Fahrenheit unless the Lahontan Regional Water Quality Control Board, upon the Agency's request, approves alternate temperature limits.
- (k) Any pollutants, including oxygen demanding pollutants (BOD, glycol, glycerine, 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.
- (l) Slug Loads, as defined in Section 1.2(yy) of this Ordinance.
- (m) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that may cause Interference or Pass Through, including, but not limited to, Total Recoverable Petroleum Hydrocarbons exceeding 50 mg/L.
- (n) 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.
- (o) Wastewater containing any radioactive wastes or isotopes of such half-life or concentrations which may exceed any applicable State or Federal regulations.
- (p) Pollutants that create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with closed-cup flash point of less than 140 degrees Fahrenheit using testing methods specified in 40 CFR § 261.21.
- (q) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, non-contact cooling water, and unpolluted wastewater, unless specifically authorized by the General Manager.

- (r) Any sludges, screenings, or other residues from the Pretreatment of industrial wastes or from industrial processes.
- (s) Medical wastes, except as specifically authorized by the General Manager.
- (t) Wastewater causing, alone or in conjunction with other sources, the POTW Treatment Plant's effluent to fail a toxicity test.
- (u) Detergents, surface-active agents, phosphorous enrichment compounds or other substances which may cause excessive foaming or phosphorous enrichment in the POTW.
- (v) Except for vector wastes delivered by a member entity to the POTW Treatment Plant, the contents of any tank or other vessel owned or used by any Person in the business of collecting or pumping sewage, effluent, septic tank waste, or other wastewater unless said Person has first obtained testing and approval as may be generally required by the Agency and paid all fees assessed for the privilege of said discharge. All contents allowed by the Agency shall be delivered exclusively to discharge points designated by the Agency.
- (w) Any hazardous wastes as defined in relevant State regulations or in 40 CFR Part 261.
- (x) Persistent pesticides and pesticides regulated by the Federal Insecticide Fungicide Rodenticide Act (FIFRA).
- (y) Temporary or permanent drainage from excavations.
- (z) Any Temporary Permit Discharges that exceed a TSS Instantaneous Limit of 100 mg/L.
- (aa) Any discharge with a chlorine residual in excess of 100 mg/L.
- (bb) Garbage that has not been properly shredded. The installation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower or greater shall be subject to the review and approval of the Agency and the relevant member entity having jurisdiction over the Industrial User.
- (cc) Wastewater containing strong acid, iron, pickling wastes or concentrated solutions, whether neutralized or not.
- (dd) Wastewater containing phenols or other taste- and odor-producing substances in concentrations which, after treatment of the composite sewage, exceed limits which may be established by the Agency as necessary to meet Applicable Pretreatment Standards or Requirements.

- (ee) Wastewater that, in the opinion of the General Manager, could cause harm to sewers, sewage treatment process or equipment, or have an adverse effect on the receiving waters, or endanger life, limb or property, or constitute a nuisance, unless allowed under special arrangements by the General Manager, except that no special arrangement shall be made which has the effect of waiving any Categorical Standards.

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.

When the General Manager determines that an Industrial User is contributing to the POTW any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the General Manager shall: (1) advise the Industrial User of the impact of the contribution on the POTW; and (2) develop effluent limitations for such Industrial User to correct the Pass Through or Interference with the POTW, or other violations of this Ordinance.

## 2.2. Federal Categorical Pretreatment Standards.

The Categorical Standards, as amended and promulgated by EPA pursuant to the Act and as found at 40 CFR Parts 405-471, are hereby incorporated and shall be enforceable under this Ordinance. If a Categorical Standard described in 40 CFR Parts 405 through 471 for a particular subcategory is more stringent than limitations imposed under this Ordinance for sources in that subcategory, the Categorical Standard shall immediately supersede the limitations imposed under this Ordinance. The General Manager shall notify all affected Industrial Users of the applicable reporting requirements under 40 CFR § 403.12.

## 2.3. State Requirements.

State requirements and limitations on Discharges to the POTW shall be met by all Industrial Users which are subject to such standards where they are more stringent than Federal requirements and limitations, or where they are more stringent than the requirements or limitations imposed by this Ordinance.

## 2.4. Agency's Right of Revision.

The Agency reserves the right to establish by Ordinance more stringent limitations or requirements for Discharges to the POTW if deemed necessary to comply with the objectives presented in this Ordinance.

## 2.5. Dilution.

No Industrial 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 an Applicable Pretreatment Standard or Pretreatment Requirement, unless expressly authorized by an Applicable Pretreatment Standard or Requirement. The General Manager may impose mass limitations on Industrial Users which he or she believes may be using dilution to meet

Applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

## 2.6. Local Limits.

- (a) No permitted Industrial User shall discharge wastewater that exceeds the following limits:

<b>Pollutant</b>	<b>Daily Maximum Limit<sup>(1)</sup> (mg/L)</b>
Arsenic	0.26
Cadmium	0.22
Chromium	1.17
Copper	1.34
Lead	0.31
Mercury	0.078
Molybdenum	0.76
Nickel	0.74
Selenium	0.15
Silver	2.47
Zinc	2.97
Total Dissolved Solids	1,145
Chloride	753

<sup>(1)</sup> All limits are expressed as total concentrations with units of mg/L unless otherwise specified.

- (b) The Agency may, at its sole discretion, implement local limits through the allocation of the Maximum Allowable Industrial Load (MAIL) to Industrial Users. The MAIL is the total load available to be allocated to permitted Industrial Users and corresponds to the uniform concentration local limits shown in the table above. The MAILs that correspond to the Daily Maximum Limits, as set forth in the Tahoe-Truckee Sanitation Agency Local Limits Final Draft, dated January 6, 2015, are hereby incorporated by reference.
- (c) Industrial Users subject to Categorical Standards may be required to meet more stringent local limits than those set forth in this Section 2.6.
- (d) The Agency reserves the right to revise any local limit in this Section 2.6, or to incorporate Daily Maximum Limits for additional constituents into this section, at any time.

## 2.7. Special Agreement.

The Agency reserves the right to enter into special agreements with Industrial Users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a Pretreatment Standard or Requirement. However, Industrial Users may request a net/gross adjustment to a Categorical Standard in accordance with 40 CFR § 403.15. They may also request a variance from the Categorical Standard from the Approval Authority in accordance with 40 CFR § 403.13.

## 2.8. Pretreatment Facilities.

Industrial Users shall provide necessary wastewater treatment as required to comply with this Ordinance and shall achieve compliance with all Applicable Pretreatment Standards and Requirements set forth in this Ordinance within the time limitations specified by the EPA, the State or the Agency, whichever are more stringent. Any facilities required to pretreat wastewater to a level acceptable to the Agency shall be provided, operated and maintained at the Industrial User's expense. Detailed plans showing pretreatment facilities and operating procedures shall be submitted to the Agency for review and shall be deemed acceptable by the Agency prior to the commencement of construction of the facility. The review and/or acceptance of such plans and operating procedures by the Agency will in no way relieve the Industrial User from the responsibility of modifying the facility as necessary to produce an acceptable Discharge to the POTW under the provisions of this Ordinance.

## 2.9. Deadline for Compliance with Applicable Pretreatment Requirements.

Compliance by existing sources covered by Categorical Standards shall be within 3 years from the date the Standard is effective unless a shorter compliance time is specified by the standard. New Sources are required to comply with Applicable Pretreatment Standards within 90 days from the beginning of the Discharge. New Sources shall install, have in operating condition, and shall start up all pollution control equipment required to meet Applicable Pretreatment Standards before beginning the Discharge. Any Waste Discharge Permit issued to a Categorical Industrial User shall not contain a compliance date beyond any deadline date established in EPA's Categorical Pretreatment Standards. Any other Existing Industrial User or Categorical Industrial User who is not in compliance with applicable local limits and is required by the Agency to comply with a more stringent local limit shall be provided with a compliance schedule set forth in a Permit or Temporary Permit to insure compliance within the shortest time feasible.

## 2.10. Accidental Spill Prevention Plans.

The General Manager may require any Industrial User to develop and implement an accidental spill prevention plan (ASPP) or Slug Load control plan. Where deemed necessary by the Agency, facilities to prevent accidental Discharge or Slug Load Discharges of pollutants shall be provided and maintained at the Industrial User's cost and expense. An accidental spill prevention plan or Slug Load control plan showing facilities and operating procedures to provide this protection shall be submitted to the Agency for review and approval before implementation. The

Agency shall determine which Industrial User is required to develop a plan and require said plan to be submitted within 90 days after notification by the Agency. Each Industrial User shall implement its ASPP as submitted or as modified after such plan has been reviewed and approved by the Agency. Review and approval of such plans and operating procedures by the Agency shall not relieve the Industrial User from the responsibility to modify its facility as necessary to meet the requirements of this Ordinance.

- (a) Any Industrial User required to develop and implement an ASPP shall submit a plan which addresses, at a minimum, the following:
  - (i) Description of Discharge practices, including non-routine batch Discharges;
  - (ii) Description of stored chemicals;
  - (iii) Procedures for immediately notifying the Agency of any accidental or Slug Load Discharges. Such notifications must also be given for any Discharge which would violate any of the standards in the Ordinance; and
  - (iv) Procedures to prevent adverse impact from any accidental or Slug Load Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic chemicals, including solvents, and/or measures and equipment for emergency response.
- (b) Industrial Users shall notify the Agency immediately after occurrence of a Slug Load or accidental Discharge of substances regulated by this Ordinance. The notification shall include location of the Discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any affected Industrial User shall be liable for any expense, loss, or damage to the POTW, in addition to the amount of any fines imposed on the Agency on account thereof under State or Federal law.
- (c) Within 5 days following the occurrence of a Slug Load or an accidental Discharge, the Industrial User shall submit to the General Manager a detailed written report describing the cause of the Slug Load or accidental Discharge and the measures to be taken by the Industrial User to prevent similar future occurrences. Such notification shall not relieve the Industrial User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property nor shall such notification relieve the Industrial User of any fines, civil penalties, or other liability which may be imposed by this Ordinance or other applicable law.
- (d) Signs shall be permanently posted in conspicuous places on the Industrial User's premises advising employees whom to call in the event of a Slug Load or accidental



Discharge. Employers shall instruct all employees who may cause or discover such a Slug Load or accidental Discharge with respect to emergency notification procedures.

### SECTION 3. WASTEWATER DISCHARGE PERMITS

#### 3.1. Wastewater Discharges Prohibited Without Agency Authorization.

It shall be unlawful for any Significant Industrial User to discharge any wastewater to the Agency's system without first applying for and obtaining a Wastewater Discharge Permit ("Permit") except as authorized by the General Manager in accordance with the provisions of this Ordinance.

The Agency may require an Industrial User who is not designated by the Agency as a Significant Industrial User, but is found by the Agency to have a reasonable potential, either singly or in combination with other Industrial Users, for adversely affecting the wastewater treatment system, the quality of the sludge, the system's effluent quality, or air emissions generated by the system, to apply for and obtain an approved Permit. Such Industrial Users shall be subject to all requirements for Significant Industrial Users as set forth in this Section 3, unless directed otherwise by the Agency.

#### 3.2. Obtaining Permits.

##### 3.2.1. Permits – General.

- (a) All Significant Industrial Users proposing to connect or contribute to the POTW, whether on a temporary basis or otherwise, shall first obtain a Permit before connecting to or contributing to the POTW. All Significant Industrial Users required to obtain a Permit shall complete and file with the Agency an application form provided by the Agency, and accompanied by a fee to be determined by the Agency on an individual basis according to the amount of Discharge, the strength and character of the Discharge and any other factors pertinent to the treatment and disposal of the Discharge. Existing Significant Industrial Users operating without a Permit shall apply for a Permit within 30 days after the effective date of this Ordinance. New Significant Industrial Users shall apply at least 60 days prior to connecting or contributing to the POTW.
- (b) The requirements in this Section 3 shall be in addition to all other requirements to connect to the POTW.

##### 3.2.2. Application for Permit.

- (a) In support of a Significant Industrial User's Application for a Permit, the Significant Industrial User shall submit, in units and terms appropriate for evaluation, the following information:

- (i) Names, addresses, locations and phone numbers of the facilities and names, addresses, and phone numbers of the owners and/or operators, including the billing address;
- (ii) SIC number according to the Standard Industrial Classification Manual, Bureau of Budget, 1972, as amended;
- (iii) Name of the project, as appropriate;
- (iv) A list of environmental control permits that are held by or for the facility, if any;
- (v) Wastewater constituents and characteristics including, but not limited, to those mentioned in this Ordinance as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to section 304(g) of the Act, and contained in 40 C.F.R. Part 136, as amended;
- (vi) Commencement date of the proposed Discharge and time and duration of the Discharges;
- (vii) Average daily and 30-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
- (viii) Site plans, floor plans, mechanical plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation of each (should include a schematic process diagram which indicates the points of Discharge to the POTW from the regulated or manufacturing processes);
- (ix) Description of activities, facilities and plant processes on the premises, including all materials which are, or could be, discharged;
- (x) Where known or reasonably could be known, the nature and concentration of any pollutants in the Discharge which are limited by any Applicable Pretreatment Standards, and a statement regarding whether or not Applicable Pretreatment Standards are being met on a consistent basis, or whether it is estimated that the Standards will be met on a consistent basis, and if not, whether additional operation and maintenance (O&M) and/or Pretreatment is required for the Significant Industrial User to meet Applicable Pretreatment Standards.
- (xi) If additional Pretreatment and/or O&M will be required to meet Applicable Pretreatment Standards, the shortest schedule by which the Significant Industrial User will provide such additional Pretreatment and/or O&M. The completion date of this schedule shall not be later than the compliance date

established for the Applicable Pretreatment Standard. The following conditions shall apply to this schedule:

- (1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional Pretreatment and/or O&M required for the Significant Industrial User to meet the Applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
  - (2) No increment referred to in paragraph (1) shall exceed nine months.
  - (3) Not later than 14 days following each date in the schedule and the final date for compliance, the Significant Industrial User shall submit a progress report to the General Manager including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for the delay and the steps being taken by the Significant Industrial User to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the General Manager.
- (xii) Each product produced by type, amount, process or processes and rate of production;
  - (xiii) Type and amount of raw materials processed (average and maximum per day);
  - (xiv) Number and type of employees and hours of operation of plant, and proposed or actual hours of operations of the pretreatment system;
  - (xv) Evidence that the Member Entity into whose facilities the Significant Industrial User intends to Discharge has approved the proposed Discharge; and
  - (xvi) Any other information as may be deemed by the Agency to be necessary to evaluate the Permit application.
- (b) All Permit applications must be signed by a responsible officer or manager, or any other duly Authorized Representative. The application shall be signed with the following certification statement:
- “I certify under penalty of perjury under the laws of the State of California that this document and all its attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and

evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, if not myself, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

- (c) After evaluation and acceptance of the data furnished, the Agency may issue a Permit to the Significant Industrial User subject to terms and conditions provided herein.

### 3.3. Permit Conditions.

Permits issued to Significant Industrial Users shall be expressly subject to all provisions of this Ordinance and all other applicable ordinances, regulations, and the then-current charges and fees established by the Agency pursuant to Section 8 of this Ordinance.

- (a) Permits must contain the following conditions:
  - (i) A statement indicating the Permit duration, which in no event shall exceed five (5) years;
  - (ii) A statement that no Discharge may violate the provisions of this Ordinance, or other ordinances or resolutions adopted by the Agency, the terms of the Agency’s WDR, or any Pretreatment Standards or Requirements, or other applicable laws. The Agency may require the Significant Industrial User to comply with any of the requirements of this Ordinance during the term of the Permit;
  - (iii) A statement that the Permit is non-transferable without prior notification to and approval from the Agency, and provisions for furnishing the new owner or operator with a copy of the existing Permit;
  - (iv) Applicable Pretreatment Standards and Pretreatment Requirements, including any special State requirements;
  - (v) Self-monitoring, sampling, reporting, notification, submittal of technical reports, compliance schedules, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.

The Agency may require the Significant Industrial User to, prior to commencing a Discharge, and at least once during the period in which the Significant Industrial User discharges, analyze and/or test the wastewater to

determine if the Discharge will comply with this Ordinance, or other ordinances or resolutions adopted by the Agency, the terms of the Agency's WDR, or Pretreatment Standards or Requirements or other applicable laws. All pollutant analyses, including sampling techniques, shall be performed in accordance with Section 5 of this Ordinance, and with the techniques prescribed in 40 C.F.R. Part 136. The Agency may require additional sampling or analysis. The Agency also may require additional Pretreatment prior to any Discharge into the POTW. Any sampling required by the Agency to be performed by the Significant Industrial User shall be performed at the Significant Industrial User's sole cost and expense. The Agency may, at its discretion, perform the required additional sampling and analysis and bill the costs and expenses of such sampling and analysis to the Significant Industrial User.

In addition, the Significant Industrial User shall make available a product sample site for random sampling by the Agency. The Agency may require the Significant Industrial User to reimburse the Agency for any inspection costs pursuant to Section 8.2 of this Ordinance.

- (vi) A requirement for immediate notification to the Agency where self-monitoring results indicate non-compliance;
  - (vii) A requirement to report a bypass or upset of a pretreatment facility;
  - (viii) A requirement to report immediately to the Agency all Discharges, including Slug Loadings, that could cause problems to the POTW;
  - (ix) A requirement for the Significant Industrial User who reports non-compliance to repeat the sampling and analysis and submit results to the Agency within 30 days after becoming aware of the violation;
  - (x) A statement of applicable civil, criminal, and administrative penalties for violation of Applicable Pretreatment Standards and Pretreatment Requirements, and any applicable compliance schedule;
  - (xi) Requirements to control Slug Loads, if determined by the Agency to be necessary; and
  - (xii) A requirement to comply with the reporting requirements in Section 4 of the Agency's Pretreatment Requirements Ordinance, as amended.
- (b) Permits may contain the following conditions:
- (i) The unit charge or schedule of Industrial User charges and fees for the wastewater to be discharged to the POTW;

- (ii) Limits on the minimum, average and maximum wastewater constituents and characteristics;
- (iii) Limits on average and maximum rate and time of Discharge or requirements for flow regulations and equalization;
- (iv) Requirements for installation and maintenance of inspection and sampling facilities;
- (v) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (vi) Compliance schedules;
- (vii) Requirements for submission of technical reports or Discharge reports;
- (viii) Requirements for maintaining and retaining plant records related to the Discharge, as specified by the Agency, and affording Agency access thereto;
- (ix) Requirements for notification of the Agency of any new introduction of wastewater constituents, or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- (x) Requirements for maintaining insurance coverage, the scope and amount of which shall be determined by the Agency; and
- (xi) Other conditions as deemed appropriate by the Agency to ensure compliance with this Ordinance.

#### 3.4. Permit Modifications.

The General Manager may modify any Permit for good cause including, but not limited to, any of the following:

- (a) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
- (b) To address significant alterations or additions to the Significant Industrial User's operation, processes, or wastewater volume or character since the time of 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 POTW, the Agency's personnel, or the receiving waters;
- (e) Violation of any terms or conditions of the Permit;
- (f) Misrepresentations or failure to fully disclose all relevant facts in the Permit application or in any required report;
- (g) Revision of or grant of a variance from Categorical Standards, pursuant to 40 CFR § 403.13;
- (h) To correct typographical or other errors in the Permit; or
- (i) To reflect a transfer of the facility ownership and/or operation to a new owner/operator.

### 3.5. Permit Duration.

Permits shall be issued for a specified time period not to exceed five years. A Permit may be issued for a period of less than a year or may be stated to expire on a specific date. Any Significant Industrial User holding a Permit may apply for a Permit reissuance a minimum of 180 days prior to the expiration of the Significant Industrial User's existing Permit. The terms and conditions of the Permit may be subject to modification by the Agency in any reissued Permit. The Significant Industrial User shall be informed of any proposed changes in the Permit at least 30 days prior to the effective date of the changes. Any changes or new conditions in the Permit shall include a reasonable time schedule for compliance.

### 3.6. Permit Transfer.

Permits are issued to a specific Significant Industrial User for a specific operation. A Permit shall not be reassigned, transferred, or sold to a new owner, new Significant Industrial User, different premises, or a new or changed operation without the approval of the Agency. Any succeeding owner or Significant Industrial User also shall comply with the terms and conditions of the existing Permit until a new Permit is issued.

### 3.7. Permit Revocation.

- (a) A permit may be revoked for, but not limited to, the following reasons:
  - (i) Failure to notify the Agency of significant changes to the wastewater prior to any changed Discharge;
  - (ii) Failure to provide prior notification to the Agency of changed conditions that would materially affect the Discharge;

- (iii) Misrepresentation or failure to fully disclose all relevant facts in the Permit application;
  - (iv) Falsifying or failing to provide the required self-monitoring reports;
  - (v) Failure to pay fines, pay sewer charges, meet Discharge limitations, meet compliance schedules, or failure to complete a wastewater survey or Permit application;
  - (vi) If the Agency has to invoke emergency provisions; and
  - (vii) Violation of any Pretreatment Standard or Requirement, or any terms of the Permit or this Ordinance.
- (b) A Permit is voidable upon cessation of operations. Any Permit issued to a Significant Industrial User is void upon the issuance of a new Permit to that Significant Industrial User.

### 3.8. Temporary Permits.

The Agency may, at its discretion, issue Temporary Permits that are separate from the Wastewater Discharge Permits described in Section 3.1 above to any non-Significant Industrial Users for short-term Discharges into the POTW.

#### 3.8.1. Temporary Permit Application.

Each Industrial User that applies for a Temporary Permit shall submit, on a form provided by the Agency, the following information:

- (a) Identifying information, including:
  - (i) Name, address, and phone number of the Industrial User;
  - (ii) Billing address (if different); and
  - (iii) Name and location of the project, as appropriate.
- (b) Discharge characteristics, including:
  - (i) Point of Discharge;
  - (ii) Type of Discharge;
  - (iii) Anticipated duration of Discharge;



- (iv) Nature of the proposed Discharge, including flow rate in gallons per minute and gallons per day;
  - (v) Proposed method of pollutant removal; and
  - (vi) Proposed commencement date of the proposed Discharge.
- (c) Evidence that the Member Entity into whose facilities the Industrial User intends to Discharge has approved the proposed Discharge.
  - (d) Such other information required by the Agency.

### 3.8.2. Temporary Permit Conditions.

- (a) No Discharge may violate the provisions of this Ordinance, or other ordinances or resolutions adopted by the Agency, the terms of the Agency's WDR, or any Pretreatment Standards or Requirements, or other applicable laws. The Agency may require the Industrial User to comply with any of the requirements of this Ordinance, including, but not limited to, monitoring, reporting, testing and analysis during the term of the Temporary Permit.
- (b) Within one month after expiration of the Temporary Permit and cessation of Discharges, the Industrial User shall provide the Agency with the volume, in gallons, of wastewater discharged into the POTW and such other information required by the Agency.
- (c) The Agency may require the Industrial User to, prior to commencing a Discharge, and at least once during the period in which the Industrial User discharges, analyze and/or test the wastewater to determine if the Discharge will comply with this Ordinance, or other ordinances or resolutions adopted by the Agency, the terms of the Agency's WDR, or Pretreatment Standards or Requirements or other applicable laws. All pollutant analyses, including sampling techniques, shall be performed in accordance with Section 5 of this Ordinance, and with the techniques prescribed in 40 C.F.R. Part 136. The Agency may require additional sampling or analysis. The Agency also may require additional Pretreatment prior to any Discharge into the POTW. Any sampling required by the Agency to be performed by the Industrial User shall be performed at the Industrial User's sole cost and expense. The Agency may, at its discretion, perform the required additional sampling and analysis and bill the costs and expenses of such sampling and analysis to the Industrial User.
- (d) The Industrial User shall make available a product sample site for random sampling by the Agency. The Agency may require the Industrial User to reimburse the Agency for any inspection costs, pursuant to Section 8.2 of this Ordinance.
- (e) The Agency may establish or impose a maximum rate and/or maximum volume of Discharge. The Agency may set additional conditions, including allowable

discharge dates, allowable discharge days of the week, and allowable hours of discharge on any single day. The Agency reserves the right to restrict or prohibit a Discharge following the issuance of a Temporary Permit to avoid or mitigate problems concerning the operation or maintenance of the POTW that arise following the issuance of said Permit.

- (f) The Industrial User shall procure and maintain for the duration of the Temporary Permit insurance coverage, the scope and amount of which shall be determined by the Agency.
- (g) In the event that the Industrial User violates any Temporary Permit requirement, the Agency may require that the Industrial User cease all Discharges, and may take any additional action authorized by Agency ordinance or law, including but not limited to revoking the Temporary Permit, and/or imposing administrative fines.
- (h) A Temporary Permit may include any other requirement that, in the opinion of the General Manager, will ensure compliance with the provisions of this Ordinance, or other ordinances or resolutions adopted by the Agency, the terms of the Agency's WDR, any Pretreatment Standards or Requirements, or other applicable laws.
- (i) A Temporary Permit shall be issued for a specified period, and upon termination or expiration of the Temporary Permit, the Industrial User shall cease all Discharges to the POTW.
- (j) The Temporary Permit holder shall provide all reports, as requested by the Agency, to demonstrate compliance with the Temporary Permit and the provisions of this Ordinance and to provide the necessary data for billing purposes.
- (k) The Agency may require the payment of all fees, charges and deposits prior to issuance of any Temporary Permit, as set forth in Section 8 of this Ordinance.

### 3.8.3 Request for Extension.

Any Industrial User to which the Agency issues a Temporary Permit may request an extension of the period during which the Industrial User discharges to the POTW. The request shall be made in writing to the General Manager at least 30 days prior to the expiration date of the Temporary Permit, and any grant of such a request may be subject to additional terms, conditions, Pretreatment requirements, fees, or charges. If the General Manager has not acted on a request under this Section 3.8.3 prior to the expiration of the term of the Temporary Permit, the Industrial User must cease all Discharges until the General Manager grants the request. The Agency may pursue any remedy authorized by this Ordinance, other Agency ordinances or resolutions, or any applicable law if an Industrial User fails to comply with the requirements of this Section 3.8.3.

## SECTION 4. REPORTING REQUIREMENTS

All Industrial Users required by the Agency to obtain a Wastewater Discharge Permit, as described in Section 3 above, shall be subject to the requirements of this Section 4 unless otherwise provided below.

### 4.1. Baseline Monitoring Reports.

Within 180 days after the effective date of a Categorical Standard, or within 180 days after the final administrative decision made upon a category determination pursuant to 40 C.F.R. section 403.6(a)(4), whichever is later, Existing Industrial Users subject to such Categorical Standards and currently discharging to the POTW shall be required to submit to the Agency a report that contains all of the information detailed in Section 4.1.1. At least 90 days prior to the commencement of Discharge, Categorical Industrial Users, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable Categorical Standard, shall be required to submit to the Agency a report which contains all of the information detailed in Section 4.1.1.

#### 4.1.1. Information to be Included in the Baseline Monitoring Report.

Each baseline monitoring report shall include the following information:

- (a) Identifying Information. The name and address of the facility, including the name(s) of the owner(s) and operator(s).
- (b) Environmental Permits. A list of any environmental control permits held by or for the facility.
- (c) Description of Operations. A brief description of the nature, average rate of production, and Standard Industrial Classifications of the operation(s) carried out by the Categorical Industrial User, New Source, or source that becomes a Categorical Industrial User. This description should include a schematic process diagram which indicates points of Discharge to the POTW from the regulated processes.
- (d) Flow Management. Information showing the measured average daily and maximum instantaneous flow, in gallons per day or gallons per minute, respectively, to the POTW from regulated process streams and other streams, as necessary to allow use of the combined waste stream formula set forth in 40 CFR § 403.6(e). For New Sources and sources that become Categorical Industrial Users, estimates of this information may be provided.
- (e) Information on the method of Pretreatment that is intended to be used to meet Applicable Pretreatment Standards.
- (f) Measurement of Pollutants. The report shall contain the following information:

- (i) The Categorical Standard applicable to each regulated process; and
  - (ii) The results of sampling and analysis identifying the nature and concentration of regulated pollutants in the Discharge from each regulated process. Maximum instantaneous, Daily Maximum, and long-term average concentrations (or mass, where required) shall be reported. Long-term average concentrations shall be over the duration(s) as specified in the Permit. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set forth in this Ordinance. Existing permitted Industrial Users shall take at least one representative sample to comply with these requirements. The sample shall be taken directly downstream from the Industrial User's facility. New Sources and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable Categorical Standard may estimate this information.
- (g) Certification. A statement, reviewed and certified by the Industrial User's responsible officer or other Authorized Representative that indicates whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional O&M and/or Pretreatment is required to meet the Pretreatment Standards and Requirements.
- (h) Compliance Schedule. If additional O&M and/or Pretreatment is required, the shortest schedule, designed in accordance with Section 4.3 of this Ordinance, by which the permitted Industrial User will provide such additional O&M and/or Pretreatment.

#### 4.2. Final Compliance Report (Compliance report at Commencement of Discharge).

The permitted Industrial User shall submit to the Agency a final compliance report (i) within 90 days following the date for final compliance by an Existing Industrial User with the Applicable Pretreatment Standards and Requirements set forth in this Ordinance, in the Categorical Standards, or in a Permit, or, (ii) in the case of a New Source or new Industrial User required by the Agency to obtain an approved Permit, within 90 days following the commencement of the introduction of wastewater into the POTW.

##### 4.2.1 Information to be Included in a Final Compliance Report.

- (a) Flow Measurement:
  - (i) For Categorical Industrial Users, this includes measured maximum daily (i.e., the maximum Discharge volume over a single calendar day), average daily (averaged over the duration(s) as specified in the Permit) and maximum instantaneous flow to the POTW from regulated or manufacturing process streams and other streams as necessary to allow use of the combined waste stream formula found at 40 CFR § 403.6(e).

- (ii) For Non-Categorical Industrial Users, this includes the maximum daily (i.e., the maximum Discharge volume over a single calendar day), average daily (averaged over the duration(s) as specified in the Permit) and maximum instantaneous flow to the POTW from the total process flow, wastewater plant flow, total plant flow or individual manufacturing process flow as required by the General Manager.
- (b) Measurement of Pollutants:
  - (i) For Categorical Industrial Users, the Industrial User shall identify the Applicable Pretreatment Standard for each regulated or manufacturing process, and report the results of sampling, and provide an analysis identifying the nature and concentration of regulated pollutants in the Discharge from each regulated or manufacturing process, including maximum instantaneous, Daily Maximum, and long-term average concentrations (or mass, if specified in the Permit). Long-term average concentrations shall be over the duration(s) specified in the Permit. The sampling shall be representative of daily operations and shall conform to the sampling and analytical procedures outlined in Section 5 of this Ordinance. The Industrial User shall take a minimum number of representative samples as required by the Permit and compile the data necessary to comply with the requirements of this subparagraph. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR § 403.6(e) for a Categorical Industrial User, this adjusted limit along with supporting data shall be submitted as part of the final compliance report.
  - (ii) For Non-Categorical Industrial Users, the Industrial User shall identify the Applicable Pretreatment Standards for its wastewater Discharge. The Industrial User shall submit the results of sampling and analysis identifying the nature and concentration in the Discharge of regulated pollutants contained in Section 2 of this Ordinance, as appropriate. Maximum instantaneous, Daily Maximum, and long-term average concentrations (or mass, if specified in the Permit) shall be reported. Long-term average concentrations shall be over the duration(s) specified in the Permit. The sample shall be representative of daily operations and shall conform to sampling and analytical procedures outlined in Section 5 of this Ordinance. The Industrial User shall take a minimum number representative sample as required by the Permit and compile the data necessary to comply with the requirements of this subparagraph. Where the General Manager has developed alternate concentration or mass limits because of allowable dilution, this adjusted limit along with supporting data shall be submitted as part of the final compliance report.
- (c) Certification. The Industrial User shall submit a statement worded as specified in Section 3.2.2(b) of this Ordinance, which has been reviewed by a responsible

officer or Authorized Representative, and certified by a qualified professional, indicating whether the Applicable Pretreatment Standards and Requirements are being met on a consistent basis, and, if not, whether additional O&M and/or additional Pretreatment is required for the Industrial User to meet Applicable Pretreatment Standards and Requirements.

- (d) For an Industrial User subject to equivalent mass or concentration limits established by the Agency in accordance with procedures established in 40 CFR § 403.6(c), this final compliance report shall contain a reasonable measure of the Industrial User's long-term production rate. For all other Industrial Users subject to Categorical Standards expressed in terms of allowable pollutant Discharge per unit of production (or other measure of operation), the final compliance report shall include the Industrial User's actual production during the appropriate sampling period.

#### 4.3. Periodic Compliance Reports.

A permitted Industrial User that performs self-monitoring shall comply with all applicable requirements in 40 C.F.R. § 403.12 and submit to the Agency during the months of June and December, unless required more frequently by the Agency, Lahontan Regional Water Quality Control Board or EPA, a report indicating the nature of the effluent over the previous reporting period. The frequency of monitoring shall be prescribed in the Permit issued by the Agency, but in no case shall monitoring be required less than twice each year. The General Manager may modify the months during which these reports are to be submitted.

##### 4.3.1. Information to be Included in the Periodic Compliance Report.

- (a) The report submitted pursuant to Section 4.3 shall include a record of the maximum instantaneous, Daily Maximum, and long-term average concentrations (or mass, if specified in the Permit) of the pollutants listed in the Permit (with long-term average duration(s) as specified in the Permit); actual or estimated maximum instantaneous, maximum daily (i.e., the maximum Discharge volume over a single calendar day during the reporting period), and average daily flow measurements (with average duration(s) as specified in the Permit) taken at sampling locations; and any additional information required by the Permit or by the General Manager. Production data shall be reported if required by the Permit. If an Industrial User sampled more frequently than what was required by the Agency or by this Ordinance, using methodologies in 40 CFR Part 136, it must submit all results of sampling and analysis of the Discharge during the reporting period.
- (b) If the Industrial User is subject to a Categorical Standard that requires implementation of BMPs, the Industrial User shall include with its report all documentation required by the General Manager to determine compliance with the applicable BMP.
- (c) Any Industrial User subject to equivalent mass or concentration limitations established by the Agency, or by unit production limits specified in the applicable

Categorical Standard, shall report production data as required by this Section 4, which shall include the Industrial User's actual average production rate for the reporting period.

- (d) If the Agency calculates limits to factor out dilution flows or non-regulated flows, the Industrial User shall be responsible for providing flow measurements from the regulated process flows, dilution flows, and non-regulated flows.
- (e) Flows shall be reported on the basis of actual measurement, provided, however, the Agency may accept reports of average and maximum flows estimated by verifiable techniques if the Agency determines an actual measurement is not feasible.
- (f) Discharges sampled shall be representative of the Industrial User's daily operations, and samples shall be taken in accordance with the requirements specified in Section 5 of this Ordinance.
- (g) The Agency may require reporting by Industrial Users that are not required to have a Permit if information or data is needed to establish a sewer charge, determine the treatability of the effluent, or determine any other factor which is related to the operation and maintenance of the POTW.
- (h) The Agency may require self-monitoring by the Industrial User or, if requested by the Industrial User, may agree to perform the periodic compliance monitoring needed to prepare the periodic compliance report required under this Section 4.3. If the Agency agrees to perform such periodic compliance monitoring, it may charge the Industrial User for such monitoring, based upon the costs incurred by the Agency for the sampling and analyses. The Agency shall be under no obligation to perform periodic compliance monitoring for an Industrial User.

#### 4.4. Compliance Schedules for Meeting Applicable Pretreatment Standards.

Requirements for the compliance schedule and progress reports described in Section 4.4(c) below are as follows:

- (a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional Pretreatment required for the Industrial User to meet the Applicable Pretreatment Standards, if any (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, etc.);
- (b) No increment referred to in subparagraph (a) shall exceed 9 months; and
- (c) Not later than 14 days following each date in the schedule and the final date for compliance, the Industrial User shall submit a progress report to the Agency including, at a minimum, whether or not it complied with the increment of progress

to be met on such date and, if not, the date on which it expects to comply with the increment of progress, the reason for the delay, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports.

4.5. Notification of Significant Production Changes.

Any Industrial User operating under a Permit or Temporary Permit incorporating equivalent mass or concentration limits shall notify the Agency within two business days after the Industrial User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any Industrial User not providing a notice of such anticipated change will be required to comply with the existing limits contained in its Permit or Temporary Permit.

4.6. Notice of Potential Problems, Including Accidental Spills and Slug Loads.

Any Industrial User operating under a Permit or Temporary Permit shall notify the Agency and Lahontan Regional Water Quality Control Board immediately of all Discharges that could cause problems to the POTW, including any Slug Loads, as defined in this Ordinance. The notification shall include the concentration and volume and corrective action. Steps being taken to reduce any adverse impact also should be noted during the notification. Any Industrial User operating under a Permit or Temporary Permit who discharges pollutants in violation of this Ordinance shall be liable for any expenses, losses, or damages to the Agency, in addition to the amount of any fines imposed on the Agency under State or Federal law.

4.7. Non-Compliance Reporting.

- (a) If sampling performed by the Industrial User indicates a violation, the Industrial User shall notify the Agency and the Lahontan Regional Water Quality Control Board within 24 hours of becoming aware of the violation. Within five days following such Discharge, the Industrial User shall submit to the Agency and the Lahontan Regional Water Quality Control Board a detailed written report describing the cause(s) of the Discharge and the measures to be taken by the Industrial User to prevent similar future occurrences. Such notification shall not relieve the Industrial User of any expense, loss, damage, or other liability which might 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 Industrial User of any fines, penalties, or other liability which may be imposed pursuant to this Ordinance. The Industrial User also shall repeat the sampling within 5 days after becoming aware of the violation and submit the results of the repeat analysis to the Agency and the Lahontan Regional Water Quality Control Board within seven days after the sample is taken.
- (b) If sampling performed by the Agency or the Lahontan Regional Water Quality Control Board indicates a violation, it shall perform repeat sampling and analysis within five days after becoming aware of the violation, unless the Agency or the Lahontan Regional Water Quality Control Board notifies the Industrial User of the



violation and requires the Industrial User to perform the repeat sampling and analysis.

- (c) Repeat sampling shall not be required if: (i) the Agency or the Lahontan Regional Water Quality Control Board performs the periodic sampling at the Industrial User facility at a frequency of at least once per month; or (ii) the Agency or the Lahontan Regional Water Quality Control Board performs sampling at the Industrial User facility, at the Industrial User's expense, after the initial sampling but before the Industrial User or the Agency or the Lahontan Regional Water Quality Control Board receives the results of the initial sampling.

#### 4.8. Notification of Changed Discharge.

All permitted Industrial Users shall promptly notify the Agency and Lahontan Regional Water Quality Control Board in advance of any substantial change in the volume or character of pollutants in their Discharge, including significant manufacturing process changes, pretreatment modifications, and the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under 40 CFR § 403.12(p).

#### 4.9. Reports for Non-Permitted Industrial Users.

The Agency reserves the right to require any Industrial User that discharges to the POTW to provide appropriate reports, even if the Industrial User may not be required to obtain a Permit or a Temporary Permit under this Ordinance.

#### 4.10. Record Keeping.

Industrial Users that subject to the reporting requirements of this Ordinance shall retain and make available for inspection and copying all records of information obtained pursuant to any monitoring activities required by this Ordinance and any additional records of information obtained pursuant to the monitoring activities undertaken by the Industrial 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 that analyses were performed; who performed the analyses; the analytical techniques or methods used; the chain of custody; and the results of such analyses including documentation associated with BMPs. These records shall be retained for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the Industrial User or the Agency, or where the Industrial User has been specifically notified of a longer retention period by the Agency or the Approval Authority.

## SECTION 5. INSPECTION, SAMPLING AND ANALYTICAL REQUIREMENTS

### 5.1. Inspection to Ensure Compliance.

The Agency shall be permitted to inspect the facilities of any Industrial User to ascertain whether the purposes of this Ordinance and all Applicable Pretreatment Standards and Requirements are being met. Persons or occupants of the premises where wastewater is created or where a Discharge occurs shall allow the Agency or its representatives access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, record examination, or in the performance of any of their duties. The Agency and Approval Authority shall have the right to set up on the Industrial User's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering of the Industrial User's operations. Where an Industrial User's security measure is in force which would require proper identification and clearance before entry on the premises, the Industrial User shall make necessary arrangements with its security staff so that, upon presentation of suitable identification, personnel from the Agency and/or the Approval Authority, will be permitted to enter, without delay, for the purposes of performing their specific duties.

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 Agency and/or Approval Authority and shall not be replaced until further notice by the Agency and/or Approval Authority. The costs of clearing such obstructions shall be borne by the Industrial User.

Unreasonable delays in allowing the Agency or the Approval Authority access to the Industrial User's premises shall be a violation of this Ordinance.

### 5.2. Sampling Requirements for Permitted Industrial Users.

- (a) Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Agency. The samples must be representative of the Discharge and the decision to allow the alternative sampling must be documented in the Industrial User file for that facility or facilities. Using protocols specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during the 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides, the samples may be composited in the laboratory; composite samples for other parameters unaffected by compositing procedures, as documented in approved EPA methodologies, may be authorized by the Agency or the Lahontan Regional Water Quality Control Board, as appropriate.
- (b) For sampling required in support of baseline monitoring and 90-day compliance reports, a minimum of four grab samples must be used for pH, cyanide, total

phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Agency may authorize a lower minimum. For reports required by 40 CFR § 403.12(e) and (h), the Agency shall require the number of grab samples necessary to assess and assure compliance by the Industrial Users with Applicable Pretreatment Standards and Requirements.

- (c) Samples shall be taken immediately downstream from pretreatment facilities, if such exist, immediately downstream of regulated or manufacturing processes if no pretreatment exists, or at a location determined by the Agency and specified in the Industrial User's Permit or Temporary Permit. For Categorical Industrial Users, if other wastewater is mixed with the regulated wastewater prior to pretreatment, the Significant User shall measure the flows and concentrations necessary to allow the use of the combined waste stream formula in 40 CFR section 403.6(e) in order to evaluate compliance with the applicable Categorical Standards. For other Industrial Users for which the Agency has adjusted its Local Limits to factor out dilution flows, the Industrial User shall measure the flows and concentrations necessary to evaluate compliance with the adjusted Pretreatment Standard(s).
- (d) All sample results shall indicate the time, date and place of sampling, and methods of analyses and shall certify that the waste stream sampled is representative of normal work cycles and expected pollutant Discharges from the Industrial User. If an Industrial User sampled and analyzed more frequently than what was required in its Permit, using methodologies in 40 CFR Part 136, it must submit all results of sampling and analysis of the Discharge as part of its self-monitoring report.

### 5.3. Analytical Requirements.

All pollutant analyses, including sampling techniques, shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable Categorical 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.

### 5.4. Monitoring Facilities.

- (a) Each permitted Industrial User shall provide and operate, at its own expense, monitoring facilities to allow inspection, sampling and flow measurements of each Discharge to the POTW. Each monitoring facility shall be situated on the Industrial User's premises, except, where such a location would be impractical or cause undue hardship on the Industrial User, the Agency may allow the facility to be constructed in the public street or sidewalk area, provided it is located so that it will not be obstructed by landscaping or parked vehicles and provided the Industrial User applies for and obtains all required permits. The General Manager, whenever applicable, may require the construction and maintenance of sampling facilities at other locations.

- (b) There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, including sampling and measuring equipment, shall be maintained at all times in a safe and proper operating condition at the Industrial User's expense.
- (c) Whether constructed on public or private property, the sampling and monitoring facilities shall be constructed and maintained in accordance with the Agency's requirements and all applicable local construction standards and specifications. All devices used to measure wastewater flow and quality shall be calibrated to ensure their accuracy. Construction of monitoring facilities shall be completed within 90 days following written notification by the Agency.

#### 5.5. Inspection Warrants.

If the Agency has been refused access to a building, structure or property, or any part thereof and is able to demonstrate probable cause to believe there may be a violation of this Ordinance, or that there is a need to inspect as part of a routine inspection program of the Agency designed to verify compliance with this Ordinance or any Permit or Temporary Permit or order issued hereunder, or to protect the overall public health, safety and welfare, then the Agency shall seek issuance of an inspection warrant from the applicable Superior Court. Such warrant shall be served at reasonable hours by the Agency.

#### 5.6. Vandalism.

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

### SECTION 6. CONFIDENTIAL INFORMATION

#### 6.1. Disclosure of Information.

- (a) Information and data on an Industrial User obtained from reports, surveys, Permit or Temporary Permit applications, Permits or Temporary Permits, and monitoring programs, and from Agency inspection and sampling activities shall be available to the public without restriction, unless the Industrial User specifically requests and is able to demonstrate to the satisfaction of the Agency that the release of such information would divulge information, processes or methods of production entitled to protection as a trade secret under applicable State law, provided that, at all times, such information may be subject to disclosure as required by law.
- (b) When requested and demonstrated by the Industrial User furnishing a report containing information that should be held confidential, the portions of the report which might disclose trade secrets or secret processes shall not be made available

for inspection by the public but shall be made available consistent with legal requirements upon request to governmental agencies for uses related to the Agency's WDR or this Ordinance, or in enforcement proceedings involving the Industrial User furnishing the report, or if otherwise required by law.

- (c) Notwithstanding subsections (a) and (b) above, wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR § 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.
- (d) Information accepted by the Agency as confidential shall not be transmitted by the Agency to any governmental agency or to the general public unless and until a five-day notification is given to the Industrial User, unless otherwise required by law.

## SECTION 7. PUBLICATION OF INDUSTRIAL USERS IN SIGNIFICANT NON-COMPLIANCE

### 7.1. Annual Publication of Significant Non-Compliance.

The Agency shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the area serviced by the POTW, a list of Industrial Users which, during the previous 12 months, were in significant non-compliance with Applicable Pretreatment Standards and Requirements and/or the provisions of this Ordinance. For the purposes of this Section, a Significant Industrial User is in significant noncompliance if its violation meets one or more of the following criteria (or for Industrial Users who are not Significant Industrial Users but whose violation meets one or more of the criteria contained in paragraphs (c), (d), and (h) below):

- (a) Chronic violations of Discharge limits, defined here as those in which 66 percent or more of wastewater measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits, as defined by 40 CFR § 403.3(l);
- (b) Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR § 403.3(l), multiplied by the TRC (TRC=1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- (c) Any other Discharge in violation of a Pretreatment Standard or Requirement as defined by 40 CFR § 403.3(l) (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Agency determines has caused, alone or in combination with other Discharges, Interference or Pass Through;

- (d) Any Discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Agency's exercise of its emergency authority to halt or prevent such a Discharge;
- (e) Failure to meet, within 90 days after the scheduled date, a compliance schedule milestone contained in a Permit or Temporary Permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (f) Failure to provide, within 45 days after the due date, any required reports such as baseline monitoring reports, reports on compliance with Categorical Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (g) Failure to accurately report non-compliance; or
- (h) Any other violations or group of violations of this Ordinance, which may include a violation of BMPs, which the Agency determines will adversely affect the POTW or implementation of this Ordinance.

## SECTION 8. CHARGES AND FEES

### 8.1. Purpose.

It is the purpose of this Section 8 to provide for the recovery of costs from Industrial Users of the POTW for the implementation of the program established herein. The amounts of the applicable charges or fees shall be established and modified from time to time by the Agency's Board of Directors.

### 8.2. Fees, Charges and Deposits.

- (a) The Agency may adopt charges and fees, which may include:
  - i. Fees for reimbursement of the costs of setting up and operating the Agency's activities under this Ordinance;
  - ii. Fees for monitoring, inspections and surveillance procedures;
  - iii. Fees for reviewing accidental Discharge procedures;
  - iv. Permit and Temporary Permit application fees;
  - v. Fees for filing appeals;
  - vi. Permit and Temporary Permit wastewater contribution fees; and

- vii. Other fees and charges as the Agency may deem necessary to carry out the requirements of this Ordinance.
- (b) The Agency may require any applicant for a Permit or Temporary Permit to provide an initial deposit for any of its fees as a precondition of Permit or Temporary Permit issuance. If no Discharge is made, the Agency will refund the deposit, less that amount of administrative costs incurred by the Agency.

### 8.3. Separate Fees and Charges.

The fees and charges under this Section 8 relate solely to this Ordinance and shall be separate from all other fees and charges that the Agency may impose.

### 8.4. Time Fees and Charges Become Due; Appeal.

All fees and charges shall be paid within 30 days after the date of an Agency bill therefor. Any bill sent by the Agency is sent as a courtesy and failure to receive a bill does not relieve an Industrial User of responsibility to pay. A bill becomes delinquent 30 days after it is due to the Agency. Industrial Users desiring to dispute fees and charges imposed by the Agency must file a written appeal with the General Manager and pay the full amount of the fees and charges within 30 days of being notified of the fees and charges. Where an appeal has merit, the General Manager shall convene a meeting on the matter within 30 days of receiving the appeal from the Industrial User. In the event the Industrial User's appeal is successful, the fees and charges, together with any interest accruing thereto, shall be returned to the Industrial User.

### 8.5. Penalty for Late Payment.

Unpaid fees and charges shall, after 30 calendar days, be assessed an additional penalty of 10 percent of the unpaid balance, and interest shall accrue thereafter at the rate of one percent per month.

### 8.6. Failure to Pay Fees and Charges.

After the fees and charges have remained delinquent for 60 days, the Agency may record a lien against the Industrial User's property for any unpaid fees or charges, in addition to any remedy authorized by any Agency ordinance for untimely payment of fees or charges, or otherwise permitted by law, including but not limited to revoking the Permit or Temporary Permit and terminating the Industrial User's connection to the POTW.

## SECTION 9. ADMINISTRATION AND ENFORCEMENT

### 9.1. Responsibility for Administration and Enforcement.

- (a) The General Manager shall administer, implement and enforce the provisions of this Ordinance. Any ministerial authorities granted to, or duties imposed upon, the

General Manager may be delegated by him or her to persons acting in the employment of, or under contract to, the Agency.

- (b) In the event an Industrial User discharges wastewater in violation of this Ordinance, the Agency may assess a charge against the responsible Industrial User for any work required to clean or repair facilities owned or used by the Agency, any additional operating and maintenance costs and any direct and indirect costs of the Agency associated with the Industrial User's violation.
- (c) In order to enforce the provisions of this Ordinance, the Agency may correct any violation hereof. The cost of such correction, including, but not limited to any fines or other costs imposed on the Agency by any Federal or State agency or court, shall be payable by the Industrial User violating this Ordinance, or by the owner or tenant of the property upon which the violation occurred, and such cost may be added to any sewer service charge payable in connection with the property. The Agency shall have such remedies for the collection of such costs as it has for the collection of sewer service charges, in addition to any other remedies provided for herein or by law.

## 9.2. Notification of Violation.

Whenever the Agency finds that any Industrial User has violated, or continues to violate, this Ordinance, any Permit or Temporary Permit, or any prohibition, limitation or requirement contained herein, the Agency shall serve upon such Industrial User a written Notice of Violation. The written Notice of Violation shall state the nature of the violation and provide a reasonable time for the satisfactory correction thereof. The Notice of Violation may set forth a compliance schedule with specific actions that the Industrial User shall undertake in order to correct or prevent the violation. In addition, the Notice of Violation may require inspections or sampling and may impose any other requirements that the Agency deems necessary to correct or prevent the violation.

Within 30 days after the date of the Notice of Violation, the Industrial User shall submit to the Agency an explanation of the violation and a plan for the satisfactory correction and prevention thereof (including specific required actions). Submission of this plan in no way relieves the Industrial User of liability for any violations occurring before or after the date of the Notice of Violation. Nothing in this Section 9.2 shall limit the Agency's authority to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

## 9.3. Consent Orders for Voluntary Compliance.

The Agency may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any Industrial User responsible for non-compliance. Such documents will include specific action to be taken by the User to correct the non-compliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued under this Section 9, and shall be



judicially enforceable. Use of a consent order shall not be a bar against, or a prerequisite for, taking any other action against the Industrial User as permitted by law.

#### 9.4. Show Cause Hearing.

When an Industrial User fails to comply with a Notice of Violation or to enter into a consent order under Section 9.3 of this Ordinance, the Agency may issue a Notice of Show Cause Hearing pursuant to Section 9.4.1.

##### 9.4.1. Notice of Show Cause Hearing and Administrative Complaint.

- (a) The Agency may order any Industrial User who violates any provision of this Ordinance to show cause before the Agency Board of Directors, or its designee, why the proposed enforcement action should not be taken. A Notice of Show Cause Hearing shall be served on the Industrial User and shall include the following:
  - (i) The date, time and place of the hearing to be held by the Agency Board of Directors, or its designee, regarding the violation;
  - (ii) The act or failure to act that constitutes the violation;
  - (iii) The provisions of law authorizing civil liability to be imposed;
  - (iv) The proposed enforcement action, including the amount of the administrative fine which the Agency proposes to impose; and
  - (v) A statement that the Industrial User may show cause why the proposed enforcement action should not be taken.
- (b) The Notice of Show Cause Hearing shall be served personally, or by registered or certified mail, on the Industrial User, and shall state that a show cause hearing shall be conducted within 60 days after the date of service. Service may be made on any Authorized Representative.
- (c) The Notice of Show Cause Hearing shall be deemed the Agency's administrative complaint.
- (d) The show cause hearing shall be held within 60 days after service of the Notice of Show Cause Hearing.
- (e) Any Industrial User may waive its right to a show cause hearing under this Section 9.4.

#### 9.4.2. Hearing Officer.

The Agency Board of Directors may itself conduct the hearing, take the evidence and render a decision, or may designate any of its members, or any officer or employee of the Agency, to conduct the hearing, take the evidence and render a decision.

#### 9.4.3. Hearing Testimony and Transcript.

At any hearing held pursuant to this Ordinance, testimony taken must be under oath and recorded. The transcript will be made available to any member of the public or any party to the hearing upon payment of the charges therefor.

#### 9.4.4. Issuance of Order.

- (a) After the Agency Board of Directors or its designee has reviewed the evidence, it may issue an order to the Industrial User responsible for the violation, directing that, following a specified time period, the Discharge be discontinued, unless the Industrial User satisfies the requirements of any compliance order or cease and desist order issued by the hearing officer, pursuant to Sections 9.5 and 9.6, respectively, of this Ordinance.
- (b) The hearing officer may require the payment of any administrative fine authorized by Section 9.9 of this Ordinance or by law.
- (c) The hearing officer's decision and orders shall be served personally, or by certified or registered mail on the Industrial User. Service may be made on any Authorized Representative.

#### 9.4.5. Appealing Decision of Hearing Officer.

If the Agency Board of Directors did not act as the hearing officer, any Industrial User dissatisfied with the decision of the hearing officer may appeal any orders or fines issued by the hearing officer to the Agency's Board of Directors within 30 days after receipt of the hearing officer's decision. The Agency Board of Directors shall review only the evidence before the hearing officer and render a decision, without any additional hearing, within 60 days from the date of the appeal. If warranted, the Agency Board of Directors may assess any administrative fine authorized by this Section 9 or by law.

#### 9.4.6. Judicial Review of Agency's Decision.

Pursuant to Government Code section 54740.6, any Industrial User may seek judicial review of any decision of the Agency's Board of Directors under this Section 9.4.

#### 9.5. Compliance Orders.

When, after the hearing, the Agency finds that an Industrial User has violated, or continues to violate, any provision of this Ordinance, any Permit or Temporary Permit or any order issued hereunder, or any other Pretreatment Standard or Requirement, the Agency may issue an order to the Industrial User responsible for the Discharge directing the Industrial User to come into compliance within a time specified in the order. If the Industrial User does not come into compliance within the time specified in the order, sewer service may be discontinued. Compliance orders may contain requirements to address the non-compliance, including installation of adequate pretreatment facilities, devices or other related appurtenances, and additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the POTW. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the Industrial User.

#### 9.6. Cease and Desist Orders.

When, after the hearing, the Agency finds that an Industrial User has violated, or continues to violate, any provision of this Ordinance, any Permit or Temporary Permit, or any order issued hereunder, or any other Pretreatment Standard or Requirement, or that the Industrial User's past violations are likely to recur, the Agency may issue an order to the Industrial User directing it to cease and desist all such violations and directing the Industrial User to: (a) immediately comply with all requirements; and (b) take such appropriate remedial or preventative 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 Industrial User.

#### 9.7. Termination of Service.

The Agency may suspend sewer service and/or a Permit or Temporary Permit when such suspension is necessary, in the opinion of the Agency, in order to stop an actual or threatened Discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment, causes Interference or Pass Through, or causes the Agency to violate any condition of its WDRs or otherwise impairs POTW operations or facilities.

Any Industrial User notified of a suspension of its sewer service and/or Permit or Temporary Permit shall immediately stop or eliminate the Discharge. In the event of the Industrial User's failure to comply voluntarily with the suspension order, the Agency shall take such steps as deemed necessary, including immediate physical severance of the sewer connection, to prevent or minimize damage to the POTW or endangerment to any individuals. The Agency shall reinstate the Permit or Temporary Permit and/or the sewer service upon proof of the elimination of noncompliance and payment of all fees, charges and penalties imposed by the Agency and/or Lahontan Regional Water Quality Control Board. A detailed written statement submitted by the Industrial User describing the causes of the harmful contribution and the measures taken to

prevent any future occurrence shall be submitted to the Agency within 15 days after the date of suspension of sewer service.

#### 9.8. Revocation of Permits.

In addition to the reasons enumerated in Section 3.7 of this Ordinance, the Agency reserves the right to revoke any Permit or Temporary Permit issued under this Ordinance for any of the following reasons:

- (a) Failure of an Industrial User to factually report wastewater constituents and characteristics of its Discharge;
- (b) Failure of an Industrial User to report significant changes in operations, including Discharge of Slug Loads, or wastewater constituents and characteristics;
- (c) Refusal of reasonable access to the Industrial User's premises for the purpose of inspection or monitoring; or
- (d) Violation of any order issued pursuant to this Section 9, any Pretreatment Standard or Requirement, any terms of the Permit or Temporary Permit, or this Ordinance.

#### 9.9. Administrative Fines.

- (a) When, after the hearing, the Agency finds that an Industrial User has violated or continues to violate any provision of this Ordinance, any Permit or Temporary Permit, any order issued hereunder, or any Pretreatment Standard or Requirement, the Agency may impose an administrative fine in an amount which shall not exceed:
  - (i) \$2,000 for each day for failing or refusing to furnish technical or monitoring reports to the Agency;
  - (ii) \$3,000 for each day for failing or refusing to timely comply with any compliance schedule established by the Agency;
  - (iii) \$5,000 per violation for each day for Discharges in violation of any waste discharge limitation, or in violation of any Pretreatment Standard or Requirement or any Permit or Temporary Permit condition or requirement issued, reissued, or adopted by the Agency; and
  - (iv) \$10 per gallon of Discharge for Discharges into the POTW in violation of any cease and desist order, or other orders or prohibitions, issued, reissued, or adopted by the Agency.
- (b) Unless the Industrial User timely seeks judicial review, all administrative fines shall become effective and final upon issuance, and payment shall be made within 30

days. Unpaid administrative fines shall, after 30 calendar days, be assessed additional penalties as allowed by law. After the administrative fines have remained delinquent for 60 days, the Agency may record a lien against the Industrial User's property for any unpaid administrative fines. The Agency may add to the administrative fine any costs associated with preparing any administrative enforcement action.

- (c) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the Industrial User.
- (d) Administrative fines under this Section 9.9 may not be imposed in addition to civil penalties obtained pursuant to Section 9.10.2 of this Ordinance.
- (e) All administrative fines collected by the Agency shall be deposited into a special account of the Agency and shall be made available for the monitoring, treatment, and control of Discharges into the POTW or for other mitigation measures.

#### 9.10. Judicial Enforcement Remedies.

##### 9.10.1. Injunctive Relief.

When the Agency finds that an Industrial User has violated, or continues to violate, any provision of this Ordinance, any Permit or Temporary Permit, or any order issued hereunder, or any Pretreatment Standard or Requirement, the Agency may petition the applicable Superior Court for issuance of a temporary or permanent injunction, as appropriate, which restrains the violation or compels the specific performance of the Permit, Temporary Permit, order, or other requirement imposed by the Agency under this Ordinance on activities of the Industrial User. The Agency also may seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the Industrial User to conduct environmental remediation. A complaint for injunctive relief shall not be a bar against, or prerequisite for, taking any other action against the Industrial User.

##### 9.10.2. Civil Penalties.

- (a) An Industrial User which has violated or continues to violate any provision of this Ordinance, any Permit or Temporary Permit, or any order issued hereunder, or any Pretreatment Standard or Requirement, or who willfully or negligently failed or fails to comply with any provision of this Ordinance, the orders, rules, regulations of the Agency, or a Permit or Temporary Permit issued hereunder, may be subject to a civil penalty of not less than \$1,000, nor more than \$25,000, per violation per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- (b) The Agency may recover expenses associated with enforcement activities, including sampling and monitoring expenses and the cost of any actual damages incurred by the Agency.

- (c) The Agency may petition the applicable Superior Court to recover civil penalties under this Section. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of the harm caused by the violation, the magnitude and duration, any economic benefit gained through the Industrial User's violation, corrective actions by the Industrial User, the compliance history of the Industrial User, and any other factor the Court determines is relevant, or as justice may require.
- (d) Filing suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against the Industrial User.

#### 9.10.3. Criminal Prosecution.

The Agency may file against an Industrial User who has violated, or continues to violate, any provision of this Ordinance, any Permit or Temporary Permit, or any order issued hereunder, or any Pretreatment Standard or Requirement, a criminal complaint under Penal Code section 374.2 or other applicable law with the applicable County District Attorney or other appropriate law enforcement official. An Industrial User found guilty of a criminal offense may be subject to imprisonment for up to 24 months, and a fine of not less than \$5,000 and not more than \$25,000.

#### 9.11. Falsifying Information.

Any Person who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Ordinance or any Permit or Temporary Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than five years, or by both fine and imprisonment.

#### 9.12. Costs.

In addition to the penalties provided in this Section 9, the Agency may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation from the Industrial User found to have violated this Ordinance, Pretreatment Standards or Requirements, or the orders, rules, regulations of the Agency, or a Permit or Temporary Permit issued hereunder.

#### 9.13. Remedies Non-Exclusive.

The remedies set forth in this Ordinance are not exclusive remedies, except as otherwise provided in this Section 9. The Agency reserves the right to take any, all, or any combination of these actions against a non-compliant Industrial User. The Agency reserves the right to take other action against any Industrial User when the circumstances warrant. Further, the Agency is empowered to take more than one enforcement action against any non-compliant Industrial User. These actions may be taken concurrently.

#### 9.14. Affirmative Defenses to Discharge Violations.

##### 9.14.1. Upset.

- (a) For the purposes of this section, "Upset" means an exceptional incident in which there is an unintentional and temporary non-compliance with Applicable Pretreatment Standards because of factors beyond the reasonable control of the Industrial User. An Upset does not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.
- (b) An Upset shall constitute an affirmative defense to an action brought for non-compliance with Applicable Pretreatment Standards if the requirements of subsection (c) of this Section 9.14.1 are met.
- (c) An Industrial User who wishes to establish the affirmative defense of Upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - (i) An Upset occurred and the Industrial User can identify the cause(s) of the Upset;
  - (ii) The facility was, at the time of the Upset, being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures;
  - (iii) The Industrial User has submitted the following information to the Agency within 24 hours of becoming aware of the Upset (if this information is provided orally, a written submission must be provided within five days):
    - (1) A description of the Discharge and cause of non-compliance;
    - (2) The period of non-compliance, including exact dates and times or, if not corrected, the anticipated time that non-compliance is expected to continue; and
    - (3) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the non-compliance.
- (d) In any enforcement proceeding, the Industrial User seeking to establish the occurrence of an Upset shall have the burden of proof.
- (e) Industrial Users will have the opportunity for a judicial determination on any claim of Upset only in an enforcement action brought for non-compliance with Applicable Pretreatment Standards.

- (f) Industrial Users shall control production of all Discharges to the extent necessary to maintain compliance with Applicable Pretreatment Standards upon reduction, loss or failure of their treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

#### 9.14.2. Prohibited Discharge Standards.

An Industrial User shall have an affirmative defense to an enforcement action brought against it for non-compliance with Section 2 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 that the Industrial 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 Industrial User's Discharge when the Agency was regularly in compliance with any of its WDRs, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.

#### 9.14.3. Bypass.

- (a) For the purposes of this Section:
  - (i) "Bypass" shall mean the intentional diversion of waste streams from any portion of the Industrial User's facility.
  - (ii) "Severe property damage" means substantial physical damage to property, damage to treatment facilities rendering them inoperable, or any substantial or permanent loss of natural resources which can reasonably be expected to occur in the absence of a Bypass. Severe property damage does not include economic loss.
- (b) An Industrial User may allow any Bypass to occur if: (i) it does not cause applicable Pretreatment Standards or Requirements, or a term or condition in a Permit or Temporary Permit, to be violated; and (ii) it is for essential maintenance to ensure efficient operation. These Bypasses are not subject to paragraphs (c) and (d) of this Section 9.14.3.
- (c) If an Industrial User knows in advance of the need for a Bypass, the Industrial User shall provide at least 10 days written notice thereof to the Agency, if possible. If an unanticipated Bypass occurs that causes the Industrial User to exceed Applicable Pretreatment Standards or to violate terms and conditions in a Permit or Temporary Permit, the Industrial User shall provide notice thereof to the Agency within 24 hours of becoming aware of the Bypass. Within five days following a Bypass, the Industrial User shall provide the Agency: (1) a description of the Bypass; (2) cause



of the Bypass; (3) duration, including exact dates and times, of the Bypass; (4) if the Bypass has not been corrected, the anticipated time it is expected to continue; and (5) steps that the Industrial User will undertake to reduce or eliminate the recurrence of the Bypass. The Agency may, on a case-by-case basis, waive this written reporting requirement.

- (d) Bypass is prohibited, and the Agency may pursue an enforcement action against any Industrial User for a Bypass, unless all of the following are met:
  - (i) The Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - (ii) There were no feasible alternatives to the Bypass. 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 preventative maintenance; and
  - (iii) The Industrial User submitted notice required under subsection (c) of this Section 9.14.3.

#### SECTION 10. INCORPORATION OF AGENCY RULES AND REGULATIONS

The Agency's ordinances, rules and regulations, to the extent they are not inconsistent with the provisions of this Ordinance, are hereby incorporated and shall be enforceable under this Ordinance.

#### SECTION 11. INCORPORATION OF AGENCY PERMIT TERMS AND CONDITIONS

The terms and conditions contained in the Agency's Revised Waste Discharge Requirements (Board Order No. R6T-2002-0030), dated May 9, 2002, as such may be amended from time to time, to the extent they are not inconsistent with the provisions of this Ordinance, are hereby incorporated and shall be enforceable under this Ordinance.

#### SECTION 12. SEVERABILITY

If any provision, paragraph, word, section or article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, and sections shall not be affected and shall continue in full force and effect.

#### SECTION 13. EFFECTIVE DATE

This Ordinance is effective 30 days after April 15, 2015 and supersedes Agency Ordinance No. 3-89 on such date.

SECTION 14. PUBLICATION AND POSTING

This Ordinance shall be posted within the Agency in at least three (3) conspicuous places within ten days after adoption.

SECTION 15. INCONSISTENCY

To the extent that the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or provisions of any prior Agency ordinances, resolutions, rules or regulations governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof, and such inconsistent or conflicting provisions of prior ordinances, resolutions, rules or regulations are hereby repealed.

Passed and adopted at a meeting of the Board of Directors of Tahoe-Truckee Sanitation Agency on this 15 day of April 2015 at Truckee, California, by the following vote:

AYES: Directors Butterfield, Cox, Henrikson, Lewis, and Northrop

NOES: None

ABSENT: None

ABSTAIN: None



O.R. Butterfield, President

Board of Directors

TAHOE-TRUCKEE SANITATION AGENCY

ATTEST:

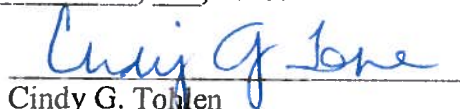


Secretary of the Board of Directors

TAHOE-TRUCKEE SANITATION AGENCY

CERTIFICATE

I hereby certify that the foregoing is a full, true and correct copy of Ordinance 1-2015, duly and regularly adopted by the Board of Directors of Tahoe-Truckee Sanitation Agency, County of Nevada, State of California, on 15 April, 2015.



Cindy G. Tolten

Assistant Secretary of the Board

TAHOE-TRUCKEE SANITATION AGENCY