

Scott

RESOLUTION NO. T08-02
TRIUNFO SANITATION DISTRICT

AMENDING TSD RESOLUTION NO. T95-01
ADOPTION OF FEDERAL "STREAMLINING" REQUIREMENTS

WHEREAS, the Triunfo Sanitation District has previously adopted local rules & regulations to govern the discharge of wastewaters to sewage collection systems; and

WHEREAS, the Regional Water Quality Control Board is requiring the District to incorporate the attached elements to required pretreatment legal authority, in performance of its required pretreatment program; and

WHEREAS, the incorporation of other federal streamlining updates will be integrated into the District's pretreatment program by reference, and

WHEREAS, the streamlining rules can be enacted by amendment to Resolution No. T95-01, and

WHEREAS, the proposed amendments to Resolution No. T95-01 have been reviewed by both the District Governing Board & Legal Counsel and found to be sufficient; and

WHEREAS, except as where amended, Resolution No. T95-01 remains in full force and effect.

NOW, THEREFORE, the Triunfo Sanitation District Board of Directors hereby resolves, determines and orders that the attached amendments to the *Rules & Regulations for Sewage Discharge System* (T95-01, 6/26/95) are hereby adopted and approved for implementation.

PASSED, APPROVED AND ADOPTED this 24th day of March 2008.

AYES: *Acosta, Glaney, Parks, Stark*

NOES: *None*

ABSENT: *Orkney*

TRIUNFO SANITATION DISTRICT

Ronald Stark

Ronald Stark, Chair

ATTEST:

Rhonda Catron

Rhonda Catron, Clerk of the Board

TABLE OF CONTENTS

SECTION 1. GENERAL SCOPE OF CHANGES

- 1-1 Background
- 1-2 Definitions

SECTION 2. REQUIRED CHANGES TO DISTRICT LEGAL AUTHORITY

- 2-1 Clarification in slug control requirements referenced in Significant Industrial User (SIU) control mechanisms. [40CFR 403.8(f)(1)(iii)(B)(6)].
- 2-2 Revisions to the Significant Non-Compliance (SNC) definition as identified in the final streamlining rule [40CFR 403.8(f)(2)(viii)(A-C)].
- 2-3 Modifications to the sampling requirements and clarification of the requirement to report all monitoring results [40CFR 403.12(g)]

Sec. 1 GENERAL SCOPE OF CHANGES

Sec. 1-1 BACKGROUND

In the final Streamlining Rule adoption of October 14, 2005, the Federal Register – Rules and Regulations, Volume 70, No. 198, provides clarification language and updates for pretreatment programs under 40 CFR Part 403, along with Parts 9 and 122. The following updates to legal authority are required under these federal regulations, collectively referred to as the Streamlining Rule. These required changes came as specifications by the RWQCB in a routine pretreatment program compliance inspection. In response, staff proposes these modifications to amend the existing *District Rules and Regulations for the Sewage System T95-1* (June 26, 1995) as directed by the federal Streamlining Rule requirements for approved pretreatment programs. These modifications, required by federal revision, are not subject to the processes of a major pretreatment program modification. New, or revised language is provided in Section 1-2 for SNC (significant non-compliance), SIU (significant industrial user), Slug Load or Discharge and Slug Control Plans. It is recommended, and therefore not an enforceable requirement, to provide a 45-day notification to the RWQCB, prior to adoption of these legal authority elements.

Sec. 1-2 DEFINITIONS

Unless the context specifically indicates otherwise, the following terms and phrases, as used in these rules and regulations, shall have the meanings hereinafter designated:

- 0.1 **Categorical (Standards)** – Industrial waste discharge standards developed by EPA that is applied to the effluent from any industry in any category anywhere in the United States that discharge to a Publicly Owned Treatment Works (POTW). These are standards based on the technology available to treat the waste streams from the processes of the specific industrial category and normally are measured at the point of discharge from the regulated process. The standards are listed in the Code of Federal Regulations.

- 0.2 **Categorical Industrial User (CIU)** – An industrial user that is identified in the federal code, subject to categorical pretreatment standards and required to comply with applicable standards as set out in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- 0.3 **Code of Federal Regulations (CFR)** – A publication of the United States Government that contains all of the proposed and finalized federal regulations, including environmental regulations.
- 0.4 **Control Authority** – Term used for Triunfo Sanitation District and Las Virgenes Municipal Water District under the Joint Exercise of Powers Agreement Contract No. T87-12.
- 0.5 **Control Mechanism(s)** – A control for industrial users, through permit, contract, order, or similar means to affect the POTW’s applicable pretreatment standards and requirements.
- 0.6 **District** – The Triunfo Sanitation District.
- 0.7 **Industrial User, (IU)** – Refers to a source of indirect discharge; any non-domestic source regulated under section 307(b), (c), or (d) of the Clean Water Act.
- 0.8 **Interference** – a received discharge to the POTW which, alone or in conjunction with a discharge or discharges from other sources, both:
- inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
 - is the cause of a violation of any requirement of the POTW’s NPDES permit.
- 0.9 **Legal Authority** – The POTW shall operate pursuant to legal authority enforceable in Federal, State or local courts, which authorizes or enables the POTW to apply and to enforce the requirements of sections 307 (b) and (c), and 402(b)(8) of the Clean Water Act and any regulations implementing those sections. Such authority may be contained in a statute, ordinance, or series of contracts or joint powers agreements which the POTW is authorized to enact, enter into or implement, and which are authorized by State law.
- 0.10 **Non-Categorical** – A discharge from industrial or domestic sources not applicable to the Federal Categorical Pretreatment Standards.
- 0.11 **Pass-through** – A discharge that exits the wastewater treatment facility into waters of the United States in quantities or concentrations, which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW’s NPDES permit (including an increase in the magnitude or duration of a violation).
- 0.12 **Pretreatment Standard or Requirement** – Any substantive or procedural requirement related to pretreatment, including National pretreatment categorical standards and prohibitive discharge standards imposed on an industrial user.
- 0.13 **Significant Industrial User, (SIU)** – refers to all industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and any other (non-categorical) user that:
- A) Discharges an average of 25,000 gallons per day or more of process wastewater (process wastewater excludes sanitary, non-contact cooling and boiler blow down wastewaters), or
 - B) Contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic (Biochemical Oxygen Demand, Total Suspended Solids) capacity of the POTW (treatment plant), or
 - C) Has a reasonable potential, in the opinion of the Control or Approval Authority, to adversely affect the POTW treatment plant (inhibition, pass-through of pollutants, sludge contamination, or endangerment of POTW workers).
- 0.14 **Significant Non-Compliance, (SNC)** – An industrial user is in significant non-compliance if its violation meets one or more of the following criteria:
- Chronic violation of wastewater discharge limits are those in which 66 percent or more of all measurements taken for the same pollutant parameter during a 6 month

- period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement; including instantaneous limits, as defined by 40 CFR 403.3(l);
 - Technical Review Criteria violation(s)(TRC) defined as those violations in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6 month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);
 - Any other 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 POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
 - Any discharge of a pollutant that has caused imminent endangerment of human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph 40 CFR 403.8(f)(1)(vi)(b) to halt or prevent such discharge;
 - Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order of starting construction, completing construction, or attaining final compliance;
 - Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
 - Failure to accurately report non-compliance; or
 - Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines, will adversely affect the operation or implementation of the local pretreatment program.
- 0.15 Slug Load or Discharge – Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.
- 0.16 Slug Control Plan(s), (SCP)- Planned activity to enhance control of toxic pollutant and hazardous waste discharges to POTW's. At a federal minimum, SCP's consist of the following elements:
- Description of discharge practices, including non-routine batch discharges;
 - Description of stored chemicals;
 - Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5(b), with procedures for follow-up written notification within 5 days;
 - If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

Sec. 2. REQUIRED CHANGES TO DISTRICT LEGAL AUTHORITY

Sec. 2-1 Clarification in slug control requirements referenced in SIU control mechanisms (40CFR 403.8(f)(1)(iii)(B)(6) and 403.8(f)(2)(vi)).

The District Slug Control Plan (SCP) requirements will adopt the following updates to the District's pretreatment program SCP processes:

- The District incorporates a flexibility to determine how frequently to evaluate the need for slug control plans, and evaluate each SIU – once within a specified timeframe – based on local conditions,
- The District may require the SIU to develop a slug control plan or direct specific preventative measures to prevent slug discharges whenever the facility’s slug control measures are judged to be inadequate,
- An actual slug control plan (the physical document itself) is not the districts only option for controlling facilities with a higher potential for slug discharges,
- The District may require that the SIU take specific, preventative actions instead of requiring the development of a slug control plan,
- Where actions to control slug discharges are determined to be necessary, the District must include provisions addressing those requirements in the SIU’s control mechanism.

Sec. 2-2 Revisions to the SNC definition as identified in the final streamlining rule (40CFR 403.8(f)(2)(viii)(A - C)

- Publication: The District will implement publication of the SNC list in any paper of general circulation that provides meaningful public notice within the jurisdiction served by the District. The choice of publication will occur in a local community newspaper that will provide an effective public notice and serve as a broad deterrence for non-compliant IU’s.
- Applicability: The District amends its SNC criteria so that SNC will apply only to SIU’s and to those Industrial Users identified as major dischargers: those that have caused Pass Through or Interference, or have a discharge that resulted in the District’s exercise of its emergency authority to halt or prevent such a discharge, have caused imminent endangerment to human health, welfare, or the environment, or have otherwise adversely affected the District’s ability to operate its pretreatment program.
- Daily maximum or average limitations: The District will adopt limitations from the previous 40CFR 403.8(f)(2)(vii) to apply to a broader range of violations such as other numeric limits, instantaneous limits, narrative limits, or operational standards provided in 40CFR 403.8(f)(2)(viii). Additionally, the District will adopt its limitations based on 40 CFR 403.8(f)(2)(vii)(C) to address the application of instantaneous limits and provisions of local limits expressed as narrative limits.
- Late reports: The District shall adopt the federal application of SNC as it applies to reports that are provided more than 45 days after the due date (instead of to reports that are 30 days late). This change applies to required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

Sec. 2-3 Modifications to the sampling requirements and clarification of the requirement to report all monitoring results (40CFR 403.12(g)).

- The District amends to update its requirements for CIUs to report all monitoring data and similarly requires application of the total reporting requirement to non-categorical SIUs - both types of IUs are required to submit monitoring reports to the District.
- The District adopts the requirement that all SIUs, both categorical and non-categorical SIUs, will report all monitoring results for regulated parameters at the point of compliance, obtained using procedures specified in 40 CFR Part 136, to the District.