

Section 3.0: Legal Authority

3.1 Regulatory Requirements

Each enrollee must demonstrate, through sanitary sewer system use ordinances, service agreements, or other legally binding procedures, that it possesses the necessary legal authority to:

- a. Prevent illicit discharges into its sanitary sewer system (examples may include I/I, stormwater, chemical dumping, unauthorized debris and cut roots, etc.);
- b. Require that sewers and connections be properly designed and constructed;
- c. Ensure access for maintenance, inspection, or repairs for portions of the system owned or maintained by the Public Agency;
- d. Limit the discharge of fats, oils, and grease and other debris that may cause blockages, and;
- e. Enforce any violation of its sewer ordinances.

3.1.a. Prevent illicit discharges into its sanitary sewer system (examples may include I/I, stormwater, chemical dumping, unauthorized debris and cut roots, etc.)

Industrial Waste Pretreatment

The California State Constitution provides in Article 11, Section 7, states that “A county or city may make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws.”

TSD has adopted two separate Rules and Regulations (R&R) to address specific policies, one for the Sewage Collection System (Collection) and one for Sewage Discharge System (Discharge). Each of the two TSD R&Rs is further defined below.

TSD R&R Collection gives the TSD the power and authority to design, construct, excavate and maintain the sewage collection system owned by the TSD.

The TSD implements the requirements set forth in 40 CFR, Section 403.8. The control mechanism by which the pretreatment standards are applied to individual industrial users is by the Industrial Wastewater Permit.

TSD issues an Industrial Waste Discharge Permit to the individual industrial users, conducts inspections, collects samples, and provides guidance to the industrial users in the TSD. Industrial user compliance is ensured through the pretreatment standards, requirements, and conditions of the permit by taking administrative enforcement actions

consistent with the TSDs Enforcement Response Plan (ERP) in the event of noncompliance. The enforcement procedures described in the ERP have established criteria and other considerations for responding to violations of pretreatment regulations and discharge standards in a consistent and timely manner. The procedures provide a range of enforcement responses with the objectives of regulating industrial users to achieve and maintain consistent compliance and subjecting repeat offenders to escalated enforcement actions in a timely manner. The types of escalated enforcement actions from the ERP can range from notices of violation, and administrative orders, to suspension of discharge privileges, permit revocation, water or utility service termination, and/or TSD Attorney referral for filing of civil/criminal charges. The TSD reviews and updates its ERP periodically to ensure that it accurately reflects modifications to its authority and describes current operating practices.

The TSDs R&Rs provide the legal authority under Part 40 CFR Section 403.8(f)(1), which provides the basis for each procedure under 40 CFR Section 403.8(f)(2), as follows:

The TSDs R&R Discharge regulate the industrial wastewater discharges into the publicly owned treatment works (POTW). The objectives are met through a permit and inspection program administered under the jurisdiction of the TSDs Board (Board) to ensure TSDs compliance with all applicable State and Federal laws. The TSD General Manager (Manager) under the jurisdiction of the Board is given the authority to administer, implement and enforce the provisions of the TSDs R&R. The TSDs R&R give the Board and the Manager the power, jurisdiction, and supervision over places of discharge of wastewater into the POTW, necessary to adequately enforce and administer all applicable State and Federal laws.

Section 2-3 of the TSDs R&R Discharge provides for the regulation of dischargers to the POTW through the issuance of Industrial Wastewater Discharge Permits containing specific discharge requirements and through enforcement of general discharge prohibitions; authorizes monitoring and enforcement activities; imposes reporting requirements on specific permittees; and sets fees for the recovery of program costs. The TSDs Industrial Wastewater Permit is the control mechanism employed in applying pretreatment standards to industrial users.

Section 3-2 specifies the discharge prohibitions placed on Industrial Wastewater Permits. Industrial Wastewater Permits may deny or condition new or increased contribution of pollutants, or changes in the nature of pollutants to the POTW by industrial users where such conditions do not meet applicable pretreatment standards and requirements or where such conditions would cause the POTW to violate its National Pollutant Discharge Elimination System (NPDES) Permit.

Section 5-2 specifies conditions in the Industrial Wastewater Permits that require compliance with applicable pretreatment standards and requirements by industrial users. Industrial Wastewater Permits incorporate pretreatment standard limitations based on such standards and requirements. Section 3-8 provides that upon the promulgation of

mandatory National Categorical Pretreatment Standards (NCPS) for any industrial category, the NCPS, if more restrictive than limitations otherwise imposed under the TSDs R&R, shall apply, and that a discharger shall comply with applicable NCPS as set forth in 40 CFR Part 403.12. All other general pretreatment standards and prohibitions and local limits developed to implement the general and specific standards are included as permit conditions.

Inflow & Infiltration Discharge Prevention

The TSDs R&R are very clear in regard to use of its wastewater system and control of infiltration and inflow. The TSDs sanitary sewer system is separate from the storm water system. The TSDs R&R prohibits connections of storm drains, downspouts, area drains, storm sewer connections and other sources that could contribute infiltration and/or inflow to the sanitary sewer system. TSDs R&R provides for the inspection of new and rehabilitated private sewer laterals and mainline sewers to ensure that installations meet the TSDs performance standards. It also provides for enforcement actions for noncompliance.

Plumbing on private properties is under the jurisdiction of the Ventura County Department of Building and Safety.

3.1.b. Require that sewers and connections be properly designed and constructed

The TSD R&R Discharge, Section 5 – Building Sewers, Lateral Sewers and Connections codify the TSDs policy for the design and construction of sewers and connections. The TSD Collection Regulations requires that all sewers constructed in the TSD comply with TSDs Engineer’s standard plans, specifications, policies and practices. This applies to private developer designed and constructed projects. It also gives the authority and responsibility to the TSDs Engineer to develop and enforce standards. These standards are continuously updated to incorporate new materials and construction methods to ensure that the completed installations meet the high performance standards of the TSD. Construction plans and technical specifications are prepared for each new or rehabilitation project that documents the standard of performance for the construction and the standards for acceptance. These are enforced by the Board.

Service connections must be designed and constructed to meet the Uniform Plumbing Code.

3.1.c. Ensure access for maintenance, inspection, or repairs for portions of the lateral owned or maintained by the Public Agency

The TSD does not maintain private lateral sewer lines. Property owners are responsible for proper installation, operation and maintenance of their lateral. Property owners are required to obtain permits from the Ventura County Department of Building and Safety for work on private properties and the Ventura County Department of Public Works for work in the public right-of-way.

3.1.d. Limit the discharge of fats, oils, and grease and other debris that may cause blockages

The TSDs R&R Discharge, Section 3-2 states: “Except as expressly allowed in an Industrial Wastewater Discharge Permit, no person shall discharge, permit the discharge, cause the discharge or contribute to the discharge of the following publicly owned treatment works (POTW): Any solid or viscous materials which could cause obstruction to the flow or operation of the POTW, and any material which will cause the POTW to violate its NPDES Permit, applicable Federal and State statutes, rules or regulations.” The Discharge Regulations requires the installation of a grease interceptor at all Food Service Establishments that are to be newly constructed that have the potential to generate waste fats, oils, and grease (FOG). A grease interceptor is a plumbing device that is installed in a wastewater drainage system to intercept and prohibit FOG from entering the sanitary sewer system.

The Industrial Wastewater Permit controls the contribution to the POTW by each industrial user to ensure compliance with applicable standards and requirements.

Section 1 contains the General Conditions. Terms and phrases used in the R&R are defined and clarified as well as the purpose of the R&R to assist the District administration of the sewage system. Section 4, Pretreatment Requirements, further defines regulatory actions. Section 4-2 specifies that the Manager may require all industrial users to install pretreatment systems, upgrade existing pretreatment systems and/or install additional pretreatment systems, implement Best Management Practices (BMP), and any other conditions deemed appropriate to achieve the objectives of the TSDs Discharge Regulations. Section 5-4 specifies that the Manager shall have authority to impose permit conditions including limits regarding the discharge of specific pollutants, requirements, which may include specific sampling locations, frequency of sampling, times of sampling, number, types, test standards and reporting schedules, for monitoring programs, and requirements for maintaining and affording TSDs access to plant records relating to discharges, including hauled waste records and manifests. Section 5-5 requires the development of a compliance schedule by each industrial user for the installation of technology required to meet applicable pretreatment standards and requirements. Section 5-6 specifies the duration of Industrial Wastewater Permits. Section 5-7 controls the transfer of permits. Section 6-1 requires industrial users to submit reports necessary to assess and assure compliance.

3.1.e. Enforce any violation of its sewer ordinances

The TSDs R&R Discharge provides the authority to carry out all inspection, surveillance and monitoring procedures necessary to determine, independent of information supplied by industrial users, compliance or noncompliance by industrial users with applicable pretreatment standards and requirements. The TSDs Discharge Regulations gives the Board and the Manager the power, jurisdiction, and supervision over places of discharge of wastewater into the POTW, necessary to adequately enforce and administer all

applicable State and Federal laws. Section 6-0 specifies that whenever it is necessary to make an inspection to enforce any of the provisions of, or perform any duty imposed by this section or other applicable law, or whenever the Manager has reasonable cause to believe that there exists upon any premises any violation of the provisions of this section or other applicable law, or any condition which makes such premises hazardous, unsafe, or dangerous, the Manager is hereby authorized to enter such property at any reasonable time and to inspect the same and perform any duty imposed upon the Manager by this section or other applicable law.

Section 8 authorizes enforcement actions for non-compliance with pretreatment standards by an industrial user. It allows for the imposition of criminal penalties for violations. Section 8-4(c) specifies that except as expressly provided, violation of this section or any order issued by the Board or the Manager as authorized by this section is a misdemeanor punishable by a fine not to exceed \$1,000.00 per violation per day or by imprisonment in the County jail for a period of not more than 30 days, or by both such fine and imprisonment. The TSD Regulations provide the authority to seek injunctive relief for noncompliance by industrial users with pretreatment standards and requirements. It specifies that whenever a discharger of wastewater is in violation of this section or otherwise causes or threatens to cause a condition of contamination, pollution or nuisance, the Board or the Manager may cause the TSD to seek a petition to the Superior Court for the issuance of a preliminary or permanent injunction, restraining order, or other order, as may be appropriate in restraining the continuance of such discharge. It also specifies the terms under which civil liabilities can be imposed.

References

Triunfo Sanitation District Rules and Regulations for the Sewage Discharge System, June 26, 1995, Resolution No. T95-1.

Triunfo Sanitation District Rules and Regulations for the Sewage Collection System, April 24, 1989.

Triunfo Sanitation District, Source Control Program, Enforcement Response Plan, DRAFT Version: January 16, 2007 sq

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