

ORDINANCE NO. 2021 – 2

AN ORDINANCE OF THE SCOTIA COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS ADOPTING COMMERCIAL AND INDUSTRIAL WASTEWATER REGULATIONS

The Board of Directors of the Scotia Community Services District does ordain as follows:

Section 1: Commercial And Industrial Wastewater Regulations are hereby adopted as follows:

CHAPTER 1 – PURPOSE AND AUTHORITY

Sec. 1.1 Purpose The purpose of these Commercial and Industrial Wastewater Regulations (Regulations) is to provide for adequate regulation of commercial and industrial wastewater dischargers, establish pollutant discharge limits, control the quality, the quantity, and the rate of wastewater discharge, to prevent pass-through inference at the Scotia Community Services District (District) Publicly Owned Treatment Works (POTW), in accordance with the North Coast Regional Water Quality Control Board (RWQCB) National Pollutant Discharge Elimination System (NPDES) Order. These Regulations will be the District's Pretreatment Program, for commercial and industrial dischargers, as required by the United States Environmental Protection Agency (EPA).

Sec. 1.2 Authority The provisions of these Regulations shall be interpreted in accordance with all requirements of the District's *Ordinance No. 2020-3; Title III Wastewater; Chapter 6 – Use of Wastewater Infrastructure, Chapter 7 – Wastewater Volume Determination, Chapter 8 – Reports, Wastewater Discharge Permits and Administration and Chapter 12-Enforcement, and any amendments*, as approved by the District Board of Directors. The District General Manager shall have the authority to administer, implement and enforce the provisions of these Regulations.

CHAPTER 2 - DEFINITIONS

The following abbreviations, phrases, terms or words used in these Regulations shall be defined as provided below.

A. Authorized District Personnel

Any person employed by the District.

B. Baseline Monitoring Report (BMR)

A data report prepared by Industrial Users subject to Categorical Pretreatment Standards.

C. Best Management Practice (BMP)

The practice or combination of practices which are applicable to commercial and industrial wastewater discharges that prevent or reduce the release of: toxic or hazardous pollutants from spills, leaks, treatment and manufacturing processes; and fats, oils and grease, into the District infrastructure and POTW. BMPs can be used as written control measures, as determined by the District, and shall be enforceable in accordance with these Regulations.

D. Biochemical Oxygen Demand (BOD)

The laboratory determination of the quantity of oxygen, by weight, expressed in milligrams per liter, utilized in the biochemical oxidation of organic matter under standard laboratory conditions of incubation for five (5) days at a temperature of twenty (20) degrees centigrade, in accordance with Title 40 CFR procedures.

E. Categorical Pretreatment Standards

Effluent limitations guidelines and pretreatment standards, also known as effluent guidelines (ELGs), are uniform national standards developed by the EPA for specific commercial and industrial categories. Title 40, parts 400-471, of the CFR contains regulations for all ELGs.

F. Code of Federal Regulations (CFR)

The Code of Federal Regulations annual edition is the codification of the general and permanent rules published in the Federal Register by the departments and agencies of the Federal Government.

G. Chronic Violations

A history of violations (three or more violations within 180 days) which may be consecutive, for a single pollutant.

H. Civil Penalty

A penalty assessed through administrative or judicial procedures.

I. Cooling Tower Water

Cooling tower water removes the heat generated by the cooling water process. Cooling is accomplished through the latent heat of vaporization. As evaporation increases more heat is removed. Water vapor evaporates, leaving dissolved or suspended solids in the re-circulating cooling water. As evaporation increases, the re-circulation water becomes more concentrated with solids. A variety of microorganisms, gases, nutrients and dust are scrubbed from the atmosphere during the evaporation process adding additional contaminants to the re-circulation water.

J. Compliance Schedule

A schedule that contains increments of progress in the form of dates and completion of major events leading to compliance with applicable pretreatment standards or District requirements.

K. Composite Sample

A sample comprised of a series of discrete aliquots from a waste stream which are collected by an automatic sampler over the course of a normal discharge period and mixed in a single container or into multiple individual containers for 24 hours.

L. Connection

Any point of discharge into the District's infrastructure by, but not limited to, conduits, lines, pipes, force mains, and pump stations.

M. Costs

All items of expense, direct or indirect, including overhead and general administrative items.

N. Direct Permit

A permit required for the discharge of commercial or industrial wastewater, into the District's infrastructure and POTW, through a direct connection.

O. Discharger

Any business, company or person that discharges or causes a discharge into the District infrastructure and POTW.

P. Domestic Wastes

The wastes produced from non-commercial or non-industrial activities and which result from normal human living processes, which are of substantially similar origin and strength to those typically produced in residential households.

Q. Duly Authorized Representative of the Industrial User or Other Regulated Discharger

1. A responsible individual, (owner, president, vice-president, or financial officer), in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the organization; or the manager of one or more manufacturing, production or operation facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct 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 organizational procedures.

2. A general partner or proprietor if the industrial user submitting required reports is a partnership or sole proprietorship, respectively.
3. A commanding officer, director or highest official appointed or designated to oversee the operation and performance of the activities, or their designee if the industrial user is a government facility.
4. A duly authorized representative of the individual designated in 1, 2, 3, above or
 - (a) The authorization is made in writing as specified by the District.
 - (b) The authorization specified is either an individual or a position having responsibility for the overall operation of the facility from which the discharge originates such as a plant manager, operator, superintendent or position of equivalent responsibility, or having responsibility for environmental matters for the industry.

Whenever the duly authorized representative in 1, 2, 3, or 4 above is no longer appropriate, a new authorization must be submitted to the District prior to or together with any reports to be signed by the authorized representative.

R. Enforcement

As identified in District *Ordinance No. 2020-3 Title III: Chapter 12 – Enforcement, Sections 12.01 through 12.11.*

S. Grab Sample

An individual sample which is collected without regard to the flow in the wastewater stream, but which reasonably reflects the actual discharge conditions at the time.

T. Commercial/Industrial User

Any place of business, endeavor, arts, trade, or commerce, whether public, government or private, commercial, or charitable, which uses water in a product, process, or in any manner that generates wastewater which is discharged to the District infrastructure and POTW.

U. Commercial/ Wastewater

All wastewater of the community, excluding single-family domestic wastewater, from a source not included under the definition of Commercial/Industrial User and including, but not limited to all wastewater from any brewery, cannabis operation, distillery, fish/meat/poultry processing, medical facility, pharmacy, plating/powder coating facility, power plant, producing, manufacturing processing, institutional, commercial, agricultural or operations from which the wastewater discharged includes wastes of non-human origin.

V. Interference

An inhibition or disruption of the POTW, its treatment processes or operations, or its biosolids processes, which causes, in whole or in part, a violation of any requirement of the POTW's NPDES permit, including those discharges that prevent the use or disposal of biosolids by the POTW in accordance with any Federal or State laws, regulations, permits or biosolids management plans.

W. Pass Through

A Discharge which exits the POTW into the 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, as defined in Title 40 CFR S: 403.3

X. Process Water

Process water is water that is used for a variety of manufacturing processes, including but not limited to: power plants; cooling tower make-up water; boiler make-up water; coating and plating; washing and other types of processes. Process water that is re-circulated often contains concentrated dissolved or suspended solids, depending on the type of process.

Y. Total Suspended Solids (TSS)

TSS are the insoluble solid matter suspended in wastewater that is determined in accordance with the procedure described in Title 40 CFR Part 136.

Z. Wastewater

Any water contaminated by waste from any source, including but not limited to, agricultural, domestic, commercial and industrial activities. The characteristics of wastewater vary depending on the source.

CHAPTER 3 – PROHIBITED WASTEWATER DISCHARGES

No user shall introduce or cause to be introduced into the District infrastructure and POTW any pollutant or wastewater which causes pass through or interference. This general prohibition applies to all users of the POTW whether or not they are subject to Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements. No user shall introduce any pollutant or wastewater which would violate the District's State or Federal Wastewater NPDES Discharge Permit.

No user shall discharge or cause to be discharged into any portion of the District infrastructure and the POTW, directly or indirectly, any waste which may violate any law or governmental regulation or have an adverse or harmful effect to the District infrastructure and POTW. This includes, but is not limited to; District maintenance and wastewater treatment personnel, POTW effluent quality, processes, or equipment, biosolids quality, or interfere with or adversely impact

wastewater treatment and/or biosolids treatment, or create a nuisance, or which may otherwise endanger the public as determined by the District General Manager.

No user shall introduce or cause to be introduced into the District infrastructure and POTW, including but not limited to, the following pollutants, substances, or wastewater:

- A. Pollutants which cause a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C).
- B. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference or damage to the treatment works;
- C. Pollutants which cause a danger to life or safety of District personnel;
- D. Pollutants which cause a strong offensive odor or prevention of the effective maintenance or operation of the treatment works;
- E. Pollutants which cause air pollution by the release of toxic or malodorous gases or malodorous gas-producing substances;
- F. Pollutants, including oxygen-demanding pollutants (BOD, TSS, 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;
- G. Pollutants which cause the District's effluent or any other product of the treatment process, residues, sludge, or scums, to be unsuitable for reclamation, disposal, reuse or treatment process;
- H. Pollutants which cause a detrimental environmental impact or a nuisance in the Waters of the State or a condition unacceptable to any public agency having regulatory jurisdiction over the District;
- I. Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, wood waste, dye wastes, and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent thereby violating the District's NPDES permit;
- J. Pollutants which cause conditions at or near the District's POTW which violate any statute or any rule, regulation, or ordinance of any public agency or State or Federal regulatory body;
- K. Pollutants which cause hydraulic and/or organic overloading to the District's POTW, or cause excessive collection or treatment costs, or may use a disproportionate share of the facilities;
- L. Pollutants which cause a pass through of any pollutant;
- M. Wastewater having a pH less than 6.5 or more than 8.5, or otherwise causing corrosive structural damage to the POTW or equipment;

- N. Wastewater having a temperature greater than 140 degrees F (60 degrees C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);
- O. More than 50 mg/l of oil or grease of animal or vegetable origin;
- P. More than 25 mg/l total Petroleum Hydrocarbons (TPH) as diesel, motor oil, hydraulic oil or gasoline;
- Q. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
- R. Identifiable chlorinated hydrocarbons;
- S. Trucked or hauled pollutants;
- T. Substances which, if otherwise disposed of would be a hazardous waste under State or Federal law;
- U. Medical Wastes;
- V. Any detectable concentration of DDT, or other prohibited pesticides or herbicides.
- W. Any quantity of water from road, street or surface drainage, rainwater or stormwater and swimming pools;
- X. Any significant quantity, as determined by the District General Manager, of deionized water, distilled water, steam condensate, cooling water, discharges from heat pumps, and blow-down water, bleed water, process water from cooling towers or other evaporative coolers;
- Y. Any quantities of radioactive wastes, which are in violation of applicable Local, Federal or State Regulations;
- Z. Concentrations of any parameter listed in the Scotia Wastewater Treatment Facility Local Limits Study (SHN, February 2021) which exceed any of the maximum allowable headworks loading (MAHL), the maximum allowable industrial loading (MAIL), and the Local limits set forth therein, shall not be discharged directly or indirectly into the District's infrastructure and POTW. Commercial and industrial dischargers may be given specific limitations for any parameter, as determined by the District General Manager, on a case-by-case basis, including but not limited to the following:
 - 1. Method, quantity, quality, and rate of discharge.
 - 2. Proximity to the District POTW receiving the waste.
 - 3. Method of biosolids use or disposal employed by the POTW receiving the waste.
 - 4. Other discharges to the POTW which may, in combination with the aforementioned discharge, form toxic substances or any parameter having

adverse effects on District infrastructure and POTW or which cause a nuisance.

CHAPTER 4 - PRETREATMENT

The District shall determine the type of wastewater pretreatment or flow-control facilities required to protect the District infrastructure and POTW.

All commercial/industrial wastewater dischargers which require wastewater pretreatment or flow-control facilities, as determined by the District General Manager, shall meet all parameter limitations identified in these Regulations, or in their individual discharge permit or BMP, prior to discharging directly or indirectly into the District infrastructure and POTW.

Any facilities required to have pretreatment or equalization of wastewater prior to discharge into the District infrastructure and POTW, shall be provided and maintained at the discharge's expense. Where pretreatment or equalization of wastewater flows are required by the District all, plans, specifications and other pertinent data or information relating to such pretreatment or flow-control facilities, shall be submitted prior to any construction or installation. The issuance of a permit or compliance schedule shall not be construed to indicate that the District guarantees or warrants the capabilities of any plans, specifications, facilities, or data in any manner. Any alterations or additions to the pretreatment or flow-control facilities shall not be changed without at least thirty (30) days prior written notice to the District. The discharger shall provide adequate facilities operating staff qualified to carry out the proper operation and maintenance required to comply with these Regulations and their discharge permit.

The District may inspect, at any time, the pretreatment, or flow-control facilities of any discharger to determine if the operation of the facilities comply with the requirements of these Regulations. The wastewater discharger, of these facilities, shall allow the District personnel access at all times to any areas of these facilities for the purposes of inspection or sampling of the wastewater from these facilities. The District shall have the right to place, on the discharger's property, any device that is necessary to conduct sampling or monitoring of the wastewater discharge. If the discharger has security measures in force which require proper identification and clearance before entry into their facilities, the discharger will provide the necessary authorization for District personnel access.

All wastewater discharge samples will require either 24-hour flow-proportional composite sampling or individual grab sampling as determined by the District General Manager. All wastewater discharge samples requiring certified laboratory testing will be collected by authorized District personnel. The cost for any certified laboratory testing shall be paid by the Discharger. Pretreatment required shall be as identified in the District **Ordinance No. 2020-3 Title III: Chapter 6 – Use of Wastewater Infrastructure Sections 6.01 through 6.16.**

CHAPTER 5 – REQUIRED PERMITS

All dischargers of commercial/industrial wastewater into the District infrastructure and POTW or any other discharge which may have significant impact on the District, shall be required to apply for a discharge permit and/or be subject to BMP Requirements, as determined by the District General Manager.

A separate discharge permit shall be required for each discharger. Each discharger having multiple connections at an individual plant or facility will be required to have a single permit which may have specific discharge maximum limitations and conditions for each separate connection.

The type of discharge permit and/or BMP required shall be as identified in the District *Ordinance No. 2020-3 Title III: Chapter 8-Report, Wastewater Discharge Permits and Administration Sections 8.11 through 8.11.10.*

CHAPTER 6 – REQUIRED REPORTS

All permitted dischargers of commercial/industrial wastewater into the District infrastructure and POTW shall be required to submit specific reports, which include but are not limited to, Baseline Monitoring Reports; BMP Reports; 90-Day Compliance Reports; Periodic Reports on continued compliance and any other report as determined necessary by the District General Manager.

The required Discharge Report may include, but are not limited to, nature of process, volume, rates of flow, mass emission rates, production quantities, hours of operation, number and classification of employees, or other information which relates to the generation of waste including wastewater discharge. The report may also include the chemical constituents' concentrations and quantities of liquid or gaseous materials stored on-site even though they are not normally discharged. The type of Discharge Report required shall be as identified in the District *Ordinance No. 2020-3 Title III: Chapter 8-Report, Wastewater Discharge Permits and Administration Sections 8.01 through 8.10.*

CHAPTER 7 - ENFORCEMENT

The District General Manager shall have the authority and responsibility to enforce all of the provisions of these Regulations. Enforcement action may include, but are not limited to, issues related to accidental discharges; administrative fines; appeals; bypass; cease and desist orders, compliance and consent orders; emergency suspensions; notice of violations and termination of discharge. Enforcement shall be as identified in the District *Ordinance 2020-3 Title III: Chapter 12- Enforcement Sections 12.01 through 12.11.*

CHAPTER 8 - ABATEMENT

The District General Manager shall have the authority to determine if abatement is required for any of the provisions of these Regulations. Abatement action may include, but are not limited to, civil penalties; collections of costs; correction of violations; damage to facilities; injunctive relief; and public nuisance. Abatement shall be as identified in the District *Ordinance 2020-3 Title III: Chapter 13- Abatement Sections 13.01 through 13.06.*

Section 2: Severability. If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of the Chapter. The Board of Directors hereby declares that it would have passed this Chapter, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid under law.

Section 3: California Environmental Quality Act (CEQA) Determination. Under the EIR that was completed upon the formation of the Scotia Community Services District, a determination was made that the District would not result in a significant environmental impact. This ordinance is also exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Section 4: Limitation of Actions. Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

Section 5: This ordinance will take effect thirty (30) days after the date of its adoption.

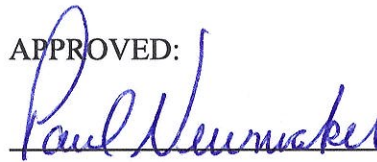
DATE: March 18, 2021

ATTEST:



Clerk, Scotia Community Services District
for Julie Hawkins

APPROVED:




President, Scotia Community Services District

Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 2021-2, passed and adopted at a regular meeting of the Board of Directors of the Scotia Community Services District, Humboldt County, California on the 18th day of March, 2021, by the following vote:

AYES: *Anstead, Black, Pryor, Sellen, Newmaker*
NOES: *0*
ABSENT: *0*
ABSTENTIONS: *0*



Board Clerk, Scotia Community Services District
for Julie Hawkins