

LAKEHAVEN UTILITY DISTRICT



SEWER USE RULES

**NOVEMBER 1998
(amended July 2006)**

LAKEHAVEN UTILITY DISTRICT SEWER USE RULES

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SECTION 1 - GENERAL PROVISIONS

1.01 Purpose and Policy

The purpose of the Lakehaven Utility District Sewer Use Rules are to set forth requirements for users, and potential users, of the Publicly Owned Treatment Works (POTW) for the Lakehaven Utility District, and enables the District to protect public health and the environment in conformity with all applicable local, County, State, and Federal laws relating thereto, including but not limited to, the Clean Water Act (33 U.S.C. 1251 et. seq.) and the General Pretreatment Regulations (40 CFR Part 403). The objectives of this resolution are:

1. To prevent the introduction of pollutants into the District's wastewater system, which will cause interference with the operation of the system or contaminate the wastewater collection and treatment system or cause worker health and safety problems, and
2. To prevent the introduction of pollutants into the District's wastewater system, which do not receive adequate treatment in the system, and which will pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the system, and
3. To ensure that the quality of the wastewater treatment plants' biosolids is maintained at a level which allows its use in compliance with applicable statutes and regulations, and
4. To improve the opportunity to recycle and reclaim wastewater and biosolids from the system, and
5. To protect District personnel affected by wastewater and sludge in the course of their employment and to protect the general public.

These rules shall apply to all: persons with property connected to the District's wastewater system; persons proposing to connect property to the District's wastewater system; and users and domestic users of the District's wastewater system. These rules authorize the issuance of Discharge Agreements; authorize inspection, monitoring, compliance, and enforcement activities; establish administrative review procedures; and provide for the setting of fees for the equitable distribution of costs resulting from the programs and rules defined herein.

1.02 Administration

Except as otherwise provided herein, the General Manager shall administer, implement, and enforce the provisions of this resolution. Any powers granted to or duties imposed upon the General Manager may be delegated by the General Manager to other District personnel.

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1.03 Right of Revision

The District reserves the right to amend these rules to provide for more stringent standards, limitations, or requirements for the use of the District's sewers where deemed necessary to comply with the objectives set forth in Section 1.01 of these rules.

1.04 Definitions

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

Accidental Spill Prevention Plan (ASPP). A set of procedures that will minimize the chance of an accidental spill or discharge of material that will damage the District's collection or treatment system, or cause interference to or pass through the District's system.

Act or "the Act". The Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

Applicable Pretreatment Standards. For any specified pollutant, District prohibitive standards, District specific pretreatment standards (local limits), State of Washington pretreatment standards, or EPA's Categorical Pretreatment Standards (when effective), whichever standard is most stringent.

Approval Authority. The Washington State Department of Ecology.

Auburn. The City of Auburn, situate in the County of King, State of Washington.

Authorized Representative of the User.

- (1) If the user is a corporation:
 - (a) The president, secretary, treasurer, or a vice-president of the corporation in charge of principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - (b) The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons of having gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporation procedures;
- (2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively;
- (3) If the user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility, or his/her designee;
- (4) The individuals described in paragraphs (1) through (3) above may designate another authorized representative if the designation is dated and in writing, the designation 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 designation is submitted to the District.

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°

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centigrade as measured utilizing applicable analytical procedures defined in the most recent publication of "Standard Methods for the Examination of Water and Wastewater," usually expressed as a concentration of milligrams per liter (mg/l) and/or parts per million (ppm).

Building Sewer. A privately owned and maintained pipe system, commencing two (2) feet outside a building or structure, that is designed to carry sewage or wastewater leading from a plumbing outlet or other approved facilities to the side sewer or other approved outlet.

Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

Categorical User. A user covered by one of EPA's Categorical Pretreatment Standards.

CFR. Code of Federal Regulations.

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.

Compliance. For the purposes of these rules, "compliance" is mandatory.

Color. The optical density at the visual wave length of maximum absorption, relative to distilled water. One-hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.

Composite Sample. The sample resulting from the combination of individual wastewater samples taken from a discharge at selected intervals based on an increment of either flow or time.

Dangerous Waste. Any solid, liquid, or mixed waste defined according to WAC 173-303-080 through -110, or amendments thereto.

Des Moines. The City of Des Moines, situate in the County of King, State of Washington.

Discharge or Indirect Discharge. The introduction of pollutants into the POTW from any non-domestic user including, but not limited to, any non-domestic source regulated under Section 307(b), (c), or (d) of the Act. The discharge into the POTW is normally by means of pipes, conduits, pumping stations, force mains, and all constructed devices and appliances appurtenant thereto.

Discharge Agreement. Explicit written terms and conditions for discharging to the POTW issued to a minor user. The agreement may contain appropriate pretreatment standards requirements, including the obligations of the minor user to own, operate, and maintain a pretreatment facility, as set forth in these rules. Discharge Agreements may be granted for a specified period of time up to five (5) years.

District. Lakehaven Utility District, situate in the Counties of King and Pierce, State of Washington, its General Manager, or duly authorized representative(s).

Domestic User (Residential Equivalent User). Any person who contributes, causes, or allows the contribution of wastewater into the POTW that is of a similar volume and/or chemical make-up as that of the sewage from a residential dwelling unit. Wastewater contributions from a residential dwelling unit include approximately one-hundred (100) gallons per capita per day, 0.2 pounds of BOD per capita per day, and 0.17 pounds of TSS per capita per day.

Edgewood. The City of Edgewood, situate in the County of Pierce, State of Washington.

EPA. The United States Environmental Protection Agency, or where appropriate, the

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Regional Water Management Division Director, or other duly authorized official of said agency.

Existing Source. For a categorical user, defined as any user who is the source of a discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

Existing User. For non-categorical users, defined as any user who is discharging wastewater prior to the effective date of these rules.

Federal Way. The City of Federal Way, situate in the County of King, State of Washington.

FIFRA. Federal Insecticide Fungicide Rodenticide Act.

Grab Sample. An individual wastewater sample taken from a discharge on a one-time basis without regard to the flow of the discharge and without consideration of time.

Interference. A discharge that, alone or in conjunction with discharges from other sources, including sewage from domestic sources, either:

- (1) inhibits, disrupts, or damages the POTW, its treatment processes or operations;
- (2) inhibits, disrupts, or damages the POTW, its solids handling processes or use; or is a cause of a violation of a District National Pollutant Discharge Elimination System (NPDES) permit, or of the prevention of biosolids use by the District in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge or biosolids management plan prepared pursuant to subtitle D of the SWDA, the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

Kent. The City of Kent, situate in the County of King, State of Washington.

King County. The County of King, situate in the State of Washington.

Lower Explosive Limit (LEL). The concentration of a particular gas, or mixture of gases, which will cause an explosion when the gas, or gases, is, or are, mixed with air and then ignited.

Milton. The City of Milton, situate in the County of Pierce, State of Washington.

Minor User. A user of the POTW identified by the District as having the potential to discharge wastewater into the POTW, either singly or in combination with other users, including sewage from domestic sources, that may have an undesirable impact on the POTW, but less impact on the POTW than a significant user.

Manager. The General Manager designated by the District as being responsible for the overall management of the District, and who is charged with certain duties and responsibilities by these rules, or a duly authorized representative.

Maximum Allowable Discharge Limit. The maximum concentration, or loading, of a pollutant allowed to be discharged into the POTW at any time, determined from the analysis of any grab or composite sample collected.

Medical Wastes. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

New Source. For a categorical user, defined as:

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- (1) Any building, structure, facility, or installation from which there is or may be discharge of pollutants into the POTW, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Clean Water Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of sub-Section (1)(b) or (1)(c) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - (a) Begun, or caused to begin as part of a continuous on-site 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 that are intended to be used in its operation within a reasonable time. Options to purchases or contracts that 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.

New User. For non-categorical users, a "new user" is not a "new source" and is defined as a user that applies to the District for a new, or supersede, Side Sewer Permit or any person who occupies an existing building and plans to discharge wastewater to the POTW after the effective date of these rules.

Non-compliance. For the purposes of these rules, not complying with, or otherwise violating, any requirements contained herein.

Pass Through. A discharge which exits the POTW into waters of the State of Washington or the United States in quantities or concentrations which, alone or in conjunction with a

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discharge or discharges from other sources, including sewage from domestic sources, is a cause in whole or in part of a violation of a water quality standard or any requirement of the District's NPDES permits including an increase in the magnitude or duration of a violation.

Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. Building occupants, and property owners where applicable, are herein defined as persons. This definition includes all Federal, State, or local governmental entities.

pH. A measure of the acidity or alkalinity of a substance as measured utilizing applicable analytical procedures defined in the most recent publication of "Standard Methods for the Examination of Water and Wastewater", expressed in standard units.

Pierce County. The County of Pierce, situate in the State of Washington.

Plumbing outlet. The privately owned and maintained outlet of a pipe system from a building or structure, which terminates two (2) feet outside said building or structure, that carries sewage or wastewater from sanitary facilities and plumbing fixtures to the building sewer.

Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, biosolids, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the characteristics of the wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, toxicity, or odor).

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, discharging or otherwise introducing such pollutants into the POTW.

Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

Pretreatment Standard or Standards. Any prohibited discharge standards, categorical pretreatment standards, and local limits established by the District.

Private System. A sanitary sewer system not owned and operated by the District that was constructed prior to the adoption of these rules. Said system may, or may not, be connected to the POTW. All components of a private system, including any private sewer mains and other sewer appurtenances, are the sole responsibility of the owner of the system to properly operate and maintain.

Process Wastewater. Wastewater excluding sewage, non-contact cooling, and boiler blow-down wastewater.

Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.01(A) and 2.01(B) of these rules.

Publicly Owned Treatment Works (POTW). A "treatment works", as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned by the District. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or wastewater and any conveyances that convey sewage or wastewater to a treatment plant. The term also means the District.

RCW. Revised Code of Washington.

Sanitary survey. A physical inspection of the ground surface above a septic tank and connecting drain field areas and completion of a verbal survey with questions related to

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occupancy, water usage, and septic system maintenance.

Septic Tank Waste (Septage). Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Sewage (Domestic Wastewater). Human excrement and gray water (household showers, household dishwashing/laundry operations, etc.)

Sewer, Sewer Main or Sanitary Sewer. Any pipe, conduit, ditch, or other device constructed, owned, operated, or maintained by the District, which is used to collect and transport sewage and wastewater from a side sewer or other approved generating source, and is not designed to carry stormwater or unpolluted water.

Shall. May. "Shall" is mandatory, "may" is permissive.

Side Sewer. A privately owned and maintained pipe system that is designed to carry sewage or wastewater leading from a building sewer or other approved facilities to the public sewer system or other approved outlet.

Significant User.

- (1) A user subject to, or potentially subject to, categorical pretreatment standards; or
- (2) A user that:
 - (a) Discharges an average of 25,000 gallons or more per average workday of process wastewater; or
 - (b) Contributes process wastewater which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the receiving POTW treatment plant; or
 - (c) Is determined by the State to have a reasonable potential for adversely affecting, or impacting, either singly or in combination with other contributing users, including sewage from domestic sources, the POTW's operation or for violating any pretreatment standard or requirement; or
- (3) If a user who meets the criteria in subsection (2) above has no reasonable potential for adversely affecting the POTW's operation or for violating any applicable pretreatment standard or requirement, the user may petition the State, in accordance with procedures defined in 40 CFR 403.8(f)(6), to determine that such a user should not be considered a significant user.

Significant Non-compliance. A violation of applicable pretreatment standards by a user that meets one or more of the following criteria:

- (1) Chronic violation of wastewater discharge limits, defined as those in which sixty-six percent (66%) or more of all of the measurements taken during a six-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined in 40 CFR 403.3(1); or
- (2) Technical review criteria (TRC) violations, defined as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed, the product of the a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined in 40 CFR 403.3(1) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, & FOG and 1.2 for all other pollutants except pH); or
- (3) Any other violation of a pretreatment Standard or Requirement as defined by 40 CFR 403.3(1) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the District determines has caused, alone or in combination with other discharges, including sewage from domestic sources, interference or pass through

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- (including endangering the health of District personnel or the general public); or
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the District's exercise of its emergency authority under the provisions specified in Chapter 56.08.070 RCW or 40 CFR Part 403.8(f)(1)(vi)(B), and amendments thereto, to halt or prevent such discharge; or
 - (5) Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule milestone contained in a Discharge Agreement or compliance order for starting construction, completing construction or attaining final compliance; or
 - (6) Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports and reports on conformity with compliance schedules; or
 - (7) Failure to accurately report non-compliance; or
 - (8) Any other violation, group of violations, or non-compliance, which may include a violation of Best Management Practices, that the District determines will adversely affect the operation or implementation of the District's Pretreatment Program.

Slug load. Any discharge at a flow rate or concentration that could cause non-compliance with the discharge standards in Section 2.01 through 2.04 of these rules or any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge.

State. State of Washington.

State Waste Discharge Permit. An authorization or equivalent control document issued by the WDOE to significant users discharging wastewater to the POTW. The permit may contain appropriate pretreatment standards and requirements as set forth in these rules.

Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

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 as measured utilizing applicable analytical procedures defined in the most recent publication of "Standard Methods for the Examination of Water and Wastewater".

Toxic Pollutant. Any one of the current 126 pollutants, or other pollutants as defined by the EPA and/or WDOE, or combination of those pollutants, listed as toxic in regulations promulgated by EPA under Section 307 of the Act (33 U.S.C. 1317). Also, those pollutants, or combinations of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism either directly from the environment or indirectly by ingestion through food chains, will, on the basis of information available to the District, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including reproductive malfunctions) or physical deformations in such organisms or their offspring.

Upset. An exceptional incident in which a user unintentionally is in a state of non-compliance with the standards set forth in Section 3 hereto due to factors beyond the reasonable control of the user and excluding non-compliance to the extent caused by operational error, improperly designed treatment facilities, lack of preventive maintenance, or careless or improper operation thereof.

User. A person who is the source of a discharge to the POTW. The source shall not include "domestic user" as defined herein.

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WAC. Washington Administrative Code.

Wastewater. Liquid and water-carried industrial wastes, not including storm water, and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

WDOE. Washington State Department of Ecology.

The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

1.05 **Abbreviations**

The following abbreviations shall have the designated meanings:

- **ASPP** -- Accidental Spill Prevention Plan
- **BOD** -- Biochemical Oxygen Demand
- **CFR** -- Code of Federal Regulations
- **WDOE** -- Washington Department of Ecology
- **EPA** -- U.S. Environmental Protection Agency
- **FOG** -- Fats, Oils, and Greases
- **gpd** -- gallons per day
- **LEL** -- Lower Explosive Limit
- **mg/L** -- milligrams per Liter
- **NPDES** -- National Pollutant Discharge Elimination System
- **O&M** -- Operation and Maintenance
- **ppm** -- parts per million
- **POTW** -- Publicly Owned Treatment Works
- **RCRA** -- Resource Conservation and Recovery Act
- **RCW** -- Revised Code of Washington
- **SWDA** -- Solid Waste Disposal Act (42 U.S.C. 6901, et seq.)
- **TSS** -- Total Suspended Solids
- **WAC** -- Washington Administrative Code

SECTION 2 - GENERAL DISCHARGE REQUIREMENTS

2.01 Prohibited Discharge Standards

- A. **General Prohibitions.** No user shall contribute, discharge, or cause to be introduced into the POTW, directly or indirectly, any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.
- B. **Specific Prohibitions.** No user shall contribute, discharge, or cause to be introduced into the POTW, directly or indirectly, the following pollutants, substances, or wastewater:
- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
 - (2) Wastewater having a pH less than 5.0, or more than 11.0, nor wastewater which would cause the pH at the headworks of the POTW to exceed 9.0 or be less than 6.0, nor wastewater which would otherwise cause corrosive structural damage to the POTW or its equipment;
 - (3) Solid or viscous substances in amounts that will cause obstruction of the flow in the POTW resulting in interference with the operation of the POTW, but in no case solids greater than one-quarter (1/4) inch in any dimension. These substances would include, but are not be limited to, Fats, Oils & Greases (FOG), animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, earth, gravel, coal, rubbish, 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 of fuel or lubricating oil, mud, or glass grinding or polishing wastes;
 - (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
 - (5) Wastewater having a temperature which will inhibit biological activity in a POTW treatment plant resulting in interference; but in no case, wastewater with a temperature at the introduction into the District's sewage collection system which exceeds 65°C (149°F) nor wastewater which would cause the temperature at the headworks of a POTW treatment plant to exceed 40°C (104°F);
 - (6) Wastewater containing petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference to, or pass through the POTW;

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- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity which may cause, either singly or by interaction with other wastes, acute worker health and safety problems;
- (8) Any material from a cesspool, privy, septic tank, or other on-site disposal system, except at discharge points, and in a manner, prescribed by the District. Handlers of such wastes shall obtain authorization from the District sixty (60) days prior to discharge to the POTW, and meet requirements and conditions set forth by the District. In no case shall wastes other than those of domestic household origin be accepted.
- (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance and repair;
- (10) Wastewater that imparts color that cannot be removed by the treatment process, such as, but not limited to, paint wastes, dye wastes, and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating a District NPDES permit. Color, in combination with turbidity, shall not cause the 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;
- (11) Wastewater containing any radioactive wastes or isotopes, except as specifically approved by the Director and the WDOE in compliance with applicable State or Federal regulations;
- (12) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted wastewater, unless specifically authorized by the Manager;
- (13) Any sludges, screenings, residues, or other solid wastes from the pretreatment of industrial wastes or from industrial processes;
- (14) Medical wastes, except as specifically authorized by the Manager;
- (15) Wastewater causing, alone or in conjunction with other sources, a treatment plant's effluent to fail a toxicity test;
- (16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
- (17) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction to cause fire or explosion or be injurious in any other way to the operation of the POTW. At no time shall two (2) successive readings on an explosion meter be in excess of five percent (5%) of their LEL, nor any single reading in excess of ten percent (10%) of their LEL, at any point in the system. Such materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates,

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bromines, carbides, hydrides, sulfides, biphenyls, stoddard solvents, and any other substances which the District, the County, the State, or the EPA has determined are a fire hazard or explosive hazard to the system;

- (18) Any substance which will cause the POTW to violate a NPDES and/or other disposal system permits;
- (19) Any substance that may cause the POTW's effluent, treatment residues, or biosolids to be unsuitable for reclamation and reuse or to interfere with the reclamation process. Under no circumstances will a substance discharged to the POTW cause the biosolids to be rendered unusable for agricultural uses;
- (20) Any wastewater, which in the opinion of the Manager can cause harm either to the personnel, sewers, sewage treatment processes or other equipment of the District; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance, unless allowed under special agreement or waiver by the Manager, except that no special waiver shall be given from categorical pretreatment standards;
- (21) The contents of any tank or other vessel owned or used by any person in the business of collecting or pumping sewage, effluent, septage, or other wastewater unless said person has first obtained approval as may be generally required by the District and paid all fees assessed for the privilege of said discharge;
- (22) Any hazardous wastes as defined in WAC 173-300, or in EPA rules 40 CFR 261;
- (23) Persistent pesticides and/or pesticides regulated by FIFRA.

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.

2.02 Federal Categorical Pretreatment Standards

The National categorical pretreatment standards found at 40 CFR I, Subchapter N, Parts 405-471 are hereby incorporated.

2.03 State Requirements

State requirements and limitations on discharges to the POTW shall be met by all users that are subject to such standards in any instance in which they are more stringent than federal requirements and limitations, or those in this or any other applicable rule. State regulations require the use of all known, available, and reasonable methods of prevention, control, and treatment; and prohibit the discharge of dangerous wastes to the POTW.

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2.04 Local Limits

The following pollutant limits are established to protect against pass through and interference, and to protect the quality of and improve the opportunity to recycle POTW biosolids. No person shall discharge wastewater containing in excess of the following daily maximum allowable discharge limits:

<u>Material</u>	<u>mg/L (parts per million)</u>
FOG	50.
Arsenic	0.02
Cadmium	0.75
Chromium (total)	4.0
Copper	0.5
Lead	0.2
Mercury	0.02
Molybdenum	6.5
Nickel	0.6
Silver	0.2
Zinc	0.2
Cyanide (total)	0.29
Chloroform	0.16
Trichloroethene (Trichloroethylene)	0.10
Benzene	0.13
Ethylbenzene	1.4
Toluene	1.5
Total Toxic Organics (TTOs)	5.0

The above limits apply at the point where the wastewater is discharged to the POTW ("end-of-pipe"). All concentrations for metallic substances are for total metal unless indicated otherwise. The Manager may impose mass limitations in addition to, or in place of, the concentration based limitations above. Where a user is subject to a categorical pretreatment standard and a local limit for a given pollutant, the more stringent limit or applicable pretreatment standard shall apply.

2.05 Special Agreement

The District reserves the right to enter into special agreements with users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance requirements with a categorical pretreatment standard, or a federal or state pretreatment requirement.

2.06 Dilution

No user shall ever increase the use of potable or process water, or in any way attempt to

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dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with an applicable pretreatment standard or requirement. The Manager may impose mass limitations on users that he believes may be using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

2.07 Pretreatment Facilities and Equipment

Users shall provide necessary wastewater pretreatment as required to comply with the terms of these rules and shall achieve a state of compliance with all applicable pretreatment standards and requirements set out in these rules within the time limitations specified by the EPA, the WDOE, or the District, whichever is more stringent. Any facilities or equipment required to pretreat wastewater to a level acceptable to the District shall be provided, properly operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and equipment shall be submitted to the District for review, and shall be acceptable to the District before construction of the facility or installation of the equipment. The review or approval of such plans shall in no way relieve the user from the responsibility of modifying the facility or equipment as necessary to produce an acceptable discharge to the POTW under the provisions of these rules. The user shall obtain all necessary construction/operating permits from the District and any other permits necessary and administered by other agencies. Any subsequent significant changes in the pretreatment facilities or equipment, or method of operation shall be reported to and be accepted by the District prior to the user's initiation of the changes. The user shall control production and/or discharges upon reduction, loss, failure, or by-pass of the treatment facility or equipment 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.

2.08 Deadline for Compliance with Applicable Pretreatment Requirements & Standards

Compliance by all existing users with pretreatment requirements and standards shall be within one (1) year of the date the requirement or standard is effective, unless otherwise specified herein.

Compliance by existing categorical users covered by Categorical Pretreatment Standards shall be within three (3) years of the date the standard is effective, unless a shorter compliance time is specified in the appropriate standard.

"New source" users and "new users" are required to comply with applicable pretreatment standards within the shortest feasible time, not to exceed ninety (90) days from the beginning of discharge. "New sources" and "new users" shall install and have in operating condition, and shall start-up all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge.

Any existing user or categorical user that must comply with a more stringent local limit, which is in a state of non-compliance with any local limit, shall be provided with a compliance schedule placed in a Discharge Agreement to insure compliance within the shortest time feasible.

2.09 Additional Pretreatment Measures

- A. **Flow Control.** Whenever deemed necessary, the Manager may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of these rules.

- B. **Grease, Oil, Hair, and Sand Interceptors.** Grease, oil, hair, and sand interceptors shall be provided when, in the opinion of the Manager, they are necessary for the proper handling of wastewater containing excessive amounts of FOG, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the Manager and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned and repaired regularly, as needed, by the user at the user's expense.

- C. **Flammable Substance Detection.** Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

2.10 Accidental Discharge/Slug Load Control Plans

The Manager may require any user to develop and implement an accidental discharge/slug control plan. Where deemed necessary by the District, facilities to prevent accidental discharge or slug loads of pollutants shall be provided and maintained at the user's cost and expense. An Accidental Spill Prevention Plan (ASPP) showing facilities and operating procedures to provide this protection shall be submitted to the District for review and approval before implementation. The District shall determine which user is required to develop a plan and require said plan to be submitted within ninety (90) days after notification by the District. Each user shall implement its ASPP as submitted or as modified after such plan has been reviewed and approved by the District. Review and approval of such plans and operating procedures by the District shall not relieve the user from the responsibility to modify its facility as necessary to meet the requirements of Section 2.01 through 2.04 of these rules.

- A. Any user required to develop and implement an ASPP shall submit a plan that addresses, at a minimum, the following:
 - (1) Description of discharge practices, including non-routine batch discharges;
 - (2) Description of stored chemicals;
 - (3) Procedures for immediately notifying the POTW of any accidental or slug load discharge. Such notification must also be given for any discharge which would cause non-compliance with any of the standards in Sections 2.01 through 2.04 of these rules; and

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- (4) Procedures to prevent adverse impact from any accidental or slug load discharge. Such processes 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 pollutants (including solvents), and/or measures and equipment for emergency response.
- B. User shall notify the District immediately upon the occurrence of a "slug load" or "accidental discharge" of substances regulated by these rules. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any affected user shall be liable for any expense, loss, or damage to the POTW, in addition to the amount of any fines or costs incurred by the District on account thereof under local, state or federal law.
- C. Within five (5) calendar days following an accidental discharge, the user shall submit to the District a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability that may be imposed by these rules or other applicable law.
- D. Signs shall be permanently posted in conspicuous places on the 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 discharge with respect to emergency notification procedures.

2.11 Septic Tank Wastes - [Reserved]

SECTION 3 - WASTEWATER DISCHARGE PERMIT REQUIREMENTS

No significant user shall discharge wastewater into the POTW without first obtaining a State Waste Discharge Permit from the Washington Department of Ecology. Obtaining a wastewater discharge permit from the WDOE does not relieve a user of its obligation to comply with all Federal and State pretreatment standards or requirements, or with any other requirements of Federal, State, and local law. Furthermore, obtaining a State Waste Discharge Permit does not relieve the user from complying with the discharge limits contained in Section 2.04 of these rules.

SECTION 4 - DISCHARGE AGREEMENT REQUIREMENTS

No user required by the District to execute a Discharge Agreement shall commence, or continue, to discharge wastewater into the POTW without first obtaining a Discharge Agreement from the District, unless authorized by the District in writing. Any infraction of the terms and conditions of a Discharge Agreement shall be deemed non-compliance with these rules and subjects the holder of the Discharge Agreement to the sanctions set out in these rules. Obtaining a Discharge Agreement does not relieve a user of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

4.01 Existing Minor User

Any existing minor user that has been discharging process wastewater into the POTW prior to the effective date of these rules, and is required by the District to obtain a Discharge Agreement, shall within thirty (30) days after notification by the District submit a completed Discharge Agreement application to the District in accordance with Section 4.03 of these rules.

4.02 New Minor User

All minor new users proposing to connect to, or discharge process wastewater and/or other wastes to, the POTW shall obtain a Discharge Agreement prior to connecting to, or discharging to, the POTW.

4.03 Discharge Agreement Application

All users required to obtain a Discharge Agreement shall submit, at a minimum, a completed sewer use survey in a form prescribed by the District.

4.04 Discharge Agreement Decisions

The District shall evaluate the data furnished by the user and may require additional information. Within sixty (60) days of receipt of a completed Discharge Agreement application, the District shall determine whether or not to execute a Discharge Agreement. Upon a determination to execute, the Discharge Agreement shall be executed within thirty (30) days of full evaluation and acceptance of the data furnished. The District may deny any application for a Discharge Agreement.

4.05 Discharge Agreement Contents

Discharge Agreements shall include such conditions as are reasonably deemed necessary by the District to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate biosolids management and recycling, and protect against damage to the POTW.

- A. Discharge Agreements may contain the following conditions:
- (1) A statement that indicates Discharge Agreement duration, which shall not exceed five (5) years;
 - (2) A statement that the Discharge Agreement is non-transferable without prior notification to and approval from the District;
 - (3) Applicable pretreatment standards and requirements, including any special requirements;
 - (4) Any self-monitoring, sampling, reporting, notification, and record-keeping requirements;
 - (5) A statement of applicable administrative and judicial remedies for non-compliance with Discharge Agreement requirements, and pretreatment standards and requirements;
 - (6) Limits on the average and/or maximum rate of discharge, and time of discharge;
 - (7) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
 - (8) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
 - (9) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
 - (10) Any special agreements the District chooses to continue or develop between the District and the user; and
 - (11) Other conditions as deemed appropriate by the District to insure compliance with these rules.

4.06 Discharge Agreement Appeals

Any user may petition the District to reconsider the terms of its Discharge Agreement within thirty (30) days of its execution.

- A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- B. In its petition, the appealing user must indicate the Discharge Agreement provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the Discharge Agreement.

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- C. The effectiveness of the Discharge Agreement shall not be stayed pending the appeal.
- D. If the District fails to act within sixty (60) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a Discharge Agreement, not to execute a Discharge Agreement, or not to modify a Discharge Agreement, shall be considered final administrative actions.

4.07 Discharge Agreement Duration

Discharge Agreements shall be executed for a specified time period, not to exceed five (5) years. A Discharge Agreement may be executed for a period less than five (5) years, at the discretion of the District. Each Discharge Agreement shall indicate a specific date upon which it will expire.

4.08 Discharge Agreement Modification

The District may modify the Discharge Agreement for good cause including, but not limited to, 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 user's operation, processes, or wastewater volume or character since the time of Discharge Agreement execution;
- 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 authorized discharge poses a threat to the POTW, District personnel, or the receiving waters;
- E. Non-compliance with any terms or conditions of the Discharge Agreement;
- F. Misrepresentations or failure to fully and accurately disclose all relevant facts in the Discharge Agreement application or in any required reporting;
- G. To correct typographical or other errors in the Discharge Agreement;
- H. To reflect a transfer of the facility ownership and/or operation to a new owner/operator;
- I. Upon request by the Permittee, provided such request does not create a violation of any existing applicable requirements, standards, laws, rules and/or regulations.

Any permit modification that results in a revision of the existing Discharge Agreement limitations or requirements shall include a reasonable time schedule for compliance, as determined by the District.

4.09 Discharge Agreement Transfer

Discharge Agreements may be reassigned or transferred to a new owner and/or operator only if the user gives at least thirty (30) days notice to the District and the District approves the Discharge Agreement transfer. The notice to the District shall include a written certification by the new owner and/or operator which:

- A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledges full responsibility for complying with the existing Discharge Agreement.

The District will notify the existing user holding the Discharge Agreement of the need to modify the permit, if it cannot be transferred, to incorporate such other requirements as determined necessary by the District.

Failure to provide advance notice of transfer renders the Discharge Agreement voidable as of the date of facility transfer.

Provided that the above occurs and that there were no significant changes to the operations and processes, or wastewater discharge, the new owner and/or operator will be considered an existing user and be covered by the existing limits and requirements in the previous owner's Discharge Agreement.

4.10 Discharge Agreement Revocation

Discharge Agreements may be revoked for, but not limited to, the following reasons:

- A. Failure to notify the District of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the District of changed conditions;
- C. Misrepresentation or failure to fully and accurately disclose all relevant facts in the Discharge Agreement application;
- D. Refusing to allow the District timely access to the facility premises and records;
- E. Failure to meet discharge limitations;
- F. Failure to pay fines and penalties;
- G. Failure to pay sewer charges;
- H. Failure to meet a compliance schedule;
- I. Failure to complete and submit a sewer use survey or a Discharge Agreement application;
- J. Failure to provide advance notice of the transfer of a facility currently

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holding a Discharge Agreement;

- K. If the District has to invoke its emergency provision as cited in Section 10.07 of these rules; or
- L. Non-compliance with any pretreatment standard or requirement, or any terms of the Discharge Agreement or these rules.

Discharge Agreements shall be void upon cessation of operations or transfer of business ownership. All Discharge Agreements executed to a particular user shall be void upon the execution of a new Discharge Agreement to that user for the same discharge from the same source.

4.11 Discharge Agreement Renewal

A user with an existing Discharge Agreement will be notified by the District of Discharge Agreement expiration 90 days prior to the expiration date. A user who is required to have a Discharge Agreement shall apply for renewal of same by submitting, at a minimum, a complete sewer use survey in a form prescribed by the District, in accordance with Section 4.03 of these rules, a minimum of 30 days prior to the expiration of the user's Discharge Agreement. A user, whose existing Discharge Agreement has expired and has submitted its re-application in the time period specified herein, shall be deemed to have an effective Discharge Agreement until the District executes or denies the new Discharge Agreement. A user, whose existing Discharge Agreement has expired and who failed to submit its re-application in the time period specified herein, will be deemed to be discharging without a Discharge Agreement.

SECTION 5 - REPORTING REQUIREMENTS

5.01 Periodic Compliance Report

The District may require reporting by any user if information or data is needed to establish a sewer charge, determine the treatability of the facility effluent, or determine any other factor that is related to the operation and maintenance of the POTW.

5.02 Notification of Significant Production/Process Changes

Any user operating under a Discharge Agreement incorporating equivalent mass or concentration limits shall notify the District within two (2) business days after the user has a reasonable basis to know that the production/process level will significantly change within the next calendar month. Any user not providing a notice of such anticipated change will be required to comply with the existing limits contained in its Discharge Agreement.

5.03 Hazardous Waste Notification

Any user that is discharging fifteen (15) kilograms of hazardous wastes as defined in 40 CFR Part 261 (listed as characteristic wastes) in a calendar month or any facility discharging any amount of acutely hazardous wastes as specified in 40 CFR Parts 261.30(d) and 261.33(e) is required to provide a one-time notification in writing to the District, EPA Regional Waste Management Division Director, and the Washington Department of Ecology. Any existing user exempt from this notification, shall comply with the requirements contained herein within thirty (30) days of becoming aware of a discharge of fifteen (15) kilograms of hazardous wastes in a calendar month or the discharge of acutely hazardous wastes to the POTW. Such notification shall include:

- A. The name of the hazardous waste as set forth in 40 CFR Part 261;
- B. The EPA Hazardous Waste Number;
- C. The type of discharge (continuous, batch, or other); and
- D. If a user discharges more than one-hundred (100) kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent it is known or readily available to the user:
 - (1) an identification of the hazardous constituents contained in the wastes,
 - (2) an estimation of the mass and concentration of such constituents in the wastestreams discharged during that calendar month, and
 - (3) An estimation of the mass of constituents in the wastestreams expected to be discharged during the following twelve (12) months.

These notification requirements do not apply to pollutants already reported under any self monitoring requirements in a State Waste Discharge Permit.

Whenever the EPA publishes final rules identifying additional hazardous wastes or new characteristics of hazardous waste, a user shall notify the District of the discharge of such a substance within ninety (90) days of the effective date of such regulations.

In the case of any notification made under this section, a user shall certify that is has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

5.04 Notice of Potential Problems, including accidental spills, slug loadings

Any user shall notify the District immediately of all discharges that could cause problems to the POTW, including any slug loadings, as defined in Section 1.04 of these rules. The notification shall include the concentration and volume and corrective action. Steps being taken to reduce any adverse impact should also be noted during the notification. Any user who discharges a "slug load" of pollutants shall be liable for any expense, loss, or damage to the POTW, in addition to the amount of any fines or penalties imposed on the District under state or federal law.

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5.05 Non-Compliance Reporting

If sampling performed by a user indicates non-compliance with a discharge requirement, the user shall notify the District within twenty-four (24) hours of becoming aware of the non-compliance. The user shall also repeat the sampling within five (5) calendar days and submit the results of the repeat analysis to the District within thirty (30) calendar days after becoming aware of the non-compliance, except the user is not required to re-sample if:

- A. The District performs sampling of the user's discharge at a frequency of at least once per month; or
- B. The District performs sampling of the user's discharge between the time when the user performs its initial sampling and the time when the user receives the results said sampling.

5.06 Notification of New or Changed Discharge

All users shall promptly notify the District in advance of any new discharge or 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 user has submitted initial notification under 40 CFR Part 403.12(p).

5.07 Reports from Other Users Not Required to Obtain a Discharge Agreement

All users not required to obtain a Discharge Agreement shall provide appropriate reports to the District as the District may require.

5.08 Record Keeping

Users subject to the reporting requirements of these rules shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by these rules and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling and the name of the person(s) taking the sample(s); the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or POTW, or where the user has been specifically notified of a longer retention period by the District.

SECTION 6 - SAMPLING AND ANALYTICAL REQUIREMENTS

6.01 Sampling Requirements for Users

- A. A minimum of four (4) grab samples shall be used for pH, cyanide, total phenols, FOG, sulfide, and volatile organics. The District shall determine on a case-by-case basis whether the user will be able to composite the individual grab samples. For all other pollutants, 24-hour composite samples shall be obtained through flow-proportional composite sampling techniques, where feasible. The District may waive flow-proportional composite sampling for any user that demonstrates, to the satisfaction of the District, that flow-proportional sampling is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged.
- B. For non-significant users, samples should be taken immediately downstream from a point where any, and all, wastestreams from the facility are combined, or at a point determined by the District and contained in the user's Discharge Agreement.
- C. All sample results shall indicate the time, date and place, of sampling, and methods of analyses, and shall certify that such sampling and analyses are representative of normal work cycles and expected pollutant discharges from the user.

6.02 Analytical Requirements

All pollutant analyses, including sampling techniques, shall be performed in accordance with the techniques prescribed in 40 CFR Part 136. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses shall be performed in accordance with procedures approved by the EPA.

6.03 District Sampling of User's Wastewater

The District shall perform the same procedures as outlined in Sections 6.01 and 6.02 of these rules.

SECTION 7 - INSPECTION AND COMPLIANCE MONITORING

7.01 Inspection and Compliance Monitoring

The District shall have the right to enter the facilities of any user to ascertain whether the

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provisions of these rules, and any Discharge Agreement or order issued hereunder, are being met and whether the user is complying with all requirements thereof. Users shall allow the District ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- A. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security personnel so that, upon presentation of suitable identification, the District will be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The District shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's discharge.
- C. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the District and shall not be replaced. The costs of clearing such access shall be borne by the user.
- D. Unreasonable delays in allowing the District access to the user's premises shall be non-compliance with these rules.

7.02 Monitoring Facilities

When required by the District, each user shall provide and operate at its own expense a monitoring facility to allow inspection, sampling, and flow measurements of the sewer discharge to the District. Each monitoring facility shall be situated on the user's premises, except where such a location would be impractical or cause undue hardship on the user. Subject to approval by the jurisdictional road authority, the District may concur with the facility being constructed in the public street or rights-of-way, providing that the facility is located so that it will not be obstructed by landscaping or parked vehicles. The District, whenever applicable, may require the construction and maintenance of sampling facilities at other locations where appropriate.

There shall be ample room in or near such monitoring facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and monitoring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications.

The District may require the user to install monitoring equipment as necessary. All devices used to measure wastewater flow and quality shall be calibrated to ensure their accuracy.

7.03 Search Warrants

If the District has been refused access to a building, structure or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be non-compliance with these rules, or that there is a need to inspect as part of a routine inspection program of the District designed to verify compliance with these rules or any Discharge Agreement or order issued

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hereunder, or to protect the overall public health, safety and welfare of the community, then the District shall seek issuance of a search and/or seizure warrant from the Superior Court of King County. Such warrant shall be served at reasonable hours by the District in the company of a uniformed police officer of the jurisdictional law enforcement agency. All costs associated with obtaining the search warrant incurred by the District shall be borne by the property owner.

7.04 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 non-compliance with this requirement shall be subject to the sanctions set out in these rules.

SECTION 8 - CONFIDENTIAL INFORMATION

Information and data on a user obtained from reports, surveys, Discharge Agreement applications, Discharge Agreements, and monitoring programs, and from District inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the District, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable Federal and State law. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR Part 2.302 will not be recognized as confidential information and will be available to the public without restriction.

SECTION 9 - PUBLICATION OF USERS IN SIGNIFICANT NON-COMPLIANCE

A list of all users that were in Significant Non-compliance with Pretreatment Standards or Requirements during any of the previous four quarters shall be annually published by the District in the largest daily newspaper in the POTW service area.

SECTION 10 - ADMINISTRATIVE ENFORCEMENT REMEDIES

10.01 Notification of Non-compliance

When the District finds that a user has not complied, or continues to be in a state of non-compliance, with any provision of these rules, a Discharge Agreement or order issued hereunder, or any other pretreatment standard or requirement, the District may serve upon that user a written Letter of Violation, via certified letter as appropriate. Within seven (7) days of the receipt of this notice or ten (10) days from the date of the notice, whichever comes later, an explanation of the non-compliance and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the District. Submission of this plan in no way relieves the user of liability for any non-compliance occurring before or after receipt of the Letter of Violation. Nothing in this section shall limit the authority of the District to take any action, including emergency actions or any other enforcement action, without first issuing a Letter of Violation.

10.02 Consent Orders

The District may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for non-compliance. Such documents will include specific action to be taken by the user to correct the non-compliance within a time period specified in the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 10.04 and 10.05 of these rules and shall be judicially enforceable. Use of a Consent Order shall not be a bar against, or prerequisite for, taking any other action against the user.

10.03 Show Cause Hearing

The District may order, via a certified letter where appropriate, a user which has not complied, or continues to be in a state of non-compliance, with any provision of these rules, a Discharge Agreement or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Manager and/or the Board of Commissioners and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user. A Show Cause Hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

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10.04 Compliance Orders

When the District finds that a user has not complied, or continues to be in a state of non-compliance, with any provision of these rules, a Discharge Agreement or order issued hereunder, or any other pretreatment standard or requirement, the District may issue an order to the user responsible for the discharge directing that the user achieve compliance within a time specified in the order. If the user does not achieve compliance within the time specified in the order, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance Orders may also contain other requirements to address the non-compliance, including 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 user.

10.05 Cease and Desist Orders

When the District finds that a user has not complied, or continues to be in a state of non-compliance, with any provision of these rules, a Discharge Agreement or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past incidents of non-compliance are likely to recur, the District may issue an order to the user directing it to cease and desist all such incidents of non-compliance and directing the user to:

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened incident of non-compliance, including halting operations and/or terminating the discharge.

Issuance of a Cease and Desist Order shall not be a bar against, or a prerequisite for, taking any other action against the user.

10.06 Administrative Fines

- A. When the District finds that a user has not complied, or continues to be in a state of non-compliance, with any provision of these rules, a Discharge Agreement or order issued hereunder, or any other pretreatment standard or requirement, the District may fine such user in an amount not to exceed \$5,000 per incidence of non-compliance. Such fines shall be assessed on a per incident, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of non-compliance.
- B. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of one percent (1.0%) of the unpaid balance, and interest shall accrue thereafter at a rate of one percent (1%) per month. A lien against the user's property may be sought for unpaid charges, fines, and penalties.

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- C. Users desiring to dispute such fines must file a written request for the District to reconsider the fine along with full payment of the fine amount within seven (7) calendar days of being notified of the fine. Where a request has merit, the District shall convene a hearing on the matter within thirty (30) days of receiving the request from the user. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The District may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

10.07 Emergency Suspensions

The District may immediately suspend a user's discharge, after informal notice to the user, whenever suspension is necessary to stop an actual or threatened discharge that reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The District may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.

- A. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the District shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving water, or endangerment to any individuals. The District shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the District that the period of endangerment has passed, unless the termination proceedings in Section 10.08 of these rules are initiated against the user.
- B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the District prior to the date of any show cause or termination hearing under Sections 10.03 and 10.08 of these rules.

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

10.08 Termination of Discharge (Non-Emergency)

In addition to the provisions in Section 4.10 of these rules, any user that does not comply with the following conditions is subject to discharge termination:

- A. Non-compliance with Discharge Agreement conditions;

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- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;
- D. Refusal of reasonable access to the user's premises for the purpose of inspecting, monitoring, or sampling; or
- E. Non-compliance with the pretreatment standards in Section 3 of these rules.

Such user shall be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.03 of these rules why the proposed action should not be taken. Exercise of this option by the District shall not be a bar to, or prerequisite for, taking any other action against the user.

10.09 Cost Recovery Assessment

When the District finds that a user has not complied, or continues to be in a state of non-compliance, with any provision of these rules, a Discharge Agreement or order issued hereunder, or any other pretreatment standard or requirement, and the District incurs costs associated with said non-compliance, the District may assess such user an amount not to exceed said costs. District costs may include, but not be limited to operations and maintenance costs, including labor and overhead, equipment cost, and penalties and fines, plus the expense, loss, damage, cost of inspection or cost of correction incurred by the District by reason of such non-compliance, including any expenses or reasonable attorney fee's incurred by the District in collecting from such user any penalty, fine, loss, damage, expense, cost of inspection or cost of correction.

SECTION 11 - JUDICIAL ENFORCEMENT REMEDIES

11.01 Injunctive Relief

When the District finds that a user has not complied, or continues to be in a state of non-compliance, with any provision of these rules, a Discharge Agreement or order issued hereunder, or any other pretreatment standard or requirement, the District may petition the Superior Court of King County through the District's General Counsel for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the Discharge Agreement, order, or other requirement imposed by these rules on activities of the user. The District may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

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11.02 Civil Penalties

- A. A user which has not complied, or continues to be non-compliant, with any provision of these rules, a Discharge Agreement or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the District for a civil penalty of not less than \$1,000 nor more than \$5,000 per incidence of non-compliance, 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 non-compliance.
- B. The District may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the District.
- C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the non-compliance, the magnitude and duration, any economic benefit gained through the user's non-compliance, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

11.03 Criminal Prosecution [Reserved]

11.04 Remedies Non-exclusive

The provisions in Sections 11 through 13 of these rules are not exclusive remedies. The District reserves the right to take any, all, or any combination of these actions against a non-compliant user. Enforcement of non-compliance incidents will generally be in accordance with the District's enforcement response plan. However, the District reserves the right to take other action against any user when the circumstances warrant. Further, the District is empowered to take more than one enforcement action against any non-compliant user. These actions may be taken concurrently.

SECTION 12 - SUPPLEMENTAL ENFORCEMENT ACTION

12.01 Performance Bonds

The District may decline to issue or reissue a Discharge Agreement to any user which has failed to comply with any provision of these rules, a previous Discharge Agreement or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the District, in a sum not to exceed a value determined by the District to be necessary to achieve consistent compliance. The District shall have the sole discretion to

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accept or deny the filing of a performance bond to achieve compliance.

12.02 Liability Insurance

The District may decline to issue or reissue a Discharge Agreement to any user which has failed to comply with any provision of these rules, a previous Discharge Agreement or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

12.03 Water Supply Severance

Whenever a user has not complied, or continues to be in a state of non-compliance, with any provision of these rules, a Discharge Agreement or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

12.04 Public Nuisance

Non-compliance with any provision of these rules, a Discharge Agreement or order issued hereunder, or a pretreatment standard or requirement, is hereby declared a public nuisance and shall be corrected or abated as directed by the District. Any person(s) creating a public nuisance shall be subject to the provisions of this section of these rules governing such nuisances, including reimbursing the District for any costs incurred in removing, abating, or remedying said nuisance.

12.05 Contractor Listing

Users that have not achieved a state of compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the District. Existing contracts for the sale of goods and services to the District held by a user found to be in significant non-compliance with pretreatment standards or requirements may be terminated at the discretion of the District.

SECTION 13 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

13.01 Upset

- A. For the purpose of this section, "upset" means an exceptional incident in which there is unintentional non-compliance with applicable pretreatment standards

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because of factors beyond the reasonable control of the user. An upset does not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive 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 paragraph (C) below are met.
- C. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and the user can identify the cause(s) of the upset;
 - (2) The facility was at the time being operated in a prudent and workman-like manner and in accordance with applicable operation and maintenance procedures; and
 - (3) The user has submitted the following information to the District within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) calendar days):
 - (a) A description of the indirect discharge and cause of non-compliance;
 - (b) The period of non-compliance, including exact dates and times or, if not corrected, the anticipated time the non-compliance is expected to continue; and
 - (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the non-compliance.
- D. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- E. Users shall 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. Users shall control production of all discharges to the extent necessary to maintain compliance with applicable pretreatment standards upon reduction, loss, or failure of its 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.

13.02 Prohibited Discharge Standards

A user shall have an affirmative defense to an enforcement action brought against it for non-compliance with the prohibitions in Section 2.01 A and B(3) through B(7) of these rules if it

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can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- A. a local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
- B. no local limits exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the District was regularly in compliance with its NPDES permits, and in the case of interference, was in compliance with applicable biosolids use or disposal requirements.

13.03 Bypass

- A. For the purposes of this section,
 - (1) "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.
 - (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- B. A user may allow any bypass to occur which does not cause non-compliance with any applicable pretreatment standards or requirements, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this section.
- C.
 - (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the District, at least ten (10) days before the date of the bypass, if possible.
 - (2) A user shall submit oral notice to the District of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) calendar days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated duration of time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The District may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- D.
 - (1) Bypass is prohibited, and the District may take an enforcement action against a user for a bypass, unless:
 - (a) the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

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- (b) there were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (c) the user submitted notices as required under paragraph (C) of this section.
- (2) The District may approve an anticipated bypass, after considering its adverse effects, if the District determines that it will meet the three (3) conditions listed in paragraph (D)(1) of this section.

SECTION 14 - MISCELLANEOUS PROVISIONS

14.01 Sewer Use Charges and Fees

The District may adopt fees for reimbursement of costs of set up, operation, and administration of the District's Sewer Use Program that may include, but not be limited to, the following:

- A. Fees and charges for Discharge Agreement applications including the cost of processing such applications;
- B. Fees and charges for monitoring, inspection, and surveillance procedures including, but not limited to, the cost of collecting and analyzing a user's discharge, reviewing monitoring reports submitted by users, and general Discharge Agreement administration;
- C. Fees and charges for reviewing and responding to accidental discharge procedures and construction review;
- D. Fees and charges for filing appeals; and
- E. Other fees and charges as the District may deem necessary to carry out the requirements contained in these rules. These fees and charges relate solely to the matters covered by these rules and are separate from all other fees, charges, fines, and penalties adopted by, and due to, the District.

14.02 Severability

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

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14.03 Conflicts

All other District resolutions and rules, and parts of other District resolutions and rules inconsistent or conflicting with any part of these rules, are hereby repealed to the extent of the inconsistency or conflict.

SECTION 15 - EFFECTIVE DATE

These rules shall be in full force and effect immediately following their adoption, approval and publication, as provided by law.

ADOPTED by District: 19th day of November, 1998.

AMENDED by District: 13th day of July, 2006.