

**FORT BEND COUNTY WATER CONTROL & IMPROVEMENT
DISTRICT NO. 2
WASTEWATER PRETREATMENT ORDER**

Revised June 2021

**Fort Bend County Water Control & Improvement District No. 2
2331 S. Main
Stafford, Texas 77477**

TABLE OF CONTENTS

	<u>Page</u>
SECTION 1 - GENERAL PROVISIONS.....	1
1.1 Purpose and Policy.....	1
1.2 Administration.....	2
1.3 Abbreviations.....	2
1.4 Definitions.....	2
SECTION 2 - GENERAL SEWER USE REQUIREMENTS.....	10
2.1 Prohibited Discharge Standards.....	10
2.2 National Categorical Pretreatment Standards.....	12
2.3 State Pretreatment Standards.....	13
2.4 Local Limits.....	13
2.5 District's Right of Revision.....	15
2.6 Dilution.....	15
2.7 Industrial Waste Surcharge.....	15
SECTION 3 - PRETREATMENT OF WASTEWATER.....	16
3.1 Pretreatment Facilities.....	16
3.2 Additional Pretreatment Measures.....	17
3.3 Accidental Discharge/Slug Control Plans.....	17
3.4 Hauled Wastewater.....	18
SECTION 4 - WASTEWATER DISCHARGE PERMIT APPLICATION.....	18
4.1 Wastewater Analysis.....	18
4.2 Wastewater Discharge Permit Requirement.....	19
4.3 Wastewater Discharge Permitting: Existing Connections.....	19
4.4 Wastewater Discharge Permitting: New Connections.....	19
4.5 Wastewater Discharge Permit Application Contents.....	19
4.6 Application Signatories and Certification.....	22
4.7 Wastewater Discharge Permit Decisions.....	22
SECTION 5 - WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS.....	22
5.1 Wastewater Discharge Permit Duration.....	22
5.2 Wastewater Discharge Permit Contents.....	22
5.3 Wastewater Discharge Permit Appeals.....	25
5.4 Wastewater Discharge Permit Modification.....	25
5.5 Wastewater Discharge Permit Transfer.....	26
5.6 Wastewater Discharge Permit Revocation.....	26
5.7 Wastewater Discharge Permit Reissuance.....	27
5.8 Regulation of Waste Received from Other Jurisdictions.....	27
SECTION 6 - REPORTING REQUIREMENTS.....	29
6.1 Baseline Monitoring Reports.....	29
6.2 Compliance Schedule Progress Reports.....	31

6.3	Reports on Compliance with Categorical Pretreatment Standard Deadline	31
6.4	Periodic Compliance Reports	32
6.5	Reports of Changed Conditions	35
6.6	Reports of Potential Problems	35
6.7	Reports from Unpermitted Users	36
6.8	Notice of Violation/Repeat Sampling and Reporting	36
6.9	Notification of the Discharge of Hazardous Waste	37
6.10	Analytical Requirements	37
6.11	Sample Collection	37
6.12	Timing	39
6.13	Record Keeping	39
6.14	Fraud and False Statements	39
SECTION 7 - COMPLIANCE MONITORING		40
7.1	Right of Entry: Inspection and Sampling	40
7.2	Search Warrants	40
SECTION 8 - CONFIDENTIAL INFORMATION		41
SECTION 9 - PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE		41
SECTION 10 - ADMINISTRATIVE ENFORCEMENT REMEDIES		41
10.1	Notification of Violation	41
10.2	Consent Orders	42
10.3	Show Cause Hearing	42
10.4	Compliance Orders	42
10.5	Cease and Desist Orders	42
10.6	Administrative Fines	43
10.7	Emergency Suspensions	43
10.8	Termination of Discharge	44
10.9	Enforcement Response Guide	45
SECTION 11 - JUDICIAL ENFORCEMENT REMEDIES		45
11.1	Injunctive Relief	45
11.2	Civil Penalties	45
11.3	Criminal Prosecution	46
11.4	Remedies Nonexclusive	46
SECTION 12 - SUPPLEMENTAL ENFORCEMENT ACTION		47
12.1	Performance Bonds	47
12.2	Liability Insurance	47
12.3	Water Supply Severance	47
12.4	Public Nuisances	47
12.5	Penalties for Late Reports	47
12.6	Payment of Outstanding Fees and Penalties	48
12.7	Contractor Listing	48

SECTION 13 - AFFIRMATIVE AND ACT OF GOD DEFENSES TO DISCHARGE
VIOLATIONS 48
13.1 Prohibited Discharge Standards 48
13.2 Bypass 48
13.3 Incidents Constituting an Act of God Defense 50

SECTION 14 - MISCELLANEOUS PROVISIONS 51
14.1 Pretreatment Charges and Fees 51
14.2 Severability 51

SECTION 15 - EFFECTIVE DATE..... 52

WASTEWATER PRETREATMENT ORDER

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

This Wastewater Pretreatment Order is adopted by the Board of Directors of Fort Bend County Water Control & Improvement District No. 2 pursuant to authority granted to the District by Chapter 26 of the Texas Water Code.

SECTION 1 - GENERAL PROVISIONS

1.1 Purpose and Policy

This order sets forth uniform requirements for users of the Publicly Owned Treatment Works of Fort Bend County Water Control & Improvement District No. 2 and enables the District to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code § 1251 *et seq.*) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this order are:

- A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
- B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- C. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- D. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;
- E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and
- F. To enable the District to comply with its Texas Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This order shall apply to all users of the Publicly Owned Treatment Works. The order authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

1.2 Administration

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

1.3 Abbreviations

The following abbreviations, when used in this order, shall have the designated meanings:

- BOD - Biochemical Oxygen Demand
- CFR - Code of Federal Regulations
- COD - Chemical Oxygen Demand
- EPA - U.S. Environmental Protection Agency
- gpd - gallons per day
- mg/l - milligrams per liter
- POTW - Publicly Owned Treatment Works
- RCRA - Resource Conservation and Recovery Act
- SIC - Standard Industrial Classification
- TPDES - Texas Pollutant Discharge Elimination System
- TNRCC - Texas Natural Resource Conservation Commission
- TSS - Total Suspended Solids
- U.S. - United States Code

1.4 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this order, shall have the meanings hereinafter designated. For purposes of interpreting this order, “shall” is mandatory while “may” is permissive or discretionary.

- A. Act or “the Act.” The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. ‘ 1251 et seq.
- B. Approval Authority. The Executive Director for the TCEQ.

C. 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 a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - (b) The manager of one or more manufacturing, production, or operation facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements, if authority to sign documents has been assigned or delegated in writing to the manager in accordance with corporate 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 government facility, or their designee.
- (4) The individuals described in paragraphs 1 through 3, above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company and the written authorization is submitted to the District.

D. Best Management Practices or BMPs. The schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1 A and B [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.

- E. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20E centigrade, usually expressed as a concentration (e.g., mg/l).
- F. Categorical Industrial User. An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.
- G. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by 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.
- H. Composite Sample. The aggregate of all samples of a user's wastewater collected in any continuous 24-hour period selected by the Approval Authority. A composite sample shall be determined by not less than three (3) grab samples or such higher number of samples as may be required by the Approval Authority, and may or may not be flow weighted at the discretion of the Approval Authority.
- I. Control Authority. The District if the District's submission for its pretreatment program has been approved by the Approval Authority or, if such submission has not been approved, the Approval Authority.
- J. Daily Discharge. as the "discharge of a pollutant" measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling
- K. Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.
- L. Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
- M. Discharge. See definition of "Indirect Discharge".
- N. District. Fort Bend County Water Control & Improvement District No. 2 of Fort Bend County, Texas, its Board of Directors, or any authorized person acting on their behalf.
- O. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.

- P. Existing Source. Any source of 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.
- Q. Grab Sample. A sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- R. Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any nondomestic source.
- S. Industrial User. See the definition of "User".
- T. Instantaneous Maximum Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- U. Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the District's TPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.
- V. Medical Waste. 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.
- W. Monthly Average. The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
- X. Monthly Average Limit. The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
- Y. New Source.
- (I) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the

Act 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 Section (1)(b) or (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 onsite construction program
 - (i) any placement, assembly, or installation of facilities or equipment; or
 - (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

- Z. Noncontact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- AA. Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the District's TPDES permit, including an increase in the magnitude or duration of a violation.
- BB. 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. This definition includes all Federal, State, and local governmental entities.
- CC. pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.
- DD. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- EE. POTW. See the definition of "Publicly Owned Treatment Works".
- FF. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.
- GG. Pretreatment Coordinator. The person designated by the District to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this order, or a duly authorized representative.
- HH. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.
- II. Pretreatment Standards or Standards. Pretreatment standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.
- JJ. Process Waste Water. Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.

- KK. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 of this order.
- LL. Publicly Owned Treatment Works or POTW. A “treatment works”, as defined by Section 212 of the Act, which is owned by the District and which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. This definition includes any devices and systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant.
- MM. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- NN. Sewage. Human excrement and gray water (e.g., household showers, dishwashing operations, etc.) normally discharging into the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories and institutions free of storm water, industrial wastes, and conventional wastes.
- OO. Significant Industrial User

Except as provided in paragraphs (3) and (4) of this Section, a Significant Industrial User is:

- (1) A User subject to categorical pretreatment standards; or
- (2) A User that:
 - (a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
 - (b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - (c) Is designated as such by the District on the basis that it has a reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement.
- (3) Upon a finding that a user meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement, the District may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

PP. Significant Noncompliance. The term significant noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (3), (4) or (8) of this Section) and mean:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken for the same pollutant parameter taken during a six (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including, instantaneous limits and Local Limits as defined in Section 2 of this Order. ;
- (2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Local Limits, as defined in Section 2 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- (3) Any other discharge violation of a Pretreatment Standard or Requirement as defined by Section 2 (Local Limit or narrative standard) that the Pretreatment Coordinator believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
- (4) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Pretreatment Coordinator's exercise of its emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance; or
- (8) Any other violation(s) which may include a violation of Best Management Practices, which the Pretreatment Coordinator determines will adversely affect the operation or implementation of the local pretreatment program.

- QQ. Slug Discharge or Slug. Any discharge of a non-routine, episodic nature including, but not limited to, an accidental spill, a non-customary batch discharge, at a flow rate or concentration greater than four times the normal monthly average flow rate or concentration for the facility, or a discharge which could otherwise cause a violation of the prohibited discharge standards in Section 2.1 of this order or has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.
- RR. Standards. See the definition of "Pretreatment Standards".
- SS. Standard Industrial Classification (SIC) Code. A classification pursuant to the *Standard Industrial Classification Manual* issued by the United States Office of Management and Budget.
- TT. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- UU. Total Suspended Solids. The total solid matter that floats on the surface of, is suspended in, or settles in water, wastewater, or other liquid, and which is removable by laboratory filtering.
- VV. Treatment Plant. See the definition of "Wastewater Treatment Plant".
- WW. User or Industrial User. Any source of indirect discharge.
- XX. Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- YY. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

SECTION 2 - GENERAL SEWER USE REQUIREMENTS

2.1 Prohibited Discharge Standards

- A. General Prohibitions. No user shall introduce or cause to be introduced into the POTW 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 introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams 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 10.0, causing pH of the influent at the POTW headworks to fall below 6.0 or above 8.5, or otherwise causing corrosive structural damage to the POTW or equipment;
- (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than three inches (3”) or 7.6 centimeters in any dimension;
- (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 greater than 150°F (66°C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);
- (6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (8) Trucked or hauled pollutants, except for septic tank waste, recreational vehicle waste, and commercial bus waste at discharge points designated by the Pretreatment Coordinator in accordance with Section 3.4 of this order;
- (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 or repair;
- (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant’s effluent, thereby violating the District’s NPDES permit;
- (11) Wastewater containing any radioactive wastes or isotopes except 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, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Pretreatment Coordinator;
- (13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (14) Medical wastes, except as specifically authorized by the Pretreatment Coordinator in a wastewater discharge permit;
- (15) Wastewater causing, alone or in conjunction with other sources, the 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; or
- (17) Fats, oils, or greases of animal or vegetable origin in concentrations greater than two hundred (200) mg/l.
- (18) Hazardous wastes or any substance that, if otherwise disposed, would be a hazardous waste under 40 CFR Part 261.
- (19) Any substance that will cause the POTW to violate the District Permittee's TPDES permit or the receiving water quality standards.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

2.2 National Categorical Pretreatment Standards

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated by this reference and hereby made a part of this order with the same force and effect as they would have if they were rewritten here in their entirety. Users must comply with the categorical Pretreatment Standards.

- A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Pretreatment Coordinator may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Pretreatment Coordinator shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).

- C. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- D. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Pretreatment Coordinator may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.
- E. The Pretreatment Coordinator may convert the mass limits of the categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. When converting such limits to concentration limits, the Control Authority must use the concentrations listed in the applicable subparts of 40 CFR parts 414, 419, and 455 and document that dilution is not being substituted for treatment. The conversion is at the discretion of the Pretreatment Coordinator.

2.3 State Pretreatment Standards

Any state pretreatment standards now or hereafter adopted by the TCEQ, if any, are hereby incorporated by this reference and hereby made a part of this order with the same force and effect as they would have if they were rewritten here in their entirety.

2.4 Local Limits

- A. The Pretreatment Coordinator is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).
- B. The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing concentrations of materials (measured in mg/l) greater than those listed below:

<u>Parameter</u>	<u>Local Limit (mg/l)</u>
Arsenic	0.32
Cadmium	0.01
Chromium	3.39
Copper	0.82

<u>Parameter</u>	<u>Local Limit (mg/l)</u>
Cyanide, Total	0.42
Cyanide, Amenable	0.07
Lead	0.30
Mercury	0.0002
Molybdenum	0.19
Nickel	0.85
Selenium	0.03
Silver	0.09
Zinc	0.83

- C. The above limits apply at the point where the wastewater is discharged to the POTW and will be enforced by means of Monthly Average Limits, Daily Maximum Limits, and Instantaneous Maximum Limits. All concentrations for metallic substances are for total metal unless indicated otherwise.
- D. In addition, unless authorized by permit, no person shall discharge wastewater containing (a) BOD5 greater than 1,000 mg/l, (b) total suspended solids greater than 1,000 mg/l, and (c) ammonia greater than 50 mg/l. The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for “total” metal unless indicated otherwise. The Pretreatment Coordinator may impose mass limitations in addition to, or in place of, the concentration-based limitations above.
- E. The District may issue a permit to an industrial user that contains interim local limits greater than the above-mentioned limits if the discharge of the waste does not cause the design influent loading to the District's wastewater treatment facility to be exceeded. The District will issue the industrial user a compliance schedule that gives a timeline for the design, construction and completion of new or modified treatment facilities necessary to come into compliance with this Order. The interim limits would be in effect until such time that these facilities could be constructed. The permittee will be required to pay an Industrial Waste Surcharge as defined and calculated according to Section 2.7 of this Order.
- F. The Pretreatment Coordinator may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits, to implement Local Limits and the requirements of Section 2.1. Such BMPs shall be considered local limits and Pretreatment Standards and are enforceable.

- G. BMPs may be used in lieu of numeric local limits if:
 - 1. they are developed to protect against interference and pass through,
 - 2. are used where numeric limits are infeasible or impractical, and
 - 3. compliance with the terms of the BMP is verifiable
- H. The District may require IUs to comply with both BMPs and numeric local limits to meet the requirements of the Clean Water Act

2.5 District's Right of Revision

The District reserves the right to establish, by order or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

2.6 Dilution

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Pretreatment Coordinator may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

2.7 Industrial Waste Surcharge

In addition to the wastewater service charges made by the District, the District may also assess an industrial waste surcharges. If the District determines that the volume or the character of industrial waste to be treated by the District's sanitary sewer system can be treated without causing harm to the collection system, plant personnel or treatment process and will not result in a pass through condition, the person responsible for the discharge of industrial waste shall pay equitable industrial waste surcharges sufficient to provide payment for the amortization of all capital expenses for the collection and treatment of industrial waste (including new capital expenses and a proportionate share of the value of the existing sanitary sewer system used in handling and treating the industrial waste, but taking into account amortization costs resulting from annual tax payments) and operation and maintenance costs, including salaries and wages, power costs, cost of chemicals and supplies, allowances for maintenance, depreciation, overhead and administrative and general expense.

Industrial waste charges shall be calculated by the following formula:

$$C = aA + bB + nN + sS$$

Where

- C = charges to industrial user in dollars per year (\$/yr).
- a = unit cost of transportation and treatment chargeable to volume, \$/1000 gal.
- b = unit cost of treatment chargeable to B.O.D., \$/lb.
- n = unit cost of treatment chargeable to ammonia, \$/lb.
- s = unit cost of treatment (including sludge treatment) chargeable to suspended solids, \$/lb.
- A = volume of waste from industrial user over any limitation in the user's permit, in 1000 gal./yr.
- B = amount of B.O.D. from industrial user over 220 mg/l (monthly average), in lbs./yr.
- N = amount of ammonia from industrial user over 25 mg/l (monthly average), in lbs./yr.
- S = amount of suspended solids from industrial user, over 220 mg/l (monthly average), in lbs./yr.

Until revised or amended by the District, the initial coefficients of charge for use in the foregoing formula shall be: a = \$1.25/1000 gal.; b = \$0.40/lb.; n = \$1.60/lb. and s = \$0.12/lb. The District shall review and, if appropriate, adjust the industrial waste charges at least annually to reflect changes in the characteristics of the industrial waste of each user based upon the results of sampling and testing. The District also shall review at least annually the basis for determining industrial waste charges and shall adjust the unit treatment costs in the above formula to reflect increases or decreases in the wastewater treatment costs based upon the previous years' experience. Increases in industrial waste charges shall continue for six (6) billing periods unless subsequent tests determine that the charges should be further increased or decreased. If another method of billing is determined by the District's Board of Directors to be a more effective method of allocating such costs to the customer, based upon the particular facts of each case, the District may use such method in lieu of the above. The District shall bill its customers in a manner that will show industrial waste charges as a separate item from wastewater service charges.

SECTION 3 - PRETREATMENT OF WASTEWATER

3.1 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this order and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 2.1 of this order within the time limitations specified by EPA, the State, or the Pretreatment Coordinator, whichever is more stringent. Any

facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Pretreatment Coordinator for review, and shall be acceptable to the Pretreatment Coordinator before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the District under the provisions of this order.

3.2 Additional Pretreatment Measures

- A. Whenever deemed necessary, the Pretreatment Coordinator 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 waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this order.
- B. The Pretreatment Coordinator may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Pretreatment Coordinator, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, 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 Pretreatment Coordinator 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 their expense.
- D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

3.3 Accidental Discharge/Slug Control Plans

The Pretreatment Coordinator shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The evaluation must be conducted within one year of a user being designated a Significant Industrial User. Such evaluations are to be made available to the Approval Authority upon request.

The Pretreatment Coordinator may require any user to develop, submit for approval, and implement such a plan. Any such user required to develop such a plan may utilize as guidance the slug discharge control plan checklist provided in Appendix I hereto. An accidental discharge/slug control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including non-routine batch discharges;

- B. Description of stored chemicals;
- C. Procedures for immediately notifying the Pretreatment Coordinator of any accidental or slug discharge, as required by Section 6.6 of this order; and
- D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

3.4 Hauled Wastewater

- A. Except as authorized under Subsection 3.4(B) below, no trucked or hauled waste may be introduced into the POTW.
- B. Septic tank waste, recreational vehicle waste, and commercial bus waste may be introduced into the POTW, but only at locations designated by the Pretreatment Coordinator, and only at such times as are established by the Pretreatment Coordinator. Such waste shall not violate Section 2 of this order or any other requirements established by the District. The Pretreatment Coordinator may collect samples of each hauled load authorized under this section to ensure compliance with applicable standards. The Pretreatment Coordinator may require such haulers to provide a waste analysis of any load prior to discharge. The Pretreatment Coordinator may require haulers of septic tank waste, recreational vehicle waste, or commercial bus waste to obtain wastewater discharge permits.
- C. The Pretreatment Coordinator may require haulers of septic tank waste, recreational vehicle waste, or commercial bus waste to provide a waste-tracking form for every load. If required, this form shall include, at a minimum, the name and address of the waste hauler, permit number, truck identification, names and addresses of sources of waste, volume and characteristics of waste being pickup up and disposed, the date and time that the load was picked up and disposed, and the signatures of representatives of the waste generator, the waste hauler, and the District. Such form also shall identify the known or suspected waste constituents in the hauled waste.

SECTION 4 - WASTEWATER DISCHARGE PERMIT APPLICATION

4.1 Wastewater Analysis

When requested by the Pretreatment Coordinator, a user must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The Pretreatment Coordinator is authorized to prepare a form for this purpose and may periodically require users to update this information.

4.2 Wastewater Discharge Permit Requirement

- A. No Significant Industrial User shall discharge wastewater into the POTW without a valid wastewater discharge permit from the Pretreatment Coordinator, except that a significant industrial user that has filed a timely application for reissuance pursuant to Section 5.7 of this order (or for permitting of an existing connection pursuant to Section 4.3 of this order) may continue to discharge pursuant to the terms of the expired permit (or in accordance with interim terms for wastewater discharge established by the Pretreatment Coordinator) until such time that the new permit is issued.
- B. The Pretreatment Coordinator may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this order.
- C. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this order and subjects the wastewater discharge permittee to the sanctions set out in Sections 10 through 12 of this order. Obtaining a wastewater discharge permit does not relieve a permittee 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.

4.3 Wastewater Discharge Permitting: Existing Connections

Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this order and who wishes to continue such discharges in the future, shall, within ninety (90) days after receipt of notice from the Pretreatment Coordinator of the need for a permit, apply to the Pretreatment Coordinator for a wastewater discharge permit in accordance with Section 4.5 of this order, and shall not cause or allow discharges to the POTW to continue after ninety (90) days of such receipt of notification except in accordance with a wastewater discharge permit issued by the Pretreatment Coordinator or the timely filing of an application as authorized in Section 4.2(A).

4.4 Wastewater Discharge Permitting: New Connections

Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with Section 4.5 of this order, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

4.5 Wastewater Discharge Permit Application Contents

All users required to obtain a wastewater discharge permit must submit a permit application. The Pretreatment Coordinator may require all users to submit as part of an application the following information:

- A. Identifying Information.
 - (1) The name and address of the facility, including the name of the operator and owner.
 - (2) Contact information, description of activities, facilities, and plant production processes on the premises;
- B. Environmental Permits. A list of any environmental control permits held by or for the facility.
- C. Description of Operations.
 - (1) A brief description of the nature, average rate of production (*including each product produced by type, amount, processes, and rate of production*), and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
 - (2) Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility (weight or volume) which are, or could accidentally or intentionally be, discharged to the POTW;
 - (3) Number and type of employees, hours of operation, and proposed or actual hours of operation;
 - (4) Type and amount of raw materials processed (average and maximum per day);
 - (5) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- D. Flow Measurement. Information showing the measured or estimated average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).
- E. Measurement of Pollutants.
 - (1) The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
 - (2) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Pretreatment Coordinator, of regulated pollutants in the discharge from each regulated process.

- (3) Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.
 - (4) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 6.10 of this order. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Pretreatment Coordinator or the applicable Standards to determine compliance with the Standard.
 - (5) Sampling must be performed in accordance with procedures set out in Section 6.11 of this order.
- F. Date the industrial user commenced or will commence discharge to the POTW;
 - G. Any planned changes in the production rate by the industrial user in the future;
 - H. Identification of types of discharge such as continuous or batch discharges;
 - I. Description of pretreatment facilities;
 - J. Description of manufacturing facilities;
 - K. Description of chemical spill prevention areas;
 - L. Industrial user list of hazardous waste and description of storage area of hazardous waste;
 - M. Time and duration of discharges;
 - N. The location for monitoring all wastes covered by the permit;
 - O. Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 6.4 B; and
 - P. Any other information as may be deemed necessary by the Pretreatment Coordinator to evaluate the wastewater discharge permit application.
 - Q. All permit applications must be signed and certified in accordance with Section 4.6 of this order.
 - R. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

4.6 Application Signatories and Certification

- A. All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

- B. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Pretreatment Coordinator prior to or together with any reports to be signed by an Authorized Representative.

4.7 Wastewater Discharge Permit Decisions

The Pretreatment Coordinator will evaluate the data furnished by the user and may require additional information. Within one hundred and eighty (180) days of receipt of a complete wastewater discharge permit application, the Pretreatment Coordinator will determine whether or not to issue a wastewater discharge permit. The Pretreatment Coordinator may deny any application for a wastewater discharge permit.

SECTION 5 - WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

5.1 Wastewater Discharge Permit Duration

A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Pretreatment Coordinator. Each wastewater discharge permit will indicate a specific date upon which it will expire.

5.2 Wastewater Discharge Permit Contents

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Pretreatment Coordinator 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 sludge management and disposal, and protect against damage to the POTW.

A. Wastewater discharge permits must contain:

- (1) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;;
- (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the District in accordance with Section 5.5 of this order, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (3) Effluent limits, including Best Management Practices, based on applicable general pretreatment standards, categorical pretreatment standards, local limits, and State and local law (limits will be placed in the permit even for those pollutants for which the permittee has received a monitoring waiver);
- (4) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and
- (5) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with Section 6.4 B.
- (6) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
- (7) Requirements to control Slug Discharge, if determined by the Pretreatment Coordinator to be necessary
- (8) Any grant of the monitoring waiver by the Pretreatment Coordinator (Section 6.4 B) must be included as a condition in the User's permit

B. Wastewater discharge permits may contain, but need not be limited to, the following conditions:

- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to

reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

- (3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
 - (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
 - (5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
 - (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
 - (7) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
 - (8) Other conditions as deemed appropriate by the Pretreatment Coordinator to ensure compliance with this order, and State and Federal laws, rules, and regulations.
- C. Notwithstanding anything to the contrary in this Section 5.2, if a user can demonstrate to the satisfaction of the Pretreatment Coordinator that the user does not discharge a particular pollutant, that pollutant will not be included in the permit issued by the Pretreatment Coordinator to that user. The Pretreatment Coordinator may include a re-opener clause in the user's permit to have an option to reinstate the self-monitoring requirements and effluent limits for the pollutant in the event that the user subsequently discharges measurable levels of the particular pollutant to the waste stream.
- D. If it is determined by the Pretreatment Coordinator that additional pretreatment and/or operational and maintenance activities is required by a user so that it may comply with the concentration of a new or newly revised local limit parameter that is added to this order at any time by the Pretreatment Coordinator, then the Pretreatment Coordinator may issue a compliance schedule which shall be determined as the shortest schedule by which the user will provide such additional pretreatment and/or operational and maintenance activities with the understanding that the District responds to violations in accordance with Section 10 of this order including, without limitation, the Enforcement Response Guide. The compliance schedule shall include, without limitation, the specific action to be taken by the user to comply with the concentration of the new or newly revised local limit parameter within a time period specified by the schedule, and must also meet the requirements set out in Section 6.2 of this order.

5.3 Wastewater Discharge Permit Appeals

The Pretreatment Coordinator shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the Pretreatment Coordinator to reconsider the terms of a wastewater discharge permit within thirty (30) days of notice of its issuance.

- A. Failure to submit a timely petition for review shall be a waiver of the administrative appeal.
- B. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- C. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- D. If the Pretreatment Coordinator fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
- E. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the District Court for Fort Bend County, Texas within the applicable statute of limitations period.

5.4 Wastewater Discharge Permit Modification

The Pretreatment Coordinator may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- 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 wastewater discharge permit issuance;
- C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- D. Information indicating that the permitted discharge poses a threat to the District's POTW, District personnel, beneficial sludge use, or the receiving waters;
- E. Violation of any terms or conditions of the wastewater discharge permit;

- F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- H. To correct typographical or other errors in the wastewater discharge permit; or
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator. [Note: Modification for this purpose may not be allowed unless the permit is transferable as provided in Section 5.5.]

5.5 Wastewater Discharge Permit Transfer

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the Pretreatment Coordinator and the Pretreatment Coordinator approves the wastewater discharge permit transfer. The notice to the Pretreatment Coordinator must include a written certification by the new owner 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 wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

5.6 Wastewater Discharge Permit Revocation

The Pretreatment Coordinator may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify the Pretreatment Coordinator of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the Pretreatment Coordinator of changed conditions pursuant to Section 6.5 of this order;
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsifying self-monitoring reports and certification statements;
- E. Tampering with monitoring equipment;

- F. Refusing to allow the Pretreatment Coordinator timely access to the facility premises and records;
- G. Failure to meet effluent limits;
- H. Failure to pay fines;
- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a wastewater survey or the wastewater discharge permit application;
- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- M. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this order.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

5.7 Wastewater Discharge Permit Reissuance

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 4.5 of this order, a minimum of ninety (90) days prior to the expiration of the user's existing wastewater discharge permit.

5.8 Regulation of Waste Received from Other Jurisdictions

- A. If any user located outside the boundaries of the District contributes non-sewage to the POTW, the Pretreatment Coordinator shall enter into an agreement with the out-of-District user.
- B. Prior to entering into an agreement required by paragraph A, above, the Pretreatment Coordinator shall request the following information from the out-of-District user:
 - (1) A description of the quality and volume of wastewater discharged to the POTW by the out-of-District user;
 - (2) An inventory of all sources of wastewater controlled by or contributing to the out-of-District user that will be discharging to the POTW; and

- (3) Such other information as the Pretreatment Coordinator may deem necessary.
- C. Any agreement required by paragraph A, above, shall require the out-of-District user to comply with the terms and provisions of this order.
- D. If the out-of-District user is an incorporated municipality or another political subdivision of the State of Texas (herein collectively called a “contributing municipality”), then the agreement required by paragraph A, above, shall contain the following additional conditions:
- (1) A requirement for the contributing municipality to adopt a sewer use order which is at least as stringent as this order and local limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 2.4 of this order. The requirement shall specify that such order and limits must be revised as necessary to reflect changes made to the District’s order or local limits;
 - (2) A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;
 - (3) A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Pretreatment Coordinator; and which of these activities will be conducted jointly by the contributing municipality and the Pretreatment Coordinator;
 - (4) A requirement for the contributing municipality to provide the Pretreatment Coordinator with access to all information that the contributing municipality obtains as part of its pretreatment activities;
 - (5) Limits on the nature, quality, and volume of the contributing municipality’s wastewater at the point where it discharges to the POTW;
 - (6) Requirements for monitoring the contributing municipality’s discharge;
 - (7) A provision ensuring the Pretreatment Coordinator access to the facilities of users located within the contributing municipality’s jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Pretreatment Coordinator; and
 - (8) A provision specifying remedies available for breach of the terms of the inter-municipal agreement.

SECTION 6 - REPORTING REQUIREMENTS

6.1 Baseline Monitoring Reports

- A. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Pretreatment Coordinator a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Pretreatment Coordinator a report which contains the information listed in paragraph B, below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- B. Users described above shall submit the information set forth below.
- (1) Identifying Information. The name and address of the facility, including the name of the operator and owner.
 - (2) Environmental Permits. A list of any environmental control permits held by or for the facility.
 - (3) Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
 - (4) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).
 - (5) Measurement of Pollutants.
 - (a) The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
 - (b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Pretreatment Coordinator, of regulated pollutants in the discharge from each regulated process.

- (c) Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.
 - (d) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 6.10 of this order. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Pretreatment Coordinator or the applicable Standards to determine compliance with the Standard.
 - (e) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
 - (f) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;
 - (g) The Pretreatment Coordinator may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
 - (h) The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.
 - (i) Sampling and analysis must be performed in accordance with procedures set out in Sections 6.10 and 6.11 of this order.
- (6) Compliance Certification. A statement, reviewed by the user's authorized representative as defined in Section 1.4 C and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

- (7) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet categorical standards, the user shall submit the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 6.2 of this order.
- (8) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Sections 4.6A and 4.6B of this order and signed by an Authorized Representative as defined in Section 1.4 C.

6.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 5.2(D) or Section 6.1(B)(7) of this order:

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- B. No increment referred to above shall exceed nine (9) months other than an actual construction activity increment, which increment shall not exceed twelve (12) months;
- C. The user shall submit a progress report to the Pretreatment Coordinator no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- D. In no event shall more than six (6) months elapse between such progress reports to the Pretreatment Coordinator.

6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Pretreatment Coordinator a report containing the information described in Sections 4.5 (D) and (E) and 6.1(B)(5) of this order. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's

long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 4.6 of this order. All sampling will be done in conformance with Section 6.11

6.4 Periodic Compliance Reports

- A. All significant industrial users shall, at a frequency determined by the Pretreatment Coordinator but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by discharge permit and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard or local limit requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Pretreatment Coordinator or the Pretreatment Standard necessary to determine the compliance status of the User. All periodic compliance reports must be signed and certified in accordance with Section 4.6A and 4.6B of this order and signed by an Authorized Representative as defined in Section 1.4 C.

- B. The District may authorize an Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard in its periodic compliance reports if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User (The sampling waiver is not available for monitoring required for the baseline monitoring report (BMR) and 90-day compliance reports). This authorization is subject to the following conditions:
 - (1) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.
 - (2) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. The new request must include new sampling before treatment.
 - (3) In making a demonstration that a pollutant is not present, the Industrial User must provide data from one (1) year of quarterly sampling of the facility's process wastewater prior to any treatment present at the facility that is

representative of all wastewater from all processes. This is to demonstrate that the measured concentrations reflect any pollutants that are added to the wastewater rather than the concentration after they have been reduced by treatment, since effective treatment could become less effective over time.

- (4) The IU must include in the waiver request a technical evaluation of all categorical process(es) to determine that a specific pollutant is not added.
- (5) The request for a pollutant monitoring waiver is based on a facility-wide evaluation therefore, sampling data must be representative of all wastestreams as well as any seasonal or other variability in the discharge.
- (6) The IU needs to include in request sampling data demonstrating that the levels of the untreated wastewater do not exceed levels in the intake water based on sampling and other technical factors.
- (7) The request for a monitoring waiver must be signed in accordance with Section 1.4C, and include the certification statement in 40 CFR 403.6(a)(2)(ii).
- (8) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.
- (9) The waiver may be approved if the IU includes in the request demonstration through a mass balance that any increases in the wastestream concentration are due only to evaporative losses or other similar reductions in the volume of wastewater discharged, (provided all other required criteria are met). Accurate flows will be necessary to demonstrate the mass of a pollutant does not increase.
- (10) Any grant of the monitoring waiver by the discretion of the Pretreatment Coordinator. Demonstration by the IU that a pollutant is not present does not obligate the Pretreatment Coordinator to grant the waiver.
- (11) Any monitoring waiver must be included as a condition in the User's permit. The IU must continue to conduct monitoring until the waiver is granted by the Pretreatment Coordinator and incorporated in the IU's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Pretreatment Coordinator for three (3) years after expiration of the waiver.
- (12) Upon approval of the monitoring waiver and revision of the User's permit by the Pretreatment Coordinator, the Industrial User must certify on each

report with the following statement, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User.

“Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 6.4.A.

- (13) In the event that a waived pollutant is found to be present or is expected to be present above background intake water concentrations because of changes that occur in the User’s operations, the waiver will be denied and the IU must immediately (before permit is modified or reissued) comply with the monitoring requirements of Section 6.4 A, or other more frequent monitoring requirements imposed by the Pretreatment Coordinator, and notify the Pretreatment Coordinator.
 - (14) This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.
 - (15) The District may also reduce its monitoring for the pollutant to once during the term of the CIU’s permit
- C. The reports required in this section must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period. All wastewater samples must be representative of the user’s discharge.
 - D. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
 - E. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Pretreatment Coordinator, using the procedures prescribed in Section 6.11 of this order, the results of this monitoring shall be included in the report.
 - F. Users shall submit flow and pH monitoring records and complete laboratory analysis reports of all monitoring required by the permit for the time period noted in the submitted self-monitoring form along with the self-monitoring forms.
 - G. The District will evaluate all of the laboratory reports that are a result of sampling done by the District and the SIU to determine if a pollutant that is in the Local

Limits, but not the categorical standards is present in the discharge. If the pollutant is detected in the discharge less than three (3) times since the last permit issuance, the SIU will not be required to monitor for that pollutant.

6.5 Reports of Changed Conditions

Each user must notify the Pretreatment Coordinator of any planned significant changes in the User's operations which may change the volume or character of pollutants in their discharge including, without limitation, the listed or characteristic hazardous wastes for which the user submitted initial notification under Section 6.9 of this order, at least thirty (30) days before the change.

Users are required to notify the POTW immediately of any changes at its facility affecting potential for a Slug Discharge.

- A. The Pretreatment Coordinator may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4.5 of this order.
- B. The Pretreatment Coordinator may issue a wastewater discharge permit under Section 4.3 of this order or modify an existing wastewater discharge permit under Section 5.4 of this order in response to changed conditions or anticipated changed conditions.
- C. For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.
- D. No significant change of a user's operations or system which may alter the nature, quality, or volume of its wastewater may take place without the written approval of the Pretreatment Coordinator.

6.6 Reports of Potential Problems

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge a slug discharge or Slug Load that may cause potential problems for the POTW, the user shall immediately telephone and notify the Pretreatment Coordinator within two (2) hours of the occurrence of the incident. This notification shall include, to the extent known, the date, time and location of the discharge, the cause of the discharge, the type of waste, concentration and volume of waste, and corrective actions taken by the user.
- B. Within five (5) days following such discharge, the user shall submit a detailed written report describing the information provided under paragraph A above, any

corrections to this previously supplied information, and relevant follow-up information, including when the discharge ceased 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, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this order.

- C. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

6.7 Reports from Unpermitted Users

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Pretreatment Coordinator as the Pretreatment Coordinator may require.

6.8 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a user indicates any violation other than a violation of a monthly average, the user must notify the Pretreatment Coordinator within twenty-four (24) hours of receipt of the lab report that indicates the permit violation. If sampling performed by a user indicates a violation of a monthly average for a given month, the user must notify the Pretreatment Coordinator by no later than the fifteenth (15th) day of the month immediately following such given month. Such notification under either circumstance shall include, to the extent then known, the date, time and location of the violation, the cause of the violation, the type, concentration, and volume of waste associated with such violation, and corrective actions taken by the user to resolve the violation. Within five (5) days following any violation other than a monthly average or within ten (10) days following initial notification of violation of a monthly average, the user shall, unless waived by the Pretreatment Coordinator, submit a detailed written report describing the information provided in the preceding sentence, any corrections to this previously supplied information, and relevant follow-up information pertaining to this matter.

The user shall also repeat the sampling and analysis within 7 days of receipt of the lab report that indicates the permit violation and submit the results of the repeat analysis to the Pretreatment Coordinator within fifteen (15) days of receipt of the lab report that indicates the permit violation. However, the user is not required to resample, however, in circumstances where: (1) the Pretreatment Coordinator monitors at the user's facility at least once a month; (2) the Pretreatment Coordinator samples between the user's initial sampling and when the user receives the results of this initial sampling; or (3) the user is required under a permit issued by the Pretreatment Coordinator to self-monitor on a weekly basis.

6.9 Notification of the Discharge of Hazardous Waste

- A. The discharge of hazardous wastes or of any substance that, if otherwise disposed, would be a hazardous waste under 40 CFR Part 261 is prohibited under Section 2.1(B)(19) of this order.
- B. In the event that hazardous waste is discharged to the POTW by a user for any reason, such user shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities within 24 hours of such discharge. Such notification must be made in accordance with Section 6.6, above, and must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, the type of discharge, an identification of the hazardous constituents contained in the wastes, and an estimation of the mass and concentration of such constituents in the wastestream discharged.
- C. In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify [the Pretreatment Coordinator], the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- D. In the case of any notification made under this Section, the User shall certify that it 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.

6.10 Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses must be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Pretreatment Coordinator or other parties approved by EPA.

6.11 Sample Collection

Samples collected to satisfy reporting requirements must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period. The POTW shall require that frequency of monitoring necessary to assess and assure compliance by Industrial Users with applicable Pretreatment Standards and Requirements.

- A. Except as indicated in Section B, below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Pretreatment Coordinator may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits. Where the District cannot verify that previous techniques were representative, such data will not support the use of this alternative practice. The District is required to document site-specific circumstances and allowing alternate sampling by including the alternate sampling in the IU control mechanism. The District is required to document how alternate sampling techniques are representative of the discharge. Where the CA cannot verify that previous techniques were representative, such data will not support the use of this alternative practice
- B. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques. Total residual chlorine, pH, and temperature samples cannot be “composited” under any circumstances
- C. For sampling facilities that discharge less than 24-hours per day, the sampling must be representative of the IU’s wastewater discharge
 - (1) Sampling must be taken within a 24-hour period, however, the sample should only be collected during that portion of the 24-hour period that the IU is discharging from the:
 - (a) regulated process and/or
 - (b) pretreatment unit (as long as regulated process wastewater is flowing through the pretreatment unit)
- D. During parts of the day when there is no discharge of process wastewater, standing water should not be disproportionately sampled and analyzed as it would not be representative of the discharge from the IU
- E. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 6.1 and 6.3, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Pretreatment Coordinator may authorize a lower minimum. Where there has been a change to existing IUs, for example, the addition of treatment, historic data that does not represent the current discharge would not be able to be used to justify a lower minimum of grab samples. The District is authorized to require that more than four grab samples be taken and separately analyzed to ensure that sampling is representative. For the reports required by paragraphs Section 6.4, the District shall

require the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

6.12 Timing

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

6.13 Record Keeping

Users subject to the reporting requirements of this order shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this order, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with Best Management Practices established under Section 2.4 C. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates and times 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 the District, or where the user has been specifically notified of a longer retention period by the Pretreatment Coordinator.

The District will maintain records of all information resulting from any monitoring activities required by 40 CFR Part 403, including documentation associated with BMPs.

6.14 Fraud and False Statements

Reports and other documents required to be submitted or maintained in accordance with this Wastewater Pretreatment Order shall be subject to:

- A. The provisions of 18 U.S.C. 1001 relating to fraud and false statements;
- B. The provisions of Section 309(c)(4) of the Act governing false statements, representation, or certification; and
- C. The provisions of Section 309(c)(6) of the Act regarding responsible corporate officers.

SECTION 7 - COMPLIANCE MONITORING

7.1 Right of Entry: Inspection and Sampling

The Pretreatment Coordinator, District, TCEQ, and EPA all shall have the right to enter the premises of any user, at least once per year, to determine whether the user is complying with all requirements of this order and any wastewater discharge permit or order issued hereunder. In addition to allowing a right of entry to all parts of the premises to conduct inspections, sampling, compliance monitoring, inspection and copying of records and/or metering operations, Users shall allow the Pretreatment Coordinator, District, TCEQ, and EPA a right of entry to collect on an as need basis samples that are independent of, and in addition to, compliance monitoring.

- 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 guards so that, upon presentation of suitable identification, the Pretreatment Coordinator will be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Pretreatment Coordinator 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 operations.
- C. The Pretreatment Coordinator may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated once a year to ensure their accuracy.
- D. 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 Pretreatment Coordinator and shall not be replaced. The costs of clearing such access shall be born by the user.
- E. Unreasonable delays in allowing the Pretreatment Coordinator access to the user's premises shall be a violation of this order.

7.2 Search Warrants

If the Pretreatment Coordinator 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 a violation of this order, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the District designed to verify compliance with this order or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Pretreatment Coordinator may seek issuance of a search warrant from the District Court of Fort Bend County, Texas.

SECTION 8 - CONFIDENTIAL INFORMATION

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Pretreatment Coordinator's 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 Pretreatment Coordinator, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. 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 be stamped with the words "Confidential Business Information" on each page containing such information and 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 TPDES 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 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 NONCOMPLIANCE

The Pretreatment Coordinator shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Users which, during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements.

SECTION 10 - ADMINISTRATIVE ENFORCEMENT REMEDIES

10.1 Notification of Violation

When the Pretreatment Coordinator finds that a user has violated, or continues to violate, any provision of this order, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Pretreatment Coordinator may serve upon that user a written Notice of Violation. Within twenty-one (21) days of sending of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Pretreatment Coordinator. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Pretreatment Coordinator to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

10.2 Consent Orders

The Pretreatment Coordinator may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 10.4 and 10.5 of this order and shall be judicially enforceable.

10.3 Show Cause Hearing

The Pretreatment Coordinator may order a user which has violated, or continues to violate, any provision of this order, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Pretreatment Coordinator 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 meeting, 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 meeting shall be served personally or by registered or certified mail (return receipt requested) at least thirty (30) 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.

10.4 Compliance Orders

When the Pretreatment Coordinator finds that a user has violated, or continues to violate, any provision of this order, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Pretreatment Coordinator may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

10.5 Cease and Desist Orders

When the Pretreatment Coordinator finds that a user has violated, or continues to violate, any provision of this order, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely

to recur, the Pretreatment Coordinator may issue an order to the user directing it to cease and desist all such violations 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 violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

10.6 Administrative Fines

- A. When the Pretreatment Coordinator finds that a user has violated, or continues to violate, any provision of this order, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Pretreatment Coordinator may fine such user in an amount not to exceed \$10,000. Such fines shall be assessed on a per violation, 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 violation.
- B. Unpaid charges, fines, and penalties shall, after sixty (60) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance, and interest shall accrue thereafter at a rate of one percent (1.0%) per month. A lien against the user's property will be sought for unpaid charges, fines, and penalties.
- C. Users desiring to dispute such fines must file a written request for the Pretreatment Coordinator to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the Pretreatment Coordinator may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The Pretreatment Coordinator 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.

10.7 Emergency Suspensions

The Pretreatment Coordinator may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Pretreatment Coordinator 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 Pretreatment Coordinator may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Pretreatment Coordinator may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Pretreatment Coordinator that the period of endangerment has passed, unless the termination proceedings in Section 10.8 of this order 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 date, time, and duration of the discharge, the nature of the discharge, the causes of the harmful contribution, and the measures taken to prevent any future occurrence, to the Pretreatment Coordinator prior to the date of any show cause or termination hearing under Sections 10.3 or 10.8 of this order.

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

10.8 Termination of Discharge

In addition to the provisions in Section 5.6 of this order, any user who violates the following conditions is subject to discharge termination:

- A. Violation of wastewater discharge permit conditions;
- 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 inspection, monitoring, or sampling; or
- E. Violation of the pretreatment standards in Section 2 of this order.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.3 of this order why the proposed action should not be taken. Exercise of this option by the Pretreatment Coordinator shall not be a bar to, or a prerequisite for, taking any other action against the user.

10.9 Enforcement Response Guide

The District shall develop and maintain an enforcement response guide that specifies:

- A. How the District will investigate noncompliance;
- B. The officials or representatives of the District responsible for responding to noncompliance;
- C. The enforcement by the District of all pretreatment standards and requirements;
- D. The escalation of enforcement actions for each type of violation; and
- E. The time frames in which the District will respond to noncompliance.

SECTION 11 - JUDICIAL ENFORCEMENT REMEDIES

11.1 Injunctive Relief

When the Pretreatment Coordinator finds that a user has violated, or continues to violate, any provision of this order, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Pretreatment Coordinator may petition the District Court of Fort Bend County, Texas, through the District's Attorney, for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this order on activities of the user. The Pretreatment Coordinator 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.

11.2 Civil Penalties

- A. A user who has violated, or continues to violate, any provision of this order, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the District for at least \$1,000, but a maximum civil penalty of \$25,000 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The Pretreatment Coordinator 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 violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, 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.

11.3 Criminal Prosecution

- A. A user who intentionally or knowingly violates any provision of this order, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not less than \$1,000 or more than \$50,000 per violation, per day for an individual (or not less than \$1,000 or more than \$100,000 per violation, per day for a person other than an individual), or imprisonment for not more than one (1) year for any person, or both.
- B. A user who intentionally or knowingly introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of not less than \$1,000 or more than \$100,000 for an individual (or not less than \$1,000 or more than \$250,000 for a person other than an individual), or be subject to imprisonment for not more than one (1) year for any person, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.
- C. A user who intentionally or knowingly makes or causes to be made any false material statements, representations, or certifications in, or causes to be omitted material information from, an application, notice, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this order, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this order shall, upon conviction, be punished by a fine of not less than \$1,000 or more than \$100,000 per violation, per day for an individual (or not less than \$1,000 or more than \$250,000 per violation, per day for a person other than an individual), or imprisonment for not more than one (1) year for any person, or both.
- D. In the event of a second conviction, the maximum punishment is doubled with respect to both the fine and confinement unless the section creating the offense specifies otherwise.

11.4 Remedies Nonexclusive

The remedies provided for in this order are not exclusive. The Pretreatment Coordinator may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the District's enforcement response plan. However, the Pretreatment Coordinator may take other action

against any user when the circumstances warrant. Further, the Pretreatment Coordinator is empowered to take more than one enforcement action against any noncompliant user.

SECTION 12 - SUPPLEMENTAL ENFORCEMENT ACTION

12.1 Performance Bonds

The Pretreatment Coordinator may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this order, a previous wastewater discharge permit, 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 reasonably determined by the Pretreatment Coordinator to be the minimum amount necessary to achieve consistent compliance.

12.2 Liability Insurance

The Pretreatment Coordinator may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this order, a previous wastewater discharge permit, 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.

12.3 Water Supply Severance

Whenever a user has violated or continues to violate any provision of this order, a wastewater discharge permit, 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.

12.4 Public Nuisances

A violation of any provision of this order, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Pretreatment Coordinator. Any person(s) creating a public nuisance shall be subject to the provisions of Texas law governing such nuisances, including reimbursing the District for any costs incurred in removing, abating, or remedying said nuisance.

12.5 Penalties for Late Reports

A penalty of \$ 250.00 shall be assessed to any User that submits a report required by this ordinance, a permit or order issued hereunder late, beginning eight days after the date the report is due. Higher penalties shall be assessed for failure to meet subsequent deadlines. Actions taken by the Pretreatment Coordinator to collect late reporting penalties shall not

limit the Pretreatment Coordinator's authority to initiate other enforcement actions that may include penalties for late reporting violations.

12.6 Payment of Outstanding Fees and Penalties

The Pretreatment Coordinator may decline to issue or reissue a wastewater discharge permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this ordinance, a previous wastewater discharge permit, or order issued hereunder.

12.7 Contractor Listing

Users which have not achieved 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 or services to the District held by a User found to be in Significant Noncompliance with Pretreatment Standards or Requirements may be terminated at the discretion of the Pretreatment Coordinator.

SECTION 13 - AFFIRMATIVE AND ACT OF GOD DEFENSES TO DISCHARGE VIOLATIONS

13.1 Prohibited Discharge Standards

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 2.1(A) of this order or the specific prohibitions in Sections 2.1(B)(3) through (7) of this order if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

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

13.2 Bypass

- A. For the purposes of this section,
 - (1) "Bypass" means the intentional diversion of waste streams from any portion of a user's treatment facility.

- (2) “Severe property damage” means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which 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 pretreatment standards or requirements to be violated, 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. Bypass Notifications
 - (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the Pretreatment Coordinator, at least ten (10) days before the date of the bypass, if possible.
 - (2) A user shall submit oral notice to the Pretreatment Coordinator 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) 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 time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Pretreatment Coordinator 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 Pretreatment Coordinator may take an enforcement action against a user for a bypass, unless all three of the following conditions exist:
 - (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (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 Pretreatment Coordinator may approve an anticipated bypass, after considering its adverse effects, if the Pretreatment Coordinator determines that it will meet the three conditions listed in paragraph (D)(1) of this section.

13.3 Incidents Constituting an Act of God Defense

- A. An event that would otherwise be a violation of a statute within the TCEQ's jurisdiction or a rule adopted or an order or a permit issued under such a statute that was caused solely by an Act of God, war, strike, riot, or other catastrophe within the meaning of Section 7.252 of the Texas Water Code, as amended, then such event (an "Act of God Event") is not a violation of that statute, rule, order, or permit. An Act of God Event does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. A user who wishes to establish an Act of God Event shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (1) An Act of God Event occurred and the user can identify the cause(s) of the Act of God Event;
 - (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - (3) The user has submitted the following information to the Pretreatment Coordinator verbally within twenty-four (24) hours and in writing within five (5) days of becoming aware of the Act of God Event:
 - (a) A description of the indirect discharge and cause of noncompliance;
 - (b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- C. In any enforcement proceeding, the user seeking to establish the occurrence of an Act of God Event shall have the burden of proof.
- D. Users will have the opportunity for a judicial determination on any claim of Act of God Event only in an enforcement action brought for noncompliance with categorical pretreatment standards.

- E. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical 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.

SECTION 14 - MISCELLANEOUS PROVISIONS

14.1 Pretreatment Charges and Fees

The District may adopt reasonable fees for reimbursement of costs of setting up and operating the District's Pretreatment Program which may include:

- A. Fees for wastewater discharge permit applications including the cost of processing such applications;
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;
- C. Fees for reviewing and responding to accidental discharge procedures and construction;
- D. Fees for filing appeals; and
- E. Other fees as the District may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this order and are separate from all other fees, fines, and penalties chargeable by the District.

14.2 Severability

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

SECTION 15 - EFFECTIVE DATE

This order was adopted and became effective on May 26, 2021.

**FORT BEND COUNTY WATER CONTROL
& IMPROVEMENT DISTRICT NO. 2**

By: 
President, Fort Bend County WC&ID No. 2

Attest: 
Director, Fort Bend County WC&ID No. 2