

**MODEL HAULED WASTE ORDINANCE FOR POTW<sub>s</sub>**

**REGION 8**

February 16, 1999  
[July 14, 1998, May 1, 1998]

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## EPA MODEL HAULED WASTE ORDINANCE

### ORDINANCE NO.

### SECTION 1 - GENERAL PROVISIONS

#### 1.1 Purpose and Policy

This [ordinance/rule] sets forth uniform requirements for Indirect Dischargers of Hauled Domestic, Commercial and Industrial Wastes to the Publicly Owned Treatment Works (POTW) of the [City/District] and enables [the City/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). Nothing in this [ordinance/rule] is intended to conflict with, or otherwise invalidate any requirement or procedure or standard specified in [CITE PRETREATMENT LEGAL AUTHORITY] governing all sources of Indirect Discharge. Users covered by this [ordinance/rule] shall comply with and have the rights granted in [CITE PRETREATMENT LEGAL AUTHORITY] applicable to sources of Indirect Discharge.

This [ordinance/rule] shall apply to all Users that generate, pick up, transport, and dispose of any hauled waste at the POTW's Designated Disposal Station. Discharge of any trucked or hauled waste at a location other than a Designated Disposal Station shall be a violation of this [ordinance/rule]. This [ordinance/rule] authorizes the issuance of wastewater discharge permits with applicable controls, establishes prohibited discharge standards, requires the use of a manifest system, provides for monitoring, compliance, and enforcement activities, 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 Control Authority shall administer, implement, and enforce the provisions of this [ordinance/rule]. Any powers granted to or duties imposed upon [the Superintendent] may be delegated by the Control Authority to other [City/District] personnel.

#### 1.3 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this [ordinance/rule], shall have the meanings hereinafter designated for the purposes of controlling the discharges of hauled waste to the POTW. Where a definition does not appear below, additional definitions applicable to the Pretreatment Program may be found at [CITE PRETREATMENT LEGAL AUTHORITY].

- A. Approved POTW Pretreatment Program: A program administered by a POTW that meets the criteria established in 40 CFR sections 403.8 and 403.9 and which has been approved by a Regional Administrator or State Director in accordance with 40 CFR Section 403.11 of the General Pretreatment Regulations (40 CFR Part 403).
- B. 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 20° centigrade, usually expressed as a concentration (e.g., mg/l).
- C. Categorical Industrial User: A source of Indirect Discharge that is required to comply with Categorical Pretreatment Standards.

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- D. 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.
- E. CFR: Code of Federal Regulations
- F. [City/DISTRICT]. [The City of \_\_\_\_] or [the City Council of \_\_\_\_]; [OR NAME OF THE DISTRICT].
- G. Composite Sample: For sampling of hauled or trucked waste, a time composite sample shall generally be employed. The sample collection requirements shall be specified by the Control Authority. A time composite sample shall consist of a minimum of three (3) grab samples, composited into a single sample. The first sample shall be collected at the beginning of discharge, a second grab when the discharge is approximately 50% complete and a third sample when the discharge is approximately 90% complete. The POTW shall require the hauler to increase the number of grab samples if the POTW believes that the resultant sample is not representative.
- H. Control Authority: The legal entity (NPDES Permittee) that is the Approved POTW Pretreatment Program.
- I. Designated Disposal Station: An authorized site at which the User is allowed to discharge hauled or trucked waste.
- J. Domestic-Only Wastes: 1) Wastewater from normal residential activities, include, but are not limited to, wastewater from kitchen, bath, and laundry facilities, or 2) wastewater from the personal sanitary conveniences (toilets, showers, bathtubs, fountains, non-commercial sinks, and similar structures) of commercial, industrial or institutional buildings, provided that the wastewater exhibits characteristics which are similar to those of wastewater from normal residential activities. Specifically excluded from this definition is wastewater from commercial, industrial, or institutional laundries or food preparation facilities.
- K. Domestic-Only Source: A Generator of Domestic-Only Waste.
- L. Generator: The User who is the source of the waste that is delivered for disposal at the POTW by the Transporter.
- M. Grab Sample: A single dip and take sample, not to exceed 15 minutes, collected at a predetermined sampling point(s) as indicated in the Users Permit.
- N. Grease Trap: Defined in the Uniform Plumbing Codes (UPC) to mean something designed to retain grease from 1 to a maximum of 4 fixtures. A Grease Trap is not appropriate for use on heated water (from a dishwasher) or in line to a waste disposal unit (garbage disposal, grinder, etc).
- O. Grease Interceptor: Described by the Uniform Plumbing Codes to mean a tank (minimum of 750 gallons and water tight) to serve one or more fixtures and remotely located. Grease interceptors may capture wastewater from dishwashers, floor drains, pot and pan sinks, etc. Grease Interceptors are commonly required to be installed for restaurants, food service operations, grocery stores (deli and produce wastes), etc.
- P. Grease Interceptor Waste: Waste produced from a Grease Interceptor.
- Q. Grease Interceptor Source: A Generator of Grease Interceptor Waste.
- R. Hazardous Waste: Any liquid, semi-liquid, or solid waste (or combination of wastes) which because of its quantity, concentration, physical, chemical, or infectious characteristics may: (a) have any of the following

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characteristics: toxic, corrosive, an irritant, a strong sensitizer, flammable or combustible, explosive, or otherwise capable of causing substantial personal injury or illness; and/or (b) pose a substantial hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise improperly managed, or is identified or listed as a hazardous waste as defined by the U.S. Environmental Protection Agency (EPA) pursuant to the Federal "Solid Waste Disposal Act,@as amended by the "Resource Conservation and Recovery Act of 1976@and as may be amended in the future.

- S. Indirect Discharge or Discharge: The introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c) or (d) of the Clean Water Act. This includes any hauled or trucked wastes disposed of at a POTW. The source(s) of indirect discharge shall be the transporter and generator of the waste.
- T. Industrial User or User: A source of Indirect Discharge.
- U. Industrial Waste: Waste generated from commercial or industrial sources that is not defined herein as Domestic-Only Waste or Grease Interceptor Waste. May include, but not be limited to grit trap waste, sand trap waste, chemical and portable toilet waste, wash water, cooling water, process wastewater etc.
- V. Industrial Waste Source: A Generator of Industrial Waste.
- W. Interference: A Discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
- Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
- Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA) the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.
- X. Individual Wastewater Disposal System: A septic tank, cesspool or similar self-contained receptacle or facility which collects and/or treats or otherwise disposes of domestic, residential wastewater and which is not connected to the wastewater treatment system of the POTW.
- Y. Instantaneous Maximum Allowable Discharge 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.
- Z. Liquid Waste Hauler: Any Person that transports and disposes of Domestic-only, Grease Interceptor Wastes, and/or Industrial wastes. Also see Transporter.
- AA. mg/l: milligrams per liter
- BB. Manifest: A written document required by the Control Authority that specifies, among other things, the source and nature of wastes to be discharged to the Designated Disposal Station.
- CC. Manifest System: A system consisting of a document that records information and data on the generation, transportation, and disposal of waste.
- DD. Pass Through: A Discharge which exits the POTW into a 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

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of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

- EE. Permit: The formal written document issued by the Control Authority authorizing a person to discharge hauled waste at a POTW Designated Disposal Station.
- FF. Permittee: A Person granted a permit. Includes officers, employees, agents, representatives and others acting on behalf or for the benefit of the Permittee under the Permit.
- GG. Person: An individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. The definition includes all Federal, state, and local governmental entities.
- HH. Publicly Owned Treatment Works or POTW: A treatment works as defined by section 212 of the Act, which is owned by a State or municipality (as defined by section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.
- II. POTW Treatment Plant: That portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.
- JJ. Transporter: The User authorized by the Control Authority to pick-up, transport, and dispose of wastes at the POTW's Designated Disposal Station. A source of Indirect Discharge.
- KK. TSS: Total Suspended Solids
- LL. Vehicle: A mobile device in which or by which liquid waste may be transported upon a public street or highway.

## SECTION 2 - HAULED WASTE PERMIT APPLICATION

### 2.1 Application Required

A Person who desires a permit must make application on a form provided by the Control Authority. If a Person fails to submit an application as required or the Person submits an incomplete application to the Control Authority, the Person shall be prohibited from transporting and disposing of hauled or trucked waste to the POTW until such time as the Control Authority determines that the applicant has fulfilled all application requirements and a valid, current permit is issued.

An application shall contain the following information:

- ? A statement of the Company/Individual's name, address, telephone number and date of application. If the applicant is a other than an individual, the Control Authority may require additional information regarding officers, general partners, etc.
- ? Individual providing the information and his/her title and telephone number.
- ? Identification of all vehicles owned and/or operated by the applicant and the holding capacity thereof, to be used in connection with the trucking or hauling of waste. Such identification to include vehicle make, model, model year, vehicle identification number (VIN number), motor vehicle registration license plate number and liquid waste hauling capacity.
- ? A certificate of inspection by the Control Authority, County Health Department or applicable regulatory agency for all vehicles identified above. The Inspection shall verify that at the time of inspection that: *At the vehicle had a tank or body for the holding of wastes so constructed and maintained as to be completely spill and leak proof.*
- ? The address where the vehicles used in connection with the business or in transporting any wastes will be stored or parked when not in use.
- ? A listing of all disposal sites used for transport and disposal of trucked or hauled wastes by the applicant at the time this application is completed.
- ? A listing of the waste types (Domestic-only, Grease Interceptor, Industrial, etc.) and monthly discharge amounts that are expected to be transported and disposed of at the POTW. If industrial waste, describe waste type(s) and source(s).
- ? Proof of all required insurance coverages.
- ? Any other information deemed necessary by the Control Authority.

### 2.3 Re-Application Required

A User with an expiring hauled waste discharge permit shall apply for hauled waste discharge permit re-issuance by submitting a complete permit application, within sixty (60) days prior to expiration of the existing permit. Re-application shall be in a form and manner prescribed by the Control Authority. At a minimum, the Permittee shall update all information from the previous application that has not been previously provided to the Control Authority.

Failure to submit a new application as required or an incomplete application shall cause the Control Authority to prohibit the transport of hauled or trucked waste to the POTW by the Permittee upon expiration of the current, valid permit.

### 2.4 Application Signatories and Certification



All wastewater discharge permit applications and reports must be signed by the Transporter and contain the following certification statement (excluding manifests):

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.

### SECTION 3 - HAULED WASTE PERMIT

#### 3.1 Permit Required

It shall be unlawful for any Person to operate or cause to be operated a vehicle for the purpose of transporting and disposing hauled or trucked waste to the POTW without a current, valid permit issued by the Control Authority.

The permit issued by the Control Authority shall authorize the Permittee to transport and dispose of trucked and hauled wastes to the Designated Disposal Station of the POTW. The permit shall specifically control:

- ? The wastes authorized for transport and disposal at the POTW;
- ? The vehicles owned and/or operated by the Permittee that are authorized to transport and dispose of waste at the POTW;
- ? The Pretreatment Standards and requirements with which the Permittee must comply;
- ? Any other requirements or conditions imposed on the Permittee by the Control Authority for the transport and disposal of trucked and hauled waste to the POTW.

#### 3.2 Permit Contents

No Transporter shall discharge wastewater to the POTW's Designated Disposal Station without first obtaining a hauled waste discharge permit from the Control Authority.

Obtaining a hauled waste 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.

The permits required shall, at a minimum, contain the following provisions:

- ? Permittee's name and address;
- ? Applicable Legal Authority;
- ? Identification of the POTW Designated Disposal Station;
- ? Statement of non-transferability;
- ? Re-application requirements;
- ? Effective and Expiration date of the permit;
- ? Definitions;
- ? Listing of authorized vehicles owned and/or operated by Permittee that are allowed to transport and dispose of waste at the POTW;
- ? Specific prohibitions and applicable Pretreatment Standards and requirements;
- ? Listing of authorized waste types that the Permittee may discharge;
- ? Sampling, analysis and reporting requirement;
- ? Special requirements for transporters of trucked or hauled waste;

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- ? General permit requirements;
- ? A statement of applicable civil and criminal penalties for violation of any conditions, requirements, or standards;
- ? Any other requirements, limitations, or conditions deemed necessary by the Control Authority.

### **3.3 Hauled Waste Discharge Permit Decisions**

The Control Authority will evaluate the data furnished by the User and may require additional information. Within thirty (30) days of receipt of a complete hauled waste discharge permit application, Control Authority will determine whether to issue a hauled waste discharge permit. The Control Authority may deny any application for a hauled waste discharge permit.

### **3.4 Wastewater Discharge Permit Transfer**

- OPTION 1: Hauled waste discharge permits, issued under this rule, may not be transferred, sold, traded, assigned, or sublet by the Permittee. Hauled waste discharge permits shall be voidable upon cessation of operations or transfer of business ownership. The hauled waste discharge permit issued to a particular User is void upon the issuance of a new hauled waste discharge permit to that User.
- OPTION 2: Hauled waste discharge permits, issued under this rule, may not be transferred, sold, traded, assigned, or sublet by the Permittee unless the Permittee notifies the [City/District] in writing, at least thirty (30) days prior to the requested change and the [City/District] provides written approval of the change.

### **3.5 Hauled Waste Discharge Permit Modification**

The Control Authority may modify a hauled waste discharge permit issued under this rule, for good cause, including, but not limited to, the following reasons:

- ? To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
- ? Material or substantial alterations or additions to the discharger's operation processes, or discharge volume or character which were not considered in drafting the effective permit;
- ? A change in any condition in either the discharge or the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- ? Violation of any terms or conditions of this Permit;
- ? Misrepresentation or failure to disclose fully all relevant facts in the permit application or in any required reporting;
- ? Information indicating that the authorized discharge poses a threat to the POTW, POTW personnel or the receiving waters to which the POTW discharges;
- ? To correct typographical or other errors in the permit; or
- ? To respond to requests of the Permittee for modifications.

### **3.6 Wastewater Discharge Permit Revocation**

The Control Authority may revoke a hauled waste discharge permit for good cause, including, but not limited to, the following reasons:

- ? Violation of any term or condition of this [ordinance/rule], Permit, [CITE PRETREATMENT LEGAL AUTHORITY], or applicable state or federal laws or regulations;
- ? Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts in either the permit application or any required report;
- ? Promulgation of a more stringent Pretreatment Standard by state or federal agencies having jurisdiction over receiving waters;
- ? Changes in the processes used by the Permittee or changes in the discharge volume or character;
- ? Changes in design or capability of the POTW;
- ? Failure to pay charges or fines;
- ? Failure of the Permittee to report an accidental discharge;
- ? Permittee's increasing the use of wash down water or otherwise diluting the permitted waste for the purpose of meeting discharge limitations or requirements;
- ? Falsification by the Permittee of any permit, report, manifest information or records required by this Permit or the implementing [rules/ordinance];
- ? Failure of the Permittee to report significant changes in operations or hauled waste characteristics;
- ? Tampering by the Permittee with POTW monitoring or sampling equipment;
- ? Refusing to allow the Control Authority timely access to the Permittee's facility premises, vehicles or records;
- ? Failure to complete a wastewater discharge permit application or manifest as required; or
- ? Any other grounds for revocation or suspension as may be allowed by the [CITE PRETREATMENT LEGAL AUTHORITY].

## SECTION 4 - GENERAL HAULED WASTE/TRANSPORTER REQUIREMENTS

### 4.1 Prohibited Discharge Standards

In addition to the Prohibited discharge standards that apply to all users (see [LEGAL AUTHORITY CITE FOR GENERAL AND SPECIFIC PROHIBITIONS IN PRETREATMENT LEGAL AUTHORITY]), the Permittee covered by these rules shall not discharge any wastes to the POTW that:

- ? Are liquid, semi-liquid, or solid waste (or combination of wastes) which because of its quantity, concentration, physical, chemical, or infectious characteristics may: (a) have any of the following characteristics: toxic, corrosive, an irritant, a strong sensitizer, flammable or combustible, explosive, or otherwise capable of causing substantial personnel injury or illness; and/or (b) pose a substantial hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise improperly managed, or is identified or listed as a hazardous waste as defined by the U.S. Environmental Protection Agency (EPA) pursuant to the Federal "Solid Waste Disposal Act," as amended by the "Resource Conservation and Recovery Act of 1976" and as may be amended in the future.
- ? Are generated from any User that performs operations or is otherwise covered by Pretreatment Standards specified at 40 CFR chapter I, subchapter N (Categorical Industrial Users), unless the Permittee is specifically authorized to pick up and dispose of such wastes from the Generator. The Categorical Industrial User must be authorized by the Control Authority to dispose of process wastewater at the POTW.
- ? Are discharged to the POTW in a manner or location that is other than that authorized by the permit.

### 4.2 Limitations for Authorized Disposal of Specific Wastes

The Control Authority shall establish all conditions, requirements, and standards as deemed necessary for the disposal of Domestic-Only, Grease Interceptor, Industrial, and Categorical Industrial User generated wastes at the POTW by a Permittee.

#### 4.3 POTW Contact Information

Discharging of hauled or trucked waste to the Designated Disposal Station shall be allowed only under the supervision of the Control Authority and during the hours specified by the Control Authority. Transporters shall obey all POTW safety and traffic regulations while on the treatment plant site. All notifications required under this rule, the permit, or **[Legal Authority Cite for the General Pretreatment Program Requirements]** shall be made as follows:

On-site Notifications: **[Who, where, etc.]**

Mailing of Required Reports, Application, etc.: **[Contact Information]**

Phone Number: **[phone of relevant officials. Have backup, off hours contact information]**

#### 4.4 Liquid Waste Vehicles Maintenance/Operations

A liquid waste Transporter shall:

- ? Maintain tanks, pumps, valves, hoses, racks, cylinders, diaphragms, pipes, connections, and other appurtenances on a vehicle in good repair and free from leaks;
- ? Provide a safety plug or cap for each tank; and
- ? Ensure that the vehicle exterior is clean at the beginning of each work day (prior to entry to the POTW);
- ? Clean the inside of tanks to ensure that non-permitted residual wastes are not left in the tank and allowed to mix with permitted wastes.

A liquid waste transporter's vehicle shall be inspected by the Control Authority or applicable regulatory agency, prior to the issuance of a permit. To qualify for a permit, the Permittee shall ensure that all vehicles covered by the permit comply with the following requirements:

- ? The sample tank shall be an integral part of a vehicle to transport liquid waste. Portable tanks or other containers temporarily installed in vehicles are prohibited (unless prior approval is obtained from the Control Authority, e.g. portable toilets);
- ? Piping, valves, and connectors (excluding the discharge hose) shall be permanently attached to tank and/or vehicle;
- ? Tanks must be liquid tight and tanks constructed so that every interior and exterior portion can be easily cleaned;
- ? Opening of tank to be constructed so that collected waste will not spill during filling, transfer, transport or disposal;
- ? Outlet connections to be constructed so that no liquid waste will leak, run, or spill out from the vehicle;
- ? Outlets to be of a design and type suitable for the liquid waste handled and capable of controlling flow or discharge without spillage and undue spray on or flooding of immediate surroundings while in use; and

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- ? Pumps, valves, cylinders, diaphragms, and other appurtenances to be of a design and type suitable for the type of waste handled, capable of operation without spillage, spray, or leakage, and capable of being easily disassembled for cleaning.

Vehicles for which permits have been issued are subject to subsequent inspection by Control Authority personnel when they are discharging wastes to the POTW or on POTW facility grounds. Any items of nonconformance regarding the condition of the vehicle, which have developed since the permit was issued, may be noted by the Control Authority and a written notice shall be sent to the Permittee notifying him of the need to correct the deficiency within a specific time limit.

Vehicles for which a permit has been issued must display the current, valid permit during the discharge of wastes to the POTW such that it can be seen from the outside of the vehicle by the Control Authority.

## **SECTION 5 - REPORTING REQUIREMENTS**

### **5.1 Manifests Required**

It is unlawful for any Permittee to discharge hauled or trucked waste at the POTW without first completing a manifest. The Permittee must provide a copy of the manifest to the Control Authority for each generator from which waste is obtained. The manifest form used shall be approved for use by the Control Authority. This manifest shall include, at a minimum:

- ? The name of the Transporter/Permittee and vehicle identification information;
- ? Permit number of the permit issued by the Control Authority;
- ? Signature of the Transporter, date of discharge, and certification;
- ? The name, addresses, phone number, date and time each waste was pick-up for each Generator;
- ? The volume and characteristics of each waste picked-up, as appropriate. The form shall identify the type of waste.

### **Manifest System**

The Permittee shall complete one manifest or appropriate section of the manifest for each location serviced.

- ? A copy of the manifest may be provided to the Generator at the time of waste collection;
- ? A copy of the completed manifest shall be signed and dated by the Permittee at the time of disposal. A copy shall be maintained by the Permittee; and
- ? A copy of the completed manifest shall be provided to the Control Authority by the Permittee prior to disposal.

### **5.2 Self Monitoring Reports**

The Control Authority shall establish all sampling and monitoring requirements as deemed necessary for the disposal of Domestic-Only, Grease Interceptor, Industrial, and Categorical Industrial User generated wastes at the POTW= Designated Disposal Station by a Permittee. All self-monitoring reports shall include the certification specified in Section 2.3.

### **5.3 Reports of Changed Conditions**

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The Permittee must notify the Control Authority, in writing, of any planned significant changes to the Permittee's operations or system which might alter the nature or quality of its wastewater prior to discharge to the POTW's Designated Disposal System.

- A. The Control Authority may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a new discharge permit application.
- B. The Control Authority may issue a wastewater discharge permit or modify an existing wastewater discharge permit in response to changed conditions or anticipated changed conditions.

### **5.4 Reports of Potential Problems**

- A. In the case of any discharge, including, but not limited to, accidental discharges, spills, discharges that are suspected to be of a waste type, characteristic and/or nature not specifically authorized under the permit, that may cause potential problems for the POTW, the Transporter shall immediately cease discharge and immediately notify the Control Authority of the incident. This notification shall include a description of the type of waste, characteristic, or other information that alerted the Transporter to the potential problem, volume discharged, and corrective actions taken by the Transporter.
- B. Within five (5) calendar days following such discharge, the Permittee shall, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, 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. The Control Authority may waive this requirement if the Permittee fully complies with Paragraph A of this Section and the Control Authority determines that the incident is minor.
- C. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom 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.

### **5.5 Notice of Violation/Repeat Sampling and Reporting**

When sampling is performed by the Permittee, and analysis of the sample indicates a violation known to the Permittee prior to discharge, the Permittee shall prevent the discharge to the POTW. Where sample results are received by the Permittee subsequent to discharge, the Permittee shall notify the POTW within twenty-four (24) hours of becoming aware of the violation. The Permittee shall not discharge any wastewater from the Generator(s) of the wastewater in which a violation was shown, without future prior notice to the POTW until such time that this reporting requirement is discontinued by the Control Authority.

The Permittee shall submit to the POTW a written explanation of the violation and what steps shall be taken to prevent such violations in the future. The submittal shall be made within thirty (30) calendar days of becoming aware of the violation.

The Permittee will be required to provide the Control Authority with additional documentation attesting to the proper disposal of any rejected load that is transported by the Permittee.

### **5.6 Analytical Requirements**

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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.

### **5.7 Sample Collection**

The Control Authority may require the Permittee to collect samples of the waste discharged into the Designated Disposal System and to periodically test and analyze such samples for the purpose of determining whether the provisions of the permit, this [ordinance/rule], and [Legal Authority Cite for the General Pretreatment Program Requirements] are being complied with. When required by the Control Authority, Transporters shall obtain a sample of waste at the time of discharge.

Sample collection must use procedures and techniques as approved by the Control Authority. Except as indicated below, the user must collect wastewater samples using a Composite Sample. For sampling of hauled or trucked waste, a time composite sample shall generally be employed. The sample collection requirements shall be specified by the Control Authority. A time composite sample shall consist of a minimum of three (3) grab samples, composited into a single sample. The first sample shall be collected at the beginning of discharge, a second grab when the discharge is approximately 50% complete and a third sample when the discharge is approximately 90% complete. The POTW shall require the hauler to increase the number of grab samples if the POTW believes that the resultant sample is not representative.

Grab samples may be authorized to show compliance with instantaneous discharge limits or where the Control Authority determines that the vehicle tanks are well mixed and grab samples are representative of the discharge.

Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

### **5.8 Timing**

Written reports will be deemed to have been submitted on the date received by the Control Authority or date of postmark.

### **5.9 Record Keeping**

Users subject to the reporting requirements of this [ordinance/rule] and [Legal Authority Cite for the General Pretreatment Program Requirements] shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this rule or the permit, and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user, or where the user has been specifically notified of a longer retention period by the Control Authority.

## **SECTION 6 - COMPLIANCE MONITORING**

### **6.1 Right of Entry: Inspection and Sampling**

The Control Authority shall have the right to enter the premises of any User or inspect any vehicle or equipment used by the Permittee to determine whether the User is complying with all requirements of this [ordinance/rule], permit, and [Legal Authority Cite for the General Pretreatment Program Requirements]. Users shall allow the Control Authority ready access to all parts of the premises and vehicles for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

## *REGION 8 MODEL ORDINANCE FOR HAULED WASTE*

Where a User has security measures in force which require proper identification and clearance before entry into its premises or vehicle, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Control Authority will be permitted to enter without delay for the purposes of performing specific responsibilities.

The Control Authority shall have the right to set up on the User's property or vehicles, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.

The Control Authority may require the User to install monitoring equipment as necessary. The User'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 to ensure their accuracy.

Any temporary or permanent obstruction to safe and easy access to the User's equipment to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Control Authority and shall not be replaced. The costs of clearing such access shall be born by the User.

Delays in allowing the Control Authority access to the User's premises or vehicles shall be a violation of this rule.

### **6.2 Search Warrants**

If the Control Authority has been refused access to a building, structure, property, vehicle, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this rule, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Control Authority designed to verify compliance with this [ordinance/rule], permit issued hereunder, **[Legal Authority Cite for the General Pretreatment Program Requirements]**, or to protect the overall public health, safety and welfare of the community, then the Control Authority may seek issuance of a search warrant

## **SECTION 7 - 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 Control Authority'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 Control Authority, 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 not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

## **SECTION 8 - SUPPLEMENTAL REQUIREMENTS**

### **8.1 Performance Bonds** (Note: Dollar amounts may be POTW specific; Check with attorney)

The Control Authority may decline to issue or reissue a wastewater discharge permit to any User who has failed to comply with any provision of this [ordinance/rule], a previous wastewater discharge permit, **[Legal Authority Cite for the General Pretreatment Program Requirements]**, or any other Pretreatment Standard or requirement, unless such User first files a satisfactory bond, payable to **[the City/District]**, in a sum not to exceed a value determined by the Control Authority to be necessary to achieve consistent compliance. All liquid waste haulers shall be bonded in an amount of at least twenty-five thousand dollars (\$25,000.00), indemnifying the public against damages sustained by any reason; any spill, dumping or discharge of any liquid waste, hazardous waste, or incompatible waste within



the jurisdictional limits of the city. Proof of bonding shall be provided to the Control Authority at time of permit application.

**8.2 Liability Insurance** (Note: Dollar amounts may be POTW specific, Check with attorney.)

The Control Authority may decline to issue or reissue a wastewater discharge permit to any User who has failed to comply with any provision of this [ordinance/rule], a previous wastewater discharge permit, **[Legal Authority Cite for the General Pretreatment Program Requirements]**, 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. The Permittee shall furnish proof of liability insurance for public liability and property damage and for bodily injury or death growing out of any one accident or any other cause in a minimum sum of two hundred fifty thousand dollars (\$250,000.00) for one person with an annual aggregate limit of five hundred thousand dollars (\$500,000.00) for two (2) or more persons; and in addition, shall provide damage liability insurance in a minimum of one hundred thousand (\$100,000.00) dollars for property damage growing out of any one accident or other cause or an alternative to the above, provide combined limit for bodily injury/death or property damage in the sum of five hundred thousand (\$500,000.00) dollars.

Such public liability and property damage insurance shall protect against loss from liability imposed by law for damages on account of bodily injury, including death resulting therefrom, suffered or alleged to have been suffered by any person or persons whatsoever resulting directly or indirectly from any acts or activity of licensee, or any person acting for licensee, or under licensee's control or direction and also to protect against loss from liability imposed by law for damages to any property of any person caused directly or indirectly by acts or activities of licensee or any person acting for licensee or under licensee's control or direction

**8.3 Surety Bond** (Note: Dollar amounts may be POTW specific, Check with attorney.)

The Control Authority may decline to issue or reissue a wastewater discharge permit to any User unless the User first executes and deposits with the Control Authority a surety bond in the sum of \$1,000 executed by User and a corporate surety authorized to issue bonds in the State of **[STATE]**. The bond shall be conditioned that the Permittee will conduct the hauled waste business in accordance with all local, State, and Federal, and that the Permittee will fully comply with the provisions of the permit, and that the Permittee will pay for all costs of cleanup or of any spill resulting from his operations, will promptly pay all sewer use and high strength surcharge fees owed to the Control Authority as they come due, and will pay for the repair of facilities of the **[CITY/DISTRICT]** damaged by the Permittee.

#### 8.4 Public Nuisances [OPTIONAL]

A violation of any provision of this [ordinance/rule], a previous wastewater discharge permit, [Legal Authority Cite for the General Pretreatment Program Requirements], or any other Pretreatment Standard or requirement, is hereby declared a public nuisance and shall be corrected or abated as directed by the Control Authority. Any person(s) creating a public nuisance shall be subject to the provisions of [Legal Authority Cite], governing such nuisances, including reimbursing [the City/DISTRICT] for any costs incurred in removing, abating, or remedying said nuisance.

#### 8.5 Informant Rewards [Optional]

The Control Authority may pay up to [\_\_\_\_\_ dollars (\$\_\_\_\_\_)] for information leading to the discovery of non-compliance by a User. In the event that the information provided results in a civil penalty [or an administrative fine] levied against the User, the Control Authority may disperse up to [\_\_\_\_\_ percent (\_\_\_\_ %)] of the collected fine or penalty to the informant. However, a single reward payment may not exceed [\_\_\_\_\_ dollars (\$\_\_\_\_\_)].

### SECTION 9 - MISCELLANEOUS PROVISIONS

#### 9.1 Pretreatment Charges and Fees

[The City/District] may adopt reasonable fees for reimbursement of costs of setting up and operating [the City's/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. Other fees as [the City/District] may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by [the City/District].

### SECTION 10 - EFFECTIVE DATE

This ordinance shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.