

ORDINANCE

EBROSCO ORDINANCE

AMENDING AMENDING TITLE 2 (STREETS, ALLEYS, SIDEWALKS, BATTURES AND SEWERS), CHAPTER 5 (SEWERAGE) TO UPDATE THE CITY-PARISH PRETREATMENT STANDARDS, WASTEWATER STANDARDS, PERMITS, AND PROHIBITIONS, PRETREATMENT FACILITIES, OPERATIONS & MAINTENANCE, REPORTING REQUIREMENTS, RECORDKEEPING, AND PROVIDING FOR OTHER RELATED MATTERS.

BE IT ORDAINED by the Metropolitan Council of the city of Baton Rouge and Parish of East Baton Rouge that:

Section 1. The Code of Ordinances of the City of Baton Rouge and Parish of East Baton Rouge is amended as follows:

"CHAPTER 5. - SEWERAGE

PART 1. - Pretreatment of Pollutants by Industrial Users

Sec. 2:250. - Purpose.

The purpose of this Ordinance is to define the legal authority of the pretreatment program, which is to protect the publicly owned treatment works (POTW) and the environment from potential damage that may occur when wastes are discharged into the sewage system.

This chapter sets forth uniform requirements for users of the publicly owned treatment works for the City-Parish and enables the City-Parish to comply with all applicable state and federal laws, including the Clean Water Act (33 United States Code (U.S.C.) section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations (CFR) Part 403), and Louisiana Administrative Code ("LAC") Title 33, Part IX, Chapter 61. The objectives of this part are:

- (1) To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW, or contaminate the resulting sludge;
- (2) To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, atmosphere, or otherwise be incompatible with the POTW;
- (3) To protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (4) To enable the City-Parish to comply with its NPDES or LPDES permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the POTW is subject;
- (5) To improve the opportunity to recycle and reclaim wastewater and sludges from the POTW;

- (6) To monitor and regulate the generation, transportation, and disposal of industrial and hazardous waste;
- (7) To enforce applicable EPA categorical standards;
- (8) To reduce the health and environmental risk of pollution caused by discharges; and
- (9) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW.

This ordinance shall apply to all Users of the POTW. The ordinance authorizes the issuance of individual wastewater discharge permits or general permit; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; and requires User reporting.

Sec. 2:251. - Administration.

Except as otherwise provided herein, the director of environmental services shall administer, implement, and enforce the provisions of this part. The director may delegate powers and duties imposed or granted under this Ordinance to other City-Parish personnel.

Sec. 2:252. - National pretreatment standards.

- (a) All categorical pretreatment standards found in 40 CFR chapter 1 subchapter N, parts 405-471, and LAC 33IX:4903, list of toxic pollutants, industrial categories and other standards and categories which have been or which will be promulgated by the EPA shall be incorporated as a part of this chapter, as will EPA regulations regarding sewage pretreatment established pursuant to the Clean Water Act; an amendment of this part to incorporate such changes shall not be necessary.
- (b) The City-Parish reserves the right to require more stringent wastewater discharge limits on permits based on conditions of the treatment facility.

Sec. 2:253. - Definitions and abbreviations.

- (a) *Definitions.* For the purpose of this part, the following words and phrases shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning.

Act or the Act means the Federal Water Pollution Control Act, also known as the Clean Water Act ("CWA") as amended 33 U.S.C. 1251, et seq.

Administrative fine means a punitive monetary charge unrelated to actual treatment costs which is assessed by the City-Parish rather than a court.

Administrative order means a document which orders the violator to perform a specific act or refrain from an act. For example, the order may require users to attend a show cause meeting, cease and desist discharging, or undertake activities pursuant to a compliance schedule.

Approval authority means the Louisiana Department of Environmental Quality (LDEQ).

Approved POTW pretreatment program or *program* or *POTW pretreatment program* means a program administered by a POTW that meets the criteria established in the 40 CFR Part 403.8 and 403.9,

and LAC 33IX:6115 and 6117 and which has been approved by a regional administrator or state director in accordance with 40 CFR and LAC 33 IX:1621 of the regulation.

Authority means the director of the department of environmental services of the City-Parish, or his/her duly authorized representative.

Authorized representative of industrial user means:

- (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 operating 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 [or general permit {optional}] requirements; and where authority to sign documents has been assigned or delegated 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 a Duly 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 City-Parish.

Best management practices or *BMPs* mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR Part 403.5(a) (1) and (b) (and LAC 33:IX.6109). *BMPs* also 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.

BOD₅, denoting *biochemical oxygen demand*, shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20)°C, expressed in milligrams per liter.

BOD₃₀ shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in thirty (30) days at twenty (20)°C, expressed in

milligrams per liter. The BOD_{30} is $1.25 \times BOD_3$ on normal domestic sewage.

Building drain shall mean that part of the lowest horizontal piping of a drainage system that receives the discharge waste inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

Building sewer shall mean the extension from the building drain to the public sewer.

Bypass shall be defined as the intentional diversion of wastestreams from any portion of any industrial user's treatment facility.

Capital charge shall mean that portion of the total wastewater treatment service charge which is levied for local capital costs, local investment in plant facilities and other local costs excluding operation, maintenance, and replacement costs.

Categorical industrial user (CIU) means any commercial or industrial user subject to a categorical pretreatment standard or categorical standard.

Categorical pretreatment standards or categorical standard means any regulation containing pollutant discharge limits promulgated by the United States EPA in accordance with section 307(b) and (c) of the Act (33 USC 1317) which apply to a specific category of users and which appear in 40 CFR chapter I, subchapter N, parts 405-471 and LAC 33:IX:4903.

Cease and desist order means an administrative order directing an industrial user to immediately halt illegal or unauthorized discharges.

Chain-of-custody means a written record of sample possession for all persons who handle (collect, transport, analyze, dispose of) a sample, including names, dates, times, and procedures followed.

Chemical oxygen demand, frequently denoted as COD, shall mean the measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water, expressed as milligrams per liter.

City-Parish means the City of Baton Rouge/Parish of East Baton Rouge, Louisiana.

City engineer shall mean the chief of the division of engineering and technology of the City-Parish.

Civil litigation means a lawsuit filed in a civil court. If the court ruled that the defendant industrial user violated the law the court may impose civil penalties, injunctions or other equitable remedies and/or cost recovery.

Civil penalty means a punitive monetary award granted by a court to the control authority against a noncompliant industrial user.

Compliance order means an administrative order issued by authority of federal, state or local regulation or law directing a noncompliant industry to achieve or restore compliance by a date specified in the order.

Compliance schedule means a schedule of required activities (also called milestones) necessary for an industrial user to

achieve compliance with all pretreatment program requirements.

Composite sample means a sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time, to minimize the effect or the variability of the individual samples. This sampling should be in accordance with 40 CFR part 403, appendix E, subpart I, composite method.

Consent decree means a court supervised settlement agreement, the violation of which may be considered contempt of court.

Consent order means an administrative order embodying a legally enforceable agreement between the control authority and the noncompliant industrial user designed to restore the user to compliance status.

Control authority means the entity directly administering and enforcing pretreatment standards and requirements against industrial users. For purposes of this part the control authority is the approved pretreatment program of the City-Parish.

Criminal prosecution means a criminal charge brought by the control authority against an accused violator. The alleged criminal action may be a misdemeanor or a felony and is defined as willful, negligent, knowingly, and/or intentional violations. A court trial-by-jury is generally required and upon conviction, punishment may include a monetary penalty, imprisonment, or both.

Criminal referral. The City-Parish shall advise the appropriate prosecuting authority and regulatory agency of any violation of this part that it deems to be of a criminal nature. This notice of criminal conduct shall be made by the City-Parish or his/her authorized representative by affidavit setting forth the specific violation and/or conduct.

Department of environmental services means the body or branch of the City-Parish government that regulates wastewater and sanitation.

Director means the appointed authority having the power to make decisions.

Discharge means in its verb form: to deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose; or to allow, permit, or suffer any of these acts or omissions. In its noun form: discharge is the product of any of these acts.

Disposal means the discharge, deposit, injection, dumping, spilling, leaking or placing of industrial, liquid, or hazardous waste into or on land, water or the POTW.

Disposal site means a permitted facility or part of a permitted facility, including influent collection sewers and sludge handling facilities at which liquid wastes and septage is approved to be collected, transported, treated, and intentionally disposed of by conveyance to receiving waters and/or lands. These types of facilities must be classified as either a type I (landfill) or type V (other, i.e. liquid processing) municipal solid waste facility as defined under 40 CFR part 257 and LAC, part IX, chapter 330, subchapter D, section 330.41(b) and section 330.41(f).

Domestic sewerage means wastewater derived from communities of homes, businesses and institutions.

Domestic waste shall mean liquid waste from non-commercial preparation of cooking and handling of food, or containing human excrement and similar matter from sanitary conveniences (including, but not limited to toilets, sinks, washing machines, dishwashers, lavatories, and bathtubs).

Environmental protection agency or *EPA* means the U.S. Environmental Protection Agency, or, where appropriate, the regional water management division director, the regional administrator, or other duly authorized official of the agency.

Excessive strength sewage means any industrial waste having a total suspended solids or BOD content in excess of that found in normal domestic wastewater but which is otherwise acceptable into a sanitary sewer under the terms of this ordinance.

Excessive strength sewage surcharge means the charge levied against any person for services rendered during treatment of abnormal sanitary sewer or waste. This charge shall be in addition to the usual monthly charge of sanitary sewer service.

Excursion means a temporary incident (intentional / unintentional) in which a pollutant exceeds the range allowed by the applicable effluent limitation guidelines.

Existing source means any source of discharge that is not a New Source.

Fee means a schedule of charges imposed to recover treatment costs (not punitive in nature).

Fine means monetary penalty assessed by the authority officials for violation of the law.

Flow discharge means the measured or estimated quantity of wastes discharged by users into the City-Parish's sanitary sewer system, expressed in one hundred (100) cubic feet (cf) or gallons (gal.).

Food service establishment means any restaurant, eatery, food caterer, cafeteria, or other institution processing and serving food such as but not limited to, motels, hotels, prisons, or schools.

Garbage shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

Generator means a person who causes, creates, generates, stores or otherwise produces liquid waste, including but not limited to grease trap waste, grit trap waste and septage as a by-product of some domestic or nondomestic activity.

Grab sample means 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.

Grease means a material either liquid or solid, composed primarily of fats, oils, and grease from animal or vegetable sources. The terms "grease," "fats, oils, and grease (FOG)," or "oil and grease," shall all be included within this definition.

Grease trap means a device utilized by commercial or industrial generators of liquid waste to intercept, collect and restrict the passage of grease and/or solid waste into the sanitary sewer to which the device is directly or indirectly connected. The terms

"grease trap," "grease interceptor," or "grease recovery device," shall all be included within this definition.

Grease trap waste means any organic, inorganic, greasy or fatty liquid, semi-liquid, and/or solid wastes collected by and ultimately removed from a grease trap for proper disposal.

Grease waste handling means the collection, transportation, storage, transfer, processing or other handling of grease waste. The term shall not apply to the generator of grease waste or to the storage of grease waste in a grease interceptor.

Grit trap means a receptacle utilized by commercial or industrial generators of liquid waste to intercept, collect and restrict the passage of petroleum-based oil and grease wastes and inorganic or other solids into both private and public sanitary sewers to which the receptacle is directly or indirectly connected.

Grit trap waste means oil and grease wastes, and inorganic solids generated by commercial, industrial, automotive or heavy machinery repair and/or washing facilities that are collected by and ultimately removed from a grit trap for disposal.

Hazardous waste means any liquid, semi-liquid or solid waste (or combination of wastes), which because of its quantity, concentration, physical, chemical or infectious characteristics may:

- (1) Have any of the following characteristics: toxic, corrosive, and irritant, a strong sensitizer, flammable or combustible, explosive or otherwise capable of causing substantial personal injury or illness;
- (2) Pose a substantial hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise improperly managed, and is identified or listed as a hazardous waste as defined by the state, or the administrator, 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.

Indirect discharge means the introduction of pollutants into the POTW from any nondomestic source regulated under section 307(b), (c) or (d) of the Act (33 U.S.C. 1317) (including holding tank waste discharged into the system).

Industrial cost recovery means the system to recover from industrial users of the POTW, the grant amount allowable to the treatment of wastes from such users.

Industrial district waste means any domestic or nondomestic waste that originates, emanates, or otherwise is generated from any industrial area as set forth in section 1.08(b) and 1.10 of the Plan of Government of the City of Baton Rouge and Parish of East Baton Rouge.

Industrial user (IU) or user means any nonresidential user; a source of indirect discharge.

Industrial waste means all water-borne solids, liquids, or gaseous substances resulting from any process of industry, manufacturing, trade, business, food processing operation or any mixture of the waste with water or normal wastewater, or any waste which is distinct from normal domestic wastewater.

Injunctive relief means a court order which restrains or compels

action by the industrial user.

Inspector means an authorized representative of the City-Parish who examines the user and ensures and enforces compliance with the permit.

Instantaneous limit means 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.

Interference means any 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 which contributes to a violation of any requirement of the City-Parish's NPDES or LPDES permit or any state or federal regulation, industrial waste and water pollution control chapter or causes the City-Parish to violate any condition of the contracts for sewage sludge disposal. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with section 405 of the Act, or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria including those contained in any state sludge management plan disposal or use employed by the POTW.

Jurisdiction means the extent of authority of a governmental entity's power to make and enforce laws.

Legal authority means the source of a control authority's jurisdiction and regulatory powers.

Litigation means an enforcement action brought in a judicial (court) forum.

Liquid waste means all waste (and wastewater) removed from traps and tanks including, but not limited to, grease trap waste, and septage; but shall not include hazardous waste.

Liquid waste hauler means any individual engaged in the collection, transportation or disposition of liquid domestic or nondomestic waste and includes the owner/operator of any equipment, facilities, vessels or vehicles engaged in liquid waste hauling activities, and the employees, lessees, representatives or agents of such owner/operator.

Local limit means specific discharge limits developed and enforced by the City-Parish upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b) and in LAC 33:IX.6109.A (1) and (2).

Louisiana pollution discharge elimination system or LPDES permit means a permit issued pursuant to LAC 33:IX Chapter 23. A permit system for the direct discharge of pollutants into waters of the state.

Manifest means the written documentation required to be in the possession of the transporter enabling disposal of hauled grit trap waste, grease trap waste, and septage at a permitted or registered disposal site. Such documentation shall contain:

- (1) The quantity and type of liquid waste being transported;

- (2) The generator's name and address at the point of receipt of liquid wastes by the transporter;
- (3) The transporter's corporate, business or trade name;
- (4) The transport vehicle operator's name;
- (5) The transporter's permit number issued by the City-Parish's environmental division;
- (6) The registration number assigned to the transporter's vehicle by the state;
- (7) The time of disposal; and
- (8) The signature of the disposal site operator.

Manifest system means a record keeping and accounting system consisting of a multi-paged trip ticket booklet and other forms used to document specific data regarding the point of generation, transportation, volume and disposal of grit trap waste, grease trap waste, and septage.

May. The word "may" whenever used in this part, will be interpreted in its permissive sense.

Milligrams per liter (mg/l) means the same as parts per million (ppm) expresses as a weight-to-volume ratio.

Monthly average means the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

Monthly average limit means 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.

National categorical pretreatment standard or pretreatment standard means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 USC 1317) which applies to industrial users. This term includes prohibitive discharge limits pursuant to 403.5 and LAC 33:IX:6109.

National pollutant discharge elimination system or NPDES permit means a permit issued pursuant to section 402 of the Act (33 USC 1342). A permit system for the direct discharge of pollutants into U.S. waterways.

Natural outlet means outlet into a watercourse, pond, ditch, lake, or other body of surface groundwater.

New source means:

- (1) 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 subsection (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 has commenced if the owner or operator has begun or caused to begin as part of a continuous on-site construction program:
- a. Any placement, assembly, or installation of facilities or equipment; or
 - b. 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
 - c. 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 subsection.

Noncontact cooling water means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Nondomestic waste means liquid waste that is not domestic waste including, but not limited to industrial users, regulated commercial facilities, businesses, schools, hospitals, restaurants, and funeral homes.

Normal domestic wastewater (sewage) means a discharge by a person into sanitary sewers in which the average concentration of TSS is not more than two hundred fifty (250) mg/l and BOD is not more than two hundred (200) mg/l, and which is otherwise acceptable into a sanitary sewer under the terms of the permit.

Notice of violation means a control authority document notifying

an industrial user that it has violated pretreatment standards and requirements. Generally used when the violation is relatively minor and the control authority expects the violation to be corrected within a short period of time. Notice of violation can be interchangeably used with Notice of Noncompliance.

Overload means the imposition of organic or hydraulic loading on a treatment facility in excess of its engineering design capacity.

pH means the measure of the acidity or alkalinity of a solution expressed in standard units.

Pass through means 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 or significantly contribute to a violation of any requirement of the POTW's, NPDES or LPDES permit (including an increase in the magnitude or duration of a violation). An industrial user significantly contributes to such permit violation where it:

- (1) Discharges a daily pollutant loading in excess of that allowed by contract with the POTW or by federal, state, or local law;
- (2) Discharges wastewater which substantially differs in nature and constituents from the user's average discharge;
- (3) Knows or has reason to know that the discharge, alone or in conjunction with discharges from other sources, would result in a permit violation; or
- (4) Knows or has reason to know that the POTW is, for any reason, violating its final effluent limitations in its permit and that such industrial user's discharge either alone or in conjunction with discharges from other sources, increases the magnitude or duration of the POTW's violations.

Permit means a document issued to industrial users. This document is commonly known as the control mechanism for the industrial user.

Permittee means a person issued a permit under this part.

Person means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, government entity or any other legal entity; or their legal representatives, agents or assigns. This definition includes all federal, state, and local governmental entities.

Polluted water means liquid waste containing any of the following:

- (1) Free or emulsified grease, and/or oil;
- (2) Acids or alkalis;
- (3) Phenols or other substances producing taste or odor in receiving water;
- (4) Toxic or poisonous substances in suspension, colloidal state, or solution;
- (5) Noxious or otherwise obnoxious or odorous gases, liquids, or solids;

- (6) More than ten (10) mg/l each of suspended solids or BOD, or both;
- (7) Color, either "true" or "apparent," exceeding fifty (50) units as measured by the platinum-cobalt method;
- (8) More than five hundred (500) mg/l of dissolved solids, or more than two hundred fifty (250) mg/l of chlorides or more than two hundred fifty (250) mg/l sulfates;
- (9) A pH value of less than 6.0 or greater than 10.5; or
- (10) Any water or waste not approved for discharge into a stream or waterway by the appropriate state authority.

Pollutant means any 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).

Pollution means the manmade or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

Pretreatment means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by an applicable Pretreatment Standard.

Pretreatment requirements means any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

Priority pollutants means a list of one hundred twenty-six (126) pollutants established by the EPA and considered hazardous to the environment and to humans. This list is found in 40 CFR 122, appendix D, and LAC 33:IX:7107, appendix D, Table II.

Process wastewater means 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.

Properly shredded garbage means that waste from the preparation, cooking, and dispensing of food has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewer, with no particle greater than one-fourth (1/4) inch in any dimension.

Public sewer means pipe or conduit carrying sanitary wastewater in which owners of abutting properties shall have the use, subject to control by the City-Parish.

Publicly owned treatment works or *POTW* means a treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by the City-Parish. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a

liquid nature and any conveyances, which convey wastewater to a treatment plant.

Regulatory agency means the United States Environmental Protection Agency or the Louisiana Department of Environmental Quality.

Sanitary sewer means a public sewer that conveys domestic wastewater or industrial wastes or a combination thereof, and into which stormwater, surface water, ground water, and other unpolluted water or wastes are not intentionally passed.

Search warrant means a document issued by a magistrate or judge which authorizes government entry into private premises to either observe compliance with applicable laws or collect evidence of noncompliance.

Segregated domestic wastes means waste generated by domestic activities that are not combined with wastes generated by nondomestic activity such as industrial or commercial activity.

Self-monitoring means sampling and analysis of wastewater performed by the industrial user.

Septage means the liquid and solid material pumped from a septic tank, cesspool or similar domestic sewage treatment system, or a holding tank when the system is cleaned or maintained.

Sewage means human excrement and gray water, including, but not limited to household showers, washing machines and dishwashing operations.

Sewage Sludge means any solid, semi-solid, or liquid residue removed during the treatment of municipal wastewater or domestic sewage. Sewage sludge includes, but is not limited to, solids removed during primary, secondary, or advanced wastewater treatment, scum, domestic septage, portable toilet pumpings, Type III marine sanitation device pumpings (33 CFR Part 159), and sewage sludge products. Sewage sludge does not include grit or screenings, or ash generated during the incineration of sewage sludge.

Sewage treatment plant means a federally owned, publicly owned, or privately owned device or system used to treat (including recycle and reclaim) either domestic sewage or a combination of domestic sewage and industrial waste of a liquid nature.

Sewage works means all facilities for collecting, pumping, treating, and disposing of sewage.

Sewer means a pipe or conduit for carrying sewage.

Show cause means a formal meeting requiring the IU to appear and demonstrate why the control authority should not take a proposed enforcement action against it. The meeting may also serve as a forum to discuss corrective actions and compliance schedules.

Significant industrial user (SIU) is

- (1) An industrial user subject to categorical pretreatment standards under 40 CFR Chapter I, Subchapter N, Parts 405-471 (LAC 33:IX.4903).; or
- (2) An industrial 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 City-Parish 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) The City-Parish may opt to determine that an industrial user subject to categorical pretreatment standards is a Non- Significant Categorical Industrial User (NSCIU) rather than a Significant Industrial User (SIU) on a finding that the industrial user never discharges more than one hundred (100) gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:
- a. The industrial user, prior to City-Parish finding, has consistently complied with all applicable categorical pretreatment standards and requirements;
 - b. The industrial user annually submits the certification statement required in Section 2:276(3), 40 CFR 403.12(q) and LAC 33:IX.6123 Q, together with any additional information necessary to support the certification statement; and
 - c. The industrial user never discharges any untreated concentrated wastewater.
- (4) Upon a finding that a user meeting the criteria in subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City-Parish may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with procedures in 40 CFR 403.8(f)(6) and LAC 33:IX.6115.F.6, determine that such user should not be considered a significant industrial user.

Significant noncompliance shall be defined as set forth in 40 CFR Part 403.8(f)(2)(viii) and LAC 33:IX.6115.F.2.h.(iii)(iv)(v) and revisions. Criteria used by control and approval authorities to identify important violations and/or patterns of noncompliance. This criteria is used to establish enforcement priorities and comply with special reporting requirements.

Slug load or slug discharge means any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards of this part. A slug discharge is any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge which 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.

Standard methods means the examination and analytical procedures set forth in the latest approved edition, at the time of analysis, of standard methods for the examination of water and wastewater, as prepared, approved, and published jointly by the American Water Works Association, and the water pollution control federation.

State means the State of Louisiana.

Storm drain, sometimes termed "storm sewer," means a sewer which carries storm and surface waters and drainage, but excludes domestic sewage and industrial wastes, other than unpolluted cooling water.

Stormwater means any flow occurring during or following any form of natural precipitation and resulting from such precipitation; including snowmelt.

Submission means the yielding of the industrial user to the requirements of the permit issued to the industrial user.

Surcharge means the charge for treating excessive pollutant loadings.

Temporary permit means a discharge document for not more than ninety (90) days.

Termination of service means a physical blockage of the sewer connection to a noncompliant user or issuance of a formal notice of termination to the industrial user.

Testimony means a solemn declaration made by a witness under oath in response to interrogation by a lawyer or public official which is used as evidence.

Total suspended solids (TSS) means solids, measured in mg/l, that either float on the surface of, or in suspension in, water, wastewater, or other liquids, and which are largely removable by a laboratory filtration device. Also referred to as total non-filterable residue.

Total toxic organics (TTO) means the sum of mass or concentration of specific toxic organic compounds found in industrial users process discharge.

Toxic pollutant means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.

Transporter means a person who utilizes public streets and rights-of-way for collection, hauling, and/or disposal of liquid waste, including but not limited to, grease trap waste, grit trap waste, and septage from a generator to a permitted or registered treatment, storage or disposal site or facility.

Trap means a device designed to skim, settle, or otherwise remove grease, oil, sand, flammable wastes or other harmful substances from wastewater.

Treatment plant means that portion of the POTW which is designed to provide treatment (including recycling and reclamation) of domestic sewage and industrial waste.

Treatment works and/or waste treatment system means all devices

and systems used in the storage, treatment, recycling and reclamation of industrial wastes necessary to recycle or reuse water at the most economical cost over the useful life of the works, including intercepting, sewers, outfall sewers, sewage collection systems, pumping power and other equipment, and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment; or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of industrial waste.

Upset shall be defined as an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards because of factors beyond the reasonable control of the user. An upset 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.

User means a source of indirect discharge.

User charge means that portion of the total sewerage charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment and collection system.

Vehicle means a mobile device in which or by which liquid waste may be transported upon a public street or highway.

Waste means rejected, unutilized or superfluous substances in liquid, gaseous, or solid form resulting from domestic, agricultural, commercial or industrial activities.

Wastewater means the liquid and water-carried industrial or domestic waste from dwellings, commercial buildings, industrial facilities and institutions, whether treated or untreated which is discharged into or permitted to enter the POTW.

Wastes from sanitary convenience means sewage wastes, domestic in character, introduced by industrial users of the City-Parish's sanitary sewer systems from sanitary facilities such as those installed and made available for use by the public and/or employees during their hours of employment.

Wastewater facilities means all facilities for collection, pumping, treating, and disposing of wastewater and industrial wastes.

Watercourse means a natural or manmade channel in which a flow of water occurs, either continuously or intermittently.

(b) *Abbreviations.* The following abbreviations, when used in this part, shall have the designated meanings:

- (1) BOD₅—Biochemical Oxygen Demand - Five Days;
- (2) BMP - Best Management Practice;
- (3) BMR - Baseline Monitoring Report;
- (4) C—Centigrade;
- (5) CFR—Code of Federal Regulations;

- (6) CIU -Categorical Industrial User;
- (7) COD-Chemical Oxygen Demand;
- (8) City-Parish-City of Baton Rouge/Parish of East Baton Rouge, Louisiana;
- (9) CWA-Clean Water Act;
- (10) EPA-U.S. Environmental Protection Agency;
- (11) F-Fahrenheit;
- (12) gpd-Gallons per day;
- (13) l-Liter;
- (14) IU-Industrial User;
- (15) LDEQ-Louisiana Department of Environmental Quality;
- (16) LA-Louisiana;
- (17) LAC - Louisiana Administrative Code;
- (18) LPDES-Louisiana Pollutant Discharge Elimination System;
- (19) MG-Million gallons;
- (20) mg/l-milligrams per liter;
- (21) NOV-Notice of violation;
- (22) NPDES-National Pollutant Discharge Elimination System;
- (23) NSCIU - Non-Significant Categorical Industrial User;
- (24) POTW-Publicly Owned Treatment Works;
- (25) RCRA-Resource Conservation and Recovery Act;
- (26) SIC-Standard Industrial Classification;
- (27) SIU - Significant Industrial User;
- (28) SNC - Significant Noncompliance;
- (29) SV-Significant Violation;
- (30) TRC - Technical Review Criteria;
- (31) TSS-Total Suspended Solids;
- (32) TTO-Total Toxic Organics;
- (33) USC-United States Code.

PART IA. - WASTEWATER STANDARDS, PERMITS AND PROHIBITIONS

Sec. 2:254. - Prohibited discharge 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.

- (1) *General prohibitions.* No user shall introduce or cause to be introduced into the POTW any pollutant(s) or wastewater which causes pass through or interference. These general prohibitions apply to each user introducing pollutants into the POTW whether or not the user is subject to other national pretreatment standards or any national, state, or local pretreatment requirements.
- (2) *Specific prohibitions.* The following pollutants, substances, or wastewater are hereby prohibited, and shall not be stored, processed, or hauled in such a manner that they could be discharged to the POTW.
 - a. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than one hundred forty (140)°F (sixty (60)°C) using the test methods specified in 40 CFR 261.21;
 - b. Wastewater having a pH less than 6.0 or greater than 10.5, or otherwise causing corrosive structural damage to the POTW or equipment;
 - c. Solid or viscous substances in amounts which cause obstruction to the flow in the operation of the POTW resulting in interference including but not limited to ashes, cinders, textiles, sand, mud, straw, shaving metals, glass, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair, fleshing, entrails, paper, dishes, and cups;
 - d. Any 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;
 - e. Any wastewater with heat in amounts of or greater than one hundred forty (140)°F (sixty (60)°C) at the discharge point which will allow grease to pass through the grease removal devises, but in no case shall heat in such quantities that the temperature at the POTW treatment plant exceed one hundred four (104)°F (forty (40)°C), which will inhibit biological activity in the POTW treatment process;
 - f. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin;
 - g. 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;
 - h. Trucked or hauled pollutants, except at discharge points designated by the POTW;
 - i. 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 City-Parish's regulatory or any other regulatory permit;

- j. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;
- k. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
- l. Detergents, surface-active agents, or other substances which cause excessive foaming;
- m. Fats, oils, or grease of animal or vegetable origin in concentration greater than one hundred (100) mg/l;
- n. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- o. Unusual concentrations of inert suspended solids, such as but not limited to Fuller's earth, lime slurries, and lime residues, or of dissolved solids, such as but not limited to sodium chloride and sodium sulfate;
- p. Unusual volume of flow or concentration of wastes consisting of slug loads;
- q. Any waters containing strong acid iron pickling waste, or concentrated plating solutions;
- r. For flammability of wastewater discharges, at no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system or at any point in the system downstream of this point, be more than or equal to five percent ($\geq 5\%$) nor any single reading over or equal ten percent ($\geq 10\%$) of the Lower Explosive Limit (LEL) of the meter. Additionally, it shall be specified that no material with a closed cup flashpoint of one hundred and forty (140°F) shall be discharge.
- s. Dilution as a substitute for treatment is prohibited except where expressly authorized to do so by an applicable pretreatment standard or requirement in accordance with 40 CFR 403.6(d) and LAC 33:IX.6111.D.

(3) *Specific pollutant limitations. Local limits.* The City-Parish is authorized to establish Local Limits pursuant to 40 CFR 403.5(c) and LAC 33:IX.6109.C. The following pollutant limits are established to protect against pass through and interference. These limits apply at the point where the user's wastewater is discharged to the sanitary sewer system. All concentrations for metallic substances are for "total" metal unless indicated otherwise. The City-Parish may impose mass limitations in addition to, or in place of, the concentration-based limitations.

- a. Containing any substance exceeding the following limits based upon a thirty-day average, which average may be determined by no less than one (1) discharge monitoring test for each monitoring period as required by permit:

Discharges to North Wastewater Treatment Plant are subject to the following Technology Based Local Limits:

- 1. 100 mg/l oil and grease
- 2. 1.08 mg/l arsenic
- 3. 0.86 mg/l cadmium

4. 96.01 mg/l chromium
5. 19.67 mg/l copper
6. 1.9 mg/l cyanide
7. 8.58 mg/l lead
8. 0.63 mg/l mercury
9. 1.33 mg/l molybdenum
10. 7.09 mg/l nickel
11. 1.33 mg/l selenium
12. 6.07 mg/l silver
13. 21.14 mg/l zinc

Discharges to South Wastewater Treatment Plant are subject to the following Technology Based Local Limits:

1. 100 mg/l oil and grease
2. 1.82 mg/l arsenic
3. 0.35 mg/l cadmium
4. 99.77 mg/l chromium
5. 25.08 mg/l copper
6. 2.62 mg/l cyanide
7. 10.86 mg/l lead
8. 0.67 mg/l mercury
9. 2.68 mg/l molybdenum
10. 7.85 mg/l nickel
11. 1.78 mg/l selenium
12. 8.44 mg/l silver
13. 51.43 mg/l zinc

- b. Containing any substance exceeding the following limits based upon a thirty-day average, which average may be determined by no less than one (1) discharge monitoring test for each monitoring period required by permit:

1. BOD₅—200 mg/l; and
2. TSS—250 mg/l.

Except as such discharges are determined by the director to cause any of the conditions set forth in section 2:254 (1) and (2), for purposes of enforcement, any discharge of BOD₅ or TSS exceeding these parameters shall be handled exclusively through surcharges as provided in Ordinance 7853.

Additionally, the user shall, at a minimum repeat the sampling and analysis and submit the results of the repeat analysis to the authority within 30 days after becoming aware of the non-surge-able (shall be defined as all parameters other than BOD₅ and TSS) and surge-able parameter exceedances. For purposes of enforcement, any discharge of non-surge-able parameters exceeding the values or in violation or noncompliance to the rules set forth in Section 2:254 (1), (2), (3a) shall be handled exclusively through penalties as provided in Enforcement Response Plan and Part IE of this ordinance.

c. National Categorical Pretreatment Standards

Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 (LAC 33:IX.4903).

When wastewater subject to a Categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the City-Parish shall impose an alternate

limit in accordance with 40 CFR 403.6(e) and LAC 33:IX.6111.E.

d. State Pretreatment Standards. Users must comply with the State of Louisiana Pretreatment Regulations codified at Louisiana Administrative Code (LAC), Title 33, Part IX, Chapter 61.

e. 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 City-Parish 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.

f. Should regulations, state or federal, reduce the limitation for any specified pollutant, the more stringent limit shall become the standard.

g. Flow measurement. All permitted significant industrial users or industrial users requested by the Director or his/her designee shall provide 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) and LAC 33:IX.6111.E.

Sec. 2:255. - Discharge of substances requiring approval by the City-Parish.

The following may be approved by the City-Parish in accordance with applicable federal, state, and local law. The circumstances shall be based on a fact finding investigation to ensure no detrimental impact on the POTW which will be caused.

- (1) Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater;
- (2) Medical waste;
- (3) Increases in the process water for adequate treatment to achieve compliance discharge limitations as expressly authorized by the applicable pretreatment standards or requirements.
- (4) Mass limitations or equivalent concentration in accordance with 40 CFR 403.6(c) and LAC 33:IX.6111.(C) where a category pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater;
- (5) Alternate limit using the combined wastestream formula (40 CFR 403.6(e) and LAC 33:IX.6111.(E)) when wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard; or
- (6) A variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13 and LAC 33:IX.6125, that factors

relating to its discharge are fundamentally different from the factors considered by the EPA when developing the categorical pretreatment standard.

Sec. 2:256. - Compliance with pretreatment standards.

- (a) *Pretreatment facilities.* Users shall provide wastewater treatment as necessary to comply with this part and shall achieve compliance with all national pretreatment categorical standards, local limits, and the prohibitions of this part within the time limitations specified by the EPA, state, or City-Parish, whichever is more stringent. All facilities needed for compliance shall be provided, operated, and maintained at all times at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the City-Parish for review, and shall be acceptable to the City-Parish 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 City-Parish under the provisions of this part.
- (b) No liquid waste hauler shall discharge or cause to be discharged into the POTW system any liquid domestic or nondomestic waste except as authorized by the director in accordance with the provisions of this ordinance. Under no circumstances shall the director authorize such discharge prior to receipt of a completed discharge form as prescribed by the director and analyses which confirm that such discharge will meet all discharge limitations set forth in 2:254. All discharges must meet current and future local, state and federal requirements.
- (c) No domestic or nondomestic waste or wastewater shall be discharged into the POTW system from any Non-City/Parish-owned treatment facility or industrial holding tank except as authorized by the director in accordance with the provisions of this ordinance.
- (d) No domestic or nondomestic waste or wastewater shall be directly discharged into the POTW system from any out-of-parish source. However, such waste may be discharged into the POTW system after in-parish pretreatment and as authorized by the director in accordance with the provisions of this ordinance.
- (e) No domestic or nondomestic waste or wastewater shall be discharged into the POTW system from any grease trap, portable toilet, holding tank or septic tank prior to receipt by the director of analyses which confirm that such discharge will meet all discharge limitations set forth in 2.254. All discharges must meet current and future local, state and federal requirements.
- (f) No industrial district waste or wastewater, regardless of source, shall be discharged into the POTW system; except that the discharge of domestic waste only from the industrial district into the POTW system shall be allowed if an individual first proves that it was discharging into the POTW system as of the date of the adoption of East Baton Rouge Parish Metropolitan Council Ordinance 9834 and East Baton Rouge Sewerage Commission (EBROSCO) Ordinance 1152 (February 23, 1994), secures the approval of the EBROSCO and executes an approved contract requiring the individual to

pay for all costs associated with the treatment of the domestic waste.

(g) A bypass or the intentional diversion of waste streams from the treatment system is prohibited unless all of the following conditions are met:

- (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.
- (2) There was no feasible alternative to the by pass, including the use of auxiliary treatment or retention of the wastewater.
- (3) The industrial user properly notified the director as described in section 2:282 (c).

(h) *Additional pretreatment measures.*

- (1) Whenever deemed necessary, the City-Parish shall require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this part.
- (2) The City-Parish shall 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.

Sec. 2:257. - Fats, oils, and grease removal.

- (a) Grease, oil, and sand interceptors shall be provided when, in the opinion of the City-Parish, 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 but will be required to commercial apartments or townhouse units. All interceptor units shall have covers with mechanisms for secure closing and shall be of type and capacity approved by the City-Parish. They shall be so located to be easily accessible for cleaning and inspection. It shall be the responsibility of the user and owner, at the owner's expense, to regularly inspect, clean, and repair each interceptor and the cover and closing mechanism thereof. The introduction or addition of any product or substance which causes grease or oil to pass through the interceptor is strictly prohibited. It shall be the responsibility of the user and owner to insure that the cover is in place and securely closed at all times except during use, inspection, cleaning and repair. Failure to maintain the interceptor in proper working order shall be cause for discontinuance of sewer service. All interceptors shall be of sufficient size and design determined by the authority.
- (b) Users with the potential to discharge flammable substances shall be required to install and maintain an approved combustible gas detection meter.

Sec. 2:258. - Special agreements for acceptance of industrial wastes.

No statement contained in this part shall be construed as preventing any special agreement or arrangement between the City-Parish and an industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City-Parish for treatment, subject to payment therefore by the industrial concern, so long as all state and federal limitations and requirements are and will continue to be met by such industry. Payment by the industry shall include cost recovery for construction, operation and maintenance of the increment of the wastewater treatment facilities required to treat the waste discharge of the industry. Costs to be considered shall include:

- (1) Costs of amortization of the indebtedness for the cost of the sewage works.
- (2) Costs of operation and maintenance of the sewage works.
- (3) Any additional costs which are necessary to ensure adequate treatment on a continuous basis.

Sec. 2:259. - Discharge of liquid waste at unapproved locations prohibited.

No person shall discharge or cause to be discharged any septic tank or privy effluent contents, animal or vegetable fat, oil used in or derived from food preparation except at a location approved for such discharge by local, state or federal authorities.

Sec. 2:260. - Liquid waste hauler permit required.

Liquid waste haulers of liquid domestic and nondomestic waste, septage, and grease trap waste which are generated within the City-Parish limits, or which will be discharged within the City-Parish limits, must have a liquid waste hauler permit issued by the City-Parish, Department of Environmental Services and a current effective sewage sludge hauler license through LDEQ. The permit may be revoked or suspended if the person ceases to meet any of the requirements within the permit or violates any provisions of this chapter. The liquid waste hauler's permit shall include the provisions in section 2:254, 2:256, and the following:

- (a) No liquid waste hauler shall discharge or cause to be discharged into the POTW system any liquid domestic or nondomestic, and grease trap waste except as authorized by the director in accordance with the provisions of this section and part I of this ordinance. Under no circumstances other than an emergency situation in which a threat exists to the public health, safety, or welfare, shall the director authorize such discharge of liquid domestic waste at a location other than the City-Parish POTW North Treatment Plant. The provisions hereof do not abrogate the obligations of a liquid waste hauler to fully comply with the requirements of Part I of this ordinance thereof.
- (b) For every truck tank (full or partially full) disposing of liquid domestic waste to the City-Parish POTW system a nonnegotiable fee of fifteen cents (\$0.15) per gallon will be charged for discharge into the POTW system. The amount charged will be based upon the delivery vehicle's total holding capacity regardless of the actual volume discharge into the POTW system.

- (c) For every truck tank, container, or vessel transported to a City-Parish facility designated by the director for the disposal of grease trap waste, the director shall provide a means for measurement of materials actually disposed of and a nonnegotiable fee of twenty-five cents (\$0.25) per gallon will be charged for such disposal.
- (d) The times, days, and locations operated by the City-Parish for liquid domestic waste or grease trap waste disposal will be regulated by the director or his designee and shall be prominently posted at the designated receiving site. The schedules for disposal may be altered or suspended from time to time as deemed necessary by the director to assure proper operation and maintenance of the POTW system, and to assure compliance with all pertinent rules, regulations, permit conditions or legal obligations, to assure compliance with any portion of this ordinance and to assure the health, safety and welfare of the public.
- (e) The director, or his authorized representative or designee, may reject the discharge of any liquid domestic waste into the POTW system which has the potential to cause:
 - 1. Interference with the POTW system operation;
 - 2. Pass-through of the POTW system;
 - 3. Operational or maintenance problems with any aspects of the POTW system:
 - 4. Noncompliance by the POTW system with any rules, regulations, standards, criteria, limits or permits issued or enforced by the EPA or the LDEQ;
 - 5. Noncompliance with any provision of this ordinance; or
 - 6. A threat or potential threat to the safety, health or welfare of the public.

Sec. 2:261. - Discharge of septage.

- (a) No user shall discharge or cause to be discharged any septage into the City-Parish sewage works except effluent or contents originating within the parish.
- (b) Septage may be introduced into the POTW only at locations designated by the authority, and at such times as are established by the City-Parish. Such waste shall not violate Section 2:260 or any other requirements established by the City-Parish. The City-Parish shall require septage haulers to obtain liquid waste hauler permits.
- (c) No hauled septage from an industry shall be accepted at the POTW nor discharged at any other point in the sanitary sewer system.
- (d) Septage haulers may discharge loads only at locations designated by the City-Parish. No load may be discharged without prior consent of the City-Parish. The City-Parish may collect samples of each hauled load to ensure compliance with applicable standards. The City-Parish may require the septage hauler to provide a waste analysis of loads prior to discharge.
- (e) Septage haulers must provide a waste-tracking manifest for

every load. This form shall be designed by the City-Parish and shall be a part of the liquid waste hauler permit. The form shall identify the origin of the wastes. The fee for the form shall be established by the director.

Sec. 2:262. - Transportation and testing of hauled waste.

All hauled waste shall be transported in watertight tanks. No waste may be spilled or leaked while the waste is being handled, transported, stored or discharged. The Director may test or may require the waste hauler to test any waste prior to discharge for abnormal and hazardous substances and refuse to allow that waste to be discharged.

Sec. 2:263. - Vehicle requirements for liquid waste haulers.

Any liquid waste hauler's vehicles shall be subject to the following requirements:

- (1) No person shall discharge or cause to be discharged any septage under a liquid waste hauler permit as required by this Section 2:261 unless the vehicle carrying the waste is properly licensed by the state to haul sewage sludge and the vehicle's tank capacity in gallons is clearly marked or identified on the tank.
- (2) Every vehicle used to transport liquid domestic waste or grease trap waste shall have painted or permanently affixed on the vehicle, in proportional letters not less than three (3) inches in height, the name of the person owning and/or operating the vehicle. Every such vehicle shall have painted on the sides, in numerals of the same height the tank/container size and the permit or registration number issued by the Department of Environmental Services. Such markings will be placed so as to be clearly and easily visible and in no way interfere with the operation of the vehicle or impair the vision of the driver.
- (3) Operation of vehicles restriction. No vehicle shall be operated except by the owner/operator thereof or by a duly authorized agent and/or employee of the owner. No liquid domestic waste vehicle shall be used, leased or rented or sold to any firm, individual, partnership, corporation, or any association to transport any waste other than liquid domestic waste. No grease trap waste vehicle shall be used, leased or rented or sold to any firm, individual, partnership, corporation, or any association to transport any waste other than grease trap waste. When any vehicle used to transport liquid domestic or grease trap waste is sold, junked, discarded, or wrecked, the owner shall report in writing to the Department of Environmental Services within five (5) working days the condition or disposal of any vehicle no longer used by the owner.
- (4) The owner or his duly authorized agent or employee shall inspect each vehicle on a daily basis. No vehicle shall be used to transport liquid domestic waste or grease trap waste that from use, dilapidation, wear, leakage or other causes or mechanical failure is unsafe to operate on the roads and streets of the City- Parish. The director or his duly authorized employees shall have the authority at any time to inspect any such vehicles for the purpose of determining whether or not the same is safe for transporting liquid domestic or grease trap waste. A daily inspection log will be kept with the vehicle at all times.

- (5) The owner/operator or his duly authorized agent shall obtain an occupational license and show proof of said license before being issued a permit or registration.
- (6) The owner shall obtain and show proof of an LDEQ sewage sludge hauler permit.
- (7) Insurance Requirements. Each liquid waste hauler and each grease trap waste hauler who desires to enter upon and/or discharge/dispose into City-Parish facility shall provide proof of insurability before being allowed to operate in the city and the parish. Every vehicle shall be insured by an insurance company qualified to write liability insurance in the State of Louisiana. Documentation evidencing proof of insurance in accordance with the requirements hereof shall be kept on the vehicle at all times of operation.
 - (a) The insurance coverage and limits of liability required for liquid domestic waste hauling or grease trap waste hauling shall be;
 - (1) Comprehensive general liability, bodily injury, or death, \$500,000.00 each occurrence
 - (2) Automobile liability owned, non-owned, leased, hired, \$1,000,000.00 combined single limit each occurrence:
 - (i) Bodily injury or death, \$250,000.00 each person, \$500,000.00 each occurrence.
 - (ii) Property damage, \$500,000.00 each occurrence, \$1 million combined single limit.
 - (b) Each liquid, domestic waste hauler or grease hauler shall in conjunction with a permit application and every three years thereafter, furnish the director a certificate of insurance in triplicate form, from an insurance carrier authorized to write liability insurance in the State of Louisiana, showing coverage in force and in amounts at least equal to those set forth above. All policies are to be endorsed to provide for ten (10) days written notice in the event of cancellation, modification of coverage or limits; and any certificate of insurance filed with the director shall so state.

Sec. 2:264. - Regulating waste discharge from other jurisdictions.

Any user of the City-Parish's POTW shall be subject to all rules and regulations pertaining to the POTW and its jurisdiction.

- (1) The City-Parish enters into an agreement with the neighboring jurisdiction, in which the industrial user is located, to provide for the implementation and enforcement of the pretreatment program requirements against the industrial user.
- (2) Multi-jurisdiction agreements would require that the contributing municipality either regulate the dischargers within its jurisdiction directly or allow the municipality to regulate such dischargers.

Sec. 2:265. - Confidential information.

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring reports, and from pretreatment or facility 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 Director, 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 or LPDES programs 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 and LAC 33:IX.6127 will not be recognized as confidential information and will be available to the public without restriction.

Sec. 2:266. - Accidental discharge/slug control plans.

The City-Parish shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan within one (1) year of being designated a significant industrial user. The permit may require any user to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, the City-Parish may develop such a plan for any user. Significant industrial users are required to notify the POTW immediately of any changes at its facility affecting potential for a slug discharge. An accidental discharge/slug control plan shall address, at a minimum, the following:

- (1) Description of discharge practices, including non- routine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the City-Parish (225-389-5456) of any accidental or slug discharge, as required by the discharge permit; as well as follow up procedures for a written notification within five days of the discharge and
- (4) 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.

Sec. 2:267. - Liquid wastes regulations.

- (a) *Purpose.* To regulate all generators, collector/transporters, transfer/receiving stations and disposal facilities that operate within the City-Parish and/or are connected to the City-Parish's sewerage system as it relates to grease trap wastes, septage, and liquid nondomestic wastes. For purposes of enforcement, any

violation or noncompliance of this section shall be handled exclusively through penalties as provided in Enforcement Response Plan and Part IE of this ordinance.

(b) *Authority.*

- (1) Code of Ordinances of the City of Baton Rouge/Parish of East Baton Rouge, chapter 5, sewerage, as it relates to the City-Parish's pretreatment regulations.
- (2) United States EPA pretreatment regulation, 40 CFR 403.1(b) and 403.5 and Louisiana Administrative Code, LAC 33:IX.6101(B) covered by pretreatment standards.

(c) *Responsibilities.*

(1) *Generator.*

- a. Must have an approved City-Parish permit that ensures that all discharges into the POTW are in accordance with the pretreatment regulations excluding septage generators.
- b. Must ensure that the collection system is kept clean and sanitary and is properly functioning at all times.
- c. Must ensure that the collector/transporter is permitted by the City-Parish.
- d. Must witness the cleaning of the system.
- e. Must manifest all waste that is being removed offsite for treatment and/or disposal and that all completed manifests are kept on site for at least three (3) years. Manifests to be only City-Parish approved manifests.
- f. Must ensure that all waste removed be disposed of and/or treated at an approved, licensed or permitted facility that meets all local, state, and federal rules or regulations.

(2) *Collector/transporter.*

- a. Must have an approved City-Parish permit if the waste is collected or disposed of within the City-Parish limits.
- b. Must have an effective LDEQ sewage sludge hauler license. Vehicles utilized for collection and transportation must be properly sized, watertight containers, and equipped with proper equipment to handle the transfer of the waste. See additional requirements on Section 2:263.
- c. Must use City-Parish approved manifests and only one (1) manifest is to be utilized for each business collected per event. Copy of completed manifest to be submitted to the City-Parish and the generator with one (1) copy kept on file.
- d. Collected waste shall be disposed of at an

approved licensed or permitted facility that meets all local, state and federal rules and regulations.

- e. Pumping reports must be entered into the online Pretreatment Management System within 10 business days.

(3) *Transfer/receiving station.*

- a. Must have a City-Parish approved permit prior to accepting waste if facility is located within the City-Parish limits.
- b. When accepting waste generated within the City-Parish, the waste must be manifested on a City-Parish approved manifest.

(4) *Disposal facility.*

- a. Must have a City-Parish approved permit prior to accepting waste if located within the City-Parish limits.
- b. Can only accept waste that is manifested on a City-Parish approved manifest.
- c. Must ensure that all discharges are in compliance with the pretreatment program, NPDES permit or LPDES permit.

(5) *City-Parish.*

- a. Responsible for enforcing the pretreatment standards.
- b. Reviews and approves all permits in accordance with the pretreatment program.
- c. Inspects and execute necessary enforcements to permitted facilities to determine compliance.

Sec. 2:268. - Permits required. For purposes of enforcement, any violation or noncompliance of this section shall be handled exclusively through penalties as provided in Enforcement Response Plan and Part IE of this ordinance.

- (a) *Industrial users.* All industrial users shall be required to obtain a wastewater discharge permit, and shall not commence any construction, modification or addition to any industrial facility which discharges or will discharge industrial waste without first submitting a discharge permit application.

(1) *Permit application submittal.*

- a. Existing users who were discharging wastewater into the POTW prior to the effective date of this part must submit a permit application (available from the department (not set out herein; on file with the City-Parish) within ninety (90) days prior to the expiration date of the existing permit.
- b. New sources or proposed users are required to obtain a wastewater discharge permit prior to the

beginning of such discharge. A temporary permit for not more than a total of 90 days may also be issued by the director this will include but not limited to facilities performing: for the purpose of trial testing the new setup of the new facility or temporary facilities who will be discharging wastewater into the sewer for a temporary duration of time. These applications must be approved prior to the date which any discharge will begin. Refer to Section 2:276 for additional reporting requirements.

c. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision with a notice of deficiency.

d. 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 gathered and evaluated the information submitted. Based on my inquiry of the person(s) 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."

(2) *Wastewater discharge permit contents.* Wastewater discharge permits shall include such conditions as are deemed reasonably necessary by the City-Parish to prevent pass through or interference, protect the quality of the receiving water body, 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 shall contain, but are not limited to:

1. A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;

2. A statement that the wastewater discharge permit is nontransferable with the exception of cases provided in this Section 2:268(5);

3. Effluent limits, including Best Management Practices, based on categorical standards, local limits, and other state and local standards;

4. Self-monitoring, sampling, reporting, notification, and recordkeeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and

sample type based on federal, state, and local law;

5. 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;
 6. Requirements to control slug discharges, if determined by the POTW to be necessary; and
 7. Any best management practices required by the federal, state, or local authorities and documentation of compliance therewith.
- 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 City- Parish to ensure compliance with this part, and state and federal laws, rules, and regulations.

- (3) *Wastewater discharge permit duration.* A standard wastewater discharge permit shall be issued for a period not to exceed five (5) years from the effective date of the permit. Each wastewater discharge permit will indicate a specific beginning date and a date upon which it will expire.
- (4) *Wastewater discharge permit modification.* The City-Parish may require a user's wastewater discharge permit to be modified 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, wastewater volume or character 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 City-Parish's POTW, City-Parish personnel, 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 and LAC 33:IX.6125;
 - h. To correct typographical or other errors in the wastewater discharge permit;
 - i. To reflect a transfer or change of contact of the facility ownership or operation to a new owner or operator; or
 - j. The voluntary request by the user.
- (5) *Wastewater discharge permit transfer.* Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer. Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives advance notice to the City-Parish and the City-Parish approves the wastewater discharge permit transfer. The notice to the City-Parish 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.

(6) *Statement of denial for change of process.* A statement in the permit enabling the director to deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the treatment system by the industrial user, where such contributions do not meet applicable pretreatment standards and requirements or where such contributions would cause the City-Parish to violate its NPDES or LPDES permit.

(7) *Upset.* Incident shall be reported to the City-Parish within twenty-four (24) hours of becoming aware of the upset and shall be followed by a written submission within five (5) days.

(8) *Bypass.* The provisions for bypass are as follows:

a. *Notice.* If an industrial user knows in advance of the need for a bypass, it shall submit prior written notice to the City-Parish, if possible at least ten (10) days before the date of the bypass.

b. *Prohibition of bypass.*

1. Bypass is prohibited, and the City-Parish may take enforcement action against an industrial user for a bypass, unless: (a) the 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 preventative maintenance; and (c) the industrial user submitted notices as required under subsection (8)a. above.

2. The City-Parish may approve an anticipated bypass, after considering its adverse effects, if the City- Parish determines that it will meet the three (3) conditions listed above.

(b) *Food service establishments.* All food service establishments, which are considered industrial users, within the City-Parish are required to obtain a permit from the City-Parish, Department of Environmental Services and comply with this section. The permits ensure that the facilities install the appropriate grease-removal equipment designed to trap cooking fats, oil and grease before it enters the wastewater system. Food service establishments are encouraged to implement "Best Management Practices for Food Service Establishment Facilities," available from the department.

(c) Non SIU's include but are not limited to food service establishments, laboratories - medical and science, silver discharges, daycare facilities, healthcare facilities,

industrial/automotive equipment repair/washing, automotive repair, dry cleaners, laundry facilities, embalming facilities, dental amalgam or dental facilities, waste haulers, nursing homes, facilities with oil and water separators, general commercial facilities (all commercial facilities not classified from the previous listing), are required to obtain a permit from the City-Parish and comply with this section. All other commercial facilities not listed above that may pose a threat to the POTW through the director's recommendation shall register as a general commercial facility. The permits ensure that the facilities implement "Best Management Practices."

- (d) *Conditions for granting or renewing permits.* No permit shall be granted or renewed unless the industrial user seeking the permit has first obtained all licenses and permits to operate the facility in question from all applicable local, state and/or federal agencies as may be required by local, state or federal law or regulation, and no permit shall be granted or renewed if there are any fines or delinquent payments owed by the user to the City-Parish.
- (e) *Waiver or variance.* Upon the approval of the Director of Environmental Services, a regulated commercial facility may receive a waiver, variance or exception to the discharge limitations as set forth in sections 2:254 to 2:256 only upon a showing that, based upon the activities conducted by the regulated commercial facility, there exists no potential that the facility may discharge directly or indirectly;
 - (1) Any pollutant, contaminant or wastewater that will pass through or interfere with the operation or performance of any POTW;
 - (2) Any substance(s) or concentration of substance(s) that would constitute a violation of the local limits established by this ordinance; or
 - (3) Any substance(s) or concentration of substance(s) that would constitute a violation of any applicable federal or state laws or regulations.
- (f) *Permit application, issuance and expiration.*
 - (1) Existing users who were permitted to discharge wastewater into the POW prior to the effective date of this part must continue to adhere and comply to their permit requirements. Enforcement actions via the department's enforcement response plan will be taken for any violations of the permit requirements.
 - (2) Existing industrial users who are not currently permitted to discharge wastewater into the POTW prior to the effective date of this part must submit a new permit application. Enforcement actions via the department's enforcement response plan will be taken after this date for failure to obtain a permit.
 - (3) New sources or proposed users are required to obtain a wastewater discharge permit prior to the beginning of such discharge. This application must be approved prior to the date which any discharge will begin.
 - (4) For NSIU applications shall be submitted online at

<http://fog.brla.gov> or other designated City-Parish website For SIU applications, the user need to contact the department at 225-389-5456.

(5) Permits are valid three (3) years or (5) years from the date of issuance.

(6) Permit fees will not be prorated based on the date of issuance.

(7) Permit is not transferable between owners, locations, or otherwise with the exception of Section 2:268(5).

Sec. 2:269. - Miscellaneous provisions.

Pretreatment charges and fees. The following wastewater discharge permit fees shall apply:

(1) Significant categorical industrial user fees.

a. Regular permit (three (3) years) \$3,000.00 or (five 5) years) \$5,000

b. b Zero discharge permit (three (3) years \$3,000.00 or (five 5) years) \$5,000

c. Modification \$200.00

(2) Significant industrial user (non-categorical).

a. Regular permit (three (3) years) \$3,000.00 or (five 5) years) \$5,000

b. b Zero discharge permit (three (3) years \$3,000.00 or (five 5) years) \$5,000

c. Modification \$200.00

(3) Non-significant user (with or without laboratory requirements).

a. Regular permit (three (3) years) \$300.00 or (five 5) years) \$500

b. Special condition permit (three (3) years \$300.00 or (five 5) years) \$500

Sec. 2:270. - Fees for liquid waste hauler permits.

The fee for issuance of a liquid waste hauler permit shall be \$300.00 for regular permit of three years duration or \$500 for regular permit of five years duration and \$200.00 for any modifications. And if in cases for wastehaulers discharging liquid domestic wastes and grease trap wastes to the City-Parish treatment plants refer for the fee payments on Section 2:260.

Sec. 2:271. - Analytical requirements.

All pollutant measurements, tests, and 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 and part 403.12 and LAC 33.IX:6123 as applicable, and amendments 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, sampling and analyses must be performed in accordance with procedures approved by the EPA.

(1) *Sample collection.* All wastewater samples must be representative of the user's discharge during the reporting period. 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.

a. Except as indicated in subsection (1)b. below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the City-Parish 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.

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

c. Samples shall be preserved according to 40 CFR part 136(4). Chain of custody shall be provided per 40 CFR part 403 and LAC 33:IX.6123.O.

d. If the user monitors any pollutant more frequently than required by the City-Parish, using test procedures prescribed in 40 CFR Part 136 or amendments thereto, or otherwise approved by the U.S. Environmental Protection Agency (EPA) or as specified in this permit, the results of such monitoring must be included in any calculations of actual daily maximum or monthly average pollutant discharge, and results must be reported and shall be included in the next required reporting period. Such results are also subject to 24 hour reporting if in violation of the ordinance.

(2) *Timing.* Written reports will be deemed to have been submitted on the date received. 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.

PART IB. - PRETREATMENT FACILITIES OPERATIONS AND MAINTENANCE

Sec. 2:272. - Operations and maintenance of preliminary treatment, pretreatment, or flow-equalizing facilities.

Where preliminary treatment, pretreatment, or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

- (1) Treatment units, grease traps, interceptors, separators, and holding tanks, shall be operated in a safe and secure manner at all times.
- (2) Areas surrounding treatment units, grease traps, interceptors, separators and holding tanks shall be maintained to facilitate immediate access to the unit for cleaning by wastehaulers and for inspection by the City-Parish or its designee at all times.
- (3) Treatment units, grease traps, interceptors and separators shall be maintained in continuously efficient operation by the owner or operator at his expense and shall produce an effluent in compliance with this or other applicable ordinance.
- (4) A user shall not remove any down pipes or otherwise alter a grease trap, interceptor or separator in any way which may allow oil, grease, sand, or other objectionable materials to pass through the device into the sanitary sewer.
- (5) A user shall not modify or otherwise alter a treatment process in any way which may allow prohibited contaminants, contaminant levels, or other objectionable materials to pass through the device into the sanitary sewer.
- (6) Where the City-Parish or its designee must clean associated public sewers caused by inappropriate operation or maintenance, inadequate design or installation, or inappropriate alteration of a treatment unit, grease trap, interceptor or separator, costs of such cleaning may be billed to the user.
 - a. In a case where several users are discharging to the same sewer line, all the users shall be equally liable and be permitted except where the user provides written proof his discharge could not have been a contributing factor.
 - b. Proof shall consist of demonstration of adequate sizing and installation; appropriate cleaning (as documented by manifests and inspection documentation) and valid analysis of a sample of the discharge collected within one (1) week of the sewer cleaning activities. Analysis of samples collected after sewer line cleaning will be accepted only where the grease trap, interceptor or separator has been properly maintained and was not cleaned within thirty (30) days of the sewer cleaning activities.
- (7) A user shall not increase the use of water or in any other way attempt to dilute the wastestream in lieu of adequate treatment.
- (8) The addition of hot water (> one hundred forty (140)°F) or the use of emulsifiers, chemicals, or other agents or devices that may cause oil, grease, or sand to pass through a treatment facility or into the sanitary sewer collection system is strictly prohibited.

(9) Areas surrounding a grease trap, interceptor, separator or holding tank shall be kept clean and free of grease and odors and other materials at all times.

a. Materials shall not be splashed, spilled, allowed to overflow, or otherwise placed on the area surrounding a grease trap, interceptor or separator.

b. In the event materials are spilled, splashed, overflowed, or otherwise placed on the surrounding area, the generator or owner shall assure the materials are cleaned from the area and properly disposed.

(10) The Director of Environmental Services at his / her discretion can require or recommend the sizing of the treatment units, grease traps, interceptors, separators, and holding tanks.

Sec. 2:273. - Cleaning of grease removal facilities.

(a) Inspection, cleaning, and other necessary maintenance of such facilities shall be conducted by the user as often as needed to assure the discharge is in compliance with the provisions of this chapter or other applicable ordinance, but not less than once per ninety (90) days. Refer to Subsection (e) below for conditions and requirements for the exemptions/exclusions of the required interval of 90 days cleaning.

(1) The trap, interceptor or separator shall be cleaned as often as necessary, up to and including daily, to assure compliance with this chapter or other applicable ordinance.

(2) In no case shall the accumulated grease, oil, solids or sand be allowed to occupy more than thirty-three (33) percent of the capacity of the first stage.

(b) The physical condition of the trap, interceptor, or separator (piping, internal walls, sidewalls, etc.) shall be inspected by a qualified representative of the user and witnessed by the user each time the facility is cleaned. Repairs, if needed, shall be made prior to further use.

(1) Repairs or modifications shall be approved by the plumbing inspector and shall not be made without the appropriate City-Parish permits.

(2) Inspection shall be conducted by the plumbing inspector after repair and prior to refilling or use. A copy of the inspection tag issued by the plumbing inspector shall be maintained on-site by the user and a copy shall be sent to the control authority or its designee.

(3) Documentation of repairs shall be submitted to the control authority or its designee within thirty (30) days of the date of repair or earlier if specified in a notice of deficiency or other control authority or its designee issued document.

(c) Grease traps, interceptors, and separators shall produce an effluent in compliance with this part at the user's pumping schedule. Schedules inadequate to produce such effluent shall be upgraded as often as necessary, up to and including daily, or the trap, separator, or interceptor shall be upgraded.

(d) Grease traps, interceptors, separators and holding tanks

shall be fully evacuated of all contents during cleaning. If the capacity of the trap, interceptor, separator or holding tank is greater than the capacity of the transport vehicle where full evacuation is not possible in a single load, then the transporter and the generator shall assure the contents are fully evacuated within twenty-four (24) hours.

- (1) No liquid waste shall be returned to the trap, interceptor, separator or holding tank after or during cleaning, either from the same or other trap, interceptor, separator or holding tank.
 - (2) During cleaning, grease residue shall be removed from piping and walls and the piping and walls shall be inspected to assure the integrity of the device is maintained.
 - (3) Residual cleaning water shall also be evacuated.
- (e) In lieu of the required frequency of every 90 days cleaning of traps, interceptors, or separators from subsection (a) above, an exemption/exclusion will be authorized and granted by the director or his/her designee, provided the user shall submit a formal letter of request to the director or his/her designee and also shall satisfy all of the following conditions:
- (1) The trap, interceptor or separator shall be inspected three times within the 10 days prior the 90th day required cleaning frequency for its physical conditions (piping, internal walls, sidewalls, cover/manhole, etc). The inspection report shall be included from the letter of request to the director or his/her designee no later than the 90th day deadline.
 - (2) Included in the inspection report above will be the findings that in no case shall the accumulated grease, oil, solids or sand be allowed to occupy more than five percent (5%) of the capacity of the first stage.
 - (3) Or for cases that the trap, interceptor, or separator is no longer in use or that the trap, interceptor, or separator is completely dry during inspection (3 times) within the prior 10 days period, provide and submit a documentation and a written statement of certification signed by the users' authorized representative of such cases shall be included in the inspection report. The certification statement shall contain the following:

"I certify under penalty of law that the trap/interceptor/separator is NO LONGER IN USE/COMPLETELY DRY. Based on my inquiry of the person(s) directly responsible for managing compliance with the permit limitation and/or pretreatment standard for grease related wastewater discharges, 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 further certify that this facility complied with the requirements of the City-Parish Ordinance 16120 Section 2:273(e). I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
 - (4) All of the users' inspection reports submitted must be signed by an authorized representative of the user and shall 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(s) 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 further certify that this facility complied with the requirements of the City-Parish Ordinance 16120 Section 2:273(e). I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- (5) Exemption/exclusion will not be granted if the user failed to satisfy the requirements set forth from the conditions stated above in (e)1-4 of this section.
- (6) If the user desire to do so, the user is required to file another request for exemption/exclusion for the next succeeding 90th day cleaning periods.

Sec. 2:274. - Control manhole.

When required by the director, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer facility for continuous observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the director. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. The control manhole shall be upstream of any and all building sanitary sewer connections that are not connected to the building treatment facility.

PART IC. - FACILITY INSPECTIONS AND SAMPLING

Sec. 2:275. - Right of entry, inspection and sampling.

(a) *Right of entry.* The City-Parish shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this part and any wastewater discharge permit or order issued hereunder. Users shall allow the City-Parish ready access to all parts of the premises for the purposes of inspection, observation, measurement, sampling, testing, records examination and copying, photography documentation, and the performance of any additional duties.

- (1) 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 City-Parish or State will be permitted to enter without delay for the purposes of performing specific responsibilities.

- (2) The City-Parish 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.
- (3) The City-Parish may require the user to install a sampling site and monitoring equipment as necessary. The facility's sampling site 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 semiannually to ensure their accuracy. Documentation of the calibrations shall be retained by the user for a period of three (3) years.
- (4) 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 request of the authority and shall not be replaced.
- (5) Unreasonable delays in allowing the City-Parish access to the user's premises shall be a violation of this part.
- (6) The City-Parish bearing proper credentials and identification shall be permitted to enter all private properties through which the City-Parish holds a duly negotiated servitude for purposes such as but not limited to inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewerage works lying within the servitude. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated servitude pertaining to the private property involved.

(b) *Inspection.* The City-Parish shall inspect all significant industrial users at least once a year in accordance with 40 CFR 403.8(f)(2)(v) and LAC 33:IX.6115.F.2.e.

(c) *Sampling.*

- (1) The City-Parish shall sample all categorical and significant industrial users at least once per year in accordance with 40 CFR 403.8(f)(2)(v) and LAC 33IX:6115.F.2.e.
- (2) All categorical and significant industrial users shall sample their discharge and report to the City-Parish at a frequency determined by the City-Parish, but in no case less than once every six (6) months in accordance with the requirements of 40 CFR 403.12(e), (g) and (h) and LAC 33:IX.6123 (E), (G), & (H).
- (3) All other users requiring monitoring shall monitor at least once per year.

(4) All other users exempted for this requirement shall do a certification that their facility is in compliance with their applicable BMPs by uploading the BMP documents at the City-Parish website, <http://fog.brla.gov>.

(d) *Search warrants.* If the director or his/her assignee 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 ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City-Parish designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the director may seek issuance of a search warrant from the appropriate court of city/parish.

PART ID. - REPORTING AND RECORDKEEPING

Sec. 2:276. - Reporting.

The following reports shall be required when applicable. The reports and other documents are:

(1) Self-Monitoring Reports.

- a. All the significant industrial user (categorical/non-categorical) shall, at a frequency to monitor and report the parameters applicable to the industrial user as determined by the City-Parish in reference to the National, State, and Local Pretreatment Standards. Industrial users under zero discharge permit shall do reporting via submission of compliance certification statement at a frequency determined by the City-Parish. Reports or certifications shall be made using a form supplied by the City-Parish.
- b. All analyses and sampling shall be pursuant to the recommendations set forth on Section 2:271 of this ordinance. All compliant and non-compliant data shall be reported.
- c. Copies of chart records for cases of continuous monitoring shall be included in the report.
- d. For any parameter to be in non-compliance with this ordinance, the user shall report results within 24 hours of becoming aware of the violation.
- e. If the results of the wastewater analyses indicate that a violation of this ordinance has occurred, the user must do a retest, a repeat sampling and pollutant analysis is required, and submit, in writing, the results of this second analysis within 30 days of becoming aware of the first violation.

- f. Self-monitoring reports are due 15 days after the due date set forth by the City-Parish in the permit issued to the User.
- g. If the user monitors any pollutant more frequently than required by the City-Parish, using test procedures prescribed in 40 CFR Part 136 or amendments thereto, or otherwise approved by the U.S. Environmental Protection Agency (EPA) or as specified in this ordinance, the results of such monitoring must be included in any calculations of actual daily maximum or monthly average pollutant discharge, and results must be reported and shall be included in the next scheduled reporting period. Such results are also subject to 24 hour reporting if in violation of this permit.
- h. Reports shall be signed with an authorized signature along with 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."

- (2) *Baseline monitoring reports.* 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) and LAC 33:IX.6111.A.4, whichever is later, existing Categorical Industrial Users (CIU's) currently discharging to or scheduled to discharge to the POTW shall submit to the City- Parish a report which contains the information listed in subsection (2) below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become CIU's subsequent to the promulgation of an applicable categorical standard, shall submit to the City- Parish a report which contains the information listed in subsection (2) 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. Users described in this subsection, shall submit the information set forth below.
 - a. *Identifying information.* The name and address of the facility, including the name of the operator and owner.
 - b. *Environmental permits.* A list of any environmental control permits held by or for the facility.

c. *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.

d. *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) and LAC 33:IX.6111.E.

e. *Measurement of pollutants.*

1. The categorical pretreatment standards applicable to each regulated process.

2. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the City-Parish, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. In cases where compliance with a best management practice or pollution prevention alternative is required, the user shall submit documentation as required by the City-Parish to determine the compliance status of the user. The sample shall be representative of daily operations and shall be analyzed in accordance with analytical procedures on Section 2:271.

3. Sampling must be performed in accordance with procedures set out in section 2:271(1) of this ordinance.

4. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

5. 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 waste stream formula in 40 CFR 403.6(e) and LAC 33:IX.6111.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) and LAC 33:IX.6111.E this adjusted limit along with supporting data shall be submitted to the City-Parish.

6. The City-Parish 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;

7. 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.

f. *Certification.* Certification statement must be in compliance with 40 CFR 403.12(l) and 40 CFR 403.6(a)(2)(ii) and LAC 33:IX.6123.L and LAC 33:IX.6111.A.2.b. "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."

g. *Signature and certification.* All baseline monitoring reports must be signed and certified.

- (3) Annual Certification by Non-significant Categorical Industrial Users (NSCIUs). A facility determined to be a Non-Significant Categorical Industrial User by the City-Parish pursuant to Part IA above must annually submit the following certification statement signed. This certification must accompany an alternative report required by the City-Parish:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR [specify applicable national pretreatment standard part(s)], I certify, to the best of my knowledge and belief that, during the period from [month, day, year, to [month, day, year]:

- i. The facility described as ___ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in Part IA; [Note: See 40 CFR 403.3(v)(2) and LAC 33:IX.6105];
- ii. The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and
- iii. the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information. "[Insert narrative description]"

- (4) *Compliance schedule.* If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment standards, a schedule for compliance must be approved by the City-Parish. 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 this part.
- (5) *Compliance schedule progress reports.* The following conditions shall apply to the compliance schedule, if required:
 - 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;
 - b. No increment referred to above shall exceed the time approved by the City-Parish.
 - c. The user shall submit a progress report to the City-Parish 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.
- (6) *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 City-Parish a report containing the information described above. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c) and LAC 33.IX.6111.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 this part.
- (7) *Periodic compliance reports (PCR).*

- a. In compliance to regulation 40 CFR 430.12(h) and 40 CFR 403.12(e) (1)-(3), all significant industrial users shall, at a frequency determined by the City-Parish but in all cases at least once every six (6) months, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where compliance with a best management practice or pollution prevention alternative is required, the user shall submit documentation as required by the City-Parish to determine the compliance status of the user reports shall be made using a form supplied by the City-Parish.
- b. Periodic Compliance Reports shall be due no later than September 30th for the January to June reporting period and by the 31st of March for the July to December reporting period.
- c. All wastewater samples must be representative of the user's discharge during the reporting period. 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.
- d. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the authority, using test procedures prescribed in 40 CFR Part 136 or amendments thereto, or otherwise approved by the U.S. Environmental Protection Agency (EPA) or as specified in this permit, the results of such monitoring must be included in any calculations of actual daily maximum or monthly average pollutant discharge, and results must be reported and such results are also subject for inclusion in the PCR reporting period.
- e. 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. The City-Parish shall require that frequency of monitoring necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the City-Parish. Where time-proportional composite sampling or grab sampling is authorized by the City-Parish, the samples must be

representative of the discharge and the decision to allow the alternative sampling must be documented in the industrial user file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 CFR part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: For cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City-Parish, as appropriate.

- (8) *Reporting requirements for industrial users not subject to categorical pretreatment standards.* The City-Parish must require appropriate reporting from those industrial users with discharges that are not subject to categorical pretreatment standards. Significant non-categorical industrial users must submit to the City-Parish at least once every six (6) months (on dates specified by the control authority) a description of the nature, concentration, and flow of the pollutants required to be reported by the City-Parish. In cases where a local limit requires compliance with a best management practice or pollution prevention alternative, the user must submit documentation required by the City-Parish to determine the compliance status of the user. These reports must be based on sampling and analysis performed in the period covered by the report, and in accordance with the techniques described in 40 CFR part 136 and amendments thereto. This sampling and analysis may be performed by the City-Parish in lieu of the significant non-categorical industrial user.
- (9) *Reports of planned significant change.* Each user must notify the City-Parish of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change.
 - a. The user shall submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application.
 - b. The City-Parish may issue a wastewater discharge permit or modify an existing wastewater discharge permit according to this part 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 or decreases of one thousand (1,000) gpd or greater, and the discharge of any previously unreported pollutants.
- (10) *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, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the City-Parish of this incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, 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 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 pursuant to this part.
 - 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 the paragraph above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.
- (11) *Reports from other users.* Other users shall provide appropriate reports to the City-Parish as the pretreatment program requires.
- (12) *Notice of violation/repeat sampling and reporting.* If sampling performed by a user indicates a violation, the user must notify the City-Parish within twenty-four (24) hours of becoming aware of the violation. The user shall, at a minimum, and in addition to any other required corrective action specified by the City-Parish, also repeat the sampling and analysis and submit the results of the repeat analysis to the City-Parish within thirty (30) days after becoming aware of the violation. If the City-Parish monitors at the user's facility at least once per month, or between the user's initial sampling and the time when the user receives the results of this sampling, then the user may not be required to resample.
- (13) *Provision governing fraud and false statements.* Documents required to be submitted and/or maintained shall be subject to:
- a. The provisions of 18 USC section 1001, RS.30:2076.2 relating to fraud and false statements;
 - b. The provisions of section 309(c)(4) of the Act, as amended, governing false statements, representation or certification; and

- c. The provisions of section 309(c) (6) of the Act regarding responsible corporate officers.

(14) Notification of the Discharge of Hazardous Waste.

- a. Any User who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 2:276 (7) of this ordinance. The notification requirement in this Section does not apply to pollutants already reported by Users subject to categorical Pretreatment Standards under the self-monitoring requirements of Section 2:276 (1) of this ordinance.
- b. Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.
- 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 City-Parish, 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.
- e. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law.

Sec. 2:277. - Recordkeeping.

Users subject to this part shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this part, including documentation associated with best management practices, 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. Records shall also include, but not be limited to, cleaning manifests, permits, correspondence from the City-Parish, including but not limited to notices of violation or noncompliance, compliance orders, etc. These records shall remain available, onsite at the location of the permitted facility, 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 City-Parish, or where the user has been specifically notified of a longer retention period by the City- Parish.

PART IE. - ENFORCEMENT AND PENALTIES.

Any violation(s) or noncompliance(s) to all the parts and sections of this ordinance shall be handled by this part.

Sec. 2:278. - Enforcement.

a) *Administrative enforcement.*

- (1) *Notification of violation/noncompliance.* When the City-Parish finds that a user has violated, or continues to violate, any provision of this part, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the City-Parish may serve upon that user a written notice of violation/noncompliance. Within the days specified of receipt of this notice, the user shall correct the violation/noncompliance or provide

an explanation of the violation/noncompliance and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the City-Parish. Submission of this plan in no way relieves the user of liability for any violations/noncompliance occurring before or after receipt of the notice of violation/noncompliance. Nothing in this section shall limit the authority of the City-Parish to take any action, including emergency actions or any other enforcement actions, without first issuing a notice of violation/noncompliance.

- (2) *Consent orders.* The City-Parish 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 and shall be judicially enforceable.
- (3) *Show cause hearing.* The City-Parish may allow a user which has violated, or continues to violate, any provision of this part, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the City-Parish 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 30 days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Section 2:253 of the Definitions and abbreviations. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.
- (4) *Compliance orders.* When the City-Parish finds that a user has violated, or continues to violate, any provision of this part, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the City-Parish 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, occupational license 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 that 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.

(5) *Cease and desist orders.* When the authority finds that a user has violated, or continues to violate, any provision of this part, 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 City-Parish may issue an order 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.

(6) *Civil fines.*

- a. When the City-Parish finds that a user has violated, or continues to violate, any provision of this part, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the City- Parish shall fine such user according to the schedule of civil fines detailed in this ordinance, as shown in the City-Parish Enforcement Response Plan in an amount not to exceed the sum of \$1,000.00. 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 thirty (30) calendar days be assessed an additional penalty of one (1) percent of the unpaid balance, and interest shall accrue thereafter at a rate of twelve (12) percent per year. A lien against the user's property will be sought for unpaid charges, fines, and penalties.
- c. The City-Parish may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine. In addition to fines, the user may be required to reimburse the City-Parish for other expenses associated with enforcement

activities, including sampling and monitoring activities, and the cost of any actual damages incurred by the City-Parish.

d. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

(7) *Emergency suspensions.* The City-Parish 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, or may present endangerment to the operation of the POTW or may present an endangerment to the environment. Written notice shall follow within seven (7) days. 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 City-Parish 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 City-Parish may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the City-Parish that the period of endangerment has passed, unless the termination proceedings in Part IE Section 2:278 and Section 2:281 of this ordinance are initiated against the User.

a. The City-Parish may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the City-Parish that the period of endangerment has passed, unless the termination proceedings in this part are initiated against the user.

b. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the City-Parish.

(8) Termination of discharge. In addition to the above provisions of this part, 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 any pretreatment standards of this part.

(9) *Appeals of administrative enforcement actions.* Users desiring to dispute any enforcement actions must file a written appeal within ten days to the Director of Environmental Services. A timely and properly filed appeal shall suspend the effect of the action appealed until the Director of Environmental Services has ruled on the appeal, except for actions taken in order to stop an actual or threatened discharge determined by the Director of the Department of Environmental Services to present or cause imminent or substantial endangerment to the health or welfare of persons, the operation of the POTW, or the environment.

b) *Judicial enforcement remedies.*

(1) *Injunctive relief.* Whenever a user has violated, or continues to violate, any provision of this part, wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the City-Parish may petition the Nineteenth Judicial District Court through the Parish 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 part on activities of the user. The City-Parish 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 pre-requisite for taking any other action against a User.

(2) *Civil penalties.*

- a. Whenever a user has violated, or continues to violate, any provision of this part, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the City-Parish according to the schedule of civil fines detailed in this part, as shown in the City-Parish Enforcement Response Plan. 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 City-Parish shall recover 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 City-Parish.
- 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.

(3) Criminal prosecution.

- a. Whenever a user willfully or negligently violates any provision of this part, 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 more than one thousand dollars (\$1,000.00) per violation, per day, or imprisonment for not more than five (5) years, or both.
- b. Whenever a user willfully or negligently 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 more than one thousand dollars (\$1,000.00), or be subject to imprisonment for not more than five (5) years, 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. Whenever a user knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this part, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this part shall, upon conviction, be punished by a

fine of not more than one thousand dollars (\$1,000.00) per violation, per day, or imprisonment for not more than five (5) years, or both.

d. In the event of a second conviction, a user shall be punished by a fine not to exceed of one thousand dollars (\$1,000.00) per violation, per day, or imprisonment for not more than five (5) years, or both.

(4) *Remedies nonexclusive.* The remedies provided for in this part are not exclusive. The City-Parish shall take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will be in accordance with the City-Parish's Enforcement Response Plan. However, the City-Parish may take other action against any user when the circumstances warrant. Further, the City-Parish is empowered to take more than one (1) enforcement action against any noncompliant user.

c) *Supplemental enforcement action.*

(1) *Financial assurance.* The City-Parish may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this part, 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.

(2) *Occupational license revocation.* Whenever a user has violated or continues to violate any provision of this part, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the user's occupational license may be revoked. The license will be re-instated, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

(3) *Public health nuisances.* A violation of any provision of this part, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public health nuisance and shall be corrected or abated as directed by the City-Parish. Any person(s) creating a public health nuisance shall be subject to the provisions of this part governing such nuisances, including reimbursing the City-Parish for any costs incurred in removing, abating, or remedying the nuisance.

(4) *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 City-Parish. Existing contracts for the sale of goods or services to the City-Parish held by a user found to be in significant noncompliance with pretreatment standards or requirements shall be terminated.

Sec. 2:279. - Publication of users in significant noncompliance.

The City-Parish shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the City-Parish, a list of the users which, at any time during the previous twelve (12) months, were in significant noncompliance with pretreatment standards and requirements as defined in this part, 40 CFR 403.8(f)(2)(vii), 55 Federal Register 30082, and LAC 33:IX.6115.F.2.h. The term significant noncompliance shall be applicable to all SIU's (or any other Industrial User that violates paragraphs 3, 4, or 5 of this Section) and shall mean:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of all the wastewater measurements taken during a six-month period exceed (by any magnitude), a numeric pretreatment standard or requirement, including instantaneous limits as defined in Section 2:253 for the same pollutant parameter by any amount;
- (2) Technical review criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of all the wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by Section 2:253 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 Part 1A (daily maximum, long-term average, instantaneous limit, or narrative standard) that the City-Parish 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 a pollutant~~s~~ that has caused imminent endangerment to the public or to the environment, or has resulted in the City-Parish'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 forty five (45) 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 BMPs which the City-Parish determines will adversely affect the operation or implementation of the local pretreatment program.

Sec. 2:280. - Severability.

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

Sec. 2:281. - Wastewater discharge permit revocation.

- (a) *Termination.* Wastewater discharge permits shall be terminated upon completion of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are terminated upon the issuance of a new wastewater discharge permit to that user.
- (b) *Revocation.* A wastewater discharge permit may be subject to revocation for good cause, including, but not limited to, the following reasons:
 - (1) Failure to notify the City-Parish of significant changes to the wastewater prior to the changed discharge;
 - (2) Failure to provide prior notification of changed conditions;
 - (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
 - (4) Falsifying self-monitoring reports;
 - (5) Tampering with monitoring equipment;
 - (6) Refusing to allow inspectors timely access to the facility premises and records;
 - (7) Failure to meet effluent limitations;
 - (8) Failure to pay fines;
 - (9) Failure to pay sewer charges;
 - (10) Failure to meet compliance schedules;

- (11) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (12) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (13) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this part.

Sec. 2:282. - Affirmative defenses.

(a) *Upset.*

- (1) Users shall control production of all discharges to the extent necessary to maintain compliance with applicable pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.
- (2) For the purposes of this chapter, an upset 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.
- (3) An upset shall constitute an affirmative defense to an action brought for noncompliance with applicable pretreatment standards if the requirements of subsection (4) of this section are met.
- (4) A user who wishes to establish the affirmative defense of upset to an enforcement action brought for noncompliance with applicable pretreatment standards shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and the user can identify the cause(s) of the upset; and it was not due to improperly designed or inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation;
 - b. 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
 - c. The user has submitted the following information to the City-Parish, the POTW and treatment plant operator within twenty-four (24) hours of becoming aware of the upset (if this information

is provided orally, a written submission must be provided within five (5) days):

1. A description of the indirect discharge and cause of noncompliance;
2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
3. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(5) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

(6) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with applicable pretreatment standards.

(b) *Prohibited discharge standards.* A user shall have an affirmative defense to an enforcement action brought against it for noncompliance 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: (1) 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 (2) no local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the City-Parish was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

(c) *Bypass.*

(1) For the purposes of this chapter, "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.

(2) A user may allow any bypass to occur which does not cause applicable pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. Such bypasses are not subject to subsections (3) and (4) of this section.

(3) Bypass Notifications.

- a. If a user knows in advance of the need for a bypass, it shall submit prior notice to the City-Parish, at least ten (10) days before the date of the bypass, if possible.
- b. User shall submit oral notice to the City-Parish 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 City-Parish with concurrence of the POTW may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(4) Bypass. Bypass is prohibited, and the City-Parish and/or POTW may take an enforcement action against a user for a bypass, unless:

- 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 subsection (3) of this section.

(5) The City-Parish with concurrence of the POTW may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the three (3) conditions listed in subsection (4)a.-c. of this section."

Section 2. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this

ordinance, or the invalidity of the application thereof to any person or circumstances shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.