ORDINANCE NO. 2021-75 WWD

AN ORDINANCE OF THE WINDSOR WATER DISTRICT AMENDING ARTICLES 3 AND 4 OF CHAPTER 4, TITLE XII OF THE WINDSOR WATER DISTRICT CODE RELATING TO LOCAL LIMITS PROVISIONS

WHEREAS, the Windsor Water District's ("District") Sewer Use Ordinance is set forth in Chapter 4 of Title XII of the Windsor Water District Code; and

WHEREAS, in the process of evaluating the District's Local Limits, the Windsor Water District Water Reclamation Facility staff identified constituents that required revision to ensure that they are sufficiently protective of recycled water quality, effluent water quality, and the quality of its biosolids; and

WHEREAS, the Board of Directors of the District desires to amend the Sewer Use Ordinance to provide the District with adequate protection to meet effluent permit limitations, maintain recycled water quality, meet biosolids quality requirements, prevent interference with plant treatment processes and maintain worker health and safety; and

WHEREAS, Woodard and Curran prepared a report dated January 2021, entitled "Town of Windsor Local Limits Evaluation Report" ("Report") containing analyses and recommendations for revising the District's wastewater treatment local limits; and

WHEREAS, the Report identified constituents of concern, quantified existing and future wastewater treatment plant load capacity, included comparison to water quality criteria in the reasonable potential analysis per North Coast Regional Water Quality Control Board and U.S. Environmental Protection Agency guidance, and developed recommended local limits for select conventional constituents; and

WHEREAS, the Acting District Engineer approved of these wastewater treatment local limits.

THE BOARD OF DIRECTORS OF THE WINDSOR WATER DISTRICT DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Title XII, Chapter 4, Article 3, Section 311 of the Windsor Water District Code is amended to delete all text therein in its entirety, and to be read and replaced as follows:

12-4-311 - Wastewater Discharge Permit Application Process.

The General Manager may require all users to submit either independently, or as part of an application, the following information:

a. Identifying Information. The name and address of the facility, including the name of the operator and owner.

b. General Facility Description. SIC numbers, hours of operation, principle business activities, products produced and/or services provided at this facility, number and type of employees, and proposed or actual hours of operation.

c. Environmental Control Permits. A list of any environmental control permits held by or for the facility including permitting agency, permit type, and identification number.

d. Description of Operations. Facilities and plant operations/processes, wastewater generating activities, type and amount of raw materials processed (average and maximum per day) and disposal methods, each product produced by type, amount, process or processes, and rate of production, time(s), and duration of all process discharges.

e. Facility Layout. Facility layout including floor plans, mechanical and plumbing plans, process flow, and details to show all sewers, floor drains, and appurtenances by size, location and elevation, and discharge locations.

f. Flow Measurement. Measured or estimated average and maximum daily flow, monthly average, annual average, and seasonal variations of wastewater flow rates in gallons per day to the District POTW from regulated process streams and other streams as necessary to use the combined wastestream formula or flow weighted average formula.

g. Pollutant Measurement. Wastewater constituents and characteristics measured or estimated, including any pollutants in the discharge which are limited by any federal, state, or local standards, or pretreatment standards applicable to each regulated process; and nature and concentration (or mass if pretreatment standard requires) of regulated pollutants in each regulated process (daily maximum and average concentration or mass when required by a pretreatment standard). Sampling and analysis will be undertaken in accordance with 40 CFR Part 136.

h. Compliance Certification. A certification statement reviewed by an authorized representative of the user and certified by a qualified professional indicating whether or not the pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance and/or additional pretreatment are necessary for the user to meet pretreatment standards and requirements. [40 CFR Part 403.12(b)(6)]

i. Other Information. Any other information as may be deemed by the General Manager to evaluate the permit application. Incomplete or inaccurate applications will not be processed and will be returned to the industrial user for revision.

SECTION 2. Title XII, Chapter 4, Article 3, Section 336 of the Windsor Water District Code is amended to delete all text therein in its entirety, and to be read and replaced as follows:

12-4-336 - Wastewater Discharge Permit Contents.

A Wastewater Discharge Permit shall include such conditions as are deemed reasonably necessary by the General Manager to prevent pass-through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

a. Wastewater discharge permits will contain provisions, requirements, and standards appropriate to carry out the objectives of this title, including, but not limited to the following:

    1. A statement that indicates Wastewater Discharge Permit duration, which shall not exceed five (5) years for SIU and Categorical Users;
    2. A statement that the Wastewater Discharge Permit is nontransferable as stated in Section 12-4-345 Wastewater Discharge Permit Transfer. Any new user or new owner must apply for a new Wastewater Discharge Permit and receive prior approval from the General Manager before discharging to the sewer;
    3. Effluent limits based on applicable pretreatment 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, sample type based on pretreatment standards, and retention of records for three (3) years;
    5. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules may not extend the time for compliance beyond that required by applicable Federal, State, or local law;

b. Wastewater discharge permits may contain provisions, requirements, and standards appropriate to carry out the objectives of this title, including, but not limited to the following:

    1. Limits on the average and maximum wastewater constituents and characteristics. These limits may be based on pollutant concentration and/or mass and may include prohibitions on discharge of said pollutants;
    2. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
    3. Implementation of Best Management Practices or Best Available Technology as determined by the General Manager.
        (a) 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;
        (b) Requirements for the development and implementation of spill control plans, Toxic Organic Management Plan or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
        (c) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

(d) Requirements for installation and maintenance of inspection, sampling and flow metering facilities, and other related monitoring equipment and three (3) years of records retention;
(e) A statement that compliance with the Wastewater Discharge Permit does not relieve the user 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;
(f) Requirements for reporting compliance schedules, self-monitoring, change in conditions, change in discharge including slug loads, bypass, process changes and chemical changes, and automatic resampling;
(g) The prohibition of dilution as a partial or complete substitute for adequate pretreatment to achieve compliance with the Wastewater Discharge Permit conditions;
(h) Signatory requirements specifying the responsible corporate officer for the industrial user;
(i) Payment of additional charges as stated in Section 12-4-125 Sewer Charges and Regulations;
(j) Other conditions as deemed appropriate by the General Manager to ensure compliance with this title, and State and Federal laws, rules, and regulations or the terms of the permit.

SECTION 3. Title XII, Chapter 4, Article 4, Section 407 of the Windsor Water District Code is amended to delete all text and tables therein in its entirety, and to be read and replaced as follows:

12-4-407 – Local Limits.

The following pollutant local limits are established to protect against pass through and interference, as well as impacts on the ability of the POTW to treat conventional pollutants (BOD, TSS, Ammonia Nitrogen, and Phosphorus) in compliance with the Town's National Pollutant Discharge Elimination System (NPDES) Permit. No SIU shall discharge or cause to discharge any wastewater containing in excess of the following daily maximum allowable discharge limits. In addition, the General Manager may apply all or some of the limits set forth below to other users as the General Manager deems appropriate and designates in the user's Wastewater Discharge Permit.

These local limits apply to all SIUs or other users deemed by the General Manager discharging to the POTW whether or not they are subject to National Categorical Pretreatment Standards or any other Federal, State, or local pretreatment standards or requirements. These local limits do not relieve the user from being required to meet any applicable National Categorical Pretreatment Standards or any other Federal, State, or local pretreatment standards or requirements.

Pollutants	User Flow (gpd)	Local Limit	Units
Aluminum	N/A	5.0	mg/l
Antimony	N/A	5.0	mg/l
Arsenic	N/A	0.5	mg/l
Barium	N/A	5.0	mg/l
Beryllium	N/A	1.0	mg/l
Boron	N/A	1.0	mg/l
Cadmium	N/A	0.02	mg/l
Total chlorinated hydrocarbons	N/A	0.002 (trace)	mg/l
Chromium (total)	N/A	0.01	mg/l
Cobalt	N/A	0.5	mg/l
Copper	N/A	0.5	mg/l
Cyanide (total)	N/A	0.2	mg/l
Total Dissolved Solids (TDS)	N/A	5,000	mg/l
Fluorides	N/A	2.0	mg/l
Formaldehydes	N/A	5.0	mg/l
Iron	N/A	5.0	mg/l
Lead	N/A	0.5	mg/l
Manganese	N/A	1.0	mg/l
Mercury	N/A	0.001	mg/l
Total Oil and Grease (non-floatable grease, oil, fat, ether-soluble matter other than soap)	N/A	500	mg/l
Total Petroleum Hydrocarbons (floatable grease, oil, fat, ether-soluble matter)	N/A	50	mg/l
Phenol and derivatives	N/A	0.5	mg/l
Nickel	N/A	0.2	mg/l
Selenium	N/A	5.0	mg/l
Silver	N/A	0.05	mg/l
Total Toxic Organics (TTO)[1]	N/A	2.13	mg/l
Zinc	N/A	1.0	mg/l

Biological Oxygen Demand (BOD)[2]	< 1,500 gpd	10^3	lb/day
	1,500 – 25,000 gpd	33	lb/day
	> 25,000 gpd	44	lb/day
Total Suspected Solids (TSS)[2]	< 1,500 gpd	7.5	lb/day
	1,500 – 25,000 gpd	27	lb/day
	> 25,000 gpd	40	lb/day
Ammonia (as Nitrogen)[2]	< 1,500 gpd	1.8	lb/day
	1,500 – 25,000 gpd	6.0	lb/day
	> 25,000 gpd	7.9	lb/day
Phosphorus[2]	< 1,500 gpd	0.34	lb/day
	1,500 – 25,000 gpd	1.1	lb/day
	25,000 gpd	1.54	lb/day

Footnotes:
1. Federal Register List from 40 CFR 131 Subpart D — Total Toxic Organics less pesticides and dioxins
2. The BOD, TSS, ammonia, and phosphorus limits are tiered based on a user's average annual flow rate, as reported in its Wastewater Discharge Permit Application. Compliance determination shall be based on representative paired daily average flow and concentration values.
3. Exceptions to the Tier I BOD local limit may be granted, where a discharger pays a fee for its total wastewater discharge load in lieu of compliance with the local limits. The applicable wastewater rate is referenced in Section 12-4-215 Sewer Charges—Rate Schedule and identified in the "WW Usage Rate Components for Special Situations" section of the Town's wastewater rates.
4. User may also be requested to supplement the numeric local limit compliance with the implementation of Best Management Practices (BMP) as a source control approach for reduced phosphorus loads.

SECTION 4. Title XII, Chapter 4, Article 4, Section 410 of the Windsor Water District Code is amended to delete all text therein in its entirety, and to be read and replaced as follows:

12-4-410 – Wastewater Sampling.

Periodic measurements of flow rates, flow volume, BOD, grease, TSS, TDS, Ammonia as Nitrogen, and Phosphorus for use in determining the annual industrial wastewater treatment surcharge and such measurements of other constituents believed necessary for the District shall be made by all industrial wastewater dischargers unless specifically relieved of such obligation by the District. Users subject to pollutant local limits listed in Section 12-4-407 - Local Limits shall also conduct wastewater sampling for those applicable pollutants.

All sampling, analyses, and flow measurements of industrial wastewaters shall be performed by a State certified independent laboratory or by a laboratory of the industrial discharger approved by the District. If performed by District's personnel, an appropriate charge shall be paid by the discharger requesting the tests. Prior to submittal to the District of data developed in the laboratory of an industrial discharger, the results shall be verified by a responsible administrative official of the industrial discharger under the penalty of perjury.

All wastewater analyses shall be conducted in accordance with the appropriate procedure contained in 40 CFR Part 136, or as amended. If no appropriate procedure is contained therein, the standard procedure of the industry or a procedure judged satisfactory by the District Engineer shall be used to measure wastewater constituents. Any independent laboratory or discharger performing tests shall furnish any required test data or information on the test methods or equipment used if requested to do so by the District.

All dischargers making periodic measurements shall furnish and install at the control manhole or other appropriate location a calibrated flume, weir, flow meter, or similar device approved by the District and suitable to measure the industrial wastewater flow rate and total volume. A flow indicating, recording, and totalizing register may be required by the District. In lieu of wastewater flow measurements, the District may accept records of water usage and adjust the flow volumes by suitable factors to determine peak and average flow rates for the specific industrial wastewater discharge.

The sampling, analysis, and flow measurement procedures, equipment, and results shall be subject at any time to inspection by the District. Sampling and flow measurement facilities shall be such as to provide safe access to authorized personnel. Records of sampling shall be maintained for a period of three (3) years.

Those industrial wastewater dischargers required by the District to make periodic measurements of industrial wastewater flows and constituents shall annually make the minimum number of such measurements required. Monitoring and sampling for all required parameters shall be conducted concurrently on the same day. The minimum requirement for such period measurements shall be at least one (1) daily measurement per year. Representative samples of the industrial wastewater shall be obtained every fifteen (15) minutes over the twenty-four (24) hour period, properly refrigerated, composited according to measured flow rates during the twenty-four (24) hours and analyzed for the specific wastewater constituents. Samples for volatile pollutants may be collected as daily grab samples. Discharges required to sample on only a few days per year shall sample during the period of highest wastewater flow and wastewater constituent discharges. Industrial plants with large fluctuations in quantity or quality of wastewater may be required to provide continuous sampling and analyses for every working day. When required by the District, dischargers shall install and maintain in proper order, automatic flow-proportional sampling equipment and/or automatic analysis and recording equipment.

Measurements to verify the quantities of waste flows and waste constituents reported by industrial dischargers will be conducted on a random basis by personnel of the District.

SECTION 5. California Environmental Quality Act.

The Windsor Water District Board finds that this Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15307 (the activity is a regulatory action taken by the District pursuant to its police power for the maintenance and protection of a natural resource) and 15060(c)(3) because the activity is not a project as defined in Section 15378 of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations)

SECTION 6. Severability.

The provisions of this Ordinance are severable and if any provision, clause, sentence, word, or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of this Ordinance or their applicability to other persons or circumstances.

SECTION 7. Effective Date.

This Ordinance shall take effect and be in force immediately upon adoption.

SECTION 8. Publication or Posting.

This Ordinance shall be published and posted in accordance with the California County Water District Act.

PASSED, APPROVED AND ADOPTED this 3rd day of March 2021, by the following vote:

AYES:	**BOARD MEMBERS FUDGE, LEMUS, VICE PRESIDENT SALMON AND PRESIDENT FOPPOLI**
NOES:	**NONE**
ABSTAIN:	**NONE**
ABSENT:	**NONE**

Dominic Foppoli

DOMINIC FOPPOLI, PRESIDENT

ATTEST:

SOMMER HAGEMAN, SECRETARY