



STANDARD CONDITIONS AND REPORTING REQUIREMENTS

This section contains general stipulations, reporting, and sampling requirements that are common to Wastewater Discharge Permits issued by the City of Modesto. The provisions and requirements are included as enforceable terms and conditions of the permit, pursuant to Modesto Municipal Code 5-6. The Permit Holder shall reference M.M.C. 5-6 in addition to the Wastewater Discharge Permit.

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SECTION A. GENERAL PROVISIONS

I. Terms and Conditions of Permit

This Wastewater Discharge Permit is issued pursuant to Modesto Municipal Code and Modesto Resolutions setting rates and charges, unless specifically approved by the Director. Applications for permit renewal shall be submitted to the City at a minimum of 45 days prior to expiration.

II. Duty to Comply

The permittee must comply with all conditions of this permit. Failure to comply with the requirements of this permit may be grounds for administrative action, or enforcement proceedings including civil or criminal penalties, injunctive relief, and summary abatements.

III. Duty to mitigate

The permittee shall take all reasonable steps to minimize or correct any adverse impact to the public treatment plant or the environment resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge.

IV. Disposal of Waste(s)

- A. The disposal of hazardous or toxic waste by the Permit Holder shall be in accordance with all local, State and Federal laws and regulations applicable to such matters. At no time shall any waste that is determined to be hazardous or toxic be discharged into the City's treatment works.
- B. Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewater shall be disposed of in a manner such as to prevent any such materials from entering the City's sewerage system.

V. Dilution Prohibition

The Permit Holder shall not increase the use of process water, or in any other way dilute the process discharge or hazardous waste, as a substitute for treatment, to achieve compliance.

VI. Bypass of Treatment Facilities

The Permit Holder shall not bypass treatment facilities unless:

- A. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage. (Severe property damage means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.);
- B. 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;
- C. The Permit Holder submitted advance notice of the need for a bypass to the City. If the Permit Holder knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of bypass.
- D. Where possible, valves shall be placed over bypass channels which may be secured closed with the use of Custody Bands by the City of Modesto Environmental Compliance Section (ECS).
- E. In the event an unanticipated bypass occurs the permittee shall immediately notify the Environmental Compliance Section, and submit a written notice within 5 days. The bypass of treatment facilities shall be considered a slug discharge, subject to the appropriate reporting requirements. See Attachment C, Notice of Slug Loading Report.

VII. Calibration and Maintenance of Equipment

- A. All flow measurement, discharge sampling, process monitoring, and treatment equipment shall be periodically calibrated, inspected and maintained to ensure their accuracy and reliability. For seasonal industries/discharges, these requirements must be completed prior to startup of production.

- B. The City of Modesto may require Significant Industrial Users (SIUs) of the wastewater treatment system to maintain effluent meters. Also, as an alternative for billing by influent measurements an effluent meter may be installed by Non-Significant Industrial Users (Non-SIUs). The following guidelines are for the operation of the effluent meters according to City standards:
1. The meter must be maintained according to manufacturer's specifications. This includes changing of desiccant or tubing, cleaning, pen replacement, lubrication, or replacement of electronic components.
 2. The effluent meter must be periodically serviced and calibrated by a third party Instrument Technician that is certified and licensed to perform meter calibrations. It is the responsibility of the Industrial User to ensure that calibration is done at a minimum of twice a year: Before June 30 and before December 31. For seasonal industries/dischargers, calibration must be performed prior to startup of production. The Environmental Compliance Section must be notified prior to calibration of meters and a copy of the final report including certifications and license, must be sent to the ECS within 5 days of receiving the calibration results.
 3. The meter may not be serviced, adjusted, programmed, or altered in any way without prior notice and approval of the Environmental Compliance Section.
 4. Any meter adjustment, programming, or any other service to the meter must be performed by personnel authorized by the Environmental Compliance Section.
 5. Flow charts, graphs or other records generated by the meter must be properly labeled and stored for at least three years. Flow charts should contain the date chart started, date the chart was removed, time increments markings, flow rate marking, and signature of person installing and removing chart.
 6. Any suspected or actual malfunction, including error messages, must be reported to the Environmental Compliance Section within 24 hours of discovery.
 7. Flow rates may not exceed the capacity of the measuring device (slug loads). In case of a slug load the Environmental Compliance Section must be notified immediately upon discovery.

VIII. Closure Plan

Permit Holders that intend to close a facility or cease a regulated process shall provide a written closure plan at least 90 days prior to closing or immediately, when intent to close becomes known less than 90 days prior to closing.

The plan shall include the following:

- A. Date of proposed work or production stoppage;
- B. Date of proposed final closure (after cleaning and demobilizing activities are complete);
- C. All chemicals and container consolidation activities and raw material and waste inventory. The inventory shall include but is not limited to: all barrels, plating tanks, and miscellaneous chemicals and containers. Consolidation activities include, but are not limited to container marking, chemical sampling and analysis, and waste treatment;
- D. Description of cleaning activities involving hazardous materials;
- E. Description of methods of disposing of all inventoried items.

IX. Severability

If any provision of this Permit or the City Ordinance, or application thereof to any person or circumstance, is held invalid, the remainder of the Permit or Ordinance, or the application of such provision to other persons or circumstances, shall not be affected thereby.

X. Transfer of Permit Prohibited

Pursuant to Modesto Municipal Code Section 5-6.406 Wastewater Discharge Permits are issued to a specific user for a specific operation. A Wastewater Discharge Permit shall not be reassigned, transferred, or sold at any time for any purpose.

XI. Continuation of Expired Permits

An expired permit will continue to be effective and enforceable until the permit is reissued if:

- a) The permittee has submitted a complete permit application at least forty-five (45) days prior to the expiration date of the user's existing permit.

XII. Availability of Permit

A copy of the Wastewater Discharge Permit shall be maintained at the discharge facility and be available at all times to facility personnel.

SECTION B. REPORTING AND RECORD KEEPING

I. Spill or Slug Discharge Notification

The Permit Holder shall notify the Environmental Compliance Section immediately upon discovering any spill or slug discharge to the sanitary sewer. Formal written notification describing the circumstances and corrective actions must be submitted to the City within 5 days of occurrence.

II. Twenty-four Hour Violation Reporting

A. The following violations must be reported within 24 hours of becoming aware of the violation.

1. Prohibited discharges listed in Modesto Municipal Code;
2. Categorical Pretreatment Standards;
3. Wastewater discharge limits;
4. Any bypass.

B. The Permit Holder shall submit a written report to the City within five days after becoming aware of the violation. The report shall contain, but not be limited to, the following information:

1. A description of the violation, including the cause, and exact dates and times of the violation;
2. Any corrective measures taken to correct the violation;
3. If the violation has not been corrected, the expected date of compliance;
4. Steps taken or planned to be taken to prevent future violations.

III. Changes in Quantity and Quality of Wastewater

A. The Permit Holder shall report to the Environmental Compliance Section any changes, permanent or temporary, to the facility, process, or operations, that change the quality or volume of the wastewater discharge or deviation from the terms and conditions under which the permit is granted.

B. If your facility is subject to intermittent or seasonal production discharges you must notify the Environmental Compliance Section at least 24 hours prior to commencing discharge.

IV. Hazardous Waste Notification

Written notification shall be made by the Industrial User in accordance with 40 CFR 403.12(p), to the Environmental Compliance Section, EPA, the Department of Toxic Substance Control and the California Waste Management Board, of any discharge, which, if otherwise disposed of, would be a hazardous waste under 40 CFR 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).

V. Signatory Requirements

All applications, reports, or information requested by the City, shall be signed by a duly authorized representative in accordance with 40 CFR 403.12(l) and must contain a certification statement of accuracy.

VI. Retention of Records

- A. The Permit Holder shall retain all records of monitoring information, including calibration and maintenance records, original strip chart recordings for continuous monitoring instrumentation, copies of reports required by this Permit, and records used to complete the application for this Permit, for a period of at least three years from the date of sample, measurement, report or application. This period may be extended at the request of the Director at any time.
- B. All records that pertain to matters that are the subject of special orders or any other enforcement or litigation activities brought by the City shall be retained and preserved by the Permit Holder until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

SECTION C. MONITORING AND SAMPLING

I. Representative Sampling

- A. Samples and measurements taken, as required in this Permit, shall be representative of the volume and nature of the monitored discharge.
- B. Samples must be obtained at locations which includes all process waste streams and during a period of normal production. Exceptions must be approved by the Environmental Compliance Section.
- C. Samples must be iced or refrigerated to ≤ 6 degrees Celsius during collection, storage and transport.
- D. Grab samples must be collected at least once per hour of production and cleanup. Any exception must be approved by the Environmental Compliance Section.

Cyanide sampling is the only approved exception.

- E. Cyanide samples must be preserved with NaOH to a pH 12 at the time of collection. A minimum of four (4) must be obtained at equally spaced intervals during the sampling period. Samples may be composited for final analysis.
- F. All equipment and containers used for sampling must be cleaned to accepted protocol.

II. Chain of Custody

- A. For each sample, a Chain of Custody shall document:
 - 1. The location, sampling collection point, the type of sample (grab or composite), the date(s), and time or span of time the samples were taken;
 - 2. Beginning and ending influent or effluent meter readings.
 - 3. The number of container(s), and type (glass, plastic, vial, etc.);
 - 4. Preservation techniques (ice, refrigeration at ≤ 6 deg Celsius, chemicals added, etc.)
 - 5. Sampler's name, legibly written;
 - 6. Sample ID number (to cross reference with the ID number on the Laboratory results);
 - 7. All persons handling the sample and the individual receiving the sample at the laboratory, including their signature, printed name, company, date, and time the sample was relinquished and accepted.
- B. If a sample is transported or handled by a courier, delivery service (public or private) or shipper, indicate the company or individuals name and the method of packaging the samples on Chain of Custody.
- C. Analyses performed in the Field shall be indicated as such on the Chain of Custody.
- D. If the Chain of Custody submitted with a Self-Monitoring Report is incomplete, the Report may be construed as incomplete and the sampling shall be repeated.

III. Sample Preservation and Analytical Methods

Sampling methods, sample preservation, and analytical methods for each parameter shall be in accordance with applicable sections EPA 40 CFR part 136, *Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act*, latest edition, unless the Permit specifies otherwise.

Table of Required Preservation & Holding Times

Parameter	Preservative	Max Hold Time
Arsenic (Total)	HNO ₃ to pH<2 Cool to ≤6 deg C	6 months
Cadmium (Total)	HNO ₃ to pH<2 Cool to ≤6 deg C	6 months
COD	Preserve with H ₂ SO ₄ to pH<2 Cool to ≤6 deg C	28 Days
Chromium (Total)	HNO ₃ to pH <2 Cool to ≤6 deg C	6 months
Copper (Total)	HNO ₃ to pH<2 Cool to ≤6 deg C	6 months
Cyanide (Amendable)	NaOH to pH>12, ascorbic acid if Cl ₂ present. Cool ≤6 deg C	14 days
Cyanide (Total)	NaOH to pH>12, ascorbic acid if Cl ₂ present. Cool ≤6 deg C	14 days
Iron (Total)	HNO ₃ to pH<2 Cool ≤6 deg C	6 months
Lead (Total)	HNO ₃ to pH<2 Cool ≤6 deg C	6 months
Mercury (Total)	HNO ₃ to pH<2 Cool ≤6 deg C	28 days
Nickel (Total)	HNO ₃ to pH<2 Cool ≤6 deg C	6 months
Oil & Grease (Total) Oil & Grease (HC)	H ₂ SO ₄ to pH<2 Cool to ≤6 deg C	28 days
Phenolic Compounds	H ₂ SO ₄ to pH<2 Cool to ≤6 deg C	28 days
Silver (Total)	HNO ₃ to pH<2 Cool ≤6 deg C	6 months
Temperature (EC)	none	Analyze Immediately
Total Suspended Solids, TSS	Cool ≤6 deg C	7 days
Zinc (Total)	HNO ₃ to pH<2 Cool ≤6 deg C	6 months

Parameter	Preservative	Max Hold Time
Organochlorine Pesticides & Poly Chlorinated Biphenyls (PCBs)	Cool to ≤6 deg C	7 days until extraction; 40 days after extraction
Purgeable Organics (BTEX)	HCl to pH<2, add ascorbic acid if Cl ₂ is present, VOA vials, NO Headspace. Cool ≤6 deg C	14 days
Semi-Volatile Organics (BNA's)	Cool ≤6 deg C	7 days until extraction; 40 days after extraction
Total Identifiable Chlorinated Hydrocarbons (volatile organics)	HCl to pH<2, add ascorbic acid if Cl ₂ is present. VOA vials, No Headspace. Cool ≤6 deg C	14 days
Total Petroleum Hydrocarbons (TPH)	Cool ≤6 deg C	14 days

IV. Laboratory Results

All sample results required by this Permit shall be performed by a laboratory certified for the analysis by the State Department of Health Services. Sampling results are due by the 10th of the following month of which the samples were taken. The laboratory shall include:

- A. The name and address of the Laboratory performing the analysis.
- B. Sample ID number (to cross reference with the Sample ID number on the Chain of custody).
- C. For each parameter analyzed:
 1. The analytical result;
 2. The date of sampling, the date the sample was received at the laboratory, and the date of analysis;
 3. The EPA Method or Standard Method (referenced in 40 CFR 136) used for analysis;
 4. The detection limit.
 5. Quality Assurance/Quality Control (QA/QC) Results
- D. The signature and title of an authorized representative of the laboratory, who reviewed the laboratory results.

V. Flow Measurements

- A. All sources of influent water for permitted facilities must be metered.
- B. Prior approval from the City must be obtained before any meter used for flow monitoring and/or billing may be replaced.
- C. If flow measurement is required by this Permit, appropriate flow measurement devices and methods shall be selected and used to ensure the accurate and reliable measurement of the volume of water and wastewater flows. Flow measurement devices and methods are subject to approval by the Environmental Compliance Supervisor.

The City is requiring the installation of any new or modified meter(s) to meet at least the following standards:

- 1) UPS: An uninterruptable power supply, hardwired, capable of supplying adequate power for meter operation for at least 8 hours. (*Note: Ensure UPS generates current which is compatible with the proposed meter.)
- 2) Non-resettable totalizer (Mechanical Preferred)
- 3) Chart or Strip recorder which records flows 24 hours per day
- 4) The installation of a non-labor intensive style meter. The meter's location should be situated in a way which facilitates calibration. Characteristics of a non-labor intensive style meter are:
 - a) The ability of the meter to hold the calibration for at least six months.
 - b) The meter should not need to be removed from the site for calibration.
 - c) Access to personnel reading the meter should not be in a hazardous location such as a confined space.
 - d) Meter sensors occasionally require cleaning or removal for calibration. The mounting point of any sensor must be permanently marked to allow replacement into the position it was mounted prior to removal.
 - e) Enough cable should be provided to place the sensor onto a test stand for calibration and/or removal from a hazardous area. (If located in a hazardous area.)
 - f) Any closed pipe system which does not operate on a mechanical principle must be set up to allow a volumetric calibration.
- 5) The ability to accurately record **all** of the flows, including periods of low or high flow, confirmed through calibration. (Primary device should be suitable to discharge characteristics)

- 6) Safeguard features to prevent accidental mis-calibration
- 7) The use of an Open Channel Primary Device (waiver allowed on proof of impossibility). Closed pipe measuring devices must be installed in a manner, which permits volumetric calibration.
- 8) Flow proportional composite sampler and refrigeration unit.

SECTION D. ENFORCEMENT AND PENALTIES

I. Annual Publication

The Director shall annually publish in a newspaper of general circulation in the Modesto area, a list of the industrial users which significantly violated applicable pretreatment requirements or standards at least once during the twelve (12) previous months. The notification shall also summarize any enforcement actions taken against the industrial user(s) during the same twelve (12) months. A significant violation is defined in the Enforcement Response Plan adopted by the City.

II. Penalties for Violation of Permit Conditions

The City will pursue enforcement and penalties as authorized by Modesto Municipal Code. When a violation occurs, the City will mail a violation notice to the Permit Holder and the Permit Holder shall submit a written response. The City may conduct a violation follow-up inspection and assess a fee.

III. Civil and Criminal Penalties

Modesto Municipal Code 5-6.704 - Administrative Civil Penalties. The City may issue an administrative penalty to any person who violates any requirement adopted or ordered by the City pursuant to this chapter. The administrative complaint shall allege, with particularity, the act or failure to act which constitute the violation, the section of Modesto Municipal Code violated, the civil penalty, and shall be served by personal delivery or certified mail on the person subject to the discharge requirements. In addition, the administrative complaint shall inform the person served of the appeal process. The person served may waive the right to appeal, in which case the City shall not conduct a hearing. Penalties imposed by the local agency pursuant to this chapter shall be assessed in accordance with Government Code Section 54740.5.

When civil penalties imposed pursuant to this chapter have remained delinquent for a period of sixty (60) days from the date assessed, a lien may be placed against the real property from which the discharge originated and which resulted in the imposition of the civil penalty.

The City may, at its option, elect to petition the Superior Court to confirm any order establishing civil penalties and enter judgement in accordance with the provisions of Sections 1285 to 1287.6, inclusive, of the California Code of Civil Procedure. (Added by Ord. 3137-C.S., § 1, effective 6-

17-99)

Modesto Municipal Code 5-6.712 - Civil Penalties. Any user who has violated or continues to violate this chapter, any order or permit hereunder, or any other pretreatment requirement shall be liable to the Director for a maximum civil penalty of twenty-five thousand dollars (\$25,000.00) per violation per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(a) The Director may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

(b) In determining the amount of civil liability, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of damage caused by the violation, the magnitude and duration, any economic benefit gained through the industrial user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

(c) Remedies under this section are in addition to and do not supersede or limit any and all other remedies, civil or criminal, but no liability shall be recoverable under this section for any violation for which liability is recovered under Section 5-6.704. (Added by Ord. 3137-C.S., § 1, effective 6-17-99)

Modesto Municipal Code 5-6.713 - Criminal Prosecution. (a) Any user who willfully violates or recklessly disregards any provision of this chapter, any orders or permits issued hereunder, or any other pretreatment 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 one (1) year or both.

(b) Any user who knowingly makes any false statements, representations, or certifications in any application, record, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter 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 one (1) year or both.

(c) In the event of a second conviction, the user shall be punished by a fine not to exceed three thousand dollars (\$3,000.00) per violation per day or imprisonment for not more than three (3) years or both. (Added by Ord. 3137-C.S., § 1, effective 6-17-99)

SECTION E. DEFINITIONS

The following information is provided to assist the industrial user in the preparation of the wastewater discharge permit application. If you need further assistance or guidance, do not hesitate to call the City of Modesto, Environmental Compliance Section at 209-577-6377.

BOD - Biochemical Oxygen Demand

Batch Discharge - Wastewater discharged from a tank or reactor that is not continuous.

Biosolids - a primarily organic solid product, produced by wastewater treatment processes, that can be beneficially recycled. The word biosolids is replacing the word sludge.

Blowdown - Removal of accumulated solids in boilers to prevent plugging of boiler tubes or steam lines. In cooling towers is done to reduce amount of dissolved salts.

Categorical Standards - Any regulation containing pollutant discharge limits promulgated by the U.S. E.P.A. in accordance with sections 307(b) and (c) of the Act (33 U.S.C. Section 1317) which apply to a specific category of users and which appear in 40 CFR Chapter 1, Subchapter N, Parts 405-471.

Conventional Pollutants - As defined by Federal law, these include BOD, SS, fecal coliform bacteria, oil and grease (plant and animal origin), and pH.

Continuous Discharge - Any process or activity that results in uninterrupted wastewater discharge.

Director - The City of Modesto, Director of the Operations & Maintenance Department or his designee.

Effluent - Wastewater or other liquid flowing from a pipe to the sewer system.

Effluent limits - Pollutant limitations for each facility that discharges into the sewer system.

Influent - Liquids flowing into a facility.

Major Industry - is defined as an industry whose effluent discharge exceeds 4.0 million gallons per month (MG/mo), or whose biochemical oxygen demand (BOD) is greater than or equal to 20,000 pounds per month, or total suspended solids (TSS) is greater than or equal to 10,000 pounds per month.

Modification - Any change to an existing system that alters the characteristics of wastewater discharge.

Mg/L - Milligrams per liter.

New - Any facility that has not previously applied for a discharge permit.

pH - expression of the intensity of the basic or acidic condition of a liquid with seven being neutral.

Peak Daily Flow - a ratio of flow to daily average flow.

POTW - Publicly Owned Treatment Works.

Pretreatment - The reduction, elimination or alteration of the nature of pollutants, properties in wastewater to a less harmful state prior to discharging into a sewer system or (POTW).

Production Water - Any water which, during manufacturing or processing, comes into direct contact with or results from the production of or use of any raw material, intermediate product, finished product, by-product or waste product.

Renewal - Any facility that has an existing permit on file and has not made any modifications since the last permit was submitted.

SIC Code - Standard Industrial Classification Code. A code number system used to identify various types of Industries.

TSS - Suspended Solids, solids that are non-filterable.

Spill Prevention and Control Plan - A plan prepared by an industrial user to minimize the likelihood of a spill and to expedite control and clean-up activities should a spill occur.

TDS - Total Dissolved Solids, solids that are filterable.

Toxic Organics - Organic compounds regulated by specific categorical pretreatment regulations which are found in the discharge at specific quantifiable concentrations.

Ug/L - Part per billion.

Volatile Acids - Fatty acids produced during digestion, which are soluble in water and can be steam-distilled at atmospheric pressure.