

### 13.12.799 – Bypass

- A. A User may allow any User Bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. Such User Bypasses are not subject to the provision of paragraphs (C) and (D) of this section.
- B.
  - 1. If a User knows in advance of the need for a User Bypass, it shall submit prior notice to the Director of Public Works, at least ten (10) days before the date of the User Bypass, if possible.
  - 2. A User shall submit oral notice to the Director of Public Works of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the User Bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the User Bypass. The written submission shall contain a description of the User Bypass and its cause; the duration of the bypass, including exact dates and times, and, if the User 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 User Bypass. The Director of Public Works may waive in writing the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- C.
  - 1. User Bypass is prohibited, and the Director of Public Works 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
    - c. The User submitted notices as required under paragraph (C) of this section.
  - 2. The Director of Public Works may approve an anticipated User Bypass, after considering its adverse effects, if the Director of Public Works determines that it will meet the three conditions listed in paragraph (D)(1) of this section.