

Comments and Responses

Proposed Amendments to Regulation 8, Rule 8

Commentor	Comment	Response
Tim Dunn, Eric White, ARB (04/05/04, via phone)	Staff Report page 4, incorrectly states that refineries discharge to the Bay, some discharge to surface water that flow to the bay.	Comment correct will change staff report
	Staff Report page 5, explanation of Volatilization maybe confusing, suggest removing word biodegradation from description and including language from TOXCHEM modeling manual to explain the process.	Will remove Biodegradation from report and look at TOXCHEM Manual.
	In Reg. 8-8-201, suggest that the definition of Organic Compounds reference other District Reg.'s rather that spark off debates about exemption of ethane.	Will look at other Districts Regs.
	In Reg. 8-8-217, suggest change to definition of junction boxes which removes section stating "effluent flows downstream as one flow."	Comment correct will change Reg. 8-8
	In Reg. 8-8-222, suggest removing "sufficient pressure" language to include other types of lift stations.	Comment correct will change Reg. 8-8
	In Reg. 8-8-228, suggest removing "equipment discharge" to subject all wastewater trenches to rule.	Comment correct will change Reg. 8-8
	In Reg 8-8-229, suggest language change to subject Vent pips from all wastewater collection system components to rule.	Comment correct will change Reg. 8-8
	In Reg. 8-8-320.4, suggests breaking section in two to clarify for refinery and other sources.	Will consider and review comment
	In Reg. 8-8-305, 306, 307, suggest that the control percentages in conflict with the 500 ppm standard. Include a strict limit of 500 ppm for refinery facilities.	The 500 ppm is a qualitative leak/no leak standard, and should not interfere with emissions control standards.
	In Reg. 8-8-308, suggest amending definition description to "at facilities other than petroleum refineries."	Will consider and review comment.
Ken Forbes (04/06/04, via phone)	Question regarding calculation annualized cost in staff report.	Responded to question by phone to explain annualized cost for the measure to be between \$3,000 to \$4,200 per ton per day.
	Question regarding emitters of the 3.3 tons mentioned in the staff report.	Responded to question by phone to explain the 3.3 tons is from refinery Wastewater Collection systems.
Brian Johnson (04/07/04, via phone)	Question if rule revisions applied to oil waste recyclers.	Responded: oil waste recyclers are not subject to the rule revisions

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Kevin Buchan, Western States Petroleum Association (4/16/04, via e-mail)	Recommend changing the title to "Wastewater Collection and Primary Treatment Systems" – to ensure it is clear that secondary systems are not included in this rule (at least, yet)	Title change to "Collection, Separation and Treatment" consistent with Reg
	In Reg. 8-8-112, think it is appropriate to allow refinery use of this exemption. However, the new standards should be included in the exemption as well. Also, it would be good to include a method to demonstrate areas that are "clean" and not require semi-annual testing, sampling requirements, etc.	Will consider extending concentration portion of exemption to refineries, however, modeling has shown that significant emissions exist at refineries at temperatures below 20 Degrees Centigrade.
	In Reg. 8-8-113, needs to exempt sections 303, 304, and 307 because the rule has been changed to apply to the entire collection and primary treatment system, not just the oil water separator as it previously applied to. Also, need to exempt new sections 312 and 313 for secondary treatment and stormwater systems.	Will consider comment and incorporate into rule.
	Request that the District consider incorporating an exemption for low volatility material, like the Fugitive Rule (Reg 8-18). Low volatility material will not result in any significant impact to ozone, but could require significant costs to monitor and control. One way to address enforcement would be to put burden of proof on the refinery (i.e. refinery would need to provide proof of low volatility or 500 ppm would apply).	Large amounts of diesel range hydrocarbons discovered during the TAD, while the impact of these materials on VOC emissions has not been confirmed, the inclusion of low volatility compounds in this regulation will ensure that any emissions from such materials will be controlled.
	In Reg. 8-8-204 need to clarify that "at the interface" means at the face of the drain, not the surface of the water seal. We would propose "at the opening to the atmosphere". We want to be careful that no one may think it means inside the pipe or the grating.	EPA method 21 is the reference test method for this section and as such clearly defines the process for the measurement of emissions from process drains in section 8.3.1.5.
	In Reg. 8-8-301 through 8-8-302 these sections, there was historically a reference made to "OC" which meant "critical organic compound." It is now being replaced by "organic compound" which excludes the concept of	Large amounts of diesel range hydrocarbons discovered during the TAD, while the impact of these materials on VOC emissions has not been confirmed, the inclusion of low volatility compounds in this regulation will ensure that any

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	<p>exempting C14 and heavier material. We're not sure why this would need to be changed and, as noted above, believe it is appropriate to include an exemption for low volatility (heavy) material.</p>	<p>emissions from such materials will be controlled. Additionally, the test methodology (ST-7 and EPA method 25) measures all organic compound not critical organic compounds. This amendment is for purposed of clarity.</p>
	<p>In reg. 8-8-302.4, there are proposed changes to this section applicable to refineries. We recommend that a new section 302.6, be added to make the requirements more clear (including them in this section leaves a few uncertainties). Also, philosophically, it is unclear why refineries have a tighter standard than other oil-water separators.</p>	<p>Will take comment under advisement and amend rule section. In terms of applicability to other industries, the staff report for these amendment recommends further study of other industries subject to this rule.</p>
	<p>In Reg. 8-8-304, the term "sludge" is not defined in the regulation. However, it appears that the only place it is used is in this section. Therefore, it would probably be easier to just modify the proposed addition (in underline) to say "Sludge removed from the sludge dewatering unit must be maintained in vapor tight containers during transport in pipes and storage." We understand that the reference to "transport and storage" means transportation in pipes and storage in tanks. We want to be clear that this does not refer to the use of vacuum trucks. Although this is probably not done frequently, vacuum trucks are clearly a much bigger issue and we would need to discuss those issues at much more length.</p>	<p>While sludge is not defined by Reg. 8-8, sludge dewatering unit is defined as being used only for oil/water separator or dissolved air flotation slop oil or sludge. Staff feels no additional definition of sludge is necessary. The staff report also identifies the area of vacuum truck transportation as being an area where further study is necessary, however, emissions from slop oils and sludge's from these units must be controlled.</p>
	<p>In Reg. 8-8-305 through 8-8-307, these sections, there was historically a reference made to "OC" which meant "critical organic compound." It is now being replaced by "organic compound" which excludes the concept of exempting C14 and heavier material. We're not sure why this would need to be changed and, as noted above, believe it is appropriate to include an exemption for low volatility (heavy) material.</p>	<p>As stated above ozone modeling has no low volatility exemption. Also, this amendment serves to reconcile this standard with the test methodology in the regulation. The test methodology (ST-7 and EPA method 25) measures all organic compound not critical organic compounds. This amendment is for purposed of clarity.</p>

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	In Reg. 8-8-312 this section should be revised to clarify maintenance exemption and remove ambiguous language. Apply section to wastewater system components and mandate that they be vapor tight.	Will take comment under advisement and amend rule section.
	In Reg. 8-8-313, the requirement in this section to re-inspect "every 30 days" could be difficult to manage or be misunderstood. We recommend changing it to require re-inspection within 25 to 35 days. Also, for clarity, we recommend putting the word "or" at the end of 313.1. This change should also be made in section 402.6.	Will take comment under advisement and amend rule section.
	In 8-8-313.2, was it your intent to include a time frame for the limit on 3 failed inspections? SCAQMD defines a repeat emitter as 3 times during any consecutive 12 months.	To make this provision achieve quantifiable emissions reductions that this provision must remain in force for five years. This prevents repeat leakers from escaping control.
	In Reg. 8-8-402, the implementation schedule is too aggressive. We need to develop plans and then start inspections. It also takes time to redraw or update entire system drawings, sample to identify clean systems, scope and estimate project, get funding, order and deliver insert-a-seals (from what appears to be a fairly small company; can they handle all the business?), complete installations, etc. Also, facilities will need to stagger inspections over several quarters to ensure getting all the inspections done and to ensure that all re-inspections don't come up at essentially the same time (the refineries did this initially for fugitives as well). Therefore, to complete inspections by 1/1/05 would be exceedingly difficult, if not impossible. We recommend revising this section, and the rest of the regulation, to provide one more year to complete all inspections, etc. (i.e. January 1, 2006).	Staff will consider this comment and make appropriate adjustments to the implementation timelines.
	In Reg. 8-8-402, need to clarify what is meant by "detailed drawings"? There may be other methods of locating components	Staff feels that this section is vital to enforceability of this regulation as it forces the refiners to identify all their wastewater components. It

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	(e.g. bar-coding and included in an LDAR routing database) that could be used to meet this need. This requirement could be changed to be similar to Reg 8-18-502.1 which requires that we “maintain records that provide...the equipment identification code, equipment type and the location of the equipment”	also provides District inspection staff with the tools to be able to identify and find all components.
Kari Lorch, Chevron (4/19/04, comment in workgroup)	In Reg. 8-8-312 with regard to the 500 ppm standard, if a facility was able to indicate that the majority of these emissions were methane, would they be in violation of this section.	The definition of organic compounds in 8-8-201 exempts methane. Therefore a facility could use district source test method (ST-7) or EPA method 25D to demonstrate compliance with this section.
Dennis Bolt, Western States Petroleum Assn. (4/19/04, comment in workgroup)	District must bear in mind in terms of implementation schedules that there are several regulation coming in force at the same time. Request that the cost on the industry in terms of budgets, capital management and resources also must be taken into account.	Will take comment under advisement and will look at adjusting implementation timelines.
Simms Thompson, Jr. (4/27/04, comment at workshop)	How does this regulation affect gas stations?	The revisions to this regulation apply to refineries only. Any gas stations currently regulated under this rule will maintain the same compliance requirements.
Teng Chung Wu, Mountain View Sanitary District (4/27/04, comment at workshop)	How will compliance be determined with this regulation?	District inspectors will enforce the provisions of this regulation by doing inspections, reviewing refinery paper work and enforcing refinery inspection and Title V reporting requirements. The refiners themselves must also perform the inspections or install controls provide for in the regulation and perform self reporting under their Title V permits.
	Has the District done any cost analysis on this regulation and what will the costs be?	As part of this regulation, both socioeconomic and incremental cost analysis on the proposed amendments have been analyzed. The costs per ton of emissions reduced per day are between \$1,900 and \$4,200.
	Has the District mandated any tagging or identification requirements for refinery wastewater collection systems?	As part of the amendments to the regulation each refinery must submit a detailed diagram denoting the location of all wastewater components at their facilities. This will provide them with maximum

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		flexibility in setting up their tracking and inspection programs.
	The Staff report has indicated that the effects on staff are expected to be moderate. What impacts will the amendments have?	The Staff Impacts section of the staff report pertain mostly to the District's inspection staff. While this will mean an increased workload for them, it is not expected to be overburdensome on budgets, time or administration.
Oliba Cardona, Contra Costa Interfaith Supporting Community Organization (4/27/04, comment at workshop)	Who will check the refineries to make sure the inspections or controls are operating correctly?	This responsibility will fall on the District and its inspection staff. Staff is well versed in fugitive detection as well as record keeping and Title V review. This will ensure the provisions of this regulation are enforced.
	What impact will it have on the community if the new provisions of this rule are not carried through?	Should the amendments to this rule not be enforced it would result in the continued emission of 2 tons per day of VOC.
	During incidents at night, members of the community are unsure as to who to contact and are not aware of workshop meetings.	Staff responded by making outreach to Miss Cardona, providing here with information pamphlets in Spanish and English and have since followed up with her through the Districts PI&E Office.
Phil Stern, ConocoPhillips (4/27/04, comment at workshop)	In Reg. 8-8-302 there are sections that have repair periods and others that do not. For Title V reporting it would e better to make these requirements consistent.	Refineries currently comply with all portions of this section. The addition of additional repair periods would make the section less stringent and may lead to excess emissions. Therefore no new repair periods will be added to this section.
	In Reg. 8-8-402, allowances should be made so that violation of non-emission related administrative elements of the Reg. are allowed to be corrected. Such provisions will reduce the need for reporting deviations from Title V permits.	While staff feel this is a valid concern, the administrative portions of this section are essential to the enforcement of this regulation and therefore must have a strict compliance date.
Stephanie Corcoran, Valero (4/27/04, comment at workshop)	With regard to the cost associated with this regulation, it appears that the majority of the emissions occur at one facility. Therefore the costs associated with the implementation of the regulation at the Valero facility seem punitive in terms of dollars per ton of VOC reduced.	The amendments to this regulation allow for facilities who have better emissions performance to expend less money on emissions controls. In the case of the Valero facility, there are few emissions from the wastewater system. This amendment will serve to codify the situation, the result being that based on the compliance option chosen by Valero their cost should fall well bellow the projected cost

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		range of \$1,900 to \$4,200 per ton of VOC reduced.
Kathy Wheeler, Shell (4/27/04, comment at workshop)	Reg. 8-8-402 requires a detailed diagram of all wastewater components. Components discovered after the compliance date that are not on diagrams would constitute a violation and be subject to Title V reporting. Would it possible for this portion of the regulation to make allowances for components discovered after the compliance date.	While the District may make adjustment to the regulatory time line it is essential for enforcement of the regulatory amendments that all wastewater collection system components are identified by the compliance date. This ensures that the proposed emissions reductions are achieved by either controls or an inspection and maintenance plan.
Dennis Bolt Western States Petroleum Association (4/27/04, comment at workshop)	It must be noted in terms of regulatory adoption as well as the physical costs incurred by the refineries, there is a huge investment in administration by both industry and the District. This includes regulatory adoption, reopening of facility Title V permits and aproval by both the state and EPA for SIP credit.	Staff is aware of these costs, however, their impact is moderate in terms of staff time and District resources.
Rebecca Stager, Chiron Corp. (4/27/04, via e-mail)	Chiron believes that a modification of 8-8-113 to completely exempt stowmwater sewers is in line with the proposed, revised description that limits the scope of the rule to emissions from wastewater collection and treatment systems. Section 8-8-113 currently exempts stormwater sewer systems, as defined under Section 8-8-216, from sections 8-8-301, 302, 306 and 308 if the stormwater sewer system is used to collect stormwater which is segregated from process wastewater. Section 8-8-216 clearly states that a stormwater sewer system is a system that is fully segregated from the wastewater system and thereby segregated from process wastewater. In addition, the language in 8-8-113 implies that stormwater sewer systems (that only collect stormwater) could be regulated under sections 8-8-303, 304, 305 and 307 of the rule. Because sections 304, 305 and 307 do not apply to stormwater sewer systems the net effect of a full	The effect of the proposed exemption would be to exempt stormwater oil-water separators from section 8-8-303 of the rule.
Greg Karras, Terry Valen,	With regard to the Draft Staff	Staff will change the draft staff

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Communities for a Better Environment (5/14/04, via mail)	<p>report, District's Staff estimate of emissions from wastewater collection systems excludes diesel range hydrocarbon material. The actual hydrocarbon emissions and reductions from the proposed amendments may actually be double the current estimate.</p> <p>District's Staff cost/benefit analysis point out that the proposed rule would reduce toxic compounds such as benzene but it should similarly include the benefits of reducing the emissions of diesel range hydrocarbons as well.</p>	<p>report to mention that diesel range hydrocarbon emissions will also be reduced as part of the proposed control measure.</p>
	<p>As part of the proposed compliance options in sections 8-8-313.2 and 8-8-402, the requirement for inspections is semi-annually. This is in contrast to RWQCB requirements which mandate that refineries monitor system constituents monthly or even weekly. Semi-annual monitoring may miss emissions and hence fail to control them. As proposed the current rule would not ensure the projected emissions reductions were achieved, largely due to episodic releases to the refinery wastewater system. CBE recommends monthly monitoring of wastewater collection systems, which has been deemed cost effective by the staff report analysis.</p>	<p>Will consider and review comment (Staff have proposed increased monitoring for the first year the rule is implemented, also, inspection staff will be monitoring emissions points in addition to the refinery inspection programs)..</p>
	<p>The exceptions contained in the draft rule under sections 8-8313.1 and 8-8-403 would allow refineries to wait two and a half years before plugging leaks from their sewers into the air. There might also be little incremental benefit for the installation of partial controls which may divert emissions to another part of the refinery. CBE would like to see this timeline shortened so that all controls are installed by December 31, 2005.</p>	<p>As well as the provision to ultimately control all drains, the proposed amendment to the rule also includes a provision for an initial survey of all refinery drains. During this survey period all drains found leaking over 500 ppm must be minimized. This means an immediate emissions reduction benefit from the rule's effective date. In addition, the proposed compliance schedule mirrors one adopted by the South Coast Air Quality Management District. This schedule has proved not only to practical for the facilities but has also allowed for the safe installation of refinery controls for guaranteed</p>

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		emissions reductions.
	CBE requests clarification in any resolution adopting the proposed amendment to Reg. 8-8, its intent to develop a recommendation regarding treatment system controls by December 31, 2005.	Regarding treatment systems, District, CARB and RWQCB staff are currently formulating sampling plans and discussing emissions models with members of the technical working group. While this process is in an advanced stage it is unlikely to deliver the requested recommendation by December 31, 2005.
Sally Rump, California Air Resources Board (5/17/04, via mail)	With Regard to Reg. 8-8-200, would like definitions to be listed alphabetically	Due to the regulated communities familiarly with this section, definitions added follow the regulation numbering scheme and hence are not re-alphabetized.
	With Regard to Reg. 8-8-200 would request that a definition of "inside a battery limit" (ISBL) be added to the rule. ISBL consists of the process facilities, usually grouped in in one or more plants in a geographical area.	The current definition of petroleum refineries contained in the rule incorporates this category and that as such this language would be superfluous.
	With Regard to Reg. 8-8-200 would request that a definition of "outside a battery limit" (OSBL) be added to the rule. OSBL includes bulk storage of flammable materials remote from the on-plot areas and support of facilities such as utilities, fire pumps and buildings, remote from hazardous operating facilities. Flares are in OSBL, but located separately from other areas.	The current definition of petroleum refineries contained in the rule incorporates this category and that as such this language would be superfluous.
	In Reg. 8-8-219, the proposed definition of biological treatment unit refers to any structure which use micro-organisms to metabolize organic compounds aerobically...." The District may also want to include anaerobic biological processes also.	Staff agree with this comment and will include it in the definitions section
	In Reg. 8-8-229 the proposed definition of vent pipes refers to any piping used to ventilate junction boxes or manholes. CARB recommend that this definition be expanded to include all collection system components.	Staff agree with this comment and will include it in the definitions section.
	In Reg. 8-8-313.1, for clarity, the District may want to repeat the hard piping requirement in 8-8-312 that states that "all sewer lines at petroleum refineries be completely	Will consider and review comment.

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	enclosed so that no wastewater is exposed to the atmosphere after entering the collection system.”	
	In Reg. 8-8-402.1, the proposed language would require that "All wastewater collection system components must be identified." The District may want to consider revising this text so that " All wastewater components or at least 99% of all components inside a battery limit (ISBL) and outside a battery limit (OSBL) be identified.	As stated previously, the current definition of petroleum refineries contained in the rule incorporates the ISBL and OSBL categories mentioned and that, as such, this language would be superfluous.
Vicki Sawiler (?) (5/18/04, comment at workshop)	Where does the hydrocarbon vapor trapped by the emissions controls go to?	Hydrocarbon vapors will be contained in the system and swept to the oil-water separator. Due to the fact that a small amount of petroleum product can saturate the water's absorption ability, most of this hydrocarbon material will be insoluble and should be removed at the oil-water separator.
	Has the District analyzed the cost effectiveness of the proposed measure in terms of its benefit to human health?	The District is required to do a cost benefit analysis for the amount of emissions reduced in each regulatory proposal in dollars per ton. Although if it appears that a health effect is being caused by a point source, the District will respond to any complaints made to its communication center via the 1-800-334-ODOR line, we have no methodology to quantify health benefits from each regulation amendment. The national and state ambient standards that we are trying to achieve have gross health benefits attributed toward them. We must progress toward these standards by law.
Wanna Wright, Communities for a Better Environment (5/18/04, comment at workshop)	When will the proposals be completed?	The majority of this regulation goes into effect on January 1, 2005. However, the regulation also contains an alternative compliance schedule for the incremental installation of controls on all refinery wastewater collection system components by December 31, 2006.
Ramona Martinez (5/18/04, comment at workshop)	We think there have been a lot of accidents that have led to contamination of our community. This contamination has led to health effects such as respiratory	Refinery wastewater collection systems span many hundreds of acres and are very complex. It will take time to physically identify each component and control it safely.

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	problems and watering eyes. Why will it take so long to put the proposed controls in place?	Also, the schedules proposed in the regulation have been proven to work safely in the South Coast Air Quality Management District.
Carla Perez, Communities for a Better Environment (5/18/04, comment at workshop)	How long have the refineries been aware of the specifics of the regulation and haven't they had time to prepare for its amendment?	The refineries became aware of the specifics of the regulation on the same date as the community, 5/1/04. However, they have been aware through the workgroup process that this rule would require a waterseal control option.
	Why is there such a long delay in implementing the proposed amendments and how long will it take to produce the diagrams of the refinery system?	Refinery wastewater collection systems span many hundreds of acres and are very complex. It will take time to physically identify each component and control it safely. Based on information gained from industry sources, the diagrams themselves will probably take between 6 to 9 months to produce.
	How does the District intent to ensure this regulation is enforced and that actual emissions reductions are achieved?	The District has an excellent enforcement program. This regulation is intended to provide that programs with the tools to audit and cross check compliance at facilities. Field inspectors will also conduct their own inspection and will review facility reporting under Title V.
	How should the community protect itself from the health effects of these pollutants?	Questions regarding human health effects should be deferred to the local health department. However, the District will respond to any complaints made to its communication center via the 1-800-334-ODOR line.
Waylon Williams (5/18/04, comment at workshop)	What are the fines for non-compliance?	Fines for non-compliance with emissions related standards can be as high as \$50,000 per day.
	How are the funds raised from fines distributed to the communities affected?	As part of large settlements received by the District, local communities are polled for suggestions on how best to use the monies received. This money, usually 25% of a total settlement, is distributed through supplemental environmental plans (SEP) by the Districts Planning Division.
	How will the District guarantee enforcement of this regulation?	The District has an excellent enforcement program. This regulation is intended to provide that programs with the tools to audit and cross check compliance at facilities. Field inspectors will

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		also conduct their own inspection and will review facility reporting under Title V.
	Why was 500 ppm chosen as the leak standard for the regulation?	500 ppm was chosen by USEPA as the effective leak/no leak for drains in its national environmental standard for hazardous air pollutant (NESHAP) for benzene wastes. As such the District adopted it as its leak/no-leak standard.
	Who informs members of the public if there is a problem such as a violation notice for a drain leak?	Although information is available, the public is not routinely informed unless large violations occur that cause a number of complaints. Contra Costa County does have an emergency warning system for large refinery releases.
Dennis Bolt, Western States Petroleum Association (5/18/04, comment at workshop)	In relation to the emissions from refinery facilities, 95% of the toxic compound emitted in the Bay Area come from automobiles. Toxic monitoring done in partnership with the Contra Costa Health Department indicates no problems in communities surrounding the refineries and that these communities are not impacted above level in other Bay Area residents.	No comment
Greg Karras, Communities for a Better Environment (5/18/04, comment at workshop)	In relation to the implementation date of this regulation CBE see no reason to delay. The emissions from these systems are impacting community now. Safety should not be allowed as an excuse for not implementing controls as soon as possible.	Staff feel that the introduction of controls is timely and that due to the size and complexity of wastewater collection systems at refineries that the implementation schedule is both safe and realistic.
Greg Karras, Carla Perez, Terry Valen, Wanna Wright, Communities for a Better Environment (5/21/04, via mail)	This is the first concrete pollution reducing rule to come out of the two-plus year effort to get relief for our communities. The proposal uncovers a massive air pollution problem which CBE believes to be an important factor in the elevated rates of respiratory problems, including asthma, in nearby communities. If passed this rule would cut two tons of this pollution daily.	Staff agree with CBE that this measure will deliver the estimated 2.1 tons per day of emissions reductions.
Sally Rump, CARB (9/7/04, via e-mail)	Comment on Regulation 8, Rule 18: "APCO" should be replaced by "APCO or his or her designee".	Regulation 1 contains the suggested language, "APCO" is used throughout District rules.
K. Sky Bellanca, Valero (9/7/04, via e-mail)	Concerned that wastewater ponds could be construed as subject to	The suggested language is not necessary because wastewater

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	the proposal. Suggests exempting them from definition of “wastewater collection system” or including specific language in Sec 8-8-114.	ponds are not considered part of the collection system. Other sections of the wastewater system that are also not part of the collection system are also not specifically exempted for the same reason. Inspection criteria will make this point clear.