

## ORDINANCE NO. 413

### ORDINANCE OF JURUPA COMMUNITY SERVICES DISTRICT RELATING TO THE DISCHARGE OF FATS, OILS AND GREASES (FOG) WASTES INTO THE PUBLIC SEWER SYSTEMS OF JURUPA COMMUNITY SERVICES DISTRICT AND SUPERSEDING INCONSISTENT PROVISIONS IN ORDINANCE NOS. 226, 380 AND 412

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## SECTION 1 PREAMBLE—DEFINITIONS

### 1.1 Ordinance Purpose--Implementation of Regional Board Ordinance

The sewer system of Jurupa Community Services District (District) discharges wastewater to various Publicly Owned Treatment Works (POTW). The POTW's discharge treated effluent into surface waters of the United States of America and the State of California, in particular the Pacific Ocean and the Santa Ana River. Specifically, the District's sewer system discharges wastewater to three different wastewater treatment plants. First, the City of Riverside's Water Pollution Control Plant, which discharges to the Santa Ana River. Second, the Inland Empire Brine Line (Brine Line), which discharges to Orange County Sanitation District (OCSD) Treatment Plant, which discharges to the Pacific Ocean. Third, the Western Riverside County Regional Wastewater Authority's Treatment Plant, which discharges to the Santa Ana River. The chemical nature of these effluents affects the quality of water existing in the receiving waters as well as the quality of underground waters in the vicinity.

- A. This Ordinance shall provide for the regulation of wastewater discharges in accordance with the federal and state government's objectives of reducing or eliminating fats, oils and greases into the District's sewer system.
- B. To protect and preserve the health and safety of the citizens and personnel of the District and contract treatment agencies.

### Section Definitions.

Unless the context specifically indicates otherwise, the meaning of the terms used in this Ordinance shall be as follows:

#### **Authorized Representative** means:

A. A responsible corporate officer, if the user is a corporation, of the level of president, secretary, treasurer, or vice president in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or the manager of one or more manufacturing or production processes, or operation, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

B. A duly Authorized Representative of the individual designated in paragraph A, or B if such representative is responsible for the overall operation of the facility from which the discharge originates and such authorization is confirmed in writing to the General Manager by the individual described in paragraph A, or B of this definition.

**Best Management Practices** shall mean schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the introduction of FOG to the sewer facilities.

**Discharger** shall mean any person who discharges or causes a discharge of wastewater directly or indirectly to a public sewer. Discharger shall mean the same as *user*.

**Dilution** means the increase in use of process water or any other means to dilute a wastestream as a partial or complete substitute for adequate treatment to achieve discharge requirements.

**District** means Jurupa Community Services District.

**District's Sewer System** all devices, equipment, pipes, and systems used in the conveyance, storage, treatment, recycling and reclamation of municipal sewage, sludge, or industrial wastewater, except sewer service lateral line connections.

**Establishment** shall mean commercial or industrial establishments, including but not limited to retail food service establishments, that may discharge fats, oils and grease.

**Emergency** means facts or circumstances that District reasonably determines create an imminent threat of harm to public health or safety, the environment or the POTW.

**FOG** shall mean fats, oils and grease. Any substance such as a vegetable or animal product that is used in, or is a byproduct of, the cooking or food preparation process, and that turns or may turn viscous or solidifies with a change in temperature or other condition is included in this definition.

**Food Grinder (Garbage Disposal)** shall mean any device installed in the plumbing or sewage system for the purpose of grinding food waste or food preparation by products for the purpose of disposing it in the sewer system.

**Food Service Establishment** shall mean facilities defined in California Health and Safety Code Section 113285 or which has any process or device that uses or produces FOG, grease vapors, steam, fumes, smoke, or odors that are required to be removed by a Type I hood, as defined in Health and Safety Code Section 113285. A limited food preparation establishment is not considered a food service establishment nor are establishments that generate FOG when engaged only in reheating, hot holding or assembly of ready to eat food products and as a result, there is no wastewater discharge containing a significant amount of FOG. A limited food preparation establishment does not include any operation that changes the form, flavor, or consistency of food.

**General Manager** means the General Manager of the District or an authorized representative, deputy, or agent appointed by the General Manager.



**Good Faith** means the user's honest intention to remedy noncompliance together with actions that support the intention without the use of enforcement actions by the District. Examples of these intentions are improved housekeeping practices or the installation of pretreatment equipment to reduce or eliminate pollutants.

**Gravity Separation Interceptor (GSI)** means a water-tight receptacle receiving and retaining waste containing fats, oils, and grease from food service establishments, wastewater prior to discharge into the District's Sewer System. In all cases, shall be located outside a place of business or any structure. Minimum size shall be 750 gallons. Additional sizing criteria are set forth by the current adopted plumbing code.

**Grease Control Device** shall mean any gravity grease interceptor, or other approved mechanism, device, or process, which attaches to, or is applied to, wastewater plumbing fixtures and lines, the purpose of which is collect or treat FOG prior to it being discharged into the District's Sewer System.

**Infiltration** shall mean water entering a sewer system, including sewer service connections, from the ground through such means as defective pipes, pipe joints, connections, or manhole walls.

**Inflow** shall mean water entering a sewer system through a direct stormwater runoff connection to the sanitary sewer, which may cause an almost immediate increase in wastewater flows.

**Liquid Waste Hauler** means any person engaged in the truck hauling of liquid wastes from septic tanks, seepage pits, cesspools, or any other private disposal system for domestic wastewater.

**Manifest** shall mean that receipt which is retained by the generator of wastes for disposing recyclable wastes or liquid wastes as required by the City.

**New Construction** shall mean any structure planned or under construction for which a sewer connection permit has not been issued.

**New Food Service Establishment** shall mean any new or existing food service establishment that has undergone change in ownership or change in operation which would involve animal products in the cooking or food preparation process or as a byproduct of the cooking and preparation of food.

**New Source** means 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 Federal Clean Water Act and amendments thereto, 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 may be considered.

**Oil and Grease** means any of the following in part or in combination:

A. Petroleum derived products, e.g., oils, fuels, lubricants, solvents, cutting oils;

B. Vegetable derived products, e.g., oils, shortenings, water soluble cutting oils; or

C. Animal derived products, e.g., fats, greases, oils, lard.

**Person** means any individual, firm, company, association, society, general or limited partnership, limited liability company, trust, corporation, governmental agency or group, and includes the plural as well as the singular, including the State of California and the United States of America.

**Private Sewer Lateral** shall mean that part of the sewer lateral that is solely owned and required to be maintained by the property owner.

**Pollutant** means conventional pollutants, domestic wastewater, hazardous substances, infectious waste, slug discharges, dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, medical waste, heat, rock, sand, cellar dirt and industrial, municipal, and agricultural waste.

**Pretreatment** means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of the pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by any other means, except dilution.

**Pretreatment Equipment** means any tool, device, clarifier, interceptor, or other mechanical means to remove pollutants prior to entering the sewer system.

**Pretreatment Waste** means all waste, liquid or solid, removed from a waste stream or discharge by physical, chemical, or biological means.

**Remodeling** shall mean a physical change or operational change causing the generation of the amount of FOG that exceeds the current amount of FOG discharge to

the sewer system by the food service establishment in an amount that alone or collectively causes or creates a potential for sewer system overflows to occur; or exceeding a cost of \$50,000.00 to food service establishments that requires a building permit, and involves any one or combination of the following:

1. Under slab plumbing in the food processing area;
2. A 30% increase in the net public seating area;
3. A 30% increase in the size of the kitchen area;
4. Any change in the size or type of food preparation equipment.

**Restaurant** means all retail establishments selling prepared foods and drinks for consumption on or off the premises; and lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption. Retail establishments, lunch counters, and drinking places selling prepared food and drink as a subordinate service incidental to their primary operations and institutional facilities (e.g. schools, jails, prisons, and juvenile halls), which serve food on the premises shall also be considered restaurants.

**Sample Point** shall mean a location approved by the City, from which wastewater can be collected that is representative in content and consistency of the entire flow of wastewater being sampled.

**Sampling Facilities** shall mean structure(s) provided at the user's expense for the City or user to measure and record wastewater constituent mass, concentrations collect a representative sample, or provide access to plug or terminate the discharge.

**Self-Monitoring** means wastewater samples taken by a user or the user's contracted laboratory, consultant, engineer, or similar entity.

**Service Lateral Line** means the wastewater sewer pipe extending from premises where the wastewater is generated up to and including the connection to the District's or a Community Services District's sewer system.

**Sewer or Sewer System** shall mean any and all facilities used for collecting, conveying, pumping, treating, and disposing of wastewater and sludge. This definition includes but is not limited to any property belonging to the City used in the treatment, reclamation, reuse, transportation, or disposal of wastewater, or sludge.

**Sewer Lateral** shall mean a building sewer as defined in the latest edition of the California Plumbing Code. It is the wastewater connection between the building's wastewater facilities and a public sewer system.

**Sludge** shall mean any solid, semisolid or liquid decant, subnate or supernate from a manufacturing process, utility service, or pretreatment facility. Or...

**Storm Drain** means a system of open channels, lined and unlined channels, surface channels, impound basins, ground water recharge basins, storm water holding

ponds, underground pipes, curb and gutter, cross gutters, storm water pump and lift stations, parking lots, paved areas, streets, and natural water courses used to collect and direct storm precipitation and surface runoff to a receiving body of water or underground aquifer recharge basins.

**Storm Water** means water flowing or discharged as a result of rain, snow, or other precipitation.

**Treatment Agency** means an agency that the District has an inter-jurisdictional agreement with for the transmission and/or treatment of wastewater.

**Upset** means an exceptional incident which causes temporary and unintentional non-compliance with the discharge limitations or prohibitions applicable to a user or the POTW and which is beyond the reasonable control of a user or the POTW.

**User** means any person, public or private, residential, industrial, commercial, governmental, or institutional which discharges or causes to be discharged, wastewater or waterborne waste into the District's Sewer System or Community Services District.

**Waste** shall mean sewage and any and all other waste substances, liquid, solid, gaseous or radioactive, associated with human habitation or of human or animal nature, including such wastes placed within containers of whatever nature prior to and for the purpose of disposal.

**Wastewater** shall mean the liquid and water-carried wastes of the community and all constituents thereof, whether treated or untreated, discharged into or permitted to enter a public sewer.

## **SECTION 2 GENERAL PROVISIONS**

### **2.1 Administration**

**A. Interpretive Rules, Adoption of:** The General Manager may adopt interpretive rules consistent with the provisions of this Ordinance for the administration of the wastewater and storm drain systems. Interpretive rules by the General Manager pertain to, but shall not be limited to, discharge limitations, pretreatment requirements, standards for wastewater lines and services and implementation of standards promulgated pursuant to the Federal Water Pollution Control Act as amended by the Clean Water Act and further amendments thereto.

**B. Regulatory Actions; General Powers of the General Manager.** Except as otherwise provided herein, the General Manager shall administer, implement and enforce the provisions of this Ordinance. Any powers granted or duties imposed upon the General Manager may be delegated by the General Manager to persons acting in the beneficial interest or employ of the District, but shall remain the responsibility of the General Manager. In addition to the authority to prevent or eliminate discharges through enforcement of discharge limitations and prohibitions, the General Manager shall have the following authorities:

1. Endangerment to the health or welfare of the community. The General Manager, after informal notice to the affected user, may immediately and effectively halt or prevent any discharge of pollutants into any natural waterway or surface drainage within the District or any area under jurisdiction of the District, or the wastewater sewer system of the District or any wastewater system tributary thereto, by any means available, including physical disconnection from the wastewater sewer system, whenever the discharge reasonably appears to present an imminent endangerment to the health or welfare of the community;

2. Endangerment to the environment or the POTW. The General Manager, after written order to the user, may halt or prevent any discharge of pollutants into any natural waterway or surface drainage within the District or any area under jurisdiction of the District, or the wastewater sewer system of the District or any wastewater system tributary thereto, by any means available, including physical disconnection from the wastewater system, whenever such discharge presents or may present an imminent and substantial endangerment to the environment or threatens to damage or interfere with the operation of the POTW; and

3. The discharges referred to in subdivisions 1 and 2 above may be halted or prevented without regard to the compliance of the user with other provisions of this Ordinance.

**C. Regulatory Actions; Specific Powers of the General Manager.** If wastewater containing any pollutant described in this Ordinance is discharged or proposed to be discharged into any natural waterway or surface drainage within the District or any area under the jurisdiction of the District, or the wastewater sewer system of the District or any wastewater system tributary thereto, the General Manager may take any action necessary to:

1. Prohibit the discharge of such wastewater;
2. Require treatment, including storage facilities or flow equalization necessary to reduce or eliminate the pollutants or substance so that the discharge will not violate this Ordinance;
3. Require the person making, causing or allowing the discharge to pay any required industrial user permit fees, inspection fees and any additional cost or expense incurred by the District for handling, treating or disposing of excess pollutant loads imposed on the POTW, including any fines, penalties or legal expenses including attorneys' fees payable by District associated with alleged or actual violations of the NPDES Permits attributed to the person's discharge;
4. Obtain timely and factual reports from the person responsible for such discharge; and



5. Take such other or further remedial action as may be deemed to be desirable or necessary to achieve the purposes of this Ordinance.

## **2.2 Notice**

Except as otherwise expressly provided in this Ordinance, any notice or order required or permitted to be given by District under this Ordinance shall be deemed served if given to user as follows:

A. Correctly addressed, postage pre-paid and deposited in the United States mail, or personally delivered;

B. To user or user's authorized representative at user's address as listed in user's permit, or application for a permit, or user's facility that is subject of the notice or order; and

C. Shall be deemed received on the date personally delivered or on the third day after deposit in the United States mail as provided in this Section.

## **2.3 FOG Discharge Requirement**

A. No establishment shall discharge or cause to be discharged into the sewer system FOG that accumulates and/or causes or contributes to blockages in the sewer system or at the sewer system lateral, which connects the establishment to the sewer system.

B. No person shall discharge, or cause to be discharged, any wastewater from any establishment, directly or indirectly into the sewer system without complying with this chapter.

## **2.4 Enforcement of Ordinance**

The General Manager or his/her designee is responsible for enforcement of this Ordinance and for all determinations of compliance with it.

### **Inspection.**

A. The General Manager or his designee shall inspect the facilities of any user to ascertain whether all requirements of this Ordinance are being met. Persons on the premises shall allow the General Manager ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, and records examination.

B. The user shall ensure that there is always a person on site, during normal business hours, knowledgeable of the user's processes and activities to accompany the General Manager during the inspection.



C. The user shall provide immediate access when an emergency exists, regardless of the hour of the day.

D. The General Manager shall have the right to place or order the placement on the establishment's property or other locations as determined by the director, such devices as are necessary to conduct sampling or metering operations. Where any establishment has security measures in force, the establishment shall make necessary arrangements so that representatives of the District shall be permitted to enter without delay for the purpose of performing their specific responsibilities.

E. In order for the General Manager to determine the wastewater characteristics of the discharger for purposes of determining the annual use charge, the establishment shall make available for inspection and copying by the District all notices, monitoring reports, waste manifests, and records including, but not limited to, those related to wastewater generation, and wastewater disposal. All such records shall be kept for a minimum of four years.

1. Sampling and inspection of any establishments, including food service establishments, which generate FOG, shall be conducted in the time, place, manner, and frequency determined at the sole discretion of the General Manager.

2. Any sample taken from a sample point is considered to be representative of the discharge to the public sewer.

F. All pretreatment equipment shall be immediately accessible at all times for the purpose of inspection. At no time, shall any material, debris, obstacles or obstructions be placed in such a manner that will prevent immediate access to the pretreatment equipment.

G. No person shall interfere with, delay, resist or refuse entrance to the General Manager when attempting to inspect any facility involved directly or indirectly with a discharge of wastewater to the District's sewer system, POTW or storm drain.

H. Where a user has security measures in force, which would require proper identification and clearance before entry into the premises, the user shall make all necessary arrangements with the user's security personnel so that, upon presentation of suitable identification, personnel from the District will be permitted to enter, without delay, for the purpose of performing their specific responsibilities.

I. The user shall make available for copying by the General Manager, all records required to be kept under the provisions of this Ordinance.

## **2.5 Right of Entry**

No person shall interfere with, delay, resist or refuse entrance to District representatives attempting to inspect any facility involved directly or indirectly with a discharge of wastewater to the District's sewer system.

## **2.6 Inspection Warrants**

If the General Manager has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect or sample the user's facilities as part of a routine inspection and sampling program of the District 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, then the General Manager may seek issuance of an inspection warrant duly issued pursuant to the procedure set forth in Title 13 (commencing with Section 1822.50) of Part 3 of the Code of Civil Procedure and amendments thereto. However, in the event of an emergency affecting the public health or safety, an inspection may be performed without consent or the issuance of a warrant.

## **2.7 Monitoring**

A. At the direction of the General Manager, any user discharging industrial wastewater directly or indirectly into the District's sewer system, may be required to install sampling station(s) or measuring device(s) to measure the quality and quantity of wastewater discharged. These measuring devices may include but are not limited to: flow meters and recorders, pH meters and recorders, electrical conductivity meters and recorders, and process water meters.

B. The sampling station and/or measuring device shall be provided by the user in compliance with this Ordinance and all applicable building, plumbing, and construction codes. District may require that the measuring devices have a security closure that can be locked with a District lock during sampling and monitoring. Construction shall be completed within a reasonable time frame as required in written notification from the General Manager.

C. The General Manager shall have the right to install temporarily upon the user's property such devices as are necessary to conduct wastewater sampling, compliance monitoring or metering operations.

D. No user shall interfere with, delay, resist, or refuse entrance to authorized District personnel attempting to install wastewater monitoring equipment on the user's property. Any permanent or temporary obstruction of easy access to the sampling, station(s) or measuring devices shall be immediately removed by the user or property owner at the written or verbal request of the General Manager and shall not be replaced.

E. The sampling station or measuring devices shall be maintained for continuous sampling or metering. The measuring devices shall be calibrated as often as necessary to ensure accurate measurements according to manufacturer's specifications, but no less than annually. All maintenance and calibration work shall be performed at the user's expense.

F. All users that are required to self-monitor shall have all samples collected and analyzed according to 40 CFR 403.12(b)(5) and amendments thereto.

G. All users that are required to self-monitor shall submit all records of sampling that include the following information and documents:

1. The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;
2. The dates the analyses were performed;
3. Who performed the analyses;
4. The analytical techniques/methods used;
5. The results of such analyses;
6. A copy of the laboratory sample analysis sheet; and
7. The user's completed monitoring report form.

H. All users that are required to install and maintain measuring devices shall immediately report the failure of such devices. The immediate notification shall be accomplished by a telephone call, telefax transmission, personal visit, or a hand delivered notification, to the District's Administrative Office. User shall submit to the General Manager, within five calendar days after discovery of such a device failure, a written report documenting the cause of the failure and the corrective actions taken.

I. Any wastewater samples taken from a user's approved or designated sampling location shall be considered representative of the wastewater discharged to the POTW. For users that have interceptors and no approved or designated sampling location, the last chamber of the interceptor shall be the designated sampling location.

J. All users that are required to self-monitor shall report pollutant violations in any required wastewater sample to the General Manager within twenty-four hours of becoming aware of the violation. The reporting may be accomplished by a telephone call, telefax transmission, or a personal visit to the District's Administrative Office. The violation reporting shall contain the date and time of the wastewater sample, the discharge flow for the sample, a possible explanation for the violation(s), and the date scheduled for the required resample. Failure to report pollutant violations as stated shall constitute a violation of this Ordinance and may subject the user to enforcement actions.

K. All users required in their industrial user permit to take daily twenty-four hour readings of their wastewater effluent flow shall notify General Manager of exceedance of its permitted flow within twenty-four hours of discovering the exceedance. The user shall make such notification by telephone call, telefax transmission, personal visit, or a hand delivered notification, to the District's

Administrative Office. The flow exceedance notice shall have the total flow, date of the violation, the reason for the flow exceedance, and the name of the person reporting the flow exceedance. It is unlawful to fail to report such flow exceedance and may subject the user to enforcement actions.

L. All users that have pollutant violations shall resample their wastewater discharge for the pollutant in violation. This resampling is required and is separate and independent of any wastewater sampling performed by the District. All resamples shall be obtained and analyzed according to 40 CFR 403.12(b)(5) and amendments thereto. A laboratory certified by the State of California, Department of Health Services, as being competent to perform the pollutant analyses requested, shall perform all laboratory analyses. User shall submit the laboratory results from the resamples and all required forms to the General Manager no later than thirty days after the user discovers or becomes aware of the violation. Failure to submit the laboratory results within the thirty-day requirement shall result in Significant Noncompliance (SNC) for the user and the issuance of a Notice of Violation to the user.

M. All users whose wastewater discharge is monitored by the District, shall be responsible for all resampling requirements contained in subsection L. of this Section when a pollutant violation is detected. The District shall notify the user of the resampling requirements by a telephone call, telefax transmission, or personal visit within seventy-two hours of confirming a pollutant violation.

N. All users which desire to conduct their own wastewater sampling shall submit a written plan describing the equipment used, equipment cleaning methodology, employee training, sample preservation methods, and chain of custody procedures. The user's wastewater sampling plan shall be approved by the General Manager prior to the implementation of the plan. Any sample taken by a user without an approved plan or from an unapproved laboratory shall not be valid and may subject the user to enforcement actions.

O. All permitted users that take more than one grab sample in a twenty-four-hour period to demonstrate compliance with oil and grease shall comply with the following conditions:

1. No single oil and grease grab sample shall exceed the user's permitted limit for oil and grease by more than forty percent; and

2. The average result from all individual oil and grease grab samples taken in a twenty-four (24) hour period shall not exceed the user's permitted limit for oil and grease.

## **2.8 Requirements for Best Management Practices**

A. All establishments shall implement best management practices in accordance with the requirements and guidelines established by the District in an effort to minimize the discharge of FOG to the sewer system.

B. All establishments shall be required, at a minimum, to comply with the following best management practices:

1. **Installation of Drain Screens.** Drain screens shall be installed on all sanitary sewer drainage pipes in food preparation and kitchen areas.

2. **Segregation and Collection of Waste Cooking Oil.** All employees must comply with all provisions of this chapter relating to segregation, disposal and recycling of FOG.

3. **Disposal of Food Waste.** All food waste shall be disposed of directly into the trash or garbage, and not in sinks or toilets.

4. **Employee Training.** Employees of the food service establishment shall be trained once every six months, and all new-hires must be trained within two weeks of employment, on the following subjects:

a. How to "dry wipe" pots, pans, dishware and work areas before washing to remove grease.

b. How to properly dispose of food waste and solids prior to disposal in trash bins or containers to prevent leaking and odors.

c. The location and use of absorption products to clean under fryer baskets and other locations where grease may be spilled or dripped.

d. How to properly dispose of grease or oils from cooking equipment into a grease receptacle such as a barrel or drum without spilling.

Training shall be documented and employee signatures retained indicating each employee's attendance and understanding of the practices reviewed. Training records shall be available for review at any reasonable time by the director and/or his/her designee.

5. **Maintenance of Kitchen Exhaust Filters.** Filters shall be cleaned as frequently as necessary to be maintained in good operating condition. The wastewater generated from cleaning the exhaust filter shall be disposed of properly.

6. **Kitchen Signage.** Best management and waste minimization practices shall be posted conspicuously in the food preparation and dishwashing areas at all times.



## **2.9 Gravity Separation Interceptor (GSI) Requirements**

All users required to install a gravity separation interceptor shall comply with the following conditions:

A. All users who generate any FOG are required to install, operate and maintain an approved type and adequately sized grease control device necessary to maintain compliance with the objectives of this chapter. The costs of installing and maintaining such device(s) shall be at the sole expense of the user.

B. All interceptor chambers shall be immediately accessible at all times for the purpose of inspection, sampling, cleaning, and maintenance. The user shall provide a separate ring and cover for each separate interceptor chamber and any additional covers to insure adequate cleaning capabilities. All rings shall be affixed to the interceptor to insure a gas and watertight seal. At no time, shall any material, debris, obstacles or other obstructions be placed in such a manner that will prevent immediate access to the interceptor.

C. Any interceptor legally and properly installed before the effective date of this Ordinance shall be acceptable as an alternative to the interceptor requirements of this Ordinance. The interceptor shall be effective in removing floatable and settleable material and shall be immediately accessible for inspection, sampling, cleaning, and maintenance.

D. All drains and openings connected to an approved gravity separation interceptor shall be equipped with screens or devices which will exclude from the wastewater discharge all material and particles with a cubic dimension greater than three-eighths of an inch.

E. All gravity separation interceptors shall be equipped with an influent tee extending no more than six inches below the operating fluid level of the interceptor. The interceptor shall also have tees extending to within twelve inches of the bottom at the exit side of each chamber in the interceptor, including the final chamber. In a case where a manufacturer's engineered interceptor design is contrary to this requirement, the General Manager shall review the design and either approve or deny an exemption to this requirement.

F. Access manholes, with a minimum diameter of 24 inches, shall be provided over each grease interceptor chamber and sanitary tee. The access manholes shall extend at least to finished grade and be designed and maintained to prevent water inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection, grease removal, and wastewater sampling activities.

G. All interceptors shall be equipped with a sample box or sample wye as determined by the General Manager.

H. No user shall install or use any elbows or tees in any interceptor sample box.



I. No user shall install any interceptor, sample box, or sample wye in a confined space or a permit-required confined space.

J. If the General Manager finds, either by engineering knowledge or by observation, that an interceptor is incapable of adequately retaining floatable and settleable material in the wastewater flow, is structurally inadequate, or is undersized for the facility, the General Manager shall reject such interceptor and declare that the interceptor does not meet the requirements of this Section. The user shall thereupon be required to install, at the user's expense, an interceptor that is acceptable to the General Manager.

K. No user that operates or maintains a facility for the servicing or repair of roadway machinery, industrial transportation equipment, motor vehicles, public or private transportation vehicles, and any other facility as required by the General Manager, shall discharge wastewater to District's Sewer System without a gravity separation interceptor that complies with all of the requirements of this Ordinance. Domestic wastewater shall not be allowed to pass through the interceptor. The General Manager shall determine the interceptor's operational fluid capacity. The interceptor shall have a minimum operational fluid capacity of not less than one hundred gallons and shall be designed to retain any material that will float or any material that will settle. The interceptor shall be watertight, structurally sound, durable and shall have a minimum of two chambers with a separate ring and cover for each chamber and any additional covers to insure adequate cleaning capabilities.

## **2.10 Gravity Separation Interceptor (GSI) Design**

A. The General Manager shall maintain a file, available to the public, of suitable designs of gravity separation interceptors referred to as JCSD Standards. JCSD Standard-19 is for gravity separation Interceptors ranging from 750 to 1,500 gallons. JCSD Standard-20 is for gravity separation interceptors 2000 gallon and larger. This file shall not provide or imply any endorsements of any kind to a certain make and model of interceptor. Installation of an interceptor of a design shown in this file, or of any design meeting the size requirements set forth in this Ordinance shall not subject the District to any liability for the adequacy of the interceptor under actual conditions of use. The user and property owner shall not be relieved of the responsibility for keeping floatable and settleable material out of the District's Sewer System.

B. The grease control device shall be adequate to separate and remove FOG contained in wastewater discharges from any establishment prior to discharge to the sewer system consistent with the grease interceptor requirements of this chapter.

C. The gravity separation interceptors required by this chapter shall be watertight, structurally sound, durable, properly maintained, and easily accessible for inspection and cleaning to assure that the accumulation of sand, oil or grease does not impair the efficiency of the interceptor or pass through the device. The user and property owner shall not be relieved of the responsibility for keeping floatable and settleable material out of the District's Sewer System.

D. The General Manager shall calculate the size of the grease interceptor to be used in accordance with the Uniform Plumbing Code, Appendix H, as adopted by the District, provided any restaurant determined to require a gravity separation interceptors of more than one hundred (100) gallons and less than seven hundred fifty (750) gallons shall install a minimum seven hundred fifty (750) gallon gravity separation interceptors. The General Manager's determination shall be based upon the type of restaurant, the condition of the sewer system serving the restaurant, and the possible adverse effects caused by the restaurant's wastewater discharge.

## **2.11 Gravity Separator Interceptor Maintenance**

Any person who owns or operates a gravity separation interceptor shall properly maintain the interceptor at all times. The interceptor shall be cleaned as often as necessary to ensure that sediment and floating materials do not accumulate to impair the efficiency of the interceptor and odors do not accumulate which would cause a public nuisance.

A. An interceptor is not considered to be properly maintained, if for any reason the interceptor is not in good working condition or if the operational fluid capacity has been reduced by more than twenty-five percent (25%) by the accumulation of floating material, sediment, oil or grease.

B. All establishments with a grease interceptor shall maintain their grease interceptor to meet compliance. Grease interceptors shall be fully pumped out and cleaned quarterly when the frequency described in paragraph A of this subsection has not been established. The maintenance frequency shall be adjusted when sufficient data have been obtained to establish an average frequency based on the requirements described in said paragraph. The District may change the maintenance frequency at any time to reflect changes in actual operating conditions. Based on the actual generation of FOG from an establishment, including food service establishments that generate FOG, the maintenance frequency may increase or decrease.

C. The use of chemicals or other materials for the emulsification, suspension, or dissolution of oil and grease is prohibited.

D. No user shall use any microbiological product in a grease interceptor that was not specifically designed to use such microbiological agents to metabolize fats, oils, and greases.

E. When an interceptor is cleaned, the removed sediment, liquid and floating material shall be lawfully disposed of other than to the District's sewer system, POTW or storm drain and shall not be reintroduced into the interceptor or discharged into another interceptor at another location not designed and permitted to accept such waste.

F. If the interceptor is not maintained adequately under the conditions of use, then the interceptor shall be resized and the user shall install one that is effective in accomplishing the intended purpose.

G. The owner and lessee, sub-lessee, proprietor, operator and superintendent of any facility, required to install an interceptor, are individually and severally liable for any failure to properly maintain such interceptor.

H. If the grease interceptor, at any time, does not capture all combined FOG and solids and /or contains FOG and solids accumulation that does not meet the requirements described in paragraph 1 of this subsection, any establishment, including food service establishments generating FOG, shall be required to have the grease interceptor serviced immediately, such that all fats, oils, grease, sludge, and other materials are completely removed from the grease interceptor. If deemed necessary, the director may also increase the maintenance frequency of the grease interceptor from the current frequency.

I. Manifests for all interceptor servicing will be provided to the District within 30 days of service.

## **2.12 Restaurants**

A. No person who owns, operates, or maintains a restaurant (restaurant user) shall discharge wastewater from such restaurant to District's Sewer System or the POTW without first receiving a written determination from General Manager, and complying with such determination, of District's grease interceptor requirement. Such restaurant users shall complete and submit a District Wastewater Discharge Survey Form to the General Manager for review of grease interceptor requirements. Within ten business days of receipt of the Wastewater Discharge Survey Form, General Manager shall notify such restaurant user of General Manager's determination whether installation of a grease interceptor is required prior to such restaurant user's discharge into District's Sewer System or the POTW. It is unlawful for any restaurant user notified by the General Manager of District's requirement of a grease interceptor to discharge restaurant wastewater into District's Sewer System or POTW without use of such grease interceptor in accordance with this Ordinance.

B. Any restaurant user required to install a grease interceptor shall direct all wastewater and waste from floor drains, floor sinks, sinks, waste container wash racks, dishwashers, through an approved minimum size seven hundred fifty (750) gallon gravity separation interceptor which complies with this Ordinance. Such restaurant user shall keep all domestic wastewater from restrooms, showers, drinking fountains, and condensate (i.e., ice melt, air conditioning condensate) separate from the restaurant wastewater until the restaurant wastewater has passed through all necessary grease interceptors, pretreatment equipment, devices, or monitoring stations.

C. Any restaurant user required to install a grease interceptor shall maintain such interceptor in accordance with this Ordinance.

### **2.13 Prohibited Restaurant Surface Discharges**

A. No restaurant user shall at any time discharge any wastewater to the storm drain, service dock areas, or ground. Wastewater generated by restaurants shall be disposed of to a sanitary sewer through an approved gravity separation interceptor, or a sample station connected to a sanitary sewer, or hauled off-site and disposed at a legal disposal site.

B. If a restaurant has a blocked sewer lateral or failed sewage pumping device which causes the discharge of wastewater to the storm drain, service dock areas, or ground, the restaurant user shall immediately cease all wastewater generating activities that result in wastewater being discharged to the storm drain, service dock areas, or ground. Failure to comply with this requirement shall be considered a violation of this Ordinance and shall subject the restaurant user to enforcement actions.

### **2.14 Conditional Waivers**

The General Manager may conditionally waive the grease interceptor requirement for any restaurant user determined by the General Manager not to have adverse effects on the District's Sewer System or the POTW. General Manager may revoke such conditional waiver for the following reasons:

- A. Changes in menu;
- B. Falsification of information submitted in the District's wastewater discharge survey form;
- C. Changes in operating hours;
- D. Changes in maximum seating capacity;
- E. Changes in maximum meals served per peak hour;
- F. Changes in equipment used;
- G. Changes in the nature of the wastewater discharged as determined by random and scheduled wastewater sampling and analyses; or
- H. Sanitary sewer overflows (SSOs) caused by the restaurant user's wastewater discharge.

### **2.15 Record Keeping Requirements**

The establishment shall be required to keep all manifests, receipts and invoices of all cleaning, maintenance, grease removal of/from the grease control device, disposal carrier and disposal site location for no less than four years. The establishment shall, upon request, make the manifests, receipts and invoices available to the director or his/her designee. These records may include:

1. A logbook of grease control device cleaning and maintenance practices.
2. A record of best management practices being implemented including employee training.
3. Copies of records and manifests of waste hauling interceptor contents and/or waste cooking oil disposal.
4. Records of sampling data and sludge height monitoring for FOG and solids accumulation in the grease interceptors.
5. Records of any spills and/or cleaning of the lateral or sewer system.
6. Any other information deemed appropriate by the director to ensure compliance with this chapter.

## **2.16 Liquid Waste Haulers**

The District prohibits liquid from liquid waste haulers to be discharged to the District owned facilities, the District's Sewer System or any service laterals or pipes that discharge to District owned facilities. However, liquid generated within District boundaries may be discharged to contracted treatment agency facilities according to their regulations and all other federal, state and local regulations.

## **2.17 Surface Discharge Prohibitions**

A. No person or user shall discharge or cause to be discharged onto the ground, into any permeable sump, pit, service dock or well, into any storm drain, or to any surface, pipe or waterway leading to a storm drain, whether currently carrying water or not, any pollutant or wastewater which will:

1. Impair the useful function of the storm drain;
2. Cause undue storm drain maintenance expense to the District or other public agency;
3. Cause a public nuisance or public hazard;
4. Cause detrimental pollution of natural surface or subsurface waters; or
5. Violate any regulation, order, or requirement of the Regional Board, including all NPDES Non-Point Source (Storm Water) Permit Requirements.

B. Any person or user who discharges or causes a discharge in violation of subsection A of this Section, shall be liable to the District for all damages and costs



incurred by the District including administrative expenses, and fines imposed on the District by any state, federal or other regulatory agencies. The District shall calculate its administrative expenses as ninety percent of the cost of repairs and personnel time expended by the District to remedy such damages and costs. All charges shall be payable to the District within thirty days of invoicing by the District.

C. Any person or user who has violated subsection A of this Section shall submit a written report of the incident within five business days to the General Manager. The written report shall include a description of the circumstances causing the discharge, the quantity and qualities of the pollutant discharged, the methods of cleanup and disposal, and the corrective measures taken to prevent a reoccurrence.

## **2.18 Notification of Spill**

A. In the event an establishment is unable to comply with any permit condition or provision of this chapter due to a breakdown of equipment, accidents, or human error or the establishment has reasonable opportunity to know that his/her/its discharge will exceed the discharge provisions of this chapter, the discharger shall immediately notify the District General Manager. If the material discharged to the sewer has the potential to cause or result in sewer blockages or SSOs, the discharger shall immediately notify the local health department or county, and the District.

B. Confirmation of this notification shall be made in writing to the District General Manager no later than five working days from the date of the incident. The written notification shall state the date of the incident, the reasons for the discharge or spill, what steps were taken to immediately correct the problem, and what steps are being taken to prevent the problem from recurring.

C. Such notification shall not relieve the establishment of any expense, loss, damage or other liability which may be incurred as a result of damage or loss to the District or any other damage or loss to person or property; nor shall such notification relieve the establishment of any fees or other liability which may be imposed by this chapter or other applicable law.

## **2.19 Private Sewer Lateral Maintenance Requirement**

All private sewer laterals must be periodically cleaned at a minimum frequency that prevents SSOs from occurring or blockages of more than 25% of the flow capacity of the private sewer lateral.

## **2.20 Point of Discharge Limitation**

No person or user, shall discharge any wastewater directly into a District manhole or other opening in the District's Sewer System other than through an approved building sewer connection; unless written permission for the discharge has been granted by the



General Manager. This prohibition shall not apply to authorized District personnel involved with the maintenance, cleaning, repair, or inspection of the District's Sewer System.

### **SECTION 3 FOG DISCHARGE WASTES**

#### **3.1 Prohibited Waste Discharges**

Except as hereinafter provided, no person or user shall discharge or cause to be discharged into the POTW, the District's Sewer System, or any opening, sump, tank, interceptor, clarifier, piping or waste treatment system which drains or flows into the POTW or the sewer system of the District any of the following:

A. Any garbage, grease, viscera, rags, spent grains, spent hops and similar substances, or solid, semi-solid or viscous material in quantities or volume which will obstruct the flow of sewage in the sewer system or any object which will cause clogging of a sewer or sewage lift pump, or interfere with the normal operation of the POTW.

B. Any material or quantity of material that will cause:

1. Damage to any part of the sewer system;
2. Abnormal maintenance of the sewer system;
3. An increase in the operational costs of the sewer system;
4. A nuisance or menace to public health;
5. Interference or pass through in the POTW, their treatment processes, operations, sludge processes, use or disposal; or

C. Any material or quantity of material(s) that will cause abnormal sulfide generation.

D. Installation of food grinders in the plumbing system of new construction of any food service establishments that generate FOG is prohibited. Furthermore, all food grinders must be removed from existing food service establishments that generate FOG, as determined by the director, within 90 days of written notice to remove.

E. Introduction of any additives into any establishment's wastewater system for the purpose of emulsifying FOG is prohibited.

F. Disposal of waste cooking oil into drainage pipes is prohibited. All waste cooking oils shall be collected and stored properly in receptacles such as barrels or drums for recycling or other acceptable methods of disposal.

G. The use of biological additives for grease remediation or as a supplement to interceptor maintenance is prohibited, unless written approval from the director is obtained.

H. Discharge of wastes from toilets, urinals, wash basins, and other fixtures containing fecal materials to sewer lines intended for grease interceptor service, or vice versa, is prohibited.

I. Discharge into the sewer system of any waste which has FOG as well as solid materials removed from the grease control device is prohibited. Grease removed from grease interceptors shall be waste hauled periodically as part of the operation and maintenance requirements for grease interceptors. Licensed waste haulers or an approved recycling facility shall be used to dispose of FOG, including waste cooking oil.

J. Any material in excess of the quantities established by all JCSD Ordinance.

### **3.2 Pretreatment of FOG Wastewater**

All users shall:

A. Provide FOG wastewater pretreatment, as required, to comply with this Ordinance;

B. Pre-treat wastewater to a level acceptable to the General Manager and provide, operate, and maintain all necessary equipment, systems, and devices at the user's expense;

C. Provide detailed plans to the General Manager for review and approval showing the pretreatment equipment, systems, devices and operating procedures before the beginning of any construction or installation of any equipment. The review of such plans and operating procedures shall not relieve the user from the responsibility of pre-treating wastewater to produce an effluent acceptable to the General Manager under the provisions of this Ordinance;

D. Notify the General Manager of any pretreatment equipment failure within twenty-four hours of discovering the failure. The notification shall be made by a telephone call, telefax transmission, personal visit or hand delivered notification, to the District's Administrative Office.

### **3.3 Unauthorized Monitoring and Pretreatment Equipment Modifications**

No user shall knowingly falsify, tamper with, or render inaccurate any monitoring device or any pretreatment equipment or device. Such falsification, tampering, or inaccuracy shall be considered a violation of this Ordinance and shall subject the user to enforcement actions.

### **3.4 Pretreatment Equipment Bypass**

A. No user shall bypass any pretreatment equipment or gravity separation interceptor device unless the bypass: (i) is necessary to prevent loss of life, personal injury or severe property damage, is not necessitated by some fault of the user, and is the only feasible alternative; or (ii) does not cause local limit violations and is necessary to perform essential maintenance insuring adequate operation of the pretreatment equipment or device.

B. All users shall comply with the following bypass notification requirements:

1. Anticipated bypass: The user shall submit a written notice to the General Manager at least ten days before the date of the scheduled bypass; or

2. Unanticipated bypass: The user shall notify the General Manager immediately upon learning that any pretreatment equipment or device has been bypassed. The user shall submit a written report to the General Manager within five working days after the bypass. The report shall include:

- a. A description of the bypass, the cause of the bypass, and the duration of the bypass;
- b. If the bypass was corrected; and
- c. Actions taken or proposed to reduce or prevent a reoccurrence of the bypass.

### **3.5 Dilution Prohibited as a Substitute for Treatment**

No industrial user shall increase the use of water, or in any other manner attempt, to dilute a wastewater discharge as a partial or complete substitute for adequate treatment to achieve compliance with this Ordinance and the Industrial User's Permit, or to establish an artificially high flow rate for permitted mass emission rates or permitted flow amounts.

### **3.6 Notice of Potential Problems to General Manager**

All users shall immediately notify the General Manager of all wastewater discharges that could cause a problem at the POTW or in the District's Sewer System, including any slug loadings of any material. Wastewater discharges that may cause a problem at the POTW include, but are not limited to, acids, alkalis, oils, greases, high strength organic waste, salt, hazardous substances and waste, colored wastes, and batch discharges. All users shall provide the General Manager, within five business days from the incident, a written report detailing the cause of the discharge and the corrective actions taken to prevent a recurrence.

### **3.7 Written Responses**

All users are required to provide a written response to any correspondence, order, or notice from the General Manager shall do so in accordance with the date specified in the correspondence, order, or notice. Failure to provide the written response by the date requested shall constitute a violation of this Ordinance and may subject the user to enforcement actions.

### **3.8 Falsifying Information**

Any user who knowingly makes any false statement, representation, or certification in any record, correspondence, or other document submitted or required to be maintained under this Ordinance, including monitoring reports and records, or reports of compliance or noncompliance shall be in violation of this Ordinance and may subject the user to enforcement actions.

### **3.9 FOG Discharge Permits**

A. Any user found to not meet compliance repeatedly with this Ordinance may be required to obtain a FOG Discharge Permit. Any users required to obtain a FOG Discharge Permit shall complete and file with the General Manager a permit application form provided by the General Manager and shall pay all applicable fees within thirty days of invoicing by the District. Procedures for obtaining a FOG Discharge Permit can contact the Industrial Waste Division at (951) 685-7434.

B. If the General Manager determines that the proposed discharge will not be acceptable, the General Manager shall disapprove the application and shall notify the applicant in writing, specifying the reason(s) for denial and the applicable appeals process under APPEALS.

C. FOG Discharge Permits shall be subject to all provisions of this Ordinance and all other applicable regulations, charges and fees established by Ordinance of the District Board of Directors as outlined in this Ordinance.

D. All food service establishments (FSEs) plumbed to a grease interceptor (GI) or other FOG pretreatment device must send all device pump out manifests to JCSD attention Industrial Waste Division at 11201 Harrel Street, Jurupa Valley, CA 91752.

### **3.10 FOG Discharge Permit Duration**

FOG Discharge Permits shall be issued for a specified time period, not to exceed three years.

### **3.11 Duty to Comply**

All users that have been issued a FOG Discharge Permit have a duty to comply with all conditions and limitations in these control documents ("control documents"). Any user failing to comply with the requirements of such user's control documents shall be subject to administrative, civil or criminal enforcement actions in accordance with this Ordinance.

### **3.12 Assessment of Permit Fees and Charges**

Permit fees for multi-year permits shall be payable in advance for the entire term of the permit, as invoiced by the District's Finance Department. If a permit is terminated prior to thirty calendar days after the date of issuance, then the General Manager shall refund fifty percent of the original permit fee to the user, less any fees, charges or penalties owing to the District provided no refund shall be made to a permit holder which is in violation of this Ordinance or permit at any time prior to such termination. After a permit, has been issued thirty days or more, all fees for that permit are non-refundable. No permit application fee shall be refundable at any time.

### **3.13 Payment of Fees, Charges and Penalties; Late Payment**

Unless otherwise specified, all fees, charges and penalties imposed pursuant to this Ordinance are due and payable within thirty calendar days after the date of the notice or invoice from the District. Users who fail to pay any required fee, charge or penalty by the due date, shall pay a fifty percent surcharge in addition to the original fee, charge or penalty. The District shall give notice to a user of any permit termination associated with the unpaid amounts and such permit will be automatically revoked on the thirtieth day after the date of such notice if the amount due is not paid in full. The General Manager shall refer the unpaid amount to the District's Finance Department for collection. In addition, the District may terminate water service to the premises as a means of terminating sewer service.

## **SECTION 4 ENFORCEMENT**

### **4.1 Enforcement Response Plan (ERP)**

The District shall use an Enforcement Response Plan (ERP), as required by 40 CFR 403.8(f)(5) and amendments thereto, and adopted by the District's Board of Directors, to guide the District in imposing progressive enforcement actions against users and persons in noncompliance with this Ordinance.

### **4.2 Administrative Violations**

There is hereby established a class of violations to be known as Administrative Violations that are further subdivided into minor and major administrative violations as follows:

A. Minor Administrative Violations include, but are not limited to, the following:

1. Submission of incomplete reports or questionnaires;
2. Failure to submit reports by the scheduled due date;
3. Failure to respond to questionnaires;
4. Missing a compliance date without proper prior notification to the District;
5. Failure to conduct sampling when required;
6. Failure to notify the General Manager of a violation of a permit condition within twenty-four hours after discovery of the violation; or
7. Failure to pay all required fees, penalties and charges within thirty calendar days from the due date.

B. Major Administrative Violations include, but are not limited to, the following:

1. Failure to notify the General Manager of a slug discharge immediately after discovery of said discharge;
2. Failure to respond, by a given date, to letters requiring responses or to administrative orders;
3. Missing a compliance date by more than thirty calendar days;
4. Falsification of documents or attempting to mislead District officials in any manner whatsoever;
5. Failure to cooperate with District officials exercising their authority under this Ordinance, including monitoring and inspection activities;
6. A pattern of minor administrative violations;
7. Failure to provide District with access to user's premises for the purpose of inspection, monitoring, or sampling;
8. Failure to produce records as required;
9. Failure to accurately report noncompliance;



10. Failure to submit required reports (self-monitoring, one hundred eighty-day baseline monitoring report, ninety-day compliance report, Compliance Schedule progress reports) or submitting such reports more than thirty calendar days late;

11. Failure to pay charges pursuant to this Ordinance, permit application fees, permit renewal fees, and Civil Penalties within sixty calendar days after the due date;

12. Failure to pay all other required fees, penalties, and charges within sixty calendar days after the due date; or

C. Upon notice of appropriate mitigating circumstances and consistent with applicable federal and state laws, the General Manager has sole discretion to treat a major administrative violation as a minor administrative violation, or a pattern of minor administrative violations with aggravating circumstances as individual major administrative violations.

#### **4.3 Violations of Discharge Limitations**

A. There is hereby established a class of violations to be known as discharge violations that are further subdivided into minor and major discharge violations as follows:

1. Minor discharge violations are those that, either alone or in combination with similar user discharge violations, pose, as determined by the General Manager, no significant threat to the public health, safety or welfare, the environment, the POTW, the beneficial use of the sludge or to any District employee or contractor.

2. Major discharge violations include, but are not limited to, the following:

a. Significant Noncompliance;

b. Discharge violations which, either alone or in combination with similar discharges pose, as determined by the General Manager, a significant threat to the public health, welfare or safety, the environment, the safe and efficient operation of the POTW, the beneficial use of sludge or to any District employee or contractor, or cause or contribute to additional treatment costs incurred by the District or a violation of the POTW's NPDES permits, or cause or contribute to pass through, interference, or other known damages;

c. Discharging regulated pollutants to the POTW without a current discharge permit;

- d. A pattern of minor discharge violations;
- e. Failure to correct a minor discharge violation within a specific time period as directed by the General Manager;
- f. Tampering with or purposely rendering inaccurate any monitoring device, method or record required to be maintained pursuant to this Ordinance;
- g. Intentional discharge of a prohibited waste by a liquid waste hauler into the POTW; or
- h. Wastewater discharge without a valid industrial user permit after notification.

B. Upon notice of appropriate mitigating circumstances, the General Manager has sole discretion to treat a major discharge violation as a minor discharge violation. The General Manager also has sole discretion to treat a pattern of minor discharge violations with aggravating circumstances as individual major discharge violations.

#### **4.4 Unclassified Violations**

For any violation by any user or person that is not classified herein, or for the violation of any rule or regulation promulgated hereunder, the General Manager shall have the discretion to treat such violation as a minor or major violation and to exercise enforcement authority accordingly. In exercising this enforcement authority, the General Manager shall consider the magnitude of the violation, its duration, and its effect on receiving waters, the POTW, the POTW's sludge, the health and safety of District employees, contractors, users, and the general public. The General Manager shall also evaluate the users or person's compliance history, good faith, and any other factors the General Manager deems relevant.

#### **4.5 Administrative Orders**

The General Manager may require compliance with this Ordinance and any permit or order issued under this Ordinance by issuing Administrative Orders that are enforceable in a court of law, or by directly seeking court action. The General Manager may use Administrative Orders, either individually, sequentially, concurrently, or in any order for one or more violations as appropriate for the circumstances. Administrative Orders include:

A. Stop work orders. The General Manager may serve a written Stop Work Order to any person engaged in doing or causing to be done new construction, tenant improvements, alterations, or additions relative to the District's pretreatment program if:

1. District permits have not been obtained;

2. Work has begun without prior written approval by the General Manager; or

3. Violations of this Ordinance are found at the site of the new construction, tenant improvements, alterations, or additions. Any person served a Stop Work Order pursuant to this Section shall immediately stop such work until written authorization for such work is issued by the General Manager.

B. Correction Notice. A correction notice shall be given to a user to require correction of minor violations noted during an inspection of the user's facility by the General Manager.

1. Extensions. Compliance time extensions may be granted to a user who fails to correct minor violation required by a correction notice, upon a showing of good cause by such user.

2. For purposes of this Section, "good cause" shall mean an unforeseeable and unavoidable event or series of events, over which user had no control, that prevented or significantly impaired the user's ability to comply with the correction notice.

C. Written warning. The General Manager shall issue a written warning to notify a user of a minor violation and any violation that has not been corrected as required by a correction notice. The written warning shall state the provision(s) violated and the facts alleged to constitute the violation, and may include any proposed corrective actions or monitoring to be required.

D. Monitoring/Production Information Order (MPIO). An MPIO shall be issued to a user when two consecutive violations for the same pollutant are detected in District samples, user samples, or both. The MPIO shall be used to determine if discharge compliance has been achieved or if a detected violation is consistent. The MPIO shall require the user to sample the user's wastewater discharge for the pollutants in violation and record the daily effluent wastewater flow for all days within a fourteen (14) consecutive day period that industrial wastewater is discharged to the POTW. Production information shall be required of all categorical users which have production based discharge limits.

E. Notice of Violation (NOV). An NOV shall be issued to a user for a violation of a written warning, stop work order, Industrial User Permit, of this Ordinance, or an MPIO that has resulted in significant noncompliance. A user to whom an NOV is issued shall pay a NOV fee as established by ordinance. When the General Manager is made aware of the user's violation(s), the General Manager may serve the user personally or by certified mail with a written NOV. The NOV shall state the provision(s) violated and the facts alleged to constitute the violation, and may include any proposed corrective actions or monitoring to be required. The NOV shall require the user to respond in writing to the General Manager, within ten calendar days from the date of service of the NOV, with a written explanation of or response to the violation(s) and a plan for the satisfactory correction or prevention thereof, including specific required actions.

Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the NOV.

F. Violation Meeting. A violation meeting shall be required of all users who have failed to achieve compliance after the issuance of an NOV or at the conclusion of an MPIO that has resulted in significant noncompliance. This meeting shall be for the District to draft a consent order or compliance order or for the user to propose solutions, request time extensions, draft a compliance schedule, or file an appeal. Any user for whom a violation meeting is scheduled shall pay the District a violation meeting fee in an amount as established by ordinance.

G. Consent order. The General Manager may, at any time after finding a violation of this Ordinance, enter into an agreement with the violating user that shall be known as a consent order. Such agreement may be in the form of a compliance schedule with milestones, other specific actions to be taken by the user to correct or prevent the noncompliance within a specified time period, payment of damages, consent order fees, penalties, or other remedies. The consent order is developed between the user and the District. A consent order has the same force and effect as any other administrative order issued pursuant to this Ordinance. Any user subject of a consent order shall pay the District a consent order fee as established by ordinance.

H. Compliance Order:

1. A compliance order shall be issued to a user that has violated or continues to violate this Ordinance, the user's industrial user permit, or order issued thereunder. The General Manager may issue a compliance order to the user responsible for the violation(s) which shall specify the provisions violated and the facts constituting the violation(s), and shall direct that adequate treatment facilities, devices, or other related appurtenances be installed and properly operated by a specified time period. Compliance Orders may also contain such other requirements as the General Manager deems reasonably necessary and appropriate to assure timely compliance with this Ordinance and to address the noncompliance. Such Compliance Orders may require the installation of pretreatment technology, additional self-monitoring or management practices, adherence to a compliance schedule with milestones, submission of action plans, appearance by the user at a specific time and place for a compliance meeting, or other measures necessary to achieve and maintain compliance. The compliance order is developed by the General Manager without comment from the user. A user subject of a compliance order shall pay a compliance order fee as established by ordinance.

2. If no public hearing on the alleged violation(s) has been previously conducted, the alleged violating user may either submit a written explanation or other response to the compliance order or request that the General Manager conduct either an informal meeting or a hearing. Such submission or request shall be in writing and filed with the General Manager no later than ten calendar days after service of the compliance order. The submission or request shall not stay the compliance order.

I. Civil Penalty Order. A civil penalty order shall be issued to a user by the General Manager to assess penalties authorized by this Ordinance and any other costs incurred by the District in the investigation, monitoring, legal assistance, enforcement, cleanup or repair caused by the user's violation. The civil penalty order may be included with any other administrative order.

J. Cease and Desist Order. A cease and desist order shall be issued by the General Manager to any user or person whose violation of this Ordinance, industrial user permit, or any order issued under this Ordinance, poses a threat to the District's Sewer System, the POTW, personnel, environment or the public. A cease and desist order may also be issued by the General Manager to a user who continues to discharge industrial wastewater to the POTW without a valid Industrial User Permit. The General Manager may issue a cease and desist order immediately upon discovering any such violation and direct a user or person in noncompliance to take such appropriate remedial or preventive actions as the General Manager deems are needed to eliminate a continuing or threatened violation, including halting operations and terminating the discharge. Such cease and desist order shall include the provision violated and the facts constituting the violation. A user subject of a cease and desist order shall pay the District a cease and desist order fee as established by ordinance.

K. Show Cause Order. A hearing requiring a user to show cause why a proposed enforcement action should not be taken by the District shall be conducted prior to the District's imposition of such enforcement action against a user failing to achieve compliance with this Ordinance or user's Industrial User Permit, after issuance and conclusion of a consent order, compliance order, or cease and desist order. The show cause hearing shall be conducted pursuant to such written procedures as established by the General Manager from time to time, maintained for public review in the office of the General Manager, and provided to a user at the time of notice of such hearing. Such procedures shall provide user with notice and an opportunity to be heard, and may include the following procedures:

1. A show cause order, issued by the General Manager, shall order the violating user to appear at a show cause hearing to show cause to the General Manager why a proposed enforcement action should not be taken;

2. The show cause hearing shall be public;

3. A notice of the show cause hearing and the show cause order shall be served on the user specifying the time and place for the public hearing; the proposed enforcement action and the reasons for such action, including any alleged violation and the facts constituting the violation, and a request that the user show cause why the proposed enforcement action should not be taken;

4. The General Manager shall permit the alleged violating user to respond to the notice and order, to present evidence and argument on all relevant issues, and to conduct cross-examination of any witnesses necessary for the full disclosure of the facts;



5. The General Manager may request the attendance and testimony of witnesses and the production of evidence relevant to any matter, and may seek from the appropriate court the issuance of subpoena to compel the presence of prospective witnesses;

6. The testimony taken shall be under oath and recorded, with a transcript prepared and provided to any person upon payment of the usual charges for such transcript;

7. The notice of the hearing and the order to show cause shall be served upon user personally or by registered or certified mail (return receipt requested) at least fifteen calendar days prior to the hearing; except that the General Manager may set an earlier date for the hearing if the user requests the earlier date. Such notice may be served on any authorized representative of the user;

8. Upon review of the evidence, the General Manager shall make written findings of fact and decision in the nature of an order, which shall be served upon user; and

9. The District may immediately impose an enforcement action after the hearing whether or not a duly notified user appears as noticed.

#### **4.6 Termination of Service**

The General Manager may immediately order a user to cease discharge of wastewater to District's Sewer System and /or the POTW, and may suspend wastewater disposal and treatment service for such user in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment, or causes interference to the POTW or District's Sewer System, or causes the violation of any condition of the POTW's NPDES permits, or if the user has failed to obtain a valid Industrial User Permit. If the user fails to comply voluntarily with the suspension order, the General Manager shall take such steps as deemed necessary, including immediate severance of the sewer service lateral connection and termination of water service to the premises, to prevent or minimize damage to the POTW or the District's Sewer System, or endangerment to any person or the environment. All costs for terminating service shall be paid by the user. All costs for reestablishing service shall be paid by the user.

#### **4.7 Civil Penalties**

A. Any user violating any provision of this Ordinance, user's permit, or administrative order shall be liable to the District for a civil penalty of not more than one thousand dollars per violation per day for as long as the violation continues, plus actual damages incurred by the District. In addition to these penalties and damages, the General Manager may order user to pay District's costs, including reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities,

including, but not limited to, sampling, monitoring, laboratory costs and inspection expenses.

B. Upon petition by the General Manager, through the District Attorney, an award of such penalties, damages and costs shall be ordered against such user by an appropriate court in the County of Riverside. In determining the amount of such penalties, damages and costs, 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, any economic benefit gained through a user's violation, corrective actions by a user, the compliance history of the user, good faith efforts to restore compliance, threat to human health, to the environment and to the POTW, and any other factor as justice requires. The purpose of any civil penalty is to encourage compliance and remedy unquantified damage to the POTW and environment, and not to impose criminal sanctions nor retribution.

C. If any user discharges wastewater into the District's Sewer System or the POTW contrary to the provisions of this Ordinance, federal or state pretreatment requirements, or any order of the District or permit issued under this Ordinance, the General Manager through the District Attorney may commence an action for appropriate legal and/or equitable relief in the appropriate court in the County of Riverside. (Ord. 6377 § 2, 2002; Ord. 6232 § 2 (part), 1995).

#### **4.8 Criminal Penalties**

A. Any user which willfully or knowingly violates any provision of this Ordinance, or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed one thousand dollars or imprisonment for not more than six months, or both, per violation per day. This penalty shall be consistent with the Federal Clean Water Act, 33 U.S.C. 1251, et seq. and amendments thereto, and shall apply to the exclusion of any other more lenient Ordinance provision. A user shall be guilty of a separate violation for each day a violation of any provision of this Ordinance or industrial user permit is committed or continued by such user.

B. Any user that willfully or knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance or the user's industrial user permit, or which falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars per violation per day or imprisonment for not more than six months, or both, per violation per day. This penalty shall be consistent with the Federal Clean Water Act, 33 U.S.C. 1251, et seq. and amendments thereto, and shall apply to the exclusion of any other more lenient Ordinance provision.

#### **4.9 Probationary Periods**

A user issued a written warning shall be issued a maximum six-month probationary period for the violation stated in the written warning. All users issued a notice of violation shall be issued a maximum twelve-month probationary period for the violation stated in the notice of violation. If the user commits the same violation within the probationary period, then enforcement will be escalated to the next appropriate level. If the user commits the same violation after the end of the probationary period, then the violation will be treated as a new violation for purposes of enforcement. Repeated same violations will only be granted two probationary periods. If the same violation occurs after two consecutive probationary periods for either a written warning or a notice of violation, then the enforcement actions will be escalated to the next appropriate level.

#### **4.10 Remedies Nonexclusive**

The violation enforcement remedies for this Ordinance are not exclusive. The General Manager may take any, all, or any combination of these remedies against a noncompliant user. Enforcement of Ordinance violations will generally be in accordance with the District's Enforcement Response Plan. The General Manager, however, may take alternative actions against a user when the circumstances warrant. The General Manager is also empowered to take more than one enforcement action against any noncompliant user.

#### **4.11 Judicial Collection**

After an order making any monetary amount owing under this Ordinance has become final, or after a court in an action has entered a final judgment in favor of the District, the General Manager through the District Attorney may initiate a civil action, if not earlier filed as a part of the judicial review, in the appropriate court to recover such amount plus prevailing interest from the date of the final order or the date of the final judgment, as the case may be. In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review. Any user who fails to pay on a timely basis the amount of an assessment of a civil penalty as described in this Section shall be required to pay to District, in addition to such amount and interest, District's attorneys' fees and costs, including filing fees, process service fees for collection proceedings and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be in an amount equal to twenty percent of the aggregate amount of such person's penalties and nonpayment penalties, which are unpaid as of the beginning of such quarter.

#### **4.12 Damage to Facilities or Interruption of Normal Operations**

When a user's discharge of waste causes an obstruction, damage, interference, pass through or any other impairment to the District's Sewer System, the POTW, the General Manager may assess a charge, including administrative costs attributable thereto, against the user for costs incurred by the District for extra monitoring, investigation, quantifiable damages and work required to clean, repair and resume normal operations. A ninety percent administrative fee shall be added to the direct charges. Unless

appealed as provided herein, such charge shall be payable by the user within thirty calendar days of being notified of such charge and is subject to collection by civil suit or other procedures provided in this Ordinance.

#### **4.13 Sewer System Overflows and Cleanup Costs**

Establishments found to have contributed to a sewer blockage, sewer system overflow ("SSO"), or any sewer system interferences resulting from the discharge of wastewater or waste containing FOG, may be ordered to install and maintain a grease interceptor, and may be subject to a plan to abate the nuisance and prevent any future health hazards created by sewer line failures and blockages, SSOs or any other sewer system interferences. If the District must act to contain and/or clean up an SSO caused by blockage of a private or public sewer lateral or system, or at the request of the property owner or operator of the establishment, or because of the failure of the property owner or establishment to abate the condition causing a threat to the health, safety, welfare, or property of the public, or because of an unauthorized discharge of FOG, the District's costs for such abatement will be entirely borne by the property owner or operator of the establishment, and said cost will constitute a debt to the District and become due and payable upon the District's request for reimbursement of such costs. Food facilities that experience two or more SSOs within a one-year period or three within a five-year period may be required at the behest of the General Manager to install a FOG pretreatment unit if the food establishment does not have one or upgrade to a larger unit to prevent future SSOs.

#### **4.14 Appeals**

A. Any user affected by and dissatisfied with any decision, order, or enforcement action, made by the General Manager interpreting or implementing the provisions of this Ordinance or industrial user permit, may file with the General Manager a written appeal requesting reconsideration of such decision, order or enforcement action within ten calendar days from the receipt of the notice of such decision, order or enforcement action. The user shall state in detail the facts supporting the user's request for reconsideration. The General Manager shall render a ruling on the request for reconsideration to the user in writing within ten calendar days from receipt of the appeal. Submission of such a request in no way relieves the user of liability for any violations occurring before or after receipt of decision, order, or enforcement action, nor stays the requirements of achieving or maintaining compliance.

B. If the ruling on the request for reconsideration made by the General Manager is unsatisfactory to user, the user requesting reconsideration may, within ten calendar days after receipt of notice of the General Manager's ruling, file a written appeal with the District's Board of Directors, lodging such appeal with the District's Secretary of the Board of Directors along with an appeals fee of one hundred dollars. The written appeal shall be heard by the District Board of Directors within thirty days from the date of filing. The District Board of Directors shall make a ruling on the appeal within forty-five days from the date of filing.



C. The District Board of Director's final ruling shall be deemed a final decision, order or action by District which any person adversely affected by such decision, order or action may appeal to the appropriate court in the County of Riverside. No person may obtain judicial review of any decision, order, or enforcement action by District under this Ordinance without first having exhausted his or her administrative remedies set forth in this Section.

#### **4.15 Alternative Enforcement Procedures**

As additional and alternative enforcement provisions, the General Manager may utilize the procedures and seek the civil penalties, the payment of excess costs and the imposition of a lien upon user's real property, as provided in Sections 54739, 54740, 54740.5 and 54740.6 of the California Government Code and amendments thereto for violations of this Ordinance, federal or California pretreatment requirements or the terms and provisions of any permits issued pursuant to this Ordinance.

#### **4.16 Invalidity**

If any provision of this Ordinance or the application thereof to any user or circumstance is held invalid, the remainder of this Ordinance and the application of such provision to other users or circumstances shall not be affected thereby.

#### **4.17 Interpretation--Intent**

All the provisions of this Ordinance are to be reasonably interpreted. The intent herein is to recognize that there are varying degrees of hazard to the District's Sewer System, the POTW, the POTW's sludge, personnel, surface and subsurface waters, environment and the public, and to apply the principle that the degree of protection shall be commensurate with the degree of hazard.

#### **4.18 Effective Date**

This Ordinance shall become effective 30 days after its adoption and shall supersede all inconsistent provisions in Ordinance Nos. 226, 380 and 412.

**ADOPTED** this 24<sup>th</sup> day of April 2017.

  
President of the Board of Directors

**ATTEST:**

  
Julie B. Saba  
Secretary of the Board of Directors



**CERTIFICATION**

I, Julie B. Saba, Secretary of the Board of Directors of Jurupa Community Services District, certify that the foregoing ordinance was adopted at a regular meeting of the Board of Directors on 24<sup>th</sup> day of April 2017, by the following vote of the Directors:

**AYES:** Betty A. Anderson, Joan E. Roberts, Jane F. Anderson,  
Richard 'Dickie' Simmons

**NOES:** None

**ABSENT:** Kenneth J. McLaughlin

**ABSTAINED:** None

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official seal of Jurupa Community Services District this 24<sup>th</sup> day of April 2017.

  
Secretary of the Board of Directors

(SEAL)

