

ORDINANCE NO. 226

AN ORDINANCE OF THE JURUPA COMMUNITY SERVICES DISTRICT, CALIFORNIA, REPEALING JURUPA COMMUNITY SERVICES DISTRICT ORDINANCE NO. 118 AND JURUPA COMMUNITY SERVICES DISTRICT ORDINANCE NO. 133 AND ENACTING A NEW ORDINANCE RELATING TO THE DISCHARGE OF WASTES INTO THE SEWER SYSTEMS OF THE JURUPA COMMUNITY SERVICES DISTRICT.

The Board of Directors of Jurupa Community Services District does ordain as follows:

Section 1: Jurupa Community Services District Ordinance 118 and Jurupa Community Services District Ordinance 133 are repealed.

Section 2: Jurupa Community Services District Ordinance No. 226 shall read as follows:

Ordinance No. 226 DISCHARGE OF WASTES INTO THE PUBLIC SEWER.

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I. Preamble--Definitions

Section 1.1.3 Ordinance Purpose--Implementation of Regional Board Ordinance. The sewage collection 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 collection 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 Santa Ana Regional Interceptor, which discharges to County Sanitation Districts of Orange County Treatment Plant, which discharges to the Pacific Ocean. Third, the West 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.

The California Regional Water Quality Control Board, Santa Ana Region, (Regional Board), has established discharge limitations for the chemical content of sewage effluent discharged by the District and the contracted treatment agencies. These limitations are set forth from time to time in duly enacted ordinances and orders of the Regional Board.

A. This Ordinance shall provide for the regulation of wastewater discharges in accordance with the federal government's objectives of general pretreatment regulations as stated in Section 403.2 of Title 40 of the Code of Federal Regulations (CFR) and amendments thereto which are for the following purposes:

1. To prevent the introduction of pollutants into the POTWS which will interfere with the operation of the POTWS; including interference with its use or disposal of municipal biosolids;
2. To prevent the introduction of pollutants into the POTWS which will pass through the treatment works, inadequately treated, to the receiving waters or otherwise be compatible with such works;

3. To improve opportunities to recycle and reclaim municipal and industrial wastewater and biosolids;
4. To enable the District to comply with the NPDES Permit conditions, biosolids use and disposal requirements, and any other federal or state laws to which the POTWS are subjected;
5. To enable the District to control the privileges to any use of the POTWS; and
6. To protect and preserve the health and safety of the citizens and personnel of the District and contract treatment agencies.

B. This Ordinance shall apply to all users of the POTWS within the District's service area. This Ordinance authorizes:

1. The issuance of industrial user permits;
2. Monitoring, compliance, and enforcement activities;
3. Administrative review procedures;
4. Industrial waste plan check review services;
5. User reporting requirements;
6. The establishment of fees; and
7. The equitable distribution of costs resulting from the program established herein. (Ordinance 6637 § 2, 2002; Ordinance 6232 § 2 (part), 1995)

Section 1.2.4 Definitions.

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

1. **Analytical Methods** means the sample analysis techniques prescribed in 40 CFR Part 136 and amendments thereto. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed using validated analytical methods, approved by the District, or any other applicable sampling and analytical procedures, including procedures suggested by the District or other parties as approved by the EPA.

2. **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 general partner, managing member or proprietor if the user is a partnership, limited liability company or sole proprietorship respectively;

C. If the user is a federal, state, or local government facility: a General Manager, highest appointed official, employee designated to oversee the operation and performance of the activities of the government facility, or his or her designee.

D. A duly Authorized Representative of the individual designated in paragraph A, B or C 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, B or C of this definition.

3. **Biochemical Oxygen Demand (BOD)** means the quantity of oxygen, expressed in mg/L, required to biologically oxidize material in a waste or wastewater sample measured under standard laboratory methods of five days at twenty degrees Centigrade.

4. **Bypass** means the intentional diversion of waste streams from any point of a user's pretreatment facility.

5. **Categorical User** means all industrial users subject to National Categorical Pretreatment Standards promulgated by the EPA in accordance with Sections 307 (b) and (c) of the Clean Water Act (33 U.S.C. Sec.1317 et seq.) and amendments thereto, and as listed by the EPA under the appropriate subpart of 40 CFR Chapter I, Subchapter N, and amendments thereto.

6. **Chemical Oxygen Demand (COD)** means the quantity of oxygen, expressed in mg/L required to chemically oxidize material in a waste sample or wastewater sample, under specific conditions of an oxidizing agent, temperature, and time. COD results are not necessarily related to BOD results.

7. **Class I User** means a significant industrial user or an industrial user that is required to be controlled by a Class 1 Industrial User Permit.

8. **Class II User** means a non-significant industrial user with an annual average process wastewater discharge between ten thousand and twenty-four thousand nine hundred ninety-nine gallons per day.

9. **Class III User** means a non-significant industrial user with an annual average process wastewater discharge between one and nine thousand nine hundred ninety-nine gallons per day.

10. **Class IV User** means any person that stores hazardous substances on its site, irrespective of whether such person discharges industrial process wastewater to District's Collection System.

11. **Class V User** means an industrial user that has a temporary need to discharge wastewater to the District's Collection System. The temporary period shall be from one to one hundred eighty days.

12. **Class VI User** means an industrial user that hauls wastewater by truck or other shall mean from septic tanks, cesspools, seepage pits, and private disposal systems.

13. **Collection System** means all treatment agency's wastewater conveyance systems, or portions of a treatment agency's wastewater conveyance system that is used to transport wastewater generated within District boundaries to a POTW, excluding sewer service lateral line connections.

14. **Combined Wastestream Formula** means the formula, as outlined in the general pretreatment regulations of the Clean Water Act, 40 CFR 403.6(e), for determining wastewater discharge limitations for Categorical Industrial Users whose effluent is a mixture of regulated, unregulated, and dilution wastewater as defined in the formula.

15. **Compliance Schedule** means a time schedule enforceable under this Ordinance containing increments of progress, i.e. milestones, in the form of dates. These milestones shall be for the commencement and/or completion of major events leading to the construction and operation of additional pretreatment facilities or the implementation of policies, procedures or operational management techniques required for the user to comply with all applicable federal, state or local environmental regulations which may directly or indirectly affect the quality of the user's wastewater effluent.

16. **Composite Sample** means a series of grab samples of equal volume taken at a predetermined time or flow rate for a predetermined period of time, which are combined into one sample.

17. **Confined Space**, pursuant to California Code of Regulations, Title 8, Section 5157, subsection b, and amendments thereto, means a space that:

A. Is large enough and so configured that a person can bodily enter and perform assigned work;

B. Has limited or restricted means for entry or exit (for example, tanks, vessels, silos, storage bins, hoppers, vaults, and pits are spaces that may have limited means of entry); and

C. Is not designed for continuous occupancy by a person.

18. **Conventional Pollutants** means BOD, COD, total suspended solids, pH, fecal coliform, oil and grease, total nitrogen and such additional pollutants as are now or may be in the future specified and controlled in the NPDES permits for the POTWS where said POTWS have been designed and used to reduce or remove such pollutants.

19. **Cooling Water** means all water used solely for the purpose of cooling a manufacturing process, equipment, or product.

20. **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.

21. **District** means Jurupa Community Services District.

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

23. **Domestic Septic Wastes** means all domestic wastes contained in septic tanks, cesspools, seepage pits, holding tanks and private disposal systems.

24. **Domestic Wastewater** means wastewater from private residences and wastewater from other premises resulting from the use of water for personal washing, sanitary purposes or the discharge of human excrement and related matter. Domestic wastewater when analyzed by standard methods shall contain no more than two hundred mg/L of total suspended solids, two hundred mg/L of BOD and four hundred twenty mg/L of COD.

25. **Effluent** means treated wastewater flowing from treatment facilities, the POTW, or a user's pretreatment equipment.

26. **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.

27. **EPA** means the United States Environmental Protection Agency.

28. **Federal Categorical Pretreatment Standard** means the National Pretreatment Standards, established by the EPA, specifying quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced into the District's Collection System or the POTW by existing or new industrial users in specific industrial categories established as separate regulations under the appropriate subpart of 40 CFR Ordinance I, Sub Ordinance N, and amendments thereto.

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

30. **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.

31. **Grab Sample** means an individual sample collected over a period of time not exceeding fifteen minutes.

32. **Gravity Separation Interceptor** means an approved detention chamber designed to remove floatable and settleable material from industrial wastewater prior to discharge into the District's Collection System.

33. **Hazardous Substance** means any substance capable of creating imminent endangerment to health or the environment including, but not limited to, any substance designated under 40 CFR Section 310.11(d) and amendments thereto, or any hazardous chemical substance subject to regulation under the Toxic Substances Control Act, 15 USCA Section 2601, et seq. and amendments thereto. In general, substances which are toxic, explosive, corrosive, flammable or irritants, or which generate pressure through heat or decomposition, e.g., heavy metals, pesticides, strong acids or bases, distillate fuels, oxidants, etc.

34. **Heating Water** means all water used solely for the heating of a manufacturing process, equipment, or product.

35. **Industrial User** means all persons, entities, public or private, industrial, commercial, governmental, or institutional which discharge or cause to be discharged, industrial wastewater and waterborne waste into the District's Collection System or the POTWS.

36. **Industrial User Permit** means the regulatory procedure established and enforced by the General Manager to control the discharge of wastewater into the District's Collection System or the POTWS.

37. **Industrial Wastewater** means all water containing wastes of the community, excluding domestic wastewater, and includes all wastewater from any producing, manufacturing, processing, institutional, governmental, commercial, service, agricultural or other operation. Industrial wastewater may also include cooling tower and boiler blowdown water, potable water treatment wastewater and chemical toilet wastewater if the wastewater contains levels of pollutants above the wastewater discharge limitations established by this Ordinance.

38. **Infectious Waste** means all wastes that normally cause, or significantly contribute to the cause, increased morbidity or mortality of human beings.

39. **Interference** means any discharge from a user which, alone or in conjunction with a discharge or discharges from other sources, both, inhibits or disrupts the District's Collection System, POTW, treatment processes or operations, or sludge processes, use or disposal; and which is a cause of a violation of any requirement of the NPDES permits including an increase in the magnitude or duration of violation) or of the

prevention of sewage sludge use or disposal in compliance with Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), state regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection Research and Sanctuaries Act, and any amendments to these Acts or regulations.

40. **Ion Exchange Water Softener** means a water conditioning apparatus that is designed to remove hardness or other impurities from a user's incoming potable water supply.

41. **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.

42. **Local Limits** means specific prohibitions or pollutant limitations or pollutant parameters which are developed by the District in accordance with 40 CFR 403.5(c) and amendments thereto.

43. **Lower Explosive Limit (LEL)** means the minimum concentration of combustible gas or vapor in the air that will ignite if an ignition source is present.

44. **Mass Emission Rate** means the pounds per day discharged to the District's Collection System of a particular pollutant or combination of pollutants, as contained in an Industrial User Permit.

45. **May** means permissive.

46. **mg/L** means milligrams per liter.

47. **Milestone** means increments of progress in the form of dates, not to exceed nine months, and are used in compliance schedules. Milestones shall be for the commencement and/or completion of major events leading to the construction and operation of additional pretreatment facilities or the implementation of policies, procedures or operational management techniques required for the user to comply with all applicable federal, state or local environmental regulations, which may directly or indirectly affect the quality of the user's wastewater effluent.

48. **Monitoring/Production Information Order (MPIO)** means an Administrative Order requiring an industrial user to determine the mass emission or concentration of pollutants or other conditions specified in the user's permit in its industrial wastewater discharge for all days within a fourteen consecutive calendar day period that industrial wastewater is discharged to the POTW and submit production data for that period.

49. **Monthly Average** means the average of daily measurements over a calendar month as calculated by adding all the daily measurements taken during the calendar

month and dividing that sum by the sum of the number of daily measurements taken in the calendar month.

50. 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.

51. NPDES Permit means the then effective National Pollutant Discharge Elimination System Permit issued from time to time by the Regional Board establishing the Waste Discharge and Producer/User Reclamation Requirements for the Riverside Regional Water Quality Control Plant.

52. 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.

53. Pass Through means any discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, causes a violation of any requirement of the NPDES Permit, including an increase in the magnitude or duration of a violation.

54. Permit-Required Confined Space pursuant to California Code of Regulations, Title 8, Section 5157, subsection b, and amendments thereto, means a confined space that has one or more of the following characteristics:

- A. Contains or has the potential to contain a hazardous atmosphere;
- B. Contains a material that has the potential for engulfing an entrant;
- C. Has an internal configuration such that an entrant could be trapped or and tapers to a smaller cross-section; or
- D. Contains any other recognized serious safety or health hazard.

55. **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.

56. **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.

57. **POTW** means Publicly Owned Treatment Works. This definition includes portions of the POTW of a treatment agency that is used in the collection, transmission, treatment, or disposal of sewage generated within District boundaries.

58. **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 POTWS. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by any other means, except dilution.

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

60. **Qualified Professional** means any person who by virtue of education, training, or experience is qualified to evaluate and assess pollutant discharges and violations of this Ordinance.

61. **RCRA** means the Resource Conservation and Recovery Act and its Regulations as contained in 40 CFR Part 260-266 and 270 and amendments thereto.

62. **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.

63. **Shall** means mandatory.

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

65. **Service Lateral Line** means the wastewater collection 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 collection system.

66. **Significant Industrial User (SIU)** means all industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N and amendments thereto, and any user which discharges one or more of the following:

A. Industrial wastewater at an average rate of at least twenty-five thousand gallons per day (gpd) to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);

B. A process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW; or

C. Wastewater that the General Manager determines to be a significant risk on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

67. **Significant Noncompliance (SNC)** means any compliance violation that meets one or more of the following criteria:

A. Chronic violation of wastewater discharge limits, which are defined as those in which sixty-six percent or more of all of the measurements for each pollutant taken during a consecutive six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant;

B. Technical review criteria (TRC) violations, which are defined as those in which thirty-three percent or more of all of the measurements for each pollutant taken during a consecutive six month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);

C. Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the District determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

D. Any discharge of a pollutant that has caused imminent endangerment to human health or welfare to the environment or has resulted in the District's exercise of its emergency authority to halt or prevent such a discharge;

E. Failure to meet, within ninety days after the scheduled date, a compliance schedule milestone contained in an Administrative Order, for starting construction, completing construction, or attaining final compliance;

F. Failure to provide, within thirty days of the due date, any required reports such as baseline monitoring reports, ninety day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

G. Failure to pay, within thirty days, all applicable industrial user application, permit, and enforcement penalty fees;

H. Failure to accurately report non-compliance; or

I. Any other violations or group of violations which the District believes will adversely affect the operation and implementation of the District's pretreatment program.

68. **Single Pass Cooling Water** means water that is used solely for the purpose of cooling and is used only once before being discharged.

69. **Single Pass Heating Water** means water that is used solely for the purpose of heating and is used only once before being discharged.

70. **Slug Discharge** means any non-routine, episodic discharge of wastewater, material or waste with such a high volume or pollutant concentration which will cause damage to, interference with, or pass through in the collection system, POTW, or POTW sludge processes, use, or disposal.

71. **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.

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

73. **Strength Based Surcharge** means a fee in addition to the sewer service charge, which is charged on those users whose wastewater discharge pollutants exceed normal pollutant levels for BOD, COD, total suspended solids, total nitrogen or oil and grease.

74. **Temporary User** means any user who is granted temporary permission by the General Manager to discharge unpolluted water or wastewater to the sewer system and controlled by a Class V Industrial User Permit.

75. **Total Suspended Solids** means the total amount of residue retained by laboratory filtration and dried at 103-105 degrees C.

76. **Total Toxic Organics, (TTO)** means the sum of all quantifiable values greater than 0.01 mg/L of the regulated toxic organic compounds which are found in the user's industrial wastewater discharge.

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

78. **Unpolluted Water** means cooling and heating water, single pass cooling and heating water, air conditioning condensate, ice melt, condensate, landscape irrigation, crop irrigation, rain water, and water not containing any substances limited or prohibited by effluent standards in effect or water whose discharge will not cause any violation of receiving water quality standards.

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

80. **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 Collection System or Community Services District.

81. **Waste** means any discarded solid, semi-solid, liquid, or gaseous material.

82. **Water Supply** means the water supply serving the area tributary to the POTW or the collection system.

II. General Provisions

Section 2.1.14 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 collection system of the District or any wastewater system tributary thereto, by any means available, including physical disconnection from the wastewater collection 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 collection 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 POTWS; 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 collection 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 the person discharging to demonstrate that in-plant modifications will reduce or eliminate the pollutant or substance so that the discharge will not violate this Ordinance;
3. 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;
4. 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 POTWS, 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;

5. Obtain timely and factual reports from the person responsible for such discharge; and

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

Section 2.2.16 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.

Section 2.3.16 Confidentiality.

Any information submitted by the user to the District pursuant to this Ordinance may be claimed as confidential by the user. Any such claim must be asserted at the time of submission by placing the words "Confidential Business Information" on each page containing such information. If no claim is made at the time of submission, the District may make the information available to the public without further notice. All sample data obtained by either the user or the District shall not be considered confidential. All production related information used to calculate mass based discharge limitations or required for the development of an industrial user permit shall not be considered confidential information. Confidential information may be made available, upon request, to governmental agencies for enforcement or judicial purposes related to this Ordinance, the NPDES Permit or the pretreatment program, and as required by state or federal law.

Section 2.4.16 Inspection.

A. The General Manager 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. 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.

E. 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 collection system, POTW or storm drain.

F. 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.

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

Section 2.5.17 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.

Section 2.6.17 Monitoring.

A. At the direction of the General Manager, any user discharging industrial wastewater directly or indirectly into the District's

collection 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. 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 hour period shall not exceed the user's permitted limit for oil and grease.

Section 2.7.21 Flow Measurement.

Any industrial user who discharges twenty-five thousand gallons per day or more of industrial wastewater, or as required by the General Manager, shall install a continuous monitoring flow meter capable of measuring all the industrial user's industrial wastewater discharged to the District's Collection System. The user shall maintain an effluent flow log sheet and record the effluent flow on a daily basis. The flow measurement device shall conform to standards issued by the General Manager. The user shall report to the General Manager the type and size of the flow meter. The flow meter shall be equipped with a non-resetting flow totalizer. All flow meters shall be calibrated as often as necessary to ensure accuracy of the actual flow discharged within plus or minus five percent. All flow meter installations shall have posted in a conspicuous place, the flow meter's size, type, totalizer units, and flow multipliers.

Section 2.8.21 Infectious Waste Disposal.

A. No user that generates liquid infectious waste not associated with those found in domestic wastewater shall discharge such waste to the District's Collection System without first obtaining written permission from the General Manager. Such a user shall submit a written request to the General Manager that shall include:

1. The source and volume of the infectious waste;
2. The procedures and equipment used for waste disinfection; and
3. Employee training procedures for the legal disposal of infectious waste.

B. If the General Manager believes that the waste would not be completely disinfected, the General Manager shall issue a written denial to the user and state the reasons for the denial. This denial shall be issued within thirty days from receipt of the written request.

C. If the General Manager believes that complete disinfection of the waste can be achieved prior to discharge of the waste to the collection system, then conditional approval may be granted for the disposal of the waste. A letter of approval shall be sent to the user within thirty days of receipt of the written request.

D. If the user is granted permission for disposal, the user:

1. Shall completely disinfect the liquid waste prior to discharge to the District Collection System as outlined in the approval letter;
2. Shall not dispose of solid infectious waste to the District's Collection System, including hypodermic needles, syringes, instruments, utensils or other paper and plastic items of a disposable nature, or recognizable portions of the human or animal anatomy; and

3. Shall be subject to periodic inspections to verify that all disinfection methods, procedures, and practices are being performed.

Section 2.9.22 Water Softening Restrictions.

A. No Industrial User shall install, replace, enlarge, or use any apparatus for softening all or any part of the water supply to any premises when such apparatus is an ion-exchange softener or demineralizer of the type that is regenerated at the site of use with the regeneration wastes being discharged to the ground, storm drain or the District's Collection System or the POTWS unless the apparatus is in compliance with the following conditions:

1. The apparatus is a self-generating water softener;
2. The brine solutions generated during the backwash cycles of the water softener shall be segregated from the fresh water rinses for disposal to a legal brine disposal site;
3. The backwash equipment shall be equipped with an electrical conductivity controlled discharge valve that controls the final wastewater discharge to the District's Collection System. This valve shall be calibrated to control and prevent any wastewater from being discharged to the collection system that exceeds the maximum total dissolved solids concentration established by ordinance; and
4. The Industrial User shall maintain the electrical conductivity controlled discharge valve in proper operating conditions at all times. The Industrial User shall notify the General Manager immediately in the event of a valve failure and immediately cease the discharge of all wastewater associated with the back washing of the regenerating water softener.

B. Pursuant to California Health and Safety Code Sections 116775-116795 and amendments thereto, no residential water softening or conditioning appliance shall be installed except in either of the following circumstances:

1. The regeneration of the appliance is performed at a nonresidential facility separate from the location of the residence where such appliance is used; or
2. The regeneration of the appliance discharges to the waste disposal system of the residence where such appliance is used and the following conditions are satisfied:
 - a. The appliance activates regeneration by demand control;
 - b. An appliance installed on or after January 1, 2000, shall be certified by a third party rating organization using industry standards to have a salt efficiency rating of no less than

three thousand three hundred fifty grains of hardness removed per pound of salt used in generation. An appliance installed on or after January 1, 2002 shall be certified by a third party rating organization using industry standards to have a salt efficiency rating of no less than four thousand grains of hardness removed per pound of salt used in generation;

c. The installation of the appliance is accompanied by the simultaneous installation of the following softened or conditioned water conservation devices on all fixtures using softened or conditioned water, unless such devices are already in place or are prohibited by local and state plumbing and building standards or unless such devices will adversely restrict the normal operation of such fixtures:

i. Faucet flow restrictors.

ii. Shower head restrictors.

iii. Toilet reservoir dams.

iv. A piping system installed so that untreated (unsoftened or unconditioned) supply water is carried to hose bibs and sill cocks which serve water to the outside of the house, except that bypass valves may be installed on homes with slab foundations constructed prior to the date of installation; or condominiums constructed prior to the date of installation; or otherwise where a piping system is physically inhibited.

C. The certification required under subsection B of this Section shall be provided by the new user of the appliance and shall be completed by a contractor having a valid Class C-55 water conditioning contractor's license or Class C-36 plumbing contractor's license and filed with the County's Building Department. The certification form shall contain all of the following information:

1. Name and address of homeowner;

2. Manufacturer of the water softening or conditioning appliance, model number of the appliance, pounds of salt used per regeneration, and salt efficiency rating at the time of certification.

3. Manufacturer of the water-saving devices installed, model number, and number installed; and

4. Name, address, and the specialty contractor's license number of the C-55 and C-36 licensee making the certification.

D. Any person installing or operating a water conditioning apparatus of any kind shall make such apparatus accessible to the General Manager for inspection at reasonable times.

E. Notwithstanding subdivision 2 of subsection B. of this Section, District may limit the availability, or prohibit the installation, of residential water softening or conditioning appliances that discharge to the POTWS if General Manager makes all of the following findings:

1. The POTWS are not in compliance with the discharge or water reclamation requirements in the NPDES permits;
2. Limiting the availability, or prohibiting the installation, of the appliances is the only available means of achieving compliance with waste discharge requirements issued by the Regional Board; and
3. All nonresidential sources are limited to the volumes and concentrations of saline discharges to the POTWS to the extent technologically and economically feasible.

F. Notwithstanding subdivision 2 of subsection B. of this Section, District may limit the availability, or prohibit the installation, of residential water softening or conditioning appliances that discharge to the POTWS if General Manager makes all of the following findings:

1. The POTWS are not in compliance with water reclamation requirements, or a master reclamation permit, issued by the California Regional Water Quality Control Board pursuant to Article 4 (commencing with Section 13520) of Chapter 7 of Division 7 of the Water Code;
2. Limiting the availability, or prohibiting the installation, of the appliances is the only available means of achieving compliance with the water reclamation requirements or the master reclamation permit issued by the Regional Board; and
3. All nonresidential sources are limited to the volumes and concentrations of saline discharges to the POTWS to the extent technologically and economically feasible.

G. Subsections E and F of this Section are prospective in nature and do not require the removal of residential water softening or conditioning appliances that are installed before the effective date of subsections E. and F.

H. Subsections E. and F. of this Section shall become operative on January 1, 2003.

Section 2.10.25 Gravity Separation Interceptor.

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 Collection System without a gravity separation interceptor that complies with all of the requirements of Sections 2.11.27 through 2.14.29. 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.

Section 2.11.25 Interceptor Requirements.

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

- A. 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.
- B. 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.
- C. 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.
- D. 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.

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

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

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

H. 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.

Section 2.12.26 Standard Interceptor Designs.

The General Manager shall maintain a file, available to the public, of suitable designs of gravity separation interceptors. This file shall be for informational purposes only and shall not provide or imply any endorsements of any kind. 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 Collection System.

Section 2.13.26 Interceptor Maintenance.

A. 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. 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 by the accumulation of floating material, sediment, oil or grease.

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

C. 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.

D. When an interceptor is cleaned, the removed sediment, liquid and floating material shall be lawfully disposed of other than to the District's collection 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.

E. 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.

F. 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.

Section 2.14.27 Restaurants.

A. No person who owns, operates, or maintains a restaurant (restaurant user) shall discharge wastewater from such restaurant to District's Collection System or the POTWS 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 Collection System or the POTWS. 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 Collection System or POTWS without use of such grease interceptor in accordance with this Ordinance.

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

C. 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, and garbage grinders through an approved minimum size seven hundred fifty gallon gravity separation

interceptor which complies with Section 255 of 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.

D. Any restaurant user required to install a grease interceptor shall maintain such interceptor in accordance with Section 14.12.265.

Section 2.15.28 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.

Section 2.16.28 Conditional Waivers.

Notwithstanding subsection B of Section 14.12.270, at the discretion of the General Manager, 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 Collection System or the POTWS. 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.

Section 2.17.29 Liquid Waste Haulers.

The District prohibits liquid from liquid waste haulers to be discharged to the District owned facilities, the District's Collection 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.

Section 2.18.29 Use Of And Damage To District Equipment Or Facilities.

A. No person shall enter, break, damage, destroy, uncover, deface or tamper with any temporary or permanent structure, equipment, or appurtenance which is part of the District's Collection System, the POTWS, or storm drain without prior written approval by the General Manager.

B. Any person who discharges or causes the discharge of any wastewater or pollutant which causes detrimental effects on the District's collection system, POTW, sludge, or storm drain, or any other damages, including the imposition of fines by state, federal or other regulatory agencies against the District, shall be liable to the District for all damages and costs incurred by District, including administrative expenses, and fines imposed on District by any state, federal or other regulatory agencies. District shall calculate its administrative expenses as ninety percent of the cost of repairs and personnel time expended by District to remedy such damages and costs. All charges shall be payable to the District within thirty days of invoicing by the District.

Section 2.19.29 Surface Discharge Prohibitions.

A. No person or user shall discharge or cause to be discharged onto the ground, into any permeable sump, pit, 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.

Section 2.20.30 Point Of Discharge Limitation.

No person or user, shall discharge any wastewater directly into a District manhole or other opening in the District's Collection 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 Collection System.

Section 2.21.30 Time Limits.

Any time limit provided in any written notice or any provision of this Ordinance may be extended only by a written directive of the General Manager and upon a showing of good cause from the user.

III. INDUSTRIAL WASTES

Section 3.1.30 Separation Of Domestic And Industrial Waste.

Any user who discharges industrial wastewater to the District's Collection System shall keep domestic wastewater separate from all industrial wastewater until the industrial wastewater has passed through all required pretreatment equipment or devices, or the user's industrial wastewater sample point(s). For existing Categorical Users that cannot

separate the domestic wastes from the industrial wastes prior to a permitted sampling point, the combined waste stream formula shall be applied to determine applicable discharge limitations.

Section 3.2.31 Prohibited Waste Discharges.

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

- A. Any earth, sand, rocks, ashes, cinders, spent lime, stone, stone cutting dust, gravel, plaster, concrete, glass, metal filings, or metal or plastic objects, garbage, grease, viscera, paunch manure, bones, hair, hides, or fleshings, whole blood, feathers, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, tar, asphalt residues, residues from refining or processing fuel or lubrication oil and similar substances, or solid, semi-solid or viscous material in quantities or volume which will obstruct the flow of sewage in the collection system or any object which will cause clogging of a sewer or sewage lift pump, or interfere with the normal operation of the POTWS.
- B. Any compound which will produce noxious odors in the sewer or wastewater treatment facilities.
- C. Any recognizable portions of human or animal anatomy.
- D. Any solids, liquids, gases, devices, or explosives which by their very nature or quantity are or may be, sufficient either alone or by interaction with other substances or sewage to cause fire or explosion hazards, exceed ten percent of the LEL at the point of discharge or in the District's Collection System, or in any other way create imminent danger to the District's wastewater personnel or the POTWS, the environment or public health.
- E. Any wastewater or material with a closed cup flash point of less than one hundred forty degrees Fahrenheit or sixty degrees Celsius using the test methods specified in 40 CFR 261.21 and amendments thereto.
- F. Any overflow from a septic tank, facility wastewater holding tank, cesspool or seepage pit, or any liquid or sludge pumped from a septic tank, facility wastewater holding tank,

cesspool or seepage pit, except as may be permitted by the General Manager.

G. Any discharge from the wastewater holding tank of a recreational vehicle, trailer, bus and other vehicle, except as may be permitted by the General Manager.

H. Any storm water, groundwater, street drainage, subsurface drainage, yard drainage or runoff from any field, roof, yard, driveway or street. The General Manager may approve, on a temporary basis, the discharge of such water only when no reasonable alternative method of discharge is available.

I. Any substance or heat in amounts that will inhibit biological activity in the POTWS resulting in interference or which will cause the temperature of the sewage in any public sewer to be higher than one hundred forty degrees Fahrenheit. In no case shall any substance or heat be discharged to the sewer that will raise the POTWS influent higher than one hundred four degrees Fahrenheit (forty degrees Celsius).

J. Any radioactive waste in excess of federal, state or county regulations.

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

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

L. Any quantities of herbicides, algacides, or pesticides.

M. Any petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in excess of the District's local limits.

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

O. Any water or wastewater used to artificially raise the industrial user's discharge rate or added for the purpose of diluting wastes that would otherwise exceed applicable permitted discharge limitations.

P. Any wastewater having a corrosive property capable of causing damage to the District's Collection System, the POTWS, equipment, or structures, or harm to District personnel. However, in no case shall wastewater be discharged to the District's Collection System or the POTWS with a pH below 5.0. Other limits on pH are determined by the District and contracted treatment agencies and are adopted by separate ordinances in conjunction with local limits.

Q. Any substance that will cause discoloration of the POTW's effluent.

R. Any unpolluted water, including cooling water, heating water, storm water, subsurface water, single pass cooling water, and single pass heating water. The General Manager may approve, on a temporary basis, the discharge of such water only when no reasonable alternative method of discharge is available. The user shall pay all applicable user charges and fees.

S. Any substance which may cause the POTW's effluent or any other product such as residues, sludge, or scum to be unsuitable for reclamation or reuse or which will interfere with any of the reclamation processes. This includes any material which will cause the sludge at the POTWS to violate applicable sludge use or disposal regulations developed under the Federal Clean Water Act, 33 USCA, Section 1251 et seq., or any regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, 42 USCA, Section 6901, et seq.; Clean Air Act, 42 USCA, Section 7401, et seq.; Toxic Substance Control Act, 15 USCA, Section 2601, et seq., or any other applicable state regulations, and amendments to these Acts or regulations.

T. Any hazardous substance which violates the objectives of the General Pretreatment Regulations (40 CFR 403), this Ordinance, or any statute, rule, regulation or Ordinance of any public agency having jurisdiction over said discharge, and amendments thereto.

U. Any material in excess of the quantities established by ordinance.

V. Any discharge from a material processing tank or vessel containing a material that would not meet the pollutant discharge limitations as established by this Ordinance. These shall include, but not be limited to, all wash tanks, chemical conversion tanks, acid and alkali tanks, lubricating tanks, condensate water from dry cleaning equipment, fruit and vegetable wash and treatment tanks, and any other tank or vessel containing a material which would not meet the pollutant discharge limitations as established by this Ordinance.

W. Any radiator fluid or coolant, cutting oil, water soluble cutting oil, or water-based solvent.

X. Any photo processing waste from developing or fixing solutions that are not in compliance with local limits or group industrial user permits.

Section 3.3.34 Swimming Pool Discharge Requirements.

A. Discharges from swimming pools, wading pools, spas, whirlpools, and therapeutic pools shall be admitted to the District's Collection System on a case-by-case basis. Each user or person who desires to drain a swimming pool, wading pool, spa, whirlpool, or therapeutic pool to the District's Collection System shall first obtain permission from the District prior to discharging any of these waters. Permission shall be granted by the General Manager if the discharge will not cause a hydraulic overload condition in the area's sewer lines. If the user has no connection to the District's Collection System available, these waters may be surface discharged according to federal, state, and local regulations. (The owner should contact the Regional Board for guidance in this matter.)

Section 3.4.34 Limitation On Wastewater Strength.

No person shall discharge industrial wastewater to the District's Collection System unless the wastewater conforms to all of the limitations and requirements of this Ordinance. Discharge limitations shall be revised and adopted by ordinance of the District's Board of Directors as necessary to ensure compliance of the POTW's effluent and biosolids reuse with the NPDES Permits. For Categorical Users, the District may exercise one or more of the following options:

A. Where a categorical pretreatment standard is expressed in terms of either the mass or the concentration of a pollutant in wastewater, the

General Manager may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c) and amendments thereto;

B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the General Manager shall impose an alternate limit using the combined wastestream formula; and

C. A variance from a categorical pretreatment standard may be issued if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13 and amendments thereto, that factors relating to its discharge are fundamentally different from the factors considered by the EPA when developing the categorical pretreatment standard.

Section 3.5.35 Local Limits.

The General Manager shall develop and implement local limits from time to time as are necessary and as are adopted by ordinance of the District's Board of Directors. These limitations are necessary to assure compliance with the NPDES permits, including the prohibition against pass through of any pollutants that cause a violation of the permits or cause interference with the POTWS. The pollutant limitations may be allocated among industrial user classes or individual users as uniform concentration limits, or as the ratio of the total mass per user, or as a selected industry reduction, or by such other method considering factors such as persistence of the pollutant, equity, treatment feasibility, economic feasibility, economies of scale, pollution prevention, waste minimization measures, anticipated growth and enforcement feasibility. Customer specific allocations at current POTWS loadings may be created for public health facilities providing a life saving service or procedure so long as the pollutant discharged will not contribute to pass through, interference or other violation of the NPDES permits. Specific pollutant limits shall not be developed and enforced without individual notice to persons or groups who have requested such notice and an opportunity to respond.

Section 3.6.35 De Minimis Categorization.

Any user whose industrial wastewater discharge is less than one hundred gallons per day and is not regulated by a federal categorical pretreatment standard may be classified in the General Manager's discretion as de minimis and shall not be subject to permitting standards or local limits provided that such industrial wastewater discharge is not a hazardous substance, does not contribute to interference or pass through violations at the POTWS or violations of the NPDES permit, and does not cause detrimental effects or damage to the District's Collection System or the POTWS, or cause a threat of harm to District personnel, the public, or the environment. Categorization as a de minimis discharger shall terminate upon written notice to such discharger of General Manager's determination that such discharger no longer satisfies the criteria of this Section.

Section 3.7.36 Pretreatment Of Industrial Wastewater.

All users shall:

- A. Provide wastewater pretreatment, as required, to comply with this Ordinance;
- B. Achieve compliance with all applicable federal categorical pretreatment standards, as contained in 40 CFR Chapter I, Subchapter N and amendments thereto, and local limits, whichever are more stringent, within the time limitations as specified by the federal pretreatment regulations;
- C. 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;
- D. 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;
- E. No user shall install pretreatment equipment, systems or devices in a confined space or a permit-required confined space.
- F. Whenever deemed necessary, the General Manager may require users to restrict their wastewater discharge, relocate and/or consolidate points of discharge, separate domestic waste streams from industrial waste streams, and other such conditions as may be necessary to protect the POTWWS and determine the user's compliance with the requirements of this Ordinance; and
- G. 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.

Section 3.8.36 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.

Section 3.9.37 Pretreatment Equipment Bypass.

A. No user shall bypass any pretreatment equipment or 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.

Section 3.10.37 Prohibited Discharge Of Recovered Pretreatment Waste.

No person shall discharge waste recovered from pretreatment equipment, systems, or devices into any sewer or storm drain opening or any drains or other openings leading to any sewer or storm drain or to the ground without authorization and permits from a regulatory agency having jurisdiction over the discharge of the waste. All recovered pretreatment waste shall be disposed of in accordance with all applicable federal, state, county, and local laws and regulations.

Section 3.11.37 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.

Section 3.12.38 Storm Water Diversion.

- A. All users having outdoor areas, which allow wastewater and storm water to enter a common opening connected to the District's Collection System, shall install and maintain, at the user's expense, a storm water diversion valve in the common opening.
- B. The storm water diversion valve design and use shall be reviewed and approved by the General Manager prior to installation.
- C. The valve shall allow wastewater to enter the District's Collection System during dry weather and prevent storm water from entering the District's Collection System during periods of inclement weather.
- D. Unless permitted to do so in accordance with subsection F of this Section, no user shall allow wastewater and storm water to mix.
- E. During periods of inclement weather, the user shall immediately suspend all outdoor wastewater generating activities and divert all storm water to a storm drain.
- F. If the discharge of storm water would create a pollution threat to surface or subsurface waters, the user may make application to the General Manager requesting that the storm water be discharged to the District's Collection System. Approval of a storm water discharge to the District's Collection System shall be based on:

- 1. Hydraulic capacity of District's Collection System;
- 2. Hydraulic capacity of the POTWS;
- 3. Total volume of storm water to be discharged in a twenty-four hour period;
- 4. A demonstrated need to discharge storm water to the District's Collection System to prevent surface and subsurface water contamination; and
- 5. A good faith effort made by the user to prevent the pollution of storm water by industrial waste and waste generated by the user.

Section 3.13.38 Industrial User Modifications.

All permitted industrial users shall report proposed changes in their operations in writing to the General Manager for approval thirty days prior to initiation of the changes. The reporting shall be done in writing from the authorized representative of the permitted Industrial User. For the purposes of this section "changes" shall include any of the following:

- A. A sustained twenty percent increase or decrease in the industrial wastewater flow discharged or in production capacity;

- B. Additions, deletions or changes to processes or equipment; or
- C. Experimentation with new processes and/or equipment that will affect the quantity or quality of the wastewater discharged.

Section 3.14.39 Spill Containment System.

Spill containment systems, as may be required, shall conform to requirements established by the General Manager. These requirements may include but are not limited to the following:

- A. No person shall operate a spill containment system that allows incompatible substances to mix and thereby create a hazardous or toxic substance in the event of a failure of one or more containers.
- B. Spill containment systems shall consist of a system of dikes, walls, barriers, berms, or other devices designed to contain spillage of the liquid contents of containers.
- C. Spill containment systems shall be constructed of materials that are impermeable and non-reactive to the liquids being contained.
- D. Spill containment systems shall conform to local regulations and policies as to percent containment, container type, size, outdoor covering, and the length of time spilled material may remain in the spill containment system.
- E. At no time shall a user use a spill containment system for the storage of waste other than from a spill.

Section 3.15.39 Facility Waste Management Plan.

All permitted Industrial Users shall be required to develop and maintain a Facility Waste Management Plan (FWMP). The FWMP shall consist of the following applicable documents:

- A. Toxic Organic Management Plan (TOMP) is required of all Categorical Industrial Users that are permitted to submit a TOMP in lieu of required pollutant monitoring.
- B. Slug Discharge Prevention Control Plan(SDPCP) is required of all Industrial Users, which have batch discharge provisions, stored chemicals or materials, or the potential for a slug discharge, which, if discharged to the District's Collection System, would violate any of the prohibited discharge requirements of this Ordinance.

C. Pretreatment Systems Operations and Maintenance Manual shall be submitted by all industrial users that operate and maintain pretreatment equipment for the removal of pollutants from wastewater.

D. Hazardous Materials and Hazardous Waste Management Plan is required of all Industrial Users that use or possess a hazardous substance or generate a hazardous substance. The County's Fire Department-required Business Emergency Plan may be substituted for this management plan.

E. Waste Minimization/Pollution Prevention Plan (WM/PPP) is required of any industrial user:

1. For whom the General Manager has determined such WM/PPP is necessary to achieve a water quality objective;
2. Determined by the California State Water Quality Control Board ("state board") to be a chronic violator, and the state board, Regional Board or District determines that pollution prevention (as defined in Water Code Section 13263.3(b)) could assist;
3. That significantly contributes, or has the potential to significantly contribute, to the creation of a toxic hot spot as defined in water Code Section 13391.5.

F. A WM/PPP required of an Industrial User shall include all of the following:

1. An analysis of one or more of the pollutants, as directed by the state board, Regional Board, or District, that the user discharges to the POTWS, a description of the sources of the pollutants, and a comprehensive review of the processes used by the discharger that result in the generation and discharge of the pollutants.
2. An analysis of the potential for pollution prevention to reduce the generation of the pollutants, including the application of innovative and alternative technologies and any adverse environmental impacts resulting from the use of those methods.
3. A detailed description of the tasks and time schedules required to investigate and implement various elements of pollution prevention techniques.

4. A statement of the discharger's pollution prevention goals and strategies, including priorities for short-term and long-term action.

5. A description of the discharger's existing pollution prevention methods.

6. A statement that the discharger's existing and planned pollution prevention strategies do not constitute cross media pollution transfers unless clear environmental benefits of such an approach are identified to the satisfaction of the District and information that supports that statement.

7. Proof of compliance with the Hazardous Waste Source Reduction and Management Review Act of 1989 (article 11.9 (commencing with Section 25244.12) of Chapter 6.5 of Division 20 of the Health and Safety Code) if the discharger is also subject to that act.

8. An analysis, to the extent feasible, of the relative costs and benefits of the possible pollution prevention activities.

9. A specification of, and rationale for, the technically feasible and economically practicable pollution prevention measures selected by the discharger for implementation.

G. Any person who fails to complete a Pollution Prevention Plan required by the District, submits a Plan that does not comply with this Section, or fails to implement a Plan required by the District, shall be liable to the District for any civil penalty assessed administratively by the District or by a court in accordance with this Ordinance.

H. The District shall not include a WM/PPP in any local limits or permit issued by the District.

Section 3.16.41 Federal Categorical Pretreatment Standards.

It is unlawful for any user subject to federal categorical pretreatment standards to discharge wastewater to the District's Collection System or the POTWS in violation of the applicable federal categorical pretreatment standards or any limitation contained in this Ordinance or user's permit. The federal categorical pretreatment standards found in 40 CFR Chapter I, Subchapter N and amendments thereto are hereby incorporated into this Ordinance by reference. Where duplication of the same pollutant limitation exists, the limitation that is more stringent shall prevail. Compliance with federal categorical pretreatment standards for existing sources subject to such standards or for existing sources, which, hereafter become subject to such standards shall be achieved within three years following promulgation of the standards unless a shorter compliance time is specified in the standards or by the General Manager. New sources shall install, have in

operating condition and "start-up" all pollution control equipment required to meet applicable pretreatment standards before beginning any discharge. New sources must meet all applicable pretreatment standards within the shortest feasible time, not to exceed ninety days.

Section 3.17.42 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 POTWS or in the District's Collection System, including any slug loadings of any material. Wastewater discharges that may cause a problem at the POTWS 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.

Section 3.18.42 Written Responses.

All users 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.

Section 3.19.42 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.

Section 3.20.42 Wastewater Discharge Authorization Certificate.

Any non-residential user desiring to discharge wastewater to the POTWS, that does not qualify for an Industrial User Permit, Group Permit, or DeMinimus Category and whose wastewater shall not have an adverse affect on the POTWS, may be required to obtain a Wastewater Discharge Authorization Certificate (WDAC) from the General Manager. WDACs shall not be issued to Categorical Industrial Users. WDACs are issued for indefinite time periods, subject to periodic review and consideration by the General Manager.

Section 3.21.42 Industrial User Group Permits.

Certain classes of Industrial Users, as determined by the General Manager, may be eligible to participate in an Industrial User Group Permit. Permittees within this designation shall share a common business identification as defined by the Federal NAICS codebook. Industrial Users permitted by this group permit shall abide by general

permit conditions specific for that particular group being permitted. These permit conditions shall be established by the General Manager.

Section 3.22.43 Industrial User Permits.

A. It is unlawful for any Class I, II, IV, V, or VI Industrial User to connect or discharge to District's Collection System or the POTWS without a valid Industrial User Permit. It is unlawful for any Class III Industrial User to connect or discharge to District's collection system or the POTWS without a valid Industrial User Permit, WDAC, or Industrial User Group Permit, as determined by the General Manager based upon the Industrial User's effect on the POTWS. District issuance of any such Permit or WDAC shall not vest any right in a user to continue connection or discharge to District's Collection System or the POTWS beyond any right expressly stated in such Permit or WDAC.

B. Plans and building permits for Class I, II, IV, V, or VI Industrial User Permits and those users designated by the General Manager shall not be approved by the General Manager for any sewer connection which will convey industrial wastewater to the District's Collection System or the POTWS unless the user has first obtained an Industrial User Permit or the user has received written permission from the General Manager after agreeing in writing not to discharge industrial wastewater until an Industrial User Permit has been obtained.

C. Users required to obtain an Industrial User 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. The application form may require applicant's submission of any or all of the following:

1. Name, address, and location (if different from the site address);
2. NAICS number according to the Federal North American Industry Classification System, Office of Management and Budget, 1997, as amended;
3. EPA hazardous waste generator's number;
4. Wastewater samples analyzed for specified pollutants by a State certified laboratory in accordance with the methods published by EPA in 40 CFR Part 136 and amendments thereto;
5. Time and duration of the wastewater discharges;

6. Average and maximum daily wastewater flow rates, including any seasonal variation of all waste streams discharged;
7. A list of all environmental control permits held;
8. A written statement from the property owner or landlord, if different from the industrial user, agreeing to the Industrial User's activities, manufacturing processes, and chemical and material storage;
9. Site plans, floor plans, mechanical and plumbing plans with details to show all sewers, sewer connections, pretreatment equipment, systems and devices, production areas and all areas of wastewater generation;
10. A description of operations including the nature, average rate of production, and NAICS code of the operation(s) carried out by the Industrial User, and a schematic process diagram, which indicates points of discharge to the POTWS;
11. Flow measurement information showing the measured average daily and maximum daily flow in gallons per day to the District's Collection System from regulated process waste streams and other waste streams as necessary to allow use of the combined waste stream formula;
12. Measurement of pollutants identifying the National Categorical Pretreatment Standard applicable to each regulated process, with the results of sample analyses identifying the nature and concentration (or mass where required) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass) shall be reported. All analyses shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto;
13. Certification statement, as set forth in 40 CFR Part 403.6(a)(2)(ii) and amendments thereto, executed by an authorized representative of the Industrial User and prepared by a qualified professional, indicating whether or not pretreatment standards (categorical and local) are being met on a consistent basis. If not, the Industrial User shall state if additional operation and maintenance or additional pretreatment equipment is necessary to achieve compliance with pretreatment standards and requirements; and

14. Any other information as may be necessary for the General Manager to evaluate the permit application.

D. Within forty-five days after receiving the completed application and all required supporting information, the General Manager shall evaluate the application and information furnished by the applicant and either issue an Industrial User Permit subject to the terms and conditions provided in this Ordinance, suspend the issuance of the permit or disapprove the application pursuant to subsection F of this Section. The General Manager shall issue the permit, if the General Manager believes that sufficient and accurate information has been provided by the applicant in the permit application and the General Manager finds that all of the following conditions are met:

1. The proposed discharge of the applicant is in compliance with the prohibitions and limitations of this Ordinance;
2. The proposed operation and discharge of the applicant would not interfere with the normal and efficient operation of the District's Collection System and the POTWS;
3. The proposed discharge, operation or business activity of the applicant shall not result in a violation by the District of the terms and conditions of the

POTWS NPDES permits or cause a pass through of any toxic materials to the environment or the POTWS sludge;
and

4. The applicant has paid all applicable Industrial User Permit fees.

E. The General Manager may suspend the permit application process if the user's business will not be operational and no wastewater is planned for discharge at the conclusion of the application review process. The user must notify the General Manager at least fourteen calendar days prior to the commencement of the business activities and wastewater discharge.

F. 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 Section 14.12.540 APPEALS.

G. Industrial User 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. Permits shall contain or require any or all of the following:

1. The unit charge or schedule of user charges and fees for the wastewater discharged to the POTWS as established by ordinance;
2. Schedule of penalties for noncompliance as established by ordinance;
3. Limitations on the average monthly and maximum daily wastewater pollutants and mass emission rates for pollutants;
4. Limitations on the average monthly and maximum daily wastewater flow rates;
5. Requirements for the submittal of a Facility Waste Management Plan;
6. Requirements for the submittal of daily, monthly, annual and long-term production rates;
7. Requirements for reporting changes and/or modifications to equipment and/or processes that affect the quantity or quality of the wastewater discharged;
8. Requirements for installation and maintenance of monitoring and sampling equipment and devices;
9. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate spill containment devices;
10. Specifications for monitoring programs which may include: sampling location(s); frequency of sampling; pollutant violation notification and resampling requirements; number, types and standards for tests; reporting schedules; TTO monitoring; and self-monitoring standard operating procedures (SOPs);
11. Requirements for reporting flow exceedences and pollutant violations;
12. A consent to District's entry onto the user's premises to assess compliance by inspection, records examination, sampling, and monitoring;
13. Compliance schedule;

14. Submission of a modified compliance schedule if compliance with pretreatment standards cannot be met on a consistent basis. This modified compliance schedule shall provide the shortest possible time for the Industrial User to provide additional pretreatment and/or operations and maintenance to achieve compliance. The modified compliance schedule shall contain increments of progress, (called milestones) in the form of dates, not to exceed nine months, for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the Industrial User to achieve compliance with applicable federal categorical pretreatment standards;

15. Compliance Schedule progress reports, if required, shall be submitted every thirty days during the time the compliance schedule is in force, including a final compliance report at the conclusion of the compliance schedule. The Industrial User shall state whether or not compliance was achieved for the increment of progress to be met on such a date. If progress cannot be achieved, the Industrial User shall state the reasons for the delay and the steps to be taken to return to the dates originally established in the compliance schedule;

16. Requirements for submission of technical or discharge reports, Baseline Monitoring Reports (BMR), compliance reports, and reports on continued compliance;

17. Reports on compliance with federal categorical pretreatment standards deadlines. All Categorical Industrial Users shall submit reports to the General Manager containing the information described in this Section as required by the Permit. For existing Categorical Industrial Users, the report shall be submitted within ninety days following the date for final compliance with applicable categorical pretreatment standards. For new Categorical Industrial Users, the report shall be due thirty days following the commencement of wastewater discharge into either of the POTWS. These reports shall contain long-term production rates and actual production during the wastewater sampling periods;

18. All Significant and Categorical Industrial Users shall submit progress reports on compliance every six months. These reports shall include effluent sample analyses with the name and concentration or mass of the pollutants in the Industrial User Permit; average and maximum daily

wastewater flows for all regulated processes and total flow for the reporting period; average and maximum daily production rates; and total production rate for the reporting period;

19. All required reports: BMRs, compliance reports, periodic reports on continued compliance, and sample data submittals, must be signed by an authorized representative of the user;

20. All reports required by subdivision 18 of this subsection G must have an accompanying certification statement by a qualified professional stating whether the pretreatment standards are or are not being met as set forth in 40 CFR Section 403.12(b)(6) and amendments thereto;

21. Requirements for maintaining and retaining all records relating to the wastewater monitoring, sample analyses, production, waste disposal, recycling, and waste minimization as specified by the General Manager;

22. Requirements for notification of slug or accidental discharges and significant changes in volume or characteristics of the pollutants discharged;

23. Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and this Ordinance and amendments thereto; and

24. Other conditions as deemed appropriate by the General Manager to ensure compliance with this Ordinance and amendments thereto.

Section 3.23.48 Permit Duration.

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

Section 3.24.48 Duty To Comply.

All users that have been issued an Industrial User Permit, Group Permit, WDAC, or De Minimis Categorization 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.

Section 3.25.549 Permit Renewal.

All users shall submit a completed Industrial User Permit application, required monitoring information or production reports, and any other information required for permit renewal a minimum of ninety calendar days prior to the expiration of the existing Industrial User Permit. All users shall pay all applicable permit fees no later than thirty calendar days after invoicing by the District. If the General Manager fails to notify user of General Manager's decision to issue or not issue a renewed permit prior to the expiration date of the current permit, the user's timely submission of a completed application and all other required information and reports shall automatically extend the permit for up to thirty working days until the actual permit can be issued or denied. Any discharge of industrial wastewater to District's Collection System or the POTWS with an expired Industrial User Permit shall be a violation of this Ordinance and subject the user to enforcement action.

Section 3.26.49 Permit Modifications.

A. The terms and conditions of the Industrial User Permit shall be subject to modification by the General Manager during the term of the permit for just cause including, but not limited to:

1. To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
2. To address significant alterations or modifications to the user's operation, processes, or wastewater volume or character since the time of the industrial user permit issuance;
3. A change in the POTWS that require either a temporary or permanent reduction or elimination of the permitted discharge;
4. The permitted wastewater discharge poses a threat to the POTWS, District or contracted treatment agency personnel, residents, or receiving waters;
5. Violation of any term or condition of the Industrial User Permit;
6. Misrepresentations or failure to fully disclose all relevant facts in the Industrial User Permit application or in any required reporting; or
7. To correct typographical or other errors in the Industrial User Permit.

B. The District shall notify the user of any proposed permit changes at least thirty days prior to the effective date of the changes. Any modifications in the permit shall include a reasonable time schedule for compliance.

Section 3.27.50 Permit Transfer.

Each Industrial User Permit, WDAC, or Industrial User Group Permit is issued to a specific user for a specific operation for a specified time. Any assignment, transfer or sale of an Industrial User Permit, WDAC, or Industrial User Group Permit to a new owner, new user, different premises, or different use is prohibited and is a violation of this Ordinance.

Section 3.28.50 Fees And Charges.

The District is authorized to recover costs from users for the implementation of the District's pretreatment program in the form of fees and charges. These fees and charges relate exclusively to matters covered by this Ordinance and are separate from all other fees and charges imposed by the District. The amount of these fees and charges and method of implementation shall be established by ordinance of the District's Board of Directors. The District may assess fees and charges under this Ordinance against users to recover the costs for:

- A. Developing, implementing, and operating the District's pretreatment program and this Ordinance;
- B. Monitoring, inspection, surveillance procedures and laboratory costs;
- C. Reviewing plans and construction inspections;
- D. Industrial User Permit application review;
- E. Industrial User Permit, Industrial User Group Permit, and wastewater discharge authorization certificate issuance;
- F. Enforcement actions for violation of this Ordinance;
- G. Temporary user permit issuance;
- H. Strength based surcharges set forth in the Industrial User Permit. Such strength-based surcharges shall be based on the POTWS cost of operations, maintenance and treatment for the pounds of BOD, COD, Total Suspended Solids, Oil and Grease and Total Nitrogen. The fee shall be based upon which POTW the user discharges to and shall be set by ordinance;
- I. Nonresidential users sewer service fees shall be assessed upon the following conditions:

1. All non-residential users that discharge any volume of wastewater to the District's Collection System or the POTWS that has amounts of BOD, COD, TSS or oil and grease greater than or equal to the average amounts of BOD, COD, TSS and oil and grease normally found in twenty-five thousand gallons of domestic sewage shall be designated "Industrial Users" and shall pay monthly-sewer service fees based on the industrial user sewer rates established periodically by ordinance. The industrial user sewer rates shall be based upon total volume of wastewater discharged and District's costs for providing services and treatment for the pounds of BOD, COD, Total Suspended Solids, and oil and grease discharged.

2. All non-residential users that discharge any volume of wastewater to the District's Collection System or one of the POTWS, that has amounts of BOD, COD, TSS and oil and grease less than the average amounts of BOD, COD, TSS and oil and grease normally found in twenty-five thousand gallons of domestic sewage, shall be designated "Commercial Users". These Commercial Users shall pay monthly sewer service fees based upon the commercial sewer use rates established periodically by ordinance. The commercial sewer use rates shall be based on the costs for providing services and treatment for the amounts of BOD, COD, TSS and gallons of wastewater discharged.

Section 3.29.51 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 that 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.

Section 3.30.51 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.

IV. Enforcement.

Section 4.1.52 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 ordinance of the District's Board of Directors, to guide the District in imposing progressive enforcement actions against users and persons in noncompliance with this Ordinance.

Section 4.2.52 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 Section 14.12.460 of this Ordinance, permit application fees, permit renewal fees, and Civil Penalties within sixty calendar days after the due date; or
 12. Failure to pay all other required fees, penalties, and charges within sixty calendar days after the due date.
- 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.

Section 4.3.53 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 POTWS, 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 POTWS 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 POTWS; 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.

Section 4.4.54 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 POTWS, the POTWs 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.

Section 4.5.55 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 consecutive day period that industrial wastewater is discharged to the POTWS. 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 Sections 14.12.510 or 14.12.535 of 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 Collection System, the POTWS, 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 POTWS 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.

Section 4.6.59 Termination Of Service.

The General Manager may immediately order a user to cease discharge of wastewater to District's Collection 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 Collection 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, to prevent or minimize damage to the POTW or the District's Collection 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.

Section 4.7.60 Publication Notice.

The names of all Significant Industrial Users which are found to be in significant noncompliance with this Chapter shall be published at least annually in the City's largest daily circulating newspaper, in accordance with 40 CFR 403.8(f)(2)(vii) and amendments thereto.

Section 4.8.60 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 POTWS, and any other factor as justice requires. The purpose of any civil penalty is to encourage compliance and remedy unquantified damage to the POTWS and environment, and not to impose criminal sanctions nor retribution.

C. If any user discharges wastewater into the District's Collection System or the POTWS 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)

Section 4.9.60 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.

Section 4.10.61 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.

Section 4.11.61 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.

Section 4.12.61 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.

Section 4.13.62 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 Collection System, the POTWS, 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.

Section 4.14.62 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.

Section 4.15.63 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.

Section 4.16.63 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.

Section 4.17.63 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 Collection System, the POTWS, 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.

Section 5: The Secretary of the District's Board of Directors shall certify to the adoption of this ordinance and cause publication once in a newspaper of general circulation in accordance with Section 6061 of the Government Code. This ordinance shall become effective on the 30th day after the date of its adoption.

ADOPTED this 26th day of September 2005.


President of the Board of Directors

ATTEST:


Secretary of the Board of Directors