

**RUBIDOUX COMMUNITY SERVICES DISTRICT  
ORDINANCE NO. 105**

**AN ORDINANCE OF THE RUBIDOUX COMMUNITY SERVICES DISTRICT,  
REPEALING ORDINANCE NO. 101 IN ITS ENTIRETY AND ENACTING  
A NEW ORDINANCE RELATING TO THE DISCHARGE OF WASTES  
INTO THE SEWER SYSTEM OF THE RUBIDOUX COMMUNITY SERVICES DISTRICT**

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

Section 1: Ordinance No. 101 of the Rubidoux Community Services District is hereby repealed in its entirety.

Section 2: Ordinance No. 105 is hereby enacted to read in words and figures as follows:

**ORDINANCE NO. 105**

**DISCHARGE OF WASTES INTO THE PUBLIC SEWER SYSTEM.**

**I. PREAMBLE-DEFINITIONS AND ABBREVIATIONS**

- 1.1 Purpose and Policy
- 1.2 Definitions
- 1.3 Abbreviations

**II. GENERAL PROVISIONS**

- 2.1 Administration
- 2.2 Authorization for New or Increased Pollutant Discharge
- 2.3 Notice
- 2.4 Confidentiality
- 2.5 Inspection and Sampling
- 2.6 Inspection Warrants
- 2.7 Monitoring
- 2.8 Record Keeping
- 2.9 Flow Measurement
- 2.10 Infectious Waste Disposal
- 2.11 Water Softening Restrictions
- 2.12 Gravity Separation Interceptor

- 2.13 Interceptor Requirements
- 2.14 Approved Interceptor Manufacturers
- 2.15 Interceptor Maintenance
- 2.16 Restaurants
- 2.17 Prohibited Restaurant Surface Discharges
- 2.18 Conditional Waivers
- 2.19 Liquid Waste Haulers
- 2.20 Use of and Damage to District Equipment or Facility
- 2.21 Surface Discharge Prohibitions
- 2.22 Point of Discharge Limitation
- 2.23 Time Limits

### **III. INDUSTRIAL WASTES**

- 3.1 Separation of Domestic and Industrial Wastes
- 3.2 Prohibited Waste Discharges
- 3.3 Swimming Pool Discharge Requirements
- 3.4 Limitation on Wastewater Strength
- 3.5 Local Limits
- 3.6 De Minimus Categorization
- 3.7 Pretreatment of Industrial Wastewaters
- 3.8 Unauthorized Monitoring and Pretreatment Equipment Modifications
- 3.9 Pretreatment Equipment Bypass
- 3.10 Prohibited Discharge of Recovered Pretreatment Waste
- 3.11 Dilution Prohibited as a Substitute for Treatment
- 3.12 Stormwater Diversion
- 3.13 Industrial User Modifications
- 3.14 Spill Containment System
- 3.15 Facility Waste Management Plan
- 3.16 Federal Categorical Pretreatment Standards

- 3.17 Commercial/Industrial Tenant Occupancy Notification
- 3.18 Notice of Potential Problems to POTW
- 3.19 Written Responses
- 3.20 Falsifying Information
- 3.21 Wastewater Discharge Authorization Certificate
- 3.22 Industrial User Group Permits
- 3.23 Industrial User Permits
- 3.24 Permit Duration
- 3.25 Duty to Comply
- 3.26 Permit Renewal
- 3.27 Permit Modifications
- 3.28 Permit Transfer
- 3.29 Reporting Requirements for Permittees
- 3.30 Charges and Fees
- 3.31 Assessment of Permit Fees and Charges
- 3.32 Payment of Fees and Late Fees
- 3.33 Industrial User Survey

#### **IV. ENFORCEMENT**

- 4.1 Enforcement Response Plan (ERP)
- 4.2 Administrative Violations
- 4.3 Violations of Discharge Limitations
- 4.4 Unclassified Violations
- 4.5 Separate Violations
- 4.6 Notification of Violation
- 4.7 Administrative Orders
- 4.8 Industrial User Permit Revocation
- 4.9 Termination of Service

- 4.10 Annual Public Notice of Significant Noncompliance
- 4.11 Noncompliance Monitoring Program
- 4.12 Notice of Discharge Prohibition
- 4.13 Civil Penalties
- 4.14 Criminal Penalties
- 4.15 Probationary Periods
- 4.16 Remedies Nonexclusive
- 4.17 Legal Action
- 4.18 Judicial Collection
- 4.19 Judicial Review
- 4.20 Damage to Facilities or Interruption of Normal Operations
- 4.21 Appeals
- 4.22 Alternative Enforcement Procedures
- 4.23 Invalidity
- 4.24 Interpretation - Intent
- 4.25 Conflict

Section 3: Adoption

**I. PREAMBLE, DEFINITIONS, AND ABBREVIATIONS**

**1.1 PURPOSE AND POLICY**

The collection system of Rubidoux Community Services District, hereinafter called the "District", conveys untreated sewage to the Regional Wastewater Treatment Facilities of the City of Riverside, hereinafter called the "City". Treated effluent from the wastewater treatment facilities is discharged into the Santa Ana River. The chemical nature of this effluent affects the quality of water flowing in the river as well as the quality of underground waters in the Santa Ana River Basin.

The California Regional Water Quality Control Board, Santa Ana Region, hereinafter called the "Regional Board", has established discharge limitations for the chemical content of sewage effluent discharged by the City. These limitations are set forth from time to time in duly enacted resolutions and orders of the Regional Board.

The United States Environmental Protection Agency has established regulations and requirements controlling the quality of water which may be discharged by industrial users into Publicly Owned Treatment Works (POTWs). Said regulations and requirements are codified in Part 403 of Chapter I, Subchapter N of Title 40 of the Code of Federal Regulations (CFR) and amendments thereto. Said regulations and requirements are for the following purposes:

- (A) To prevent the introduction of pollutants into a Publicly-Owned Treatment Works (POTW) which will interfere with the operation of the POTW, including interference with its use or disposal of municipal biosolids;
- (B) To prevent the introduction of pollutants into a POTW which will pass through the treatment works, inadequately treated, to the receiving waters or otherwise be incompatible with such works;
- (C) To improve opportunities to recycle and reclaim municipal and industrial wastewaters and biosolids;
- (D) To enable POTWs to comply with National Pollutant Discharge Elimination System (NPDES) permit conditions, biosolids use and disposal requirements, and any other federal or state laws to which the POTW is subjected; and
- (E) To protect and preserve the health and safety of the public and personnel of the POTW.

In accordance with a Memorandum of Understanding adopted on September 11, 1985 (MOU) between the City, the District, and other parties contracting with the City for sewage treatment, the District has agreed to perform all the following:

- (A) Be responsible for the performance of all pretreatment requirements contained in 40 CFR Part 403 and be subject to enforcement actions, penalties, fines, and other remedies by the U.S. Environmental Protection Agency (EPA), or other appropriate parties, as provided in the Clean Water Act, as amended (33 USC 1351 et seq.) (hereafter "Act").
- (B) Implement and enforce its Approved Pretreatment Program.
- (C) Enforce the requirements promulgated under Sections 307(b), 307(c), 307(d), and 402 (b) of the Act.
- (D) Cause industrial users subject to Federal Categorical Standards to achieve compliance no later than the date specified in those requirements or, in the case of a new industrial user, upon commencement of the discharge.
- (E) Perform the pretreatment functions as required in 40 CFR Part 403 including, but no limited to:
  - 1) Implement the necessary legal authorities as provided in 40 CFR 403.8 (f) (1);
  - 2) Enforce the pretreatment requirements under 40 CFR 403.5 and 403.6;
  - 3) Implement the programmatic functions as provided in 40 CFR 403.8 (f) (2); and
  - 4) Provide the requisite funding and personnel to implement the pretreatment program as provided in 40 CFR 403.8 (f) (3).

This ordinance shall provide for the regulation of wastewater discharges in accordance with 40 CFR 403 and the MOU, and shall apply to all users of District's collection system. This ordinance authorizes:

- (A) The issuance of industrial user permits;
- (B) Monitoring, compliance, and enforcement activities;
- (C) Administrative review procedures;
- (D) Industrial waste plan check review services;

- (E) User reporting requirements:
- (F) The establishment of fees; and
- (G) The equitable distribution of costs resulting from the program established herein.

1.2 **DEFINITIONS.** Unless the context specifically indicates otherwise, the meaning of the terms used in the ordinance shall be as follows:

- (1) **“Act” or “the Act”** means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251, et. seq. This Act has been incorporated by reference into California Law in the Water Code, Chapter 5.5.
- (2) **Approved Analytical Methods** means the sampling referred to in 40 CFR Part 403, Appendix E, and 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 E.P.A. 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 E.P.A.
- (3) **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 or proprietor if the user is a partnership or sole proprietorship respectively;
  - (c) If the user is a federal, state, or local government facility: a director, 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 Manager by the individual described in Paragraph (a) or (b) or(c) of this definition.
- (4) **Biochemical Oxygen Demand (BOD)** means the quantity of oxygen, expressed in mg/l, required to biologically oxidize the organic material in a waste or wastewater sample measured under standard laboratory methods of five (5) days at twenty (20) degrees Centigrade.
- (5) **Board of Directors** means the Board of Directors of Rubidoux Community Services District.
- (6) **Bypass** means the intentional diversion of wastestreams from any point of a user’s pretreatment facility.

- (7) **Categorical Standards** means the Federal Categorical Pretreatment Standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced into the POTW by existing or new Industrial Users in specific industrial categories established as separate regulations under the appropriate subpart of 40 CFR Chapter 1, Subchapter N, Parts 405-471, as it exists and as it may be amended.
- (8) **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 1, Subchapter N, and amendments thereto.
- (9) **The City** means the City of Riverside.
- (10) **Chemical Oxygen Demand (COD)** means the quantity of dissolved oxygen, expressed in mg/l, required to chemically oxidize the contents of 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.
- (11) **Class I User** means those industrial users with an annual average wastewater discharges of 25,000 gallons or more per day; a Significant Industrial User; and a Categorical User which has a federally regulated process wastestream discharge.
- (12) **Class II User** means an industrial user with an annual average wastewater discharge between 10,000 and 24,999 gallons per day.
- (13) **Class III User** means an industrial user with an annual average wastewater discharges between one and 9,999 gallons per day where the industrial discharge has a reasonable potential for adversely affecting the POTW's operation or violating any pretreatment standard, prohibition, or requirement of this Chapter.
- (14) **Class IV User** means any person that stores hazardous substances on its site, irrespective of whether such person discharges industrial process wastewater to the District's collection system.
- (15) **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 not exceed 180 days.
- (16) **Collection System** means all pipes, sewers and conveyance facilities of Rubidoux Community Services District; including, but not limited to, the public sewer, pipelines, manholes, sewers, sewer laterals, lift stations, and sewage pumps. For the purpose of this Ordinance, "Collection System" shall also include any facilities that convey wastewater from persons outside the District who are Users of the District's collection system, whether by contract or not.
- (17) **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 and Significant Industrial Users whose effluent is a mixture of regulated, unregulated, and dilution wastewater as defined in the formula.
- (18) **Compliance Time Schedule** means a formal time schedule for achieving compliance enforceable under this Chapter 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.

- (19) **Composite Sample** means a sample which is collected from a wastewater discharge over a time period of twenty-four (24) hours. A composite sample may be collected using automatic continuous or discrete sampling equipment, or by manually collecting a minimum of four grab samples. Where specified by the Manager, composite samples shall be collected in a manner which is proportional to the flow rate of the discharge.
- (20) **Confined Space** pursuant to the California Code of Regulations, Title 8, Section 5157, subsection b, and amendments thereto, means a space that:
- (a) Is large enough and so confined 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.
- (21) **Conventional Pollutants** shall be defined as 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 District's NPDES permit for its POTW where said POTW has been designed and used to reduce or remove such pollutants.
- (22) **Cooling Water** means all water used solely for the purpose of cooling a manufacturing process, equipment, or product.
- (23) **County** means the County of Riverside or the Board of Supervisors of the County of Riverside.
- (24) **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.
- (25) **Discharger** means any person who causes or contributes a discharge of wastewater into the POTW.
- (26) **District** means Rubidoux Community Services District, its Board of Directors, or its duly authorized representative.
- (27) **District Counsel** means the attorney for the District or an authorized representative, deputy, or agent appointed by the District Counsel.
- (28) **Domestic Septic Wastes** means all domestic wastes contained in septic tanks, cesspools, seepage pits, holding tanks and private disposal systems.



- (29) **Domestic Wastewater** means water bearing wastes from private residences and 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 usually contains no more than two hundred (200) mg/l of total suspended solids (TSS), two hundred (200) mg/l of BOD and four hundred twenty (420) mg/l of COD.
- (30) **Effluent** means the liquid outflow from treatment facilities, the POTW, or the nondomestic wastewater discharged by an Industrial User to the POTW.
- (31) **Emergency** means facts or circumstances that the District reasonably determines create an imminent threat of harm to public health or safety, the environment or the POTW.
- (32) **Electrical Conductivity (EC)** means the ability of an aqueous solution to carry an electrical current, expressed in terms of micromhos per centimeter ( $\mu\text{mhos/cm}$ ) at 25°C, and analyzed in accordance with Approved Analytical Methods.
- (33) **Environmental Protection Agency (E.P.A.)** means the United States Environmental Protection Agency, its Administrator, or its authorized representative.
- (34) **Exchange Type Water Conditioning Device** means a water conditioning device that is removed for regeneration from the premises at which it is normally operated to a commercial regeneration facility.
- (35) **Federal Categorical Pretreatment Standard** means the National Pretreatment Standards, established by the E.P.A., specifying quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced into the District's collection system or POTW by existing or new industrial users in specific industrial categories established as separate regulations under the appropriate subpart of 40 CFR Chapter I, Subchapter N and amendments thereto, as it exists and as it may be amended.
- (36) **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.
- (37) **Grab Sample** means an individual sample collected from a wastewater discharge over a period of time not exceeding 15 minutes.
- (38) **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.
- (39) **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.
- (40) **Heating Water** means all water used solely for the heating of a manufacturing process, equipment, or product.

- (41) **Industrial User** means any person or entity, public or private, industrial, commercial, governmental, or institutional which discharges or causes to be discharged, industrial wastewater and waterborne waste into the District's collection system or POTW.
- (42) **Industrial User Permit** means the regulatory procedure established and enforced by the Public Works Manager to control the discharge of wastewater into the District's collection system or POTW.
- (43) **Industrial Wastewater** means Nondomestic Wastewater.
- (44) **Infectious Waste** means all wastes which normally cause, or significantly contribute to the cause of, increased morbidity or mortality of human beings.
- (45) **Interference** means any discharge from a user which, alone or in conjunction with discharges from other sources, 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 MOU, the City's NPDES permit, 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, or the Marine Protection Research and Sanctuaries Act and any amendments to these Acts or regulations.
- (46) **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.
- (47) **Liquid Waste Hauler** means any person engaged in the truck hauling of liquid wastes from septic tanks, seepage pits, cesspools, holding tanks or any other private disposal system for domestic wastewater.
- (48) **Local Limits** means specific prohibitions or pollutant limitations or pollutant parameters which are developed by the POTW and adopted by the District in accordance with 40 CFR 403.5(c) and amendments thereto.
- (49) **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.
- (50) **Manager** means the Secretary-Manager of Rubidoux Community Services District or his authorized representative, agent in deputy.
- (51) **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.
- (52) **May** is permissive
- (53) **mg/l** means milligrams per liter
- (54) **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 14 consecutive day period and submit production data for that period.

- (55) **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 month.
- (56) **National Pollutant Discharge Elimination System (NPDES) Permit** means the permit issued pursuant to Section 402 of the Act (33 USC 1342) for the POTW.
- (57) **National Pretreatment Standard** means any regulation developed under the authority of Section 307(b) of the Act and 40 CFR 403.5.
- (58) **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.
- (59) **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.
- (60) **Non-Categorical Significant Industrial User (NCSIU)** means a Significant Industrial User who is not subject to promulgated categorical standards.
- (61) **Non-Contact Cooling or Heating Water** means any water which is used solely for cooling or heating, and which has no direct contact with any raw material, intermediate or final product.
- (62) **Non-Domestic Wastewater** means all wastewater except domestic wastewater and unpolluted water as defined herein. Nondomestic wastewater shall include, but not be limited to, wastewater resulting from industrial, commercial, producing, manufacturing, processing, institutional, governmental, and agricultural operations, and brine wastewater resulting from the regeneration of water conditioning devices. All liquid wastewater hauled by truck, rail, or another means shall also be considered as nondomestic wastewater, regardless of the original source of the wastes. Hauled domestic wastewater is included in the category of nondomestic wastewater.
- (63) **Non-Residential User** means any commercial, institutional, industrial, or governmental entity, public or private, or its agents, public or private, that discharges or causes to be discharged any waste material to the POTW.

- (64) **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.
- (65) **Pass Through** means any discharge which exits the POTW into Waters of the State 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 MOU or the City's NPDES permit, including an increase in the magnitude or duration of a violation.
- (66) **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.
- (67) **pH** means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions, as analyzed in accordance with Approved Analytical Methods.
- (68) **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 discharged into water.
- (69) **Pollutant Exceedance Fee** means a fee in addition to the sewer service charge, which is charged on those users whose wastewater discharge pollutants exceed permitted pollutant levels for COD, total suspended solids, total nitrogen and oil and grease.
- (70) **Pollution** means the man-made or man-induced adverse alteration of the chemical, physical, biological, or radiological integrity of water.
- (71) **POTW Treatment Plant** means the portion of the POTW designed to provide treatment to wastewater.
- (72) **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 to a less harmful state, prior to or in lieu of discharging or otherwise introducing such pollutants into a collection system. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by any other means, except, as prohibited by 40 CFR 403.6 (d), the use of dilution.
- (73) **Pretreatment Requirement** means any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an Industrial User.
- (74) **Pretreatment Standard** means any regulation containing pollutant discharge limits or prohibitions promulgated by EPA or the City, applicable to Industrial Users, including promulgated Categorical Standards, National Pretreatment Standards, and Prohibited Waste Discharges contained in Section 3.2 herein and specific local discharge limitations adopted by the District by resolution.

- (75) **Pretreatment Waste** means all waste, liquid or solid, removed from a waste stream or discharge by physical, chemical, or biological means.
- (76) **Publicly Owned Treatment Works (POTW)** means any devices, equipment, pipes, and systems used in the transmission, storage, treatment, recycling and reclamation of municipal sewage, sludge, or industrial wastewater. This definition includes the Regional Wastewater Treatment Facilities owned and operated by the City, any wastewater treatment facilities owned and operated by the District, and any other publicly owned and operated devices or systems used in the storage, treatment, recycling, and reclamation of municipal sewage. It also includes the collection system which conveys wastewater to the wastewater treatment facilities.
- (77) **Public Sewer** means any sewer located in or maintained by the District. The term as used here does not include storm drains or channels for conveyance of natural surface waters
- (78) **Qualified Professional** means any person who by virtue of education, training, or experience is qualified to evaluate and assess pollutant discharges and violations of the Chapter.
- (79) **RCRA** means the Resource Conservation and Recovery Act and its Regulations as contained in 40 CFR Par 260-266 and 270 and amendments thereto.
- (80) **Regional Board** means the California Regional Water Quality Control Board, Santa Ana Region.
- (81) **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.
- (82) **Self-monitoring** means wastewater samples taken by a user or the user's contracted laboratory, consultant, engineer, or similar entity.
- (83) **Service Lateral Line** means 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..
- (84) **Shall** is mandatory
- (85) **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; or any user that has one or more of the following:
  - (a) Industrial wastewater discharge at an average rate of at least 25,000 gallons per day (gpd) to the District's POTW (excluding sanitary waste, unpolluted water, and boiler blowdown wastewater);
  - (b) A process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW;

- (c) Waste which contains any toxic pollutant(s) listed by the Environmental Protection Agency; or
  - (d) Is designated by the Manager on the basis that the user has a reasonable potential for adversely affecting the District's POTW or for violating any pretreatment standard or requirement.
- (86) **Significant Noncompliance (SNC)** means any compliance violation that meets one or more of the following criteria:
- (a) Chronic violations 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 or 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 (90) days after the scheduled date, a compliance schedule milestone contained in a Administrative Order, for starting construction, completing construction, or attaining final compliance;
  - (f) Failure to provide, within thirty (30) days of the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
  - (g) Failure to pay, within thirty (30) 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.
- (87) **Single Pass Non-Contact Cooling or Heating Water** means non-contact Cooling or Heating water which is used only once and is then discarded.
- (88) **Slug Discharge, or Slug Loading** means any wastewater, material or waste with such a high volume or pollutant concentration which will cause damage to, interference with, or pass through in the District's collection system, POTW, or sludge processes, use, or disposal.

- (89) **Slug Discharge Control Plan** means a plan submitted to the City by a user pursuant to Section 3.29(H) herein, which specifies to the Manager's satisfaction the potential pollutants used and/or stored at the user facility; potential pathways of entry of said potential pollutants into the POTW; and facilities and procedures for preventing or controlling the occurrence of Slug Loading.
- (90) **Solvent Management Plan (Toxic Organic Management Plan)** means a plan submitted to the District by an Industrial User pursuant to Section 3.29(G) herein, which specifies to the Manager's satisfaction the solvents and other toxic organic compounds used and stored; the methods of delivery, storage, and disposal used; and procedures for assuring that solvents and other toxic organics do not routinely spill or leak into the POTW or ground.
- (91) **Specific Compliance Plan** means a plan submitted to the City by an Industrial user pursuant to Section 3.29(I) herein, which specifies to the Manager's satisfaction the cause of noncompliance, the corrective actions which will be taken to prevent recurrence of said noncompliance, and if required by the Manager, a proposed Compliance Time Schedule.
- (92) **Standard Industrial Classification (SIC)** means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987, or latest edition thereof.
- (93) **Standard Methods** means "Standard Methods for the Examination of Water and Wastewater", latest edition, prepared and published by the American Public Health Association, American Water Works Association, and Water Environment Federation which specifies accepted procedures used to assess the quality of water and wastewater.
- (94) **State** means State of California.
- (95) **State Water Board** means the State of California Water Resources Control Board.
- (96) **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 basin.
- (97) **Storm Water** means any flow of water resulting from natural precipitation.
- (98) **Surcharge** means an assessment, in addition to the service charge, which may be levied on those Users whose wastes are greater in strength than surcharge threshold concentration values established by the Manager.
- (99) **Temporary User** means any user who is granted temporary permission by the Manager to discharge unpolluted water or wastewater to the sewer system and controlled by a Class V Industrial User Permit. Such temporary permission shall not be granted to Industrial Users subject to promulgated Categorical Standards.
- (100) **Total Dissolved Solids (TDS)** means the quantity of nonvolatile substances remaining after filtration through a standard filter and drying to constant weight at 180°C, expressed in terms of milligrams per liter (mg/l) and analyzed in accordance with Approved Analytical Methods. TDS is synonymous with Total Filterable Residue (TFR).

- (101) **Total Suspended Solids** means the total amount of residue retained by laboratory filtration and dried at 103-105°C.
- (102) **Total Toxic Organics, (TTO)** means the sum of all quantifiable values greater than 0.001 mg/l of the regulated toxic organic compounds which are found in the user's industrial wastewater discharge, and analyzed in accordance with Approved Analytical Methods.
- (103) **Unpolluted Water** means noncontact cooling and heating water, single pass cooling and heating water, air conditioning condensate, ice melt, condensate, landscape irrigation, crop irrigation, rain water, uncontaminated ground water or surface 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.
- (104) **Upset** means an exceptional incident which causes temporary and unintentional non-compliance with the discharge limitations or prohibitions applicable to a user or the POTW and which is beyond the reasonable control of a user or the POTW.
- (105) **User** means any person or entity, public or private, residential, industrial, commercial, governmental, or institutional who contributes, causes, or permits the contribution or discharge of wastewater or waterborne waste into the collection system of the District.
- (106) **Waste** means any discarded solid, semi-solid, liquid, or gaseous material.
- (107) **Wastewater** means the liquid and water-carried domestic wastes or non-domestic wastes from dwellings, commercial building, industrial facilities, and institution, together with any groundwater, surface water, and storm water that may present, whether treated or untreated, which is contributed into or permitted to enter the POTW.
- (108) **Wastewater Treatment Facilities** means the structures, equipment, and processes maintained by the City or the District which accept untreated sewage from the District's collection system and are required to treat and dispose of domestic and nondomestic wastewater.
- (109) **Water Conditioning Device** means any device or apparatus used to soften or otherwise condition water, including zeolite or resinous anion or cation exchange softeners, demineralizers, and any other like device.
- (110) **Waters of the State** means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.
- (111) **Water Supply** means the District's water supply serving the area tributary to the District's collection system.



**1.3 ABBREVIATIONS.** The following abbreviations shall have the designated meanings:

AO	Administrative Order
BOD	Biochemical Oxygen Demand (5 day)
BMR	Baseline Monitoring Report
CDO	Cease and Desist Order
CFR	Code of Federal Regulations
CIU	Categorical Industrial User
CO	Compliance Order
COD	Chemical Oxygen Demand
CTS	Compliance Time Schedule
EC	Electrical Conductivity
EPA	Environmental Protection Agency
gpd	Gallons Per Day
IU	Industrial User
l	Liter
LB	Pound
LEL	Lower Explosive Limit
MBAS	Methylene Blue Activated Substances
mg	Milligrams
mg/l	Milligrams per Liter
NOV	Notice of Violation
NPDES	National Pollutant Discharge Elimination System
NSIU	Non Significant Industrial User
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act
RCS	Rubidoux Community Services District
SIC	Standard Industrial Classification
SIU	Significant Industrial User
SNC	Significant Noncompliance
SWDA	Solid Waste Disposal Act, 42 USC 6901, et.seq.
TDS	Total Dissolved Solids
TRC	Technical Review Criteria (TRC) Violations
TSCA	Toxic Substances Control Act
TSS	Total Suspended Solids
TTO	Total Toxic Organics
µg	Micrograms
µg/l	Micrograms per Liter
µmhos/cm	Micromhos per Centimeter
UPC	Uniform Plumbing Code
USC	United States Code

**II. GENERAL PROVISIONS**

**2.1 ADMINISTRATION.**

- (A) **INTERPRETIVE RULES, ADOPTION OF.** The Manager may adopt interpretive rules consistent with the provisions of the Ordinance for the administration of the wastewater system. Interpretive rules by the 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 MANAGER.** Except as otherwise provided herein, the Manager shall administer, implement and enforce the provisions of this Ordinance. Any powers granted or duties imposed upon the Manager may be delegated by the Manager to persons acting in the beneficial interest or employ of the District, but shall remain the responsibility of the Manager. In addition to the authority to prevent or eliminate discharges through enforcement of discharge limitations and prohibitions, the Manager shall have the following authorities:

- (1) **Endangerment to the health or welfare of the community.** The 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 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 POTW; and
- (3) The discharges referred to in subdivisions 1 and 2 above may be halted or prevented without regard to the compliance of the user with other provisions of this Ordinance.

(C) **REGULATORY ACTIONS; SPECIFIC POWERS OF THE 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 the wastewater system tributary thereto, the 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 its POTW, including any fines, penalties or legal expenses including attorney fees payable by the District associated with alleged or actual violations of the City's NPDES permit, or the District's contract with the City, or the MOU, 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 the Ordinance.

**2.2 AUTHORIZATION FOR NEW OR INCREASED POLLUTANT DISCHARGE.** It shall be unlawful to commence, increase, or substantially change any discharge of nondomestic wastewater to the POTW except as authorized by the Manager in accordance with the provisions of this Ordinance.

**2.3 NOTICE.** Unless otherwise provided herein, any notice or order required or permitted to be given by the Manager under the Ordinance shall be in writing and served in person or by first class, registered, or certified mail. Notice shall be deemed to have been given at the time of deposit, postage prepaid, in a facility regularly serviced by the United States Postal Service.

**2.4 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 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 the Ordinance, District's NPDES Permit or the pretreatment program, and as required by state or federal law.

**2.5 INSPECTION AND SAMPLING.**

(A) The 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 Manager ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, and examination of records.

(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 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 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 Manager, all records required to be kept under the provisions of the Ordinance.

(H) The Manager shall inspect the facilities of each Significant Industrial User a minimum of once each year, and shall sample the discharge of each Significant Industrial User a minimum of once each year.

**2.6 INSPECTION WARRANTS.** If the 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 Manager may seek issuance of an inspection warrant duly issued pursuant to the procedure set forth in Title 13 (commencing with Section 1822.50) of Part 3 of the Code of Civil Procedure and amendments thereto. However, in the event of an emergency affecting the public health or safety, an inspection may be performed without consent or the issuance of a warrant.

**2.7 MONITORING.**

- (A) At the direction of the 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 Manager.
- (C) The 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 Manager and shall not be replaced.
- (E) The sampling station or measuring devices shall be maintained by the user 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 complete 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 Office. User shall submit to the 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 Manager within 24 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 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 user to enforcement actions.
- (K) All users required in their industrial user permit to take daily 24 hour readings of their wastewater effluent flow shall notify Manager of exceedance of its permitted flow within 24 hours of discovering the exceedance. The user shall make such notification, to the District's 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 pollution in violation. This resampling is required and is separate and independent of any wastewater sampling required 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 Manager no later than 30 days after the user discovers or becomes aware of the violation. Failure to submit the laboratory results within the 30 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 72 hours of confirming a pollutant violation.
- (N) All users that 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 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 24 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 (40) percent; and
  - (2) The average result from a minimum of four oil and grease grab samples taken in a 24 hour period shall not exceed the user's permitted limit for oil and grease.

**2.8 RECORD KEEPING.** All users shall keep records of waste hauling, reclamations, wastewater pretreatment, monitoring device charts and calibration reports, effluent flow, and sample analysis data, on the site of the wastewater generation. All these records are subject to inspection by Manager and shall be copied as needed. All records must be kept on the site of wastewater generation for a minimum period of three (3) years. The records retention period may be extended beyond three (3) years at the request of the Manager.

All records that pertain to matters that are subject of special orders or any other enforcement or litigation activities brought by the District shall be retained and preserved by the permittee until all enforcement or litigation activities have concluded and all periods of limitation with respect to any and all appeals have expired.

**2.9 FLOW MEASUREMENT.** Any industrial user who discharges 25,000 gallons per day or more of industrial wastewater, or as required by the 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 Manager. The user shall report to the 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 the accuracy of 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.

**2.10 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 Manager. Such a user shall submit a written request to the 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 Manager believes that the waste would not be completely disinfected, the Manager shall issue a written denial to the user and state the reasons for the denial. This denial shall be issued within thirty (30) days from receipt of the written request.
- (C) If the 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 (30) 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's 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.

**WATER SOFTENING RESTRICTIONS.**

- (A) No user shall install, replace, enlarge, or use any apparatus for softening all or any part of the water supply to an premises when such apparatus is an ion-exchange softener or demineralizer of the type that is regenerated on the site of the use with the regeneration wastes being discharged to the ground, storm drain or the District's collection system or POTW unless the apparatus is in compliance with the following conditions:
  - (1) The apparatus is a self-generating water softener;
  - (3) 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;
  - (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 Manager immediately in the event of a valve failure and immediately cease the discharge of all wastewater associated with the backwashing 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 3350 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 4000 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 City's Building Division. 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 Manager for inspection at reasonable times.
- (E) Notwithstanding subdivision 2 of subsection B of this Section, the District may limit the availability, or prohibit the installation, of residential water softening or conditioning appliances that discharge to the POTW if Manager makes all of the following findings:
- (1) The POTW is not in compliance with the discharge or water reclamation requirements in its NPDES permit;
  - (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 POTW to the extent technologically and economically feasible.



- (F) Notwithstanding subdivision 2 of subsection B of this Section, the District may limit the availability, or prohibit the installation, of residential water softening or conditioning appliances that discharge to the POTW if Manager makes all of the following findings:
- (1) The POTW is not in compliance with the discharge or 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, 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 POTW 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 the subsections E and F.

This Section shall not apply to an apparatus of the type which is regenerated off-site by a water conditioning company.

A person installing or operating a legal water conditioning apparatus of any kind shall make such apparatus accessible to the Manager for inspection at all times. The person shall submit reports relative to the operation of such apparatus to the Manager as the Manager may require.

**2.12 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 Manager, which facility discharges non-domestic wastewater to the District's collection system, shall discharge wastewater to District's collection system without a gravity separation interceptor that complies with all of the requirements of Sections 2.12 through 2.15. Domestic wastewater shall not be allowed to pass through the interceptor. The Manager shall determine the interceptor's operational fluid capacity. The interceptor shall have a minimum operational fluid capacity of not less than 100 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 ensure adequate cleaning capabilities.

**2.13 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 ensure adequate cleaning capabilities. All rings shall be affixed to the interceptor to ensure a gas and watertight seal. At no time shall any material, debris, obstacles, or other obstructions be placed which 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 the 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 3/8 of an inch.
- (D) All gravity separation interceptors shall be equipped with an influent tee extending no more than 6 inches below the operating fluid level of the interceptor. The interceptor shall also have tees extending to within 12 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 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 director.
- (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 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 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 which is acceptable to the Manager.

**2.14 APPROVED INTERCEPTOR MANUFACTURERS.** The Manager shall maintain a list of approved interceptor manufacturers available to the public at the District's main office. Installation of an interceptor from a manufacturer shown in this list 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.

**2.15 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 (25) percent by the accumulation of floating material, sediment, oils or greases.
- (B) The use of chemicals or other materials for the emulsification, suspension, or dissolution of oil and grease is prohibited.
- (C) The use of microbiological agents to metabolize oil and grease shall be reviewed for approval on a case-by-case basis. The user shall submit a written request to the Manager for the use of any microbiological agent prior to the use of that agent. The use of microbiological agents shall not be a substitute for adequate interceptor maintenance.
- (D) The user may be required to perform a study to document the effectiveness of any proposed microbiological agent's ability to metabolize oil and grease under the conditions of the intended use. These studies shall be performed at each unique site where the microbiological agent is proposed for use. The study shall include effluent wastewater sampling by both the user and the District. The user shall be responsible for all costs associated with the study, including all District

sampling and analysis costs. The elements of the study shall be submitted to the Manager for review and approval prior to any element of the proposed study being implemented.

- (E) 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.
- (F) If the interceptor is not maintained adequately under the conditions of use, then the interceptor shall be resized and the user shall install one that is effective in accomplishing the intended purpose.
- (G) The owner and lessee, sub-lessee, proprietor, operator, or superintendent of any facility, required to install an interceptor, are individually and severally liable for any failure to properly maintain such interceptor.

**2.16 RESTAURANTS.**

- (A) No person who owns, operates, or maintains a restaurant (restaurant user) shall discharge wastewater from such restaurant to the District's collection system or POTW without first receiving a written determination for Manager, and complying with such determination, of the District's grease interceptor requirement. Such restaurant users shall complete and submit a District Discharge Survey Form to the Manager for review of grease interceptor requirements. Within ten business days of receipt of the Wastewater Discharge Survey Form, Manager shall notify such restaurant user of Manager's determination whether installation of a grease interceptor is required prior to such restaurant user's discharge into the District's collection system or POTW. It is unlawful for any restaurant user notified by the Manager of the District's requirement of a grease interceptor to discharge restaurant wastewater into District's collection system or POTW without use of such grease interceptor in accordance with this Ordinance.
- (B) The 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 100 gallons and less than 750 gallons shall install a minimum 750 gallon grease interceptor. 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 750 gallon gravity separation interceptor which complies with Section 2.13 of this Chapter. 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 2.15.
- (E) The size of restaurant gravity separation interceptors shall be determined as described in the latest edition of the Uniform Plumbing Code, Appendix H.

- (F) Any interceptor or grease trap legally and properly installed at a food processing facility before June 1, 1991, shall be acceptable as an alternative to the interceptor specified above, provided such interceptor or grease trap is effective in removing grease and is so designed and installed that it can be inspected and properly maintained.

**2.17 PROHIBITED RESTAURANT SURFACE DISCHARGES.**

- (A) No restaurant user shall at any time discharge any wastewater to the street, storm drain, service dock areas, parking areas, or ground. Wastewater generated by restaurants must be disposed of to a sanitary sewer through an approved gravity separation interceptor or sample station connected to a sanitary sewer or hauled off-site and disposed at a legal disposal site.
- (B) If a restaurant has a blocked sewer lateral or failed sewage pumping device which causes the discharge of wastewater to the storm drain, service dock areas, or ground, the restaurant user shall immediately cease all wastewater generating activities that result in wastewater being discharged to the storm drain, service dock areas, or ground. Failure to comply with this requirement shall be considered a violation of this Ordinance and shall subject the restaurant user to enforcement actions.

**2.18 CONDITIONAL WAIVERS.** Notwithstanding subsection B of Section 2.16, at the discretion of the Manager, the Manager may conditionally waive the grease interceptor requirement for any restaurant user determined by the Manager not to have adverse effects on the District's collection system or POTW. Manager may revoke such conditional waiver for any of the following reasons;

- (A) Changes in type of food prepared or served;
- (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 (SSO's) caused by the restaurant user's wastewater discharge.

**2.19 LIQUID WASTE HAULER.** All liquid waste haulers shall abide by the following requirements and conditions:

- (A) Disposal of the contents of septic tank, seepage pit, cesspool, or any other trucked wastes to the District's collection system is prohibited.
- (B) Liquid waste haulers are prohibited from discharging industrial waste into the District's collection system.
- (C) All liquid waste haulers operating within the boundaries of the District shall provide, upon request, documentation as to the origin of the wastes hauled and their designated disposal sites. Failure to provide verifiable documentation shall constitute a violation of this Ordinance.

**2.20 USE OF AND DAMAGE TO DISTRICT EQUIPMENT OR FACILITY.**

- (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 without written prior approval by the 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 including administrative expenses, and fines imposed on District by any state, federal or other regulatory agencies. District shall calculate its administrative expenses as ninety (90) 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 (30) days of invoicing by the District.

**2.21 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, parking lot, street, gutter, or waterway leading to a storm drain, whether currently carrying water or not, any pollutant, wastewater, solid or fluid material 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 fines 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 90 percent of the District's repairs and personnel time expended by the District to remedy such damages and costs.. All charges shall be payable to the District within thirty (30) 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 5 business days to the Manager. The written report shall include a description of the circumstances causing the discharge, the quantity and qualities of the pollutant discharged, the methods of cleanup and disposal, and the corrective measures taken to prevent a reoccurrence.

**2.22 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 Manager. This prohibition shall not apply to authorized District personnel involved with the maintenance, cleaning, repair, or inspection of the District's collection system.

**2.23 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 Manager and upon a showing of good cause from the user.

### III INDUSTRIAL WASTE

**3.1 SEPARATION OF DOMESTIC AND INDUSTRIAL WASTES.** 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 Industrial Users and Significant Industrial Users that cannot separate the domestic wastes from the industrial wastes prior to a permitted sampling point, the combined wastestream formula shall be applied to determine applicable discharge limitations.

**3.2 PROHIBITED WASTE DISCHARGES.** Except as hereinafter provided, no person or user shall discharge or cause to be discharged into the POTW, the collection system of the District or any opening, sump, tank, clarifier, piping, or waste treatment system which drains or flows into the POTW 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 interferes with the normal operation of the POTW.
- (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 10% of the (LEL) at the point of discharge or in the collection system, or in any other way create imminent danger to the City's or District's wastewater personnel or POTW, the environment or public health.
- (E) Any wastewater or material with a closed cup flash point of less than 140 degrees Fahrenheit or 60 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 cesspool, septic tank, facility wastewater holding tank or seepage pit, except as may be permitted by the Manager and approved by the City.
- (G) Any discharge from any wastewater holding tanks of recreational vehicles, trailers, buses, and other vehicles, except as may be permitted by the Manager and approved by the City.
- (H) Any stormwater, groundwater, street drainage, subsurface drainage, yard drainage, or runoff from any field, roof, yard, driveway, or street. The Manager, in consultation with the City, 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 POTW resulting in interference or that will cause the temperature of the sewage in any public sewer to be higher than 140 degrees Fahrenheit. In no case shall any substance or heat be discharged to the sewer which will raise the POTW influent higher than 104 degrees Fahrenheit (40 degrees Celsius).
- (J) Any radioactive waste in excess of federal, state, or county regulations.

- (K) Any pollutant(s), material or quantity of material which 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 POTW, its treatment processes, operations, sludge processes, use or disposal. This applies to each user introducing pollutants into the POTW whether or not the user is subject to other National Pretreatment Standards or any national, state, or local pretreatment requirements; or
  - 6) A violation of the NPDES permit; or
  - 7) A violation of the MOU.
- (L) Any quantities of herbicides, algacides, or pesticides in excess of the District's local limits or national categorical standards.
- (M) Any petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in excess of the District's limits or national pretreatment standards.
- (N) Any material or quantity of material(s) which 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, POTW, equipment, or structures or harm to District or City personnel. However, in no case shall wastewater be discharged to the District's collection system or POTW with a pH below 5.0, or greater than 11.5, or which will change the influent pH of the POTW treatment plant to above 8.0 or below 6.5.
- (Q) Any substance that will cause discoloration of the POTW effluent.
- (R) Any unpolluted water, including stormwater, subsurface water, single pass cooling water, and single pass heating water. The Manager may approve, in consultation with the City, 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 effluent or any other product such as residues, sludges, or scums 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 POTW 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 user 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 pollutant, including oxygen demanding pollutants (BOD, COD, etc.) released in a discharge at a flow rate and/or pollutant concentration that will cause interference with the POTW.
- (U) Pollutants that result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- (V) Any hazardous substance which violates the objectives of the General Pretreatment Regulations (40 CFR 403), this Ordinance, or any statute, rule, regulation or chapter of any public agency having jurisdiction over said discharge, and amendments thereto.
- (W) Any material in excess of the quantities established by resolution.
- (X) Any discharge from a material processing tank or vessel. 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 resolution.
- (Y) Any radiator fluid or coolant, cutting oil, water soluble cutting oil, or water-based solvent.
- (Z) Any photo processing waste from developing or fixing solutions that are not in compliance with local limits or group industrial user permits.

**3.3 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 of any of these waters. Permission shall be granted by the 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 providing the following conditions are met:
  - 1) The chlorine residual in the water shall be less than 0.1 mg/l.
  - 2) The discharge of the water shall in no way create a public nuisance.
  - 3) The discharge of the water shall in no way damage, destroy, erode, or impair surrounding property.
  - 4) The discharge of the water shall in no way violate any regulation of the Regional Board.
  - 5) The user has obtained permission from the Manager for the discharge.
- (B) Under no circumstances shall wastewater generated by the acid cleaning or chlorine washing of swimming pools, wading pools, whirlpools, and therapeutic pools be discharged to the storm drain. Such wastewaters must be pH neutralized between 5.0 and 11.5 and discharged to the collection system. In the event a sewer connection is not available, such wastewaters must be neutralized and disposed at a legal disposal site. The owner of the swimming pool, wading pool, spa, whirlpool, or therapeutic pool will be required to provide proof of disposal upon District's request.



**3.4 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 resolution as necessary to ensure compliance with the MOU. For Categorical Industrial 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 wastewater, the 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 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 E.P.A. when developing the categorical pretreatment standard.

**3.5 LOCAL LIMITS.** The Manager shall adopt and implement local limits from time to time as are necessary based on the Local Limits developed by the City. These limitations are necessary to assure compliance with the NPDES permit, including the prohibition against pass through of any pollutants that cause a violation of the permit or cause interference with the POTW. 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, and economies of scale, pollution prevention and waste minimization measures, anticipated growth and enforcement feasibility. Customer specific allocations at current POTW 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 permit. 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.

**3.6 DE MINIMUS CATEGORIZATION.** Any user whose industrial wastewater discharge is less than 100 gallons per day and is not regulated by a federal categorical pretreatment standard may be classified in the Manager's discretion as de minimus 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 POTW or violations of the NPDES permit, and does not cause detrimental effects or damage to the District's collection system or POTW, or cause a threat of harm to the District personnel, the public, or the environment. Categorization as a de minimus user shall terminate upon written notice to such user of Manager's determination that such user no longer satisfies the criteria of this Section.

**3.7 PRETREATMENT OF INDUSTRIAL WASTEWATERS.** 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, as it exists and as it may be amended, and local limits, whichever are more stringent, within the time limitations as specified by the federal pretreatment regulations;
- (C) Pretreat wastewater to a level acceptable to the Manager and provide, operate, and maintain all necessary equipment, systems, and devices at the user's expense;

- (D) Provide detailed plans to the Manager and the City 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 pretreating wastewater to produce an effluent acceptable to the 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 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 POTW and determine the user's compliance with the requirements of this Chapter; and
- (G) Notify the Manager of any pretreatment equipment failure within 24 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 Industrial Waste Office.

**3.8 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 Chapter and shall subject the user to enforcement actions.

**3.9 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 ensuring 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 notify the Manager immediately upon learning that any pretreatment equipment or device has been bypassed. The user shall submit a written report to the Manager within 5 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 re-occurrence of the bypass.

**3.10 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.

**3.11 DILUTION PROHIBITED AS A SUBSTITUTE FOR TREATMENT.** No industrial user shall increase the use of water, or in any other manner attempt, to dilute a wastewater discharge as a partial or complete substitute for adequate treatment to achieve compliance with this Ordinance and the industrial

user's permit, or to establish an artificially high flow rate for permitted mass emission rates or permitted flow amounts.

**3.12 STORMWATER DIVERSION.**

- (A) All users having outdoor areas which allow wastewater and stormwater to enter a common opening connected to the District's collection system, shall install and maintain, at the user's expense, a stormwater diversion valve in the common opening.
- (B) The stormwater diversion valve design and use shall be reviewed and approved by the Manager and the City prior to installation.
- (C) The valve shall allow wastewater to enter the District's collection system during dry weather and prevent stormwater 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 stormwater to mix.
- (E) During periods of inclement weather, the user shall immediately suspend all outdoor wastewater generating activities and divert all stormwater to a storm drain.
- (F) If the discharge of stormwater would create a pollution threat to surface or subsurface waters, the user may make application to the Manager requesting that the stormwater be discharged to the District's collection system. Approval of a stormwater discharge to the District's collection system shall be based on:
  - 1) Hydraulic capacity of the District's collection system.
  - 2) Hydraulic capacity of the POTW.
  - 3) Total volume of stormwater to be discharged in a 24-hour period.
  - 4) A demonstrated need to discharge stormwater to the District's collection system to prevent surface and subsurface water contamination.
  - 5) Approval from the City.
  - 6) A good faith effort made by the user to prevent the pollution of stormwater by industrial waste and waste generated by the user.

**3.13 INDUSTRIAL USER MODIFICATIONS.** All permitted industrial users shall report proposed changes in their operations in writing to the Manager for approval 30 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 (20) percent increase or decrease in the industrial wastewater flow discharged or in production capacity.
- (B) Additions, deletions, or changes to waste-generating processes or equipment.
- (C) Experimentation with new processes and/or equipment that will affect the quantity or quality of the wastewater discharged.

**3.14 SPILL CONTAINMENT SYSTEMS.** Spill containment systems, as may be required, shall conform to requirements established by the 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, thereby creating 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 which 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.

**3.15 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) **SOLVENT MANAGEMENT PLAN (SMP)** is required of all categorical industrial user which are permitted to submit a SMP in lieu of required pollutant monitoring.
- (B) **SLUG DISCHARGE CONTROL PLAN (SDCP)** 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 or storm drain 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 hazardous waste. The 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 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 the District, that the user discharges to the District's POTW, a description of the sources of the pollutants, and a comprehensive review of the processes used by the user's 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 user's pollution prevention goals and strategies, including priorities for short-term and long-term action.
- 5) A description of the user's existing pollution prevention methods.
- 6) A statement that the user'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 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 user 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 user for implementation.

**(G)** The WMPPP shall list ways the industrial user plans to conserve water, investigate and implement product or material substitution, maintain inventory controls, and provide employee education to minimize the amount of waste generated and hazardous materials used. 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 Chapter.

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

**3.16 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 POTW in violation of the applicable federal categorical pretreatment standards or any limitation contained in this Chapter or user's permit. The National Categorical Pretreatment Standards found in 40 CFR Chapter I, Subchapter N, and amendments thereto are hereby incorporated into this Chapter by reference. Where duplication of the same pollutant limitations exists, the limitation that is more stringent shall prevail. Compliance with National 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 (3) years following promulgation of the standards unless a shorter compliance time is specified in the standards or by the 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 (90) days.

- 3.17 COMMERCIAL/INDUSTRIAL TENANT OCCUPANCY NOTIFICATION.** Pursuant to 40 CFR 403.8(f)(2)(i), and amendments thereto, all owners of multiple tenant commercial/industrial developments within the District shall submit, upon request, a current list of tenants. This list shall provide the name, address, unit space designation and type of business activity for each tenant space in the development.
- 3.18 NOTICE OF POTENTIAL PROBLEMS TO POTW.** All users shall immediately notify the Manager and the City of all wastewater discharges that could cause a problem at the POTW or in the collection system, including any slug loadings of any material. Wastewater discharges that may cause a problem at the POTW include, but are not limited to, acids, alkalis, oils, greases, high strength organic waste, salt, hazardous substances, colored wastes, and batch discharges. All users shall provide the Manager and the City, within five (5) business days from the incident, a written report detailing the cause of the discharge and the corrective actions taken to prevent a recurrence.
- 3.19 WRITTEN RESPONSES.** All users required to provide a written response to any correspondence, order, or notice from the Manager shall do so in accordance with the date specified in the correspondence, order, or notice. Failure to provide the written response by the date requested shall constitute a violation of this Ordinance and may subject the user to enforcement actions.
- 3.20 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 Chapter, including monitoring reports and records, or reports of compliance or noncompliance shall be in violation of this Chapter and may subject the user to enforcement actions.
- 3.21 WASTEWATER DISCHARGE AUTHORIZATION CERTIFICATE.** Any non-residential user desiring to discharge wastewater to the POTW, that does not qualify for an Industrial User Permit, Group Permit, or De Minimus Category and whose wastewater shall not have an adverse affect on the POTW, may be required to obtain a Wastewater Discharge Authorization Certificate (WDAC) from the Manager. WDACS shall not be issued to categorical industrial users. WDACS are issued for indefinite time periods, subject to periodic review and reconsideration by the Manager.
- 3.22 INDUSTRIAL USER GROUP PERMITS.** Certain classes of industrial users, as determined by the 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 code book. 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 Manager.
- 3.23 INDUSTRIAL USER PERMITS.**
- (A) It is unlawful for any Class I, II, IV or V industrial user to connect or discharge to the District's collection system or the POTW without a valid industrial user permit. It is unlawful for any Class III industrial user to connect or discharge to the District's collection system or the POTW without a valid industrial user permit, WDAC, or industrial user group permit, as determined by the Manager based upon the industrial user's effect on the POTW. The District issuance of any such permit or WDAC shall not vest any right in a user to continue connection or discharge to the District's collection system or POTW beyond any right expressly stated in such permit or WDAC.
  - (B) Plans and building permits for Class I, II, IV, or V industrial user permits and those users designated by the Manager shall not be approved by the Manager for any sewer connection which will convey industrial wastewater to the District's collection system or POTW unless the user has first obtained an industrial user permit or the user has received written permission from the

Manager after agreeing in writing not to discharge industrial wastewater until an industrial user permit has been obtained.

- (C) The Manager shall deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by industrial users where such contributions do not meet applicable pretreatment standards and requirements or where such contributions would cause the District to violate its NPDES permit.
- (D) Users required to obtain an industrial user permit shall complete and file with the Manager a permit application form provided by the Manager and shall pay all applicable fees within thirty (30) 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) Number and type of employees, hours of plant operations, and proposed or actual hours of pretreatment system operation;
  - 4) A description of operations including the nature, average rate of production, and NAICS code of the operation(s) carried out by the Industrial User. This description shall include a schematic process diagram which indicates points of discharge to the POTW;
  - 5) 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, and points of discharge to the District's collection system;
  - 6) 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;
  - 7) A list of all environmental control permits held;
  - 8) E.P.A. hazardous waste generator's number;
  - 9) Wastewater samples analyzed for specific pollutants specified by the Manager. The samples shall be analyzed by a State certified laboratory in accordance with Approved Analytical Methods as defined herein and sampling procedures in accordance with 40 CFR Part 136, and to CFR 403.12(6)(5) and amendments thereto, and the time, date, and place of sampling and methods of analysis;
  - 10) Measurement of pollutants. The user shall identify the National Categorical Pretreatment Standard applicable to each regulated process. The user shall submit 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;
  - 11) Time and duration of wastewater discharges;
  - 12) Average and maximum daily wastewater flow rates from each waste stream, including any daily, monthly, and seasonal variations;

- 13) A time schedule for compliance with any Ordinance Provisions or Categorical Standards for which immediate compliance is not possible;
  - 14) A statement consenting to entry on to the user's premises by District staff to assess compliance by inspection, records examination, sampling, and monitoring;
  - 15) 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 (national 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;
  - 16) Any other information as may be necessary for the Manager to evaluate the permit application; and
  - 17) 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.
- (E) Within 45 days after receiving the completed application and all required supporting information, the 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 Chapter, suspend the issuance of the permit or disapprove the application pursuant to subsection F of this Section. The Manager shall issue the permit, if the Manager believes that sufficient and accurate information has been provided by the applicant in the permit application and the Manager finds that all of the following conditions are met:
- 1) Sufficient information has been provided by the applicant in the permit application;
  - 2) The proposed discharge of the applicant is in compliance with the prohibitions and limitations of this Ordinance;
  - 3) The proposed operation and discharge of the applicant shall not interfere with the normal and efficient operation of the POTW; and
  - 4) The proposed discharge operation or business activity of the applicant would not result in a violation by the District of the MOU or by the City of the terms and conditions of its NPDES permit or cause a pass through of any toxic materials to the environment or the City's POTW sludge.
  - 5) The applicant has paid all applicable industrial user permit fees.
- (F) If the Manager determines that the proposed discharge will not be acceptable, the 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 4.21 APPEALS.
- (G) The 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 Manager at least 14 calendar days prior to the commencement of the business activities and wastewater discharge.



- (H) Industrial user permits shall be subject to all provisions of this Ordinance and all other applicable regulations, charges, and fees established by the Manager. Permits may contain or require all of the following:
- 1) A statement of permit duration.
  - 2) A statement of permit non-transferability.
  - 3) The unit charge or schedule of user charges and fees for the wastewater discharged to the POTW as established by ordinance or resolution.
  - 4) Schedule of penalties for noncompliance as established by resolution.
  - 5) Limitations on the average monthly and maximum daily wastewater pollutants and mass emission rates for pollutants.
  - 6) Limitations on the average monthly and maximum daily wastewater flow rates.
  - 7) Requirements for the submittal of a Facility Waste Management Plan.
  - 8) Requirements for the submittal of daily, monthly, annual, and long term production rates.
  - 9) Requirements for reporting changes and/or modifications to equipment and/or processes that affect the quantity or quality of the wastewater discharged.
  - 10) Requirements for installation and maintenance of inspection, monitoring, and sampling facilities.
  - 11) Requirements for installation and maintenance of spill containment facilities.
  - 12) Requirements for the installation and maintenance of pretreatment and/or pollution control facilities.
  - 13) Specifications for self-monitoring programs which may include: pollutants to be monitored, sampling location(s); frequency of sampling; sample type(s); pollutant violation notification and resampling requirements; number, types, and standards for tests; and reporting schedules.
  - 14) Requirements for reporting flow exceedances and pollutant violations.
  - 15) Submission of a modified compliance schedule, where compliance with pretreatment standards cannot be met on a consistent basis. The 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 schedule shall contain increments of progress (called milestones) in the form of dates, not to exceed nine (9) 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 categorical pretreatment standards.
  - 16) Requirements for submission of technical or discharge reports.
  - 17) 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 Manager.

- 18) Requirements for notification of slug or accidental discharges and significant changes in volume or characteristics of the pollutants discharged.
- 19) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and this Ordinance and amendments thereto.
- 20) Other conditions as deemed appropriate by the Manager to ensure compliance with this Ordinance and amendments thereto.

**3.24 PERMIT DURATION.** Industrial User Permits shall be issued for a specified time period, not to exceed three (3) years, and shall be stated to expire on a specific date.

**3.25 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 Chapter.

**3.26 PERMIT RENEWAL.** All users shall submit a completed application for industrial user permit renewal, required monitoring information or production reports, and any other information required for permit renewal a minimum of ninety (90) days prior to the expiration of the existing industrial user permit. All users shall pay all applicable permit fees no later than (30) calendar days after invoicing by the District. No industrial user permit shall be renewed if the industrial user has not paid all applicable fees, submitted required monitoring information or production reports, or submitted any other required permit information. Users which have submitted a completed permit application prior to the expiration of their current permit shall be considered in compliance with this Section. In the event the Manager cannot issue the permit on the expiration date, the completed application will serve as an extension of the expired permit for up to thirty (30) working days until the actual permit can be issued. Users which do not have a valid industrial user permit shall be considered in violation of this Ordinance and amendments thereto and subject the user to enforcement action. Any discharge of industrial wastewater to the District's collection system or POTW with an expired industrial user permit shall be a violation of this Ordinance and amendments thereto and subject the user to enforcement action.

**3.27 PERMIT MODIFICATIONS.**

(A) The terms and conditions of the industrial user permit may be subject to modification by the Manager during the term of the permit as limitations or requirements are modified or added or due to other 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.
- 3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the permitted discharge.
- 4) The permitted wastewater discharge poses a threat to the POTW, District 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 any required reporting.

- 7) To correct typographical or other errors in the industrial user permit.
- (B) The user shall be informed of any proposed permit changes at least thirty (30) days prior to the effective date of the changes. Any modifications in the permit shall include a reasonable time schedule for compliance.
- (C) Promulgation of Categorical Standards. Within 3 months of the promulgation of a Categorical Standard, permits for users subject to such standards shall be revised to require compliance within the time frame prescribed by such standard. Where an affected User has not previously submitted an application for a permit as required by Section 3.23, the User shall apply within 180 days after the promulgation of the applicable Categorical Standard. In addition, Users with existing permits shall submit to the Manager, within 180 days after the promulgation of an applicable Categorical Standard, a time schedule for compliance with the Categorical Standard.
- (D) Changes in Operation. The terms and conditions of the permit may be subject to modification by the Manager during the term of a permit if limitations or requirements, as referenced in Sections 3.4 and 3.5 are modified or other just cause exists. The User shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in a permit shall include a reasonable time schedule for compliance.
- 3.28 PERMIT TRANSFER.** Industrial user permits are issued to a specific user for a specific operation for a specified time. Any permit reassignment, transfer, or sale to a new owner, new user, different premises, or different use is prohibited and is a violation of this Ordinance and amendments thereto.
- 3.29 REPORTING REQUIREMENTS FOR PERMITTEES.** All reports and plans submitted to the District by Industrial Users pursuant to this Section and to Sections 3.7, 3.12, and 3.15 (except analytical reports submitted directly to the District by certified analytical laboratories at the request of Industrial Users) shall be signed and dated by an Authorized Representative of the Industrial User. The signature shall accompany the following certification statement:

*"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."*

All Industrial Users are required to submit the following types of reports:

- (A) Reports of Potential Problems, including Slug Loading. If, for any reason, pollutants are discharged at a flow rate or concentration which might cause pass through or interference with the POTW or which might result in a violation of NPDES Permit requirements or requirements of this Ordinance, or a hazard to District and/or City personnel and/or the Public, the User shall verbally notify the Manager and POTW staff immediately. The verbal report shall be followed by a written report submitted to the Manager and the City within five days. The User shall also collect a representative sample of the discharge and submit the results of the analysis to the District within 30 days after the incident.
- (B) Notification of Hazardous Waste Discharge. All Industrial Users shall notify the District, City, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be classified a hazardous waste pursuant to 40 CFR Part 261 and amendments thereto. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261 and amendments thereto, the EPA hazardous waste number, and the type of discharge (continuous,

batch, or other). If the Industrial User discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the Industrial User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months.

The above required notifications must take place no later than 180 days after the discharge of the hazardous waste.

Any notification under this section need be submitted only once for each hazardous waste discharged. However, notification of changed discharges must be submitted in accordance with 40 CFR 403.12(j) and amendments thereto.

The hazardous waste discharge notification requirements specified herein do not apply to pollutants already reported under the self-monitoring requirements of parts b. and d. of this Section. Industrial Users are also exempt from the above requirements during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e) and amendments thereto.

Discharges of more than 15 kilograms of non-acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e) and amendments thereto, require a one-time notification. Additional notification is not required for subsequent months during which the Industrial User discharges additional quantities of the same non-acute hazardous waste.

In the case of new Federal regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the Industrial User shall notify the District, the City, the EPA Regional Waste Management Division Director, and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

In the case of any notification made under these requirements, the Industrial User shall certify that it has a program in place to reduce the volume or toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

Industrial Users may also be required to submit one or more of the following types of reports:

- (C) Self monitoring Reports. Permittees may be required to submit periodic self-monitoring reports containing a description of the nature, concentration, and flow of pollutants required to be reported by the District, and the time, date, and place of sampling methods of analysis. Sampling for self-monitoring reports shall be performed during the period covered by the report. All required analyses shall be performed by a State Certified Laboratory using Approved Analytical Methods as defined herein. Significant Industrial Users shall be required to submit self-monitoring reports at least once every six months.
- (D) Surcharge Reports. Periodic measurements of flow, suspended solids, and BOD for surcharge determination and other appropriate waste characteristics shall be made by those Permittees specifically designated by the Manager.
- (E) Compliance Schedule Progress Reports, if required, shall be submitted every thirty (30) 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.

- (F) **Categorical Standards Compliance Reports.** Categorical Industrial Users shall submit Initial Baseline Monitoring Reports (BMRs) and periodic compliance reports, and, if necessary, schedule compliance reports, and final compliance reports as defined herein. All Categorical Standards Compliance Reports must be signed by an authorized representative of the Industrial User.

1) Initial Baseline Monitoring Reports (BMRs)

Baseline Monitoring Reports shall be submitted to facilitate evaluation of initial compliance status with respect to categorical standards, and any modifications or conditions necessary to achieve full compliance with categorical standards.

Baseline Monitoring Reports shall include all information listed in Section 3.23(D), and shall include a statement, reviewed by an authorized representative of the Industrial Users, and certified as to accuracy by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the Industrial User to meet the Pretreatment Standards and Requirements. New sources shall submit a Baseline Monitoring Report at least 90 days prior to commencement of discharge.

If immediate compliance with the Categorical Standard is not possible and additional pretreatment or operation and maintenance is necessary, the report must specify the shortest time necessary to achieve compliance. The completion date must not be later than that specified in the applicable Categorical Standards. New sources must achieve compliance with all applicable Pretreatment Standards within 90 days of commencing discharge.

2) Schedule Compliance Reports

Schedule compliance reports, shall be submitted, if necessary, to demonstrate compliance with conditions of a time schedule requiring full compliance with categorical standards by a specific date.

Schedule compliance reports shall contain dates for pretreatment equipment design completion, building permit submittal date, construction commencement date, construction updates, construction completion date, employee training completion date, and date of achieving final compliance. Samples shall be collected and analyzed to demonstrate compliance. The samples shall be taken in accordance with 40 CFR 136 and 40 CFR 403.12(b)(5) and amendments thereto. Schedule compliance reports shall be submitted at the completion of all major events necessary to achieve full compliance with Categorical Standards, but not less frequently than 30 days. Schedule compliance reports must be submitted within 14 days of a milestone date. In no case shall any event in the compliance schedule exceed nine months.

3) Final Compliance Reports

Final compliance reports shall be submitted, if necessary, to demonstrate that full compliance with categorical standards has been achieved.

Final compliance reports shall include all information contained in a Baseline Monitoring Report. Final compliance reports shall be submitted within 90 days following the date for final compliance with Categorical Standards. Final compliance reports from new sources must be submitted within 30 days after the facility commences discharge.

4) Periodic Compliance Reports

Periodic compliance reports shall be submitted to demonstrate continued compliance with categorical standards.

Periodic compliance reports shall include all information specified in Section 3.12(F) (1), (3), and (5). Reports shall also include any additional monitoring data obtained by the User. Periodic compliance reports shall be submitted every six months, in June and December of each year, unless required to be submitted more frequently by the Manager.

(G) Solvent Management Plans. All Industrial Users subject to effective Categorical Standards include a Total Toxic Organic (TTO) limitation shall be required to file a Solvent Management Plan. The Manager may also require other Industrial Users to submit Solvent Management Plans where, in his judgment, said plan is necessary to assure proper containment and disposal of solvents.

(H) Slug Discharge Control Plans. All Industrial Users so required by the Manager shall file a Slug Discharge Control Plan. The plan shall contain at least the following elements:

- 1) Description of discharge practices, including nonroutine batch discharges;
- 2) Description of stored chemicals;
- 3) Procedures for prompt verbal notification of the District and City of slug discharges, including any discharge that would violate a specific prohibition under Section 3.2 or 40 CFR 403.5(b) and amendments thereto, and procedures for follow-up written notification of the same agencies within 24 hours;
- 4) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response; and
- 5) If necessary, follow-up practices to limit the damage suffered by the treatment plant or the environment.

(I) Specific Compliance Plans. All Industrial Users so required by the Manager shall file a Specific Compliance Plan. The plan shall indicate the cause of noncompliance, the corrective actions which will be taken to prevent recurrence of said noncompliance, and if required by the Director, a proposed Compliance Time Schedule indicating the dates those corrective actions will be completed.

(J) Any other reports required by California State Law; including such reports as are required by Chapter 6.95 of the California Health and Safety Code.

**3.30 CHARGES AND FEES** 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 the District. The District may adopt charges and fees to recover the costs for:

- (A) Developing, implementing, and operating the District's pretreatment program and this Ordinance and amendments thereto;
- (B) Monitoring, sampling, 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) Noncompliance and enforcement actions for violation of this Ordinance and amendments thereto;
- (G) Temporary user permit issuance;
- (H) Exceedance of conventional pollutant limitations set forth in the industrial user permit and other applicable pollutant limitations. Such pollutant exceedance fees shall be based on the POTW costs of operations, maintenance and treatment for the pounds of COD, Total Suspended Solids, Oil and Grease and Total Nitrogen;
- (I) Non-residential user's 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 POTW that has amounts of COD, TSS or oil and grease greater than or equal to the average amounts of COD, TSS and oil and grease normally found in 25,000 gallons of domestic sewage shall be designated "industrial users" and shall pay monthly service fees based on the industrial user sewer rates established periodically by resolution. The industrial user sewer rates shall be based upon total volume of wastewater discharged and the District's costs for providing services and treatment for the pounds of 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 POTW, that has amounts of COD, TSS and oil and grease less than the average amounts of COD, TSS and oil and grease normally found in 25000 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 resolution. The commercial sewer use rates shall be based on the costs for providing services and treatment for the amounts of COD, TSS and gallons of wastewater discharged.

**3.31 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 30 calendar days after the date of issuance, then the Manager shall refund 50 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 that is in violation of this Chapter or permit at any time prior to such termination. No permit application fee shall be refundable at any time.

**3.32 PAYMENT OF FEES AND LATE FEES.** Unless otherwise specified, all fees, charges, and penalties imposed pursuant to this Ordinance are due and payable within thirty (30) 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 fifty (50) 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 30th day after the date of such notice if the amount due is not paid in full. Manager shall refer the unpaid amount to the District's Finance Department for collection.

- 3.33 INDUSTRIAL USER SURVEY.** The Manager shall prepare and maintain a current list of Industrial Users subject to the requirements of this Ordinance. Each Industrial User listed shall be identified by class. Class I Industrial Users shall be further identified by a citation of the applicable, promulgated Categorical Standards. At least once every two years, the Director shall conduct a survey of facilities located within the POTW service area to identify any facilities which should be added to the list of Industrial Users.

#### **IV. ENFORCEMENT**

- 4.1 ENFORCEMENT RESPONSE PLAN (ERP).** The District shall use an Enforcement Response Plan (ERP), as required by 40 CFR 403.8(f)(5) and amendments thereto and adopted by resolution of the Manager to guide the District in imposing progressive enforcement actions against users and persons in noncompliance with this Ordinance..

- 4.2 ADMINISTRATIVE VIOLATIONS.** There is hereby established a class of violations to be known as Administrative Violations which 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 requested;
- 6) Failure to notify the Manager of a violation of a permit condition within 24 hours after the discovery of the violation; or
- 7) Failure to pay all required fees, penalties, and charges within thirty (30) calendar days from the due date.

(B) **Major Administrative Violations** include, but are not limited to, the following:

- 1) Failure to notify the 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 (30) 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 the 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, 180-day baseline monitoring report, 90-day compliance report, Compliance Schedule progress reports) or submitting such reports more than thirty (30) calendar days late;
  - 11) Failure to pay charges pursuant to Section 3.32 of this Chapter, permit application fees, permit renewal fees, and Civil Penalties within sixty (60) calendar days after the due date; or
  - 12) Failure to pay all other required fees, penalties, and charges within sixty (60) calendar days from the due date; or
- (C) Upon notice of appropriate mitigating circumstances and consistent with applicable federal and state laws, the Manager has sole discretion to treat a major administrative violation as a minor administrative violation, or a pattern of minor administrative violations with aggravating circumstances as individual major administrative violations.

#### 4.3 VIOLATIONS OF DISCHARGE LIMITATIONS.

- (A) There is hereby established a class of violations to be known as discharge violations which 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 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 Manager, a significant threat to the public health, welfare or safety, the environment, the safe and efficient operation of the POTW, the beneficial use of the 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 NPDES permit, or cause or contribute to pass through, Interference, or other known damages;
    - c) Discharging regulated pollutants to the District's POTW without a current discharge permit;
    - d) A pattern of minor discharge violations;
    - e) Failure to correct a minor discharge violation within a specific time period as directed by the Manager;

- f) Tampering with or purposely rendering inaccurate any monitoring device, method, or record required to be maintained pursuant to this Ordinance; or
- g) Wastewater discharge without a valid industrial user permit after notification.

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

**4.4 UNCLASSIFIED VIOLATIONS.** For any violation by any user or person that is not classified herein, or for the violation of any rule or regulation promulgated hereunder, the 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 Manager shall consider the magnitude of the violation, its duration, and its effect on receiving waters, the POTW, the POTW's sludge, the health and safety of District employees, contractors, users, and the general public. The Manager shall also evaluate the user's or person's compliance history, good faith, and any other factors the Manager deems relevant.

**4.5 SEPARATE VIOLATIONS.** Any user or person found to be in violation of this Ordinance shall be charged with a separate violation for each day the same violation exists. Each wastewater discharge pollutant violation shall be considered an individual violation for each pollutant in violation.

**4.6 NOTIFICATION OF VIOLATION.** Whenever the Manager finds that any User has violated any applicable pretreatment standard or requirements contained in this Ordinance or a Wastewater Discharge Permit, the Manager may serve upon such User a written notice stating the nature of the violation and penalties for continued noncompliance. Within a prescribed period specified in the notice, the User shall submit to the District a specific compliance plan pursuant to Section 3.23(H) herein.

**4.7 ADMINISTRATIVE ORDERS.** The Manager may require compliance with this Chapter and any permit or order issued under this Chapter by issuing Administrative Orders that are enforceable in a court of law or by directly seeking court action. The 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 Manager may serve a written Stop Work Order on 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 Manager; or
- 3) Violations of this Ordinance are found at the site of the new construction, tenant improvements, alterations, and 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 Manager.

(B) **CORRECTIVE 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 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” means 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 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)** shall be issued to a user when two consecutive violations for the same pollutant are detected in District samples, users 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 POTW. Production information shall be required of all categorical users which have production based discharge limits.
  - (E) **NOTICE OF VIOLATION (NOV)** shall be issued to a user for a violation of a written warning, stop work orders, 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 an NOV fee as established by resolution. When the Manager is made aware of the user’s violation(s), the Manager may serve the user personally or by certified mail with a written Notice of Violation (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 Manager, within ten (10) 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 District a violation meeting fee in an amount as established by resolution.
  - (G) **CONSENT ORDER.** The 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 compliance schedule with milestones, or 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 District a consent order fee as established by resolution.
  - (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 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 Manager deems reasonably necessary and appropriate to assure

timely compliance with this Ordinance and to address the noncompliance. Such compliance order may require the installation of pretreatment technology, additional self-monitoring, 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 Manager without comment from the user. A user subject of a compliance order shall pay a compliance order fee as established by resolution.

- 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 Manager conduct either an informal meeting or a hearing. Such submission or request shall be in writing and filed with the Manager no later than ten (10) 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 Manager or District Counsel to assess penalties authorized by Sections 4.13 and 4.20 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 Manager to any user or persons whose violations(s) of this Ordinance, Industrial User Permits, or any Order issued under this Ordinance, poses a threat to the District's collection system, storm drain, POTW, personnel, or the public. A cease and desist order may also be issued by the Manager to a user who continues to discharge industrial wastewater to the District's POTW without a valid industrial user permit. The Manager may issue a cease and desist order immediately upon discovering any such violations and direct a user or person in noncompliance to take such appropriate remedial or preventive action as 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 District a cease and desist order fee as established by resolution.

(K) **SHOW CAUSE HEARING.** A hearing requiring a user to show cause why a proposed enforcement action should not be taken by District shall be conducted prior to 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 Manager from time to time, maintained for public review in the office of the 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 Manager shall order the violating user to appear at a Show Cause Hearing to show cause to the 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 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 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 (15) days prior to the hearing; except that the 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 Manager shall make written findings of fact and decision in the nature of an order, which shall be served upon user.
- 9) District may immediately impose an enforcement action after the hearing whether or not a duly notified user appears as noticed.

**4.8 INDUSTRIAL USER PERMIT REVOCATION.** The Manager may revoke any industrial user permit if the user is in violation of any provision of this Ordinance or the industrial user permit. These violations include but are not limited to: falsification by user of information required by this Ordinance; user's denial to the District of the right of entry when conditioned in the industrial user permit; user's failure to re-apply for an industrial user permit or request a required permit modification; user's failure to pay required permit fees or charges; or user's discharging in violation of this Ordinance. Validity of the industrial user permit shall be conditioned upon industrial user's compliance with the provisions of this Ordinance. The Manager may revoke the industrial user permit upon a minimum notice of fifteen (15) calendar days when the Manager finds that user violated any provision of this Ordinance or industrial user permit within the fifteen (15) days prior to the intended permit revocation, the Manager shall make a hearing available to the industrial user. All costs for industrial user permit revocation and reissuance will be paid by the user.

**4.9 TERMINATION OF SERVICE.** The Manager may immediately order a user to cease discharge of wastewater to District's collection system and 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 District to violate any condition of its NPDES permit, 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 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 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.

**4.10 ANNUAL PUBLIC NOTICE OF SIGNIFICANT NONCOMPLIANCE.** In March of each year, the District shall publish in the newspaper with the largest daily circulation in the District a list of all Industrial Users which have been in Significant Noncompliance with applicable pretreatment standards or requirements during the previous twelve months.

**4.11 NONCOMPLIANCE MONITORING PROGRAM.**

- (A) If sampling by District or User indicates that the User is discharging constituents in violation of the mass emission or concentration limits established by District resolution or contained in User's permit, then the User shall collect a follow-up sample (as directed by the Manager). The User shall submit the completed sample analysis to the District within thirty (30) days of notification by the District.
- (B) If the follow-up sample indicates noncompliance with permit requirements, the User may be required by the District to immediately initiate a noncompliance monitoring program requiring additional sampling and reporting by the User in accordance with a schedule issued by the Manager. During the program the User may be subject to noncompliance fees established by the District resolution. Fees may be required for each sample analysis indicating violation or violations of limits specified in User's permit or established by District's resolution. User's may also be subject to a fee for each sample analysis not submitted by the User to the District in accordance with the schedule specified in the program.
- (C) The noncompliance monitoring program may be terminated by the District upon the User's demonstration of a return to compliance. To demonstrate a return to compliance, the User must either terminate discharge or provide analyses showing consistent compliance over a period of not less than thirty (30) days or as specified in the program.
- (D) The payment of noncompliance fees by Users shall not bar the District from undertaking any other enforcement procedures specified herein.

**4.12 NOTICE OF DISCHARGE PROHIBITION.** The Manager may serve a written Notice of Discharge Prohibition on any person(s) engaged in any activity or activities which, while not resulting in a discharge of nondomestic wastewater to the POTW at the time, may, in the Manager's judgment, result in a discharge of nondomestic wastewater at some time in the future. A Notice of Discharge Prohibition shall include at least the following:

- 1) A list of general discharge restrictions and prohibitions;
  - 2) A list or citation of any categorical standards that would be applicable upon commencement of nondomestic wastewater discharge;
  - 3) A requirement to apply for and obtain a wastewater discharge permit prior to commencing discharge of nondomestic wastewater to the POTW;
  - 4) A requirement for notification of slug or accidental discharges; and
  - 5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements.
- (A) Notice of Discharge Prohibition may also contain one or more of the following:
- 1) A requirement to prepare and submit a Slug Discharge Control Plan;
  - 2) A requirement to install and maintain one or more spill containment systems;
  - 3) A requirement for maintaining and retaining plant records relating to wastes removed from the facility; and

- 4) A requirement to submit an annual written statement to the Manager certifying that no nondomestic wastewater has been discharged to the POTW during the previous year other than discharges of which the Manager was properly notified and that no nondomestic wastewater will be discharged during the forthcoming year without proper notification and/or obtaining a Wastewater Discharge Permit.

#### 4.13 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 (\$1,000.00) 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 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 Manager, through the District Counsel, an award of such penalties, damages and costs shall be ordered against such user by an appropriate court in the County of Riverside. In determining the amount of such penalties, damages and costs, the court shall take into account all relevant circumstances, including but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through a user's violation, corrective actions by a user, the compliance history of the user, good faith efforts to restore compliance, threat to human health, to the environment and to the POTW, and any other factor as justice requires. The purpose of any civil penalty is to encourage compliance and remedy unquantified damage to the POTW or environment and not to impose criminal sanctions nor retribution.
- (C) If any user discharges wastewater into the District's collection system or POTW contrary to the provisions of this Ordinance, federal or state pretreatment requirements, or any order of the District or permit issued under this Ordinance, the Manager through the District Counsel may commence an action for appropriate legal and/or equitable relief in the appropriate court in the County of Riverside.

#### 4.14 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 (\$1,000.00) 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 amendment 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, 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 (\$1,000.00) per violation per day or imprisonment for not more than six months, or both, per violation per day. This penalty is to 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 provisions.

- 4.15 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 12 month probationary period for the violation stated in the notice of violation. If the user commits the same violation within the probationary period, then enforcement will be escalated to the next appropriate level. If the user commits the same violation after the end of the probationary period, then the violation will be treated as a new violation for purposes of enforcement. Repeated same violations will only be granted two probationary periods. If the same violation occurs after two consecutive probationary periods for either a written warning or a notice of violation, then the enforcement actions will be escalated to the next appropriate level.
- 4.16 REMEDIES NONEXCLUSIVE.** The violation enforcement remedies for this Ordinance are not exclusive. The 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 Manager, however, may take alternative actions against a user when the circumstances warrant. The Manager is also empowered to take more than one enforcement action against any noncompliant user.
- 4.17 LEGAL ACTION.** If any user discharges wastewater into the District's collection system or POTW contrary to the provisions of this Ordinance, federal or state pretreatment requirements, or any order of the District, the District Attorney may commence an action for appropriate legal, equitable or injunctive relief in the appropriate court of Riverside County.
- 4.18 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 Manager through the District Counsel 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 the 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 (20) percent of the aggregate amount of such person's penalties and nonpayment penalties which are unpaid as of the beginning of such quarter.
- 4.19 JUDICIAL REVIEW.** Unless the user given a notice of violation or order makes a timely responsive statement or a request for hearing, the notice or order is a final order. If a timely request for a hearing is made, the order constituting the hearing decision shall be a final order. Any person adversely affected by a final order may appeal the order to the appropriate court in the County of Riverside.
- 4.20 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, POTW, or storm drain system, the 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 (90) 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 (30) calendar days of being notified of such charge and is subject to collection by civil suit or other procedures provided in this Ordinance.
- 4.21 APPEALS.**
- (A) Any user affected by and dissatisfied with any decision, order, or enforcement action, made by the Manager interpreting or implementing the provisions of this Ordinance or industrial user permit, may file with the Manager a written appeal requesting reconsideration of such decision, order or



enforcement action within ten (10) 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 Manager shall render a ruling on the request for reconsideration to the user in writing within ten (10) 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 stay the requirements of achieving or maintaining compliance.

- (B) If the ruling on the request for reconsideration made by the Manager is unsatisfactory to user, the user requesting reconsideration may, within ten (10) calendar days after receipt of the Manager's ruling, file a written appeal with the District's Board of Directors, lodging such appeal with the District Clerk along with an appeals fee of one hundred dollars (\$100.00). The written appeal shall be heard by the District's Board of Directors within thirty (30) days from the date of filing. The District's Board of Directors shall make a ruling on the appeal within forty-five (45) days from the date of filing.
- (C) The District's Board of Directors' final ruling shall be deemed a final decision, order or action by the 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 the District under the Ordinance without first having exhausted his or her administrative remedies set forth in this Ordinance.

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

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

**4.24 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, POTW, the POTW's sludge, personnel, storm drain, surface and subsurface waters, environment and the public and to apply the principle that the degree of protection shall be commensurate with the degree of hazard.

**4.25 CONFLICT.** All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

Section 3: Adoption. This Ordinance shall take effect thirty (30) days after the date of its adoption and prior to the expiration of fifteen (15) days from its passage shall be published once in a newspaper of general circulation printed and published in the County of Riverside, together with the names of the member of the Board of Directors voting for and against the same.

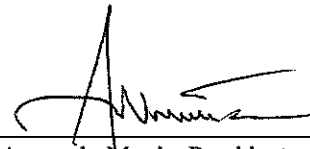
**PASSED AND ADOPTED** by the Rubidoux Community Services District Board of Directors at a regular meeting held on the 19th day of June 2003, by the following vote:

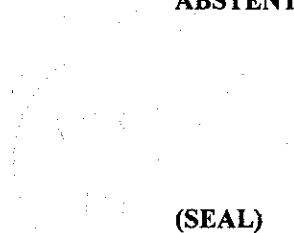
**AYES:** Armando Muniz, Garth Newberry, Ruth Anderson Wilson,  
Leland Thompson, Forest Trowbridge

**NOES:** None

**ABSENT:** None

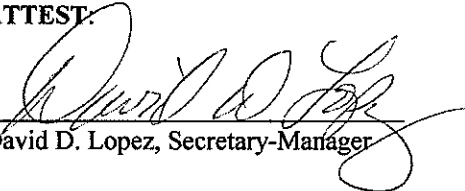
**ABSTENTIONS:** None

  
\_\_\_\_\_  
Armando Muniz, President  
Rubidoux Community Services District

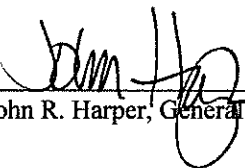


(SEAL)

**ATTEST:**

  
\_\_\_\_\_  
David D. Lopez, Secretary-Manager

**APPROVED AS TO FORM AND CONTENT:**

  
\_\_\_\_\_  
John R. Harper, General Counsel