

**WESTERN MUNICIPAL WATER DISTRICT**



**REGULATIONS FOR WASTEWATER  
DISCHARGE AND SANITARY SEWER  
SYSTEM USE**

**ORDINANCE**

**393**

March 2021

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ORDINANCE 393

AN ORDINANCE OF THE BOARD OF DIRECTORS  
OF THE WESTERN MUNICIPAL WATER DISTRICT  
OF RIVERSIDE COUNTY REGULATING WASTEWATER  
DISCHARGE AND SANITARY SEWER SYSTEM USE

WHEREAS, on November 20, 2013, Western Municipal Water District of Riverside County ("District") adopted Ordinance No. 382 regulating wastewater discharges to all Sanitary Sewer Systems owned by the District including wastewater from residential, commercial, and industrial users; and

WHEREAS, the District by adoption of this Ordinance intends to replace existing Ordinance No. 382 and to include updated rules and regulations for wastewater discharges to all Sanitary Sewer Systems owned by the District, excluding wastewater discharges to the Santa Ana Watershed Project Authority's ("SAWPA") Santa Ana River Interceptor ("SARI") otherwise known as the Inland Empire Brine Line ("Brine Line") which shall be the subject of separate rules and regulations, and

THE BOARD OF DIRECTORS OF THE WESTERN MUNICIPAL WATER DISTRICT OF RIVERSIDE COUNTY HEREBY FINDS:

- A. That the District is required by federal and state law, including the Clean Water Act (33 USC 1251, et seq.), the General Pretreatment Regulations (40 CFR 403), and the Porter-Cologne Water Quality Control Act (Water Code Sections 13000 et seq.), to implement and enforce a pretreatment program for the regulation of wastewater discharges to the Western

Water Recycling Facility (WWRF); and,

- B. That the District is required by State Water Resources Control Board Order 2006-0003 to adopt a Sewer System Management Plan to provide a plan and schedule to properly manage, operate and maintain all parts of the Sanitary Sewer Systems it owns; and
- C. That the District has agreements with other agencies regarding the quality of wastewater that can be delivered to their respective facilities including by example those owned by the Western Riverside Regional Wastewater Authority, The Rancho California Water District, the Eastern Municipal Water District, the Orange County Sanitation District and the Santa Ana Watershed Project Authority and,
- D. That the District is required by federal, state, and local law to meet applicable standards of treatment plant effluent quality; and,
- E. That the adoption of this Ordinance is exempt under the California Environmental Quality Act pursuant to the provisions of the Title 14, California Code of Regulations Sections 15307, 15308, 15309, and 15321.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of Western Municipal Water District of Riverside County as follows:

**ARTICLE 1**  
**GENERAL PROVISIONS**

**1.1 PURPOSE & POLICY**

- A. The purpose of this Ordinance is to set forth:
1. Conditions and limitations on the use of the District's Sanitary Sewer System. Said conditions and limitations are designed to:
    - a. Prevent the introduction of pollutants in qualities or quantities which may create or contribute to interference or pass through as defined in Article 1.10 (see 1.10 DEFINITIONS) of this Ordinance;
    - b. Ensure the District's compliance with the requirements of applicable federal, state, and local regulatory agency programs and permits;
    - c. Enforce Federal Categorical Pretreatment Standards; and
    - d. Protect the beneficial use of recycled water and municipal biosolids.
  2. Specific enforcement provisions to resolve noncompliance with the District's Ordinance, thereby allowing the District to:
    - a. Resolve non-compliance with provisions of this Ordinance in a timely manner;
    - b. Ensure that the District's Sanitary Sewer Systems, all treatment processes and downstream POTWs are protected and are able to operate with the highest degree of efficiency; and
    - c. Protect the public health and environment.
- B. It is the policy of this District that:
1. This Ordinance shall be interpreted in accordance with the definitions set forth in Definitions of this Ordinance (see 1.10 DEFINITIONS);
  2. The provisions of this Ordinance shall apply to any Discharge to the District's Sanitary Sewer Systems;
  3. Contracting Agencies with approved Pretreatment programs shall have primary responsibility for compliance monitoring and enforcement of

Pretreatment program regulations within their respective jurisdictions;

4. The District shall seek the cooperation of all Persons Discharging to the Sanitary Sewer System to ensure compliance with this Ordinance. Reasonable approaches shall be utilized to correct non-compliance when applying applicable regulations without compromising the intent, purpose and policies of this Ordinance;
5. The District shall adopt and implement an approved Sewer System Management Plan (SSMP) to provide a plan and schedule to properly manage, operate, and maintain all parts of the Sanitary Sewer System;
6. The District may adopt more stringent quality requirements on wastewater discharges regulated by 40 CFR, Chapter I, Subchapter N, Parts 405-471, in the event that more stringent quality requirements are necessary to protect beneficial use of reclaimed water and municipal biosolids or to meet State Water Resources Control Board Order 2006-0003 (or the most recent applicable Statewide General Wastewater Discharge Requirements for Sanitary Sewer Systems) requirements and/or National Pollution Discharge Elimination System (NPDES) permit requirements;
7. The District shall encourage conservation and pollution prevention through source control strategies which reduce the amount of pollutants entering the environment prior to recycling, pretreatment, or disposal;
8. The District is authorized use the revenues derived from the application of this Ordinance to defray the cost of regulating Sanitary Sewer System usage to include, but not be limited to, administration, monitoring, permitting, reporting, and enforcement;
9. All fees associated with the implementation of this Ordinance and provisions of the Pretreatment Program shall be in amounts adopted by Resolution of the District's Board of Directors, and any amendments thereto;
10. The District shall ensure that all Persons are

afforded due process of law. Affected Persons shall have the right to a hearing as set forth in this Ordinance;

11. The District's Enforcement Response Plan (ERP) (see ARTICLE 6 ENFORCEMENT RESPONSE PLAN) herein utilizes progressive responses that escalate the level of enforcement for chronic and more severe violations of this Ordinance.
12. The District shall require all Public Agencies requesting to discharge wastewater to any District facility from outside the established District jurisdictional boundaries to enter into an inter-jurisdictional Pretreatment agreement prior to accepting wastewater from said areas; and
13. The District, with this Ordinance, herewith adopts and incorporates existing rules and regulations that have been adopted by other municipal agencies that have agreed to accept Wastewater from the District. The District shall enforce the provisions of said rules and regulations as stipulated in the agreements with each agency for the Wastewater delivered. The Control Authority's rules and regulations shall apply in all cases where inconsistencies occur.

## **1.2 INTENT**

- A. It is the intent of this Ordinance to protect public health, safety, general welfare, District personnel, the Sanitary Sewer System and the environment from Discharges with the potential as solely determined by the District to detrimentally impact the beneficial use of reclaimed water and municipal biosolids, and to enable the District to comply with all applicable State and Federal laws including the Clean Water Act of 1977 (33 USC 1251, et. Seq.), the general Pretreatment Regulations (40 CFR 403), and all applicable NPDES permits or Wastewater Discharge Requirements issued to the receiving POTW or adopted as Statewide General Wastewater Discharge Requirements.
- B. It is the intent of this Ordinance that Contracting Agencies with approved Pretreatment programs have,

within their respective jurisdictions, primary responsibility for compliance monitoring and enforcement of federal, state and locally mandated Pretreatment regulations. However, in the event a Contracting Agency does not take action to enforce Pretreatment standards and requirements, the District, after notice to the Contracting Agency, has the right to take administrative or legal action. In the event that neither the District nor the Contracting Agency takes action to enforce Pretreatment standards and requirements, the owner of the POTW (Control Authority), after notice to the Contracting Agency and the District, shall have the right to take such action.

**1.3 SCOPE**

The provisions of this Ordinance shall apply to any aspect of the District's Sanitary Sewer System, its POTW or any downstream POTW receiving Wastewater from the District's Sanitary Sewer System, excluding wastewater discharges to the Brine Line which shall be the subject of separate rules and regulations.

**1.4 APPLICABILITY**

This Ordinance applies to all Persons, Users, Dischargers, Public Agencies and others who impact the operation of the District's Sanitary Sewer System facilities, its POTWs and/or downstream POTWs owned by other Public Agencies, excluding wastewater discharges to the Brine Line which shall be the subject of separate rules and regulations.

**1.5 AUTHORIZATION**

The General Manager or his/her designee (collectively, "General Manager") is authorized to:

- A. Issue Connection Permits;
  - 1. Issue Wastewater Discharge Permits and Agreements;
  - 2. Require the installation and maintenance of pretreatment and/or monitoring facilities and equipment;
  - 3. Conduct inspections of facilities and records, including, but not limited to, inspecting and copying records;

- B. Require monitoring and reporting of Discharges to the Sanitary Sewer System;
- C. Monitor the quality of Wastewater entering the Sanitary Sewer System;
- D. Require the development of Spill Containment Plans and reporting of accidental discharges;
- E. Require the development of a Slug Control Plan (per Title 40 of the Code of Federal Regulations (40 CFR) 403.8(f)(2)(vi));
- F. Deny, approve or approve with conditions, new or increased Discharges or change in the quantity or characteristics of Discharges, when such Discharges do not meet applicable pretreatment requirements as specified in 40 CFR 403.8(f)(1)(i);
- G. Take enforcement actions against those who violate or cause violation of this Ordinance or Discharge Permit conditions. These actions may include, but are not limited to the following:
  - 1. Issuing written warnings;
  - 2. Issuing Notices of Violation;
  - 3. Issuing Administrative Orders;
  - 4. Issuing Cease and Desist Orders;
  - 5. Initiating and conducting non-compliance meetings;
  - 6. Initiating and conducting administrative hearings;
  - 7. Petitioning the courts for injunctions or civil penalties;
  - 8. Signing criminal complaints;
  - 9. Terminating services;
  - 10. Requiring payment of violation charges;
  - 11. Revoking and/or suspending the Discharge Permit; and
  - 12. Collecting the administrative and legal costs of enforcement from the violator.
- H. Delegate authority to District personnel or District contract personnel to carry out the authorities provided for under this Ordinance.

#### **1.6 ACCESS**

The District shall be granted permission to enter any properties from which Wastewaters are being or are

capable of being Discharged into the Sanitary Sewer System for purposes of inspecting, observing, measuring, sampling, and testing said Discharge. The District shall have access at reasonable times to all parts of the Person's wastewater generating and disposal facilities for the purposes of inspection and sampling. The District shall have the right to set up on the Person's property such devices as are necessary to conduct sampling or metering operations. Where a Person has security measures in force, the Person shall make necessary arrangements so that authorized personnel from the District will be permitted to enter without delay for the purpose of performing their specific responsibilities.

**1.7 INFORMATION REQUIRED**

To provide for fair and equitable use of the Sanitary Sewer System facilities, the District shall have the unqualified right to require a Discharger to provide information necessary to ensure compliance with all rules, regulations and provisions of this Ordinance.

**1.8 ACCESS TO INFORMATION**

- A. All information and data on a Person shall be available to the public unless the Person specifically requests and is able to demonstrate to the satisfaction of the District that the release of such information would divulge information, processes, or methods which would be detrimental to the Person's competitive position. The demonstration of the need for confidentiality made by the Person must meet the burden necessary for withholding such information from the general public under applicable State and Federal law.
- B. Notwithstanding the foregoing, the District shall not limit EPA's access to any information provided by the Person.
- C. Information concerning Wastewater quality and quantity will not be deemed confidential. Such information may include, but is not limited to:
  - 1. Wastewater discharge peak flow rates and volume over a specified time period;
  - 2. Physical, chemical, bacteriological, or radiological analysis of wastewaters;

3. Information on raw materials, processes, and products;
4. Quantity and disposition of specific liquid, sludge, fats, oil, grease, solvent, or other Wastewater constituents;
5. Details of Wastewater Pretreatment facilities and their operation and maintenance;
6. Details of systems to prevent and control the losses of materials through spills to the Sanitary Sewer System;
7. Detailed plumbing plans indicating all sources discharging to the on or off-site Pretreatment or Sanitary Sewer System;
8. A slug load control program, per 40 CFR 403.8(f)(2)(vi);
9. Notification of Discharges of a listed hazardous waste (Section 3001 of the Resource Conservation and Recovery Act (RCRA) to the Sanitary Sewer System per 40 CFR 403.12(p));
10. Baseline monitoring reports per 40 CFR 403.12(b);
11. Compliance progress reports in accordance with all provisions listed in 40 CFR 403.12(c)(d)(e)(h);
12. Notification of potential problems, including slug loading in accordance with all provisions listed in 40 CFR 403.12(f);
13. Notification of substantial changes in volume or character of pollutants discharged in accordance with all provisions listed in 40 CFR 403.12(j); and
14. Monitoring and analysis reports demonstrating continued compliance in accordance with all provisions listed in 40 CFR 403.12(g).

**1.9      AUTHORITY**

- A. The District is regulated by several agencies of the United States government and State of California pursuant to the provisions of State and Federal Law. This Ordinance provides the required legal authority to meet the intent, purposes, and policies set forth herein. The District is granted the authority to adopt this Ordinance pursuant to the authorization of Municipal Water District Law of 1911, California Water Code Sections 71000, et seq., California Government Code, Sections 54739-54740, et seq., the California State Water Resources Control Board Order (Statewide General Wastewater Discharge Requirements for Sanitary Sewer Systems)s may be amended from time to time, the Clean Water Act (33 USC §§ et seq.) and the General Pretreatment Regulations (40 CFR 403).
- B. The District's authority includes, but is not limited to, the right to establish limitations, conditions, and prohibitions; to establish flow rates or prohibit flows discharged to the District Sanitary Sewer System; to require the development of compliance schedules for the installation of equipment, systems, and materials by all users; and to take all actions necessary to enforce its authority, whether within or outside the District boundaries, including those users with facilities/flows that are tributary to the District and its facilities or within areas which the District has contracted to provide sewerage services.

**1.10      DEFINITIONS**

- A. Unless otherwise defined herein, terms related to water quality shall be as adopted in the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, the American Water Works Association, and the Water Environment Federation. The testing procedures for waste constituents and characteristics shall be as provided in 40 CFR 136 (Code of Federal Regulations; Title 40; Protection of Environment; Chapter I, Environmental Protection Agency; Part 136, Test Procedures for the Analyses of Pollutants), or as specified. Other terms and conditions not herein defined are defined in current

editions of the *California Plumbing Code*, and the *Uniform Plumbing Code*, published by the International Association of Plumbing and Mechanical Officials.

- B. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated.
1. Act shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251, et seq.
  2. Applicant shall mean any person or entity who has applied for permission to use the District's Sanitary Sewer System for any Discharge.
  3. Approval Authority shall mean the State of California Water Resources Control Board.
  4. Authorized Representative shall mean:
    - a. The Owner or 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; or
    - b. A general partner, managing member or proprietor if the user is a partnership, limited liability company or sole proprietorship respectively; or
    - c. A duly authorized representative of the individual designated in Subsections a. or b. in this definition.
    - d. Any individual User or Discharger.
  5. Batch Discharge shall mean any intermittent discharge of pollutants from sources such as, but not limited to, process tanks, holding tanks, rinse tanks, or treatment systems.

6. Batch Discharge shall mean any intermittent discharge of pollutants from sources such as, but not limited to, process tanks, holding tanks, rinse tanks, or treatment systems.
7. Best Management Practices (BMPs) shall mean schedule of activities, prohibition of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5 (a) (1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage of raw materials storage.
8. Biochemical Oxygen Demand (BOD) shall mean the quantity of oxygen, expressed in mg/L, required to biologically oxidize material in a waste or wastewater sample measured under standard laboratory methods of five days at twenty degrees Centigrade.
9. Business Day shall mean a Western scheduled business day
10. Bypass shall mean the intentional diversion of wastestreams from any point of a User's pretreatment facility.
11. Board shall mean the Board of Directors of Western Municipal Water District.
12. Categorical Pretreatment Standards shall mean those final regulations promulgated and adopted by EPA (as outlined in 40 CFR 403, and 40 CFR, Chapter I, Subchapter N, 405-471) for each standard industrial classification (S.I.C.) or subcategory containing pollutant discharge limits.
13. Categorical Industrial User (CIU) shall mean an Industrial User subject to a categorical Pretreatment Standard or categorical Standard which is a regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307 (b) and (c) of the Clean Water Act (33 U.S.C.-1317) that apply to a specific category of users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
14. Cesspool shall mean any excavation in the ground which receives the discharge of a sewage drainage system, or part thereof, so

designed as to retain the solids and organic matter but permitting liquids to seep through the bottom and sides.

15. Class I User shall mean a Categorical Industrial User, as specified in 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; or a Significant Industrial User as specified in 40 CFR 403.3(t).
16. Class II User shall mean an Industrial User with an average daily discharge of less than 25,000 gallons per day of industrial wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewater) to the District's Sanitary Sewer System.
17. Class III User shall mean an Industrial User that has a temporary need, less than 180 days, to discharge wastewater to the District's Sanitary Sewer System.
18. Class IV User shall mean an Industrial User that has been issued a Zero-Discharge Permit. This type of permit does not allow any non-domestic wastewater to be discharged to the District's Sanitary Sewer System.
19. Code of Federal Regulations (CFR) shall mean the codification of the general and permanent rules published in the United States Federal Register by the Executive departments and agencies of the Federal Government to include but not limited to the Environmental Protection Agency.
20. Collection System shall mean all wastewater conveyance systems owned and maintained by the District or a Contract Agency for purposes of conveying wastewater to the District's POTW for treatment and excludes sewer service lateral connections.
21. Commercial Courier shall mean a company, an employee of that company or a person who delivers a message, package or letter from one place or person to another place or person. Examples of such Couriers are DHL, FedEx, UPS, etc. The mention of a company name does not imply a recommendation to use that company.
22. Commercial User shall mean any non-domestic User discharging only domestic wastewater
23. Composite Sample shall mean a collection of individual samples obtained at selected time

or flow-based increments, which are combined into one representative sample.

24. Contracting Agency shall mean any Public Agency or entity which has an agreement with the District to transport, treat, and/or dispose of the contracting Agency's Wastewater.
25. Control Authority shall mean either the POTW with an approved Pretreatment Program submission in accordance with 40 CFR 403.11 or the Approval Authority if the submission has not been approved.
26. Conventional Pollutant shall mean BOD, total suspended solids, pH, fecal coliform bacteria, oil and grease, total nitrogen, or any other pollutants that downstream POTWs are designed to accept, treat, reduce or remove.
27. Cooling Water shall mean all water used solely for the purpose of cooling a manufacturing process, equipment, or product.
28. Cross Media Electronic Reporting Rule (CROMERR) shall mean the EPA's Rule which provides the legal framework for electronic reporting under EPA's regulatory programs. See 40 CFR Chapter 1, Subchapter A, Part 3.
29. Day shall mean a calendar day, unless otherwise specified.
30. Dilution shall mean the increase in use of process water, potable water, or any other means to dilute a discharge as a partial or complete substitute for adequate treatment to achieve discharge requirements.
31. Discharge shall mean any wastewater, substance, or material (liquid or solid) that is received at the District's Sanitary Sewer System or any downstream POTW.
32. Discharger shall mean any Person, User, entity or Public Agency that discharges or causes a discharge of Wastewater or material (liquid or solid) directly or indirectly to the Sanitary Sewer System. Discharger shall mean the same as User.
33. Discharge Requirements shall mean the requirements of Federal, State or local public

- agencies having jurisdiction over Sanitary Sewer Systems and/or POTWs.
34. District shall mean the Western Municipal Water District of Riverside County.
  35. District Design Manual shall mean the Western Municipal Water District's "Developer Handbook & Standard Drawings for Water and Sewer Facilities" as the same may be revised from time to time.
  36. Domestic User shall mean a User discharging only Domestic Wastewater from a dwelling unit.
  37. Domestic Wastewater shall mean the liquid and solid waterborne wastes derived from the ordinary living processes of humans of such character as to permit satisfactory disposal, without special treatment, at a POTW or a private disposal system.
  38. EPA shall mean the United States Environmental Protection Agency
  39. Equivalent Dwelling Unit shall mean a unit of measurement equal to an approximation of the amount of sewage generated by an average single-family residence and is expressed in gallons per day (gpd). For the purpose of this document, 1 EDU is equal to 180 gpd.
  40. Federal Categorical Pretreatment Standard shall mean the National Pretreatment Standards, established by the EPA, specifying quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced into the Brine Line or tributaries thereto 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, as it exists and as it may be amended.
  41. Flow Monitoring Facilities shall mean equipment and structures approved by the District and provided at the User's expense to measure and/or record the incoming water to the User's facility or the wastewater discharged to the District's Sanitary Sewer System or tributaries thereto.
  42. General Manager shall mean the General Manager

of the Western Municipal Water District or the General Manager's designee.

43. Grab sample shall mean an individual sample collected over a period of time not exceeding 15 minutes.
44. Hard Copy shall mean a permanent reproduction, or copy, in the form of a physical object, of any media suitable for direct use by a person, of displayed or transmitted data. (U.S. Federal Standard 1037C).
45. Hazardous Waste shall be as defined in 40 CFR 261 consisting of a listed waste determined by EPA to be hazardous or a waste not specifically listed but which exhibits one of four characteristics: ignitability, corrosivity, reactivity, and/or toxicity.
46. Hydrolysate shall mean the resultant liquid from the hydrolysis of human remains.
47. Hydrolysis shall mean the process by which the body of a deceased person is chemically reduced to its essential organic components and bone fragments either before or after processing of the remains after removal from the hydrolysis chamber. This process may also be known as Alkaline Hydrolysis.
48. Indirect Discharge shall mean any Wastewater received from outside the District's jurisdictional boundaries via sewer line connections or any trucked liquid waste permitted by the District to discharge wastewater to the Sanitary Sewer System.
49. Industrial User shall mean any Discharger of non-domestic Wastewater.
50. Industrial Wastewater shall mean non-domestic wastewater, excluding rainwater, groundwater, stormwater, and drainage of uncontaminated water.
51. Infectious Waste shall mean all wastes which are likely to transmit etiologic agents which normally cause, or significantly contribute to the cause of, increased morbidity or mortality of human beings.
52. Inspector shall mean a person authorized by the General Manager to inspect any establishment directly or indirectly discharging or anticipating discharge to the

## Sanitary Sewer System.

53. Interference shall mean a discharge by a Person which, alone or in conjunction with discharges by other sources, inhibits or disrupts the operation of the Sanitary Sewer System or POTW or which is a cause of a violation of any Federal, State or local requirement (including an increase in the magnitude or duration of a violation), or of the prevention of biosolids use or disposal in compliance with applicable Federal, State, and local regulations (per 40 CFR 403.3 (k)).
54. Infectious Waste shall mean materials including, but not limited to, medical wastes which are likely to transmit etiologic agents which cause, or significantly contribute to the cause of, increased morbidity or mortality of human beings.
55. Interceptor, also known as Gravity Separation Interceptor, shall mean an approved detention chamber designed to remove floatable and settleable material (including by example fats, oils and grease) from wastewater prior to discharge to the Sanitary Sewer System.
56. Interference shall mean a discharge which, alone or in conjunction with a discharge or discharges from other sources, both: (1) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and (2) therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): 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), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine

Protection, Research and Sanctuaries Act.

57. Local Limits shall mean a set of technically based discharge limits that are developed by the District and/or receiving POTW in accordance with 40 CFR 403.5(c) to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).
58. Mass Emission Rate shall mean the weight of material discharged to the Sanitary Sewer System during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of particular constituent or combination of constituents.
59. May shall mean permissive.
60. North American Industry Classification System (NAICS) shall mean a classification of business establishments by type of economic activity (process of production). It has largely replaced the older Standard Industrial Classification (SIC) system.
61. New Source shall mean 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 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.

Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of section (b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:

- (d) Begun, or caused to begin, as part of a continuous onsite construction program
  - (1) any placement, assembly, or installation of facilities or equipment;
  - or (2) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
- (e) Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

62. Owned Capacity shall mean the maximum amount of wastewater that an industrial or commercial customer may discharge to the sanitary sewer system in a given time period, from a specific property parcel. This is usually expressed in gallons per day (gpd). Industrial and commercial properties are assigned an EDU value, which is determined from the EDU Table

of Proposed Building Use (Table of Values), as set forth in Table 8 attached hereto and incorporated herein by reference. Owned Capacity is determined by multiplying the number of EDUs assigned to the applicable parcel by 180 gallons per day. To determine the maximum flow in gallons per hour, this figure is divided by 24 hours.

63. Pass Through shall mean the discharge of pollutants through the receiving POTW 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 POTW's discharge requirements, including an increase in the magnitude or duration of a violation. (40 CFR 403.3(p)).
64. Permittee shall mean a Person who has applied for and received permission to Discharge into the Sanitary Sewer System or tributaries thereto, subject to the requirements and conditions established by the District.
65. Person shall mean any User, individual, Discharger, partnership, firm, association, corporation or Public Agency.
66. pH shall mean the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions, as analyzed in accordance with Approved Analytical Methods. pH represents both acidity and alkalinity on a scale ranging from 0-14 where 7 represents neutrality, values less than 7 represent acidity and values greater than 7 represent alkalinity.
67. Pollutant shall mean any constituent or characteristic of Wastewater on which a discharge limitation or prohibition may be imposed either by the District, Public Agencies empowered to regulate the District or a receiving POTW.
68. Pretreatment shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in Wastewater prior to, or in lieu of, discharging such pollutants into the Sanitary Sewer System. The reduction or

alteration may be accomplished by physical, chemical or biological process or process changes, or by other means, except dilution.

69. Pretreatment Facility shall mean any works or devices for the Pretreatment or flow control of wastewater prior to discharge to the Sanitary Sewer System, or tributaries thereto.
70. Pretreatment Requirements shall mean any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.
71. Pretreatment Standard or Standards shall mean prohibited discharge standards, categorical pretreatment standards, local limits or other requirements for Pretreatment.
72. Priority Pollutants shall mean the most recently adopted list of the toxic pollutants identified by the U.S. EPA as having the greatest environmental concern as incompatible, requiring Pretreatment prior to discharge in order to prevent upsets, interference, pass through, biosolids contamination or air contamination.
73. Private Lateral shall mean the pipeline that conveys a Discharge from the Person's premises to the Sanitary Sewer System.
74. Public Agency shall mean any public entity including without limitation the State of California or any city, county, district, other local authority or public body.
75. Public Nuisance shall mean anything which:
  - a. is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, and
  - b. affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and
  - c. occurs during or as a result of the

treatment or disposal of wastes.

76. Public Sewer Main shall mean any closed conduit which is owned by a Public Agency for the purpose of transporting Wastewater.
77. Publicly Owned Treatment Works (POTW) shall mean a Public Agency's treatment plant and disposal system. This definition includes all devices, equipment, pipes, and systems used within the plant for the transmission, storage, treatment, disposal, recycling and reclamation of municipal wastewater, biosolids, or industrial wastewater. The term, POTW Owner means the municipality as defined in Section 402(4) of the Act that owns the treatment works (aka treatment plant and disposal system).
78. RCRA shall mean the Resource Conservation and Recovery Act of 1976 Public Law (Pl) 94-580 and amendments thereto.
79. Regulatory Agencies shall mean those agencies having oversight of the operation of the District, including but not limited to the following:
  - a. United States Environmental Protection Agency (EPA);
  - b. California Environmental Protection Agency (Cal-EPA);
  - c. California State Water Resources Control Board ("State Board");
  - d. California Regional Water Quality Control Board, Santa Ana Region ("Regional Board"),
  - e. South Coast Air Quality Management District (SCAQMD); and
  - f. California Department of Public Health (DPH).
80. Residential User shall mean a household which discharges only domestic Wastewater from a residential dwelling unit.
81. Sanitary Sewer Overflow (SSO) shall mean any overflow, spill, release, discharge, or diversion of untreated or partially treated Wastewater from a Sanitary Sewer System. SSOs include:
  - a. Overflows or releases of untreated or

partially treated Wastewater that reach waters of the United States;

- b. Wastewater backups into buildings and on private property that are caused by blockages or flows within the publicly owned portion of a Sanitary Sewer System;
  - c. Overflows or releases of untreated or partially treated Wastewater that do not reach water of the United States (excluding temporary storage and conveyance facilities such as vaults, temporary piping, construction trenches, wet wells, impoundments, tanks, etcetera). As stated in California State Water Resources Control Board Order No. 2006-0003, these temporary storage and conveyance facilities are considered to be part of the Sanitary Sewer System, and discharges into these temporary storage facilities are not considered to be SSOs.
- 82. Sanitary Sewer System shall mean pumps, pipes, conduits, manholes and other facilities, above and below ground, whose purpose is to convey Wastewater and/or other User Discharges to any District owned or operated POTW.
  - 83. Sanitary Wastewater shall mean domestic Wastewater from other than a dwelling unit.
  - 84. Satellite Collection System - The portion, if any, of a Sanitary Sewer System owned or operated by a different Public Agency than the District that contributes flows to a District owned or operated POTW.
  - 85. Septic Tank shall mean a watertight receptacle, which receives the discharge from a sewer system and is designed and constructed to retain solids, digest organic matter through a period of detention, and allow the liquids to discharge for disposal.
  - 86. Sewerage Facilities shall mean any and all facilities used for collecting, conveying, pumping, treating and disposing of wastewater including private facilities, Sanitary Sewer Systems and POTWs.
  - 87. Shall means mandatory.
  - 88. Significant Industrial User (SIU), except as provided in 40 CFR 403.3(v)(2) and (v)(3)\_shall

mean:

- a. All Users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; or
  - b. Any User that:
    - (1) Discharges an average of 25,000 gallons per day (gpd) or more of process wastewater to the Districts Sanitary Sewer System (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
    - (2) Contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the receiving POTW; or
    - (3) May cause pass through or interference with the District's Sanitary Sewage System, or POTW; or
    - (4) Is designated as a SIU by the District on the basis that the User has a reasonable potential for adversely affecting the operation of the receiving POTW or Sanitary Sewer System or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).
  - c. Upon a finding that a User meeting the criteria in Subsection b. has no reasonable potential for adversely affecting the operation of the receiving POTW or Sanitary Sewer System or for violating any pretreatment standard or requirement, the District may at any time, on its own initiative or in response to a petition received from a User, and in accordance with procedures in 40 CFR 403.8 (f) (6), determine that such User should not be considered a Significant Industrial User.
89. Significant Non-Compliance (SNC) shall mean any compliance violation(s), that meet one or more of the following criteria:
- a. Chronic violations of Wastewater Discharge limits, defined here as those in which 66 percent (66%) or more of all

- of the measurements taken for the same pollutant during a 6-month period exceed (by any magnitude) a numeric pretreatment standard or requirement including instantaneous limits, as defined by 40 CFR 403.3(1);
- b. Technical review criteria (TRC) violations, defined as those in which 33 percent (33%) or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(1) 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 Standard or Requirement as defined by 40 CFR 403.3(1) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the District determines has caused, alone or in combination with other discharges, interference or Pass Through (including endangering the health of District personnel or the general public);
  - d. Any discharge of a pollutant that has caused imminent endangerment to human health, 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 90 days after the schedule date, a compliance schedule milestone contained in a local permit or enforcement order, for starting construction, completing construction, or attaining final compliance;
  - f. Failure to provide, within 45 days after 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 accurately report non-compliance; or
  - h. Any other violations or group of violations, which may include a violation of Best Management Practices, which the District determines will adversely affect the operation or implementation of the local Pretreatment Program.
66. Single Pass Cooling shall mean unpolluted water used solely for the purpose of cooling and is used only once before being discharged.
67. Slug Discharge Control Plan shall mean a plan required of any User or by an Industrial User pursuant to EPA Regulations, which meets the requirements of 40 CFR 403.8(f)(2)(vi), including but not limited to specifying the potential pollutants used and/or stored at the User's facility; potential pathways the pollutants may enter the Sanitary Sewer System and/or POTW, and facilities and procedures for preventing or controlling the occurrence of a Slug Discharge to the Sanitary Sewer System and/or POTW.
68. Sludge shall mean any solid, semi-solid or liquid decant, subnate or supernate from a manufacturing process, utility service, or Pretreatment Facility.
68. Slug Discharge shall mean any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge of wastewater, material or waste with such a high volume or pollutant concentration which has the potential to cause damage, Interference, or Pass Through in the Sanitary Sewer System, or POTW, or in any other way violates the POTW's regulations, Local Limits, or Permit conditions.
69. Spent Solution shall mean any concentrated Industrial Wastewater or Wastewater that is not authorized to be discharged to a Sewage facility until appropriately treated.
70. Spill Containment shall mean a protection system installed by the Person to prohibit the

accidental discharge to the Sanitary Sewer System of incompatible pollutants.

71. Standard Industrial Classification (SIC) shall mean the system of classifying industries identified in the S.I.C. Manual, issued by the Office of Management and Budget. Largely unused.
72. Toxic Pollutants shall mean those substances which, individually or when combined with other substances result in Discharges to a Sanitary Sewer System in concentrations or quantities which could have an adverse or harmful effect on such Sanitary Sewer System facilities, POTW, its operations and maintenance personnel or equipment, treated sewage effluent quality, water reclamation procedures, public or private property, or which may endanger the public, local environment, or create a public nuisance.
73. Unpolluted Water shall mean water to which no pollutant has been added either intentionally or accidentally.
74. Upset shall mean an exceptional incident which causes temporary and unintentional non-compliance with the discharge limitations or prohibitions applicable to a User or the District's POTW and which is beyond the reasonable control of a User or the District's POTW and as more fully set forth in 40 CFR Part 403.16, and California Water Code, Section 13385. An Upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation
75. User shall mean any Person who currently discharges Wastewater or material (liquid or solid) to the District's Sanitary Sewer System or receiving POTW. User shall mean the same as Discharger.
76. Violation shall mean an event, condition, or Discharge within a Person's facility, or from a Person to the Sanitary Sewer System or POTW that is prohibited by Law, Ordinance, Permit, or Order.

77. Violation Charge shall mean that charge levied against a Person for costs incurred by the District as a result of a Person's Violation.
78. Wastewater Discharge Permit (Permit) Permit shall mean the permit issued and enforced by the General Manager or designee permitting and regulating the discharge of wastewater into the Sanitary Sewer System and tributaries thereto.
79. Wastewater Discharge Hauler shall mean any commercial pumper that is permitted by Riverside County Department of Health as a Non-Hazardous Liquid Waste Hauler, discharging Domestic Wastewater and Sanitary Wastewater only. This shall also mean septic tank pumper.
80. Wastewater shall mean any waste, substance or material (liquid or solid) that is received into the District's Sanitary Sewer System, its POTW or downstream Sanitary Sewer System and/or POTW owned by others.
81. Wastewater Reclamation Facility (WRF) shall mean a POTW owned by the District or any Public Agency which receives wastewater governed by this Ordinance.
82. Wet Signature shall mean when a document is physically signed in ink.

#### **1.11 OTHER MEANINGS**

Words used in this Ordinance in the singular may include the plural and the plural the singular. Use of masculine shall mean feminine and use of feminine shall mean masculine. Shall is mandatory; may is permissive or discretionary.

#### **1.12 ACRONYMS**

BMP	- Best Management Plan
BOD	- Biochemical Oxygen Demand
CDO	- Cease and Desist Order
CFR	- Code of Federal Regulations
CIU	- Categorical Industrial User

CO - Compliance Order  
EPA - United States Environmental Protection Agency  
ERP - Enforcement Response Plan  
mg/L - milligrams per liter  
O&M - Operations and Maintenance  
POTW - Publicly Owned Treatment Works  
RCRA - Resource Conservation and Recovery Act  
SIU - Significant Industrial User  
SNC - Significant Non-Compliance  
SSO - Sanitary Sewer Overflow  
TRC - Technical Review Criteria  
TSS - Total Suspended Solids  
USC - United States Code  
WDP - Wastewater Discharge Permit  
WRF - Wastewater Reclamation Facility

**ARTICLE 2**  
**GENERAL AND SPECIFIC PROHIBITIONS AND LIMITATIONS ON**  
**DISCHARGES**

**2.1 PROHIBITED DISCHARGES**

- A. **General Prohibitions.** No User shall introduce or cause to be introduced into the District's Sanitary Sewer System or receiving POTW any material (liquid or solid) or any Pollutant, including oxygen demanding pollutants (BOD, etc.) or wastewater which, alone or in conjunction with other substances, causes Pass Through or interference. These general prohibitions, and the Specific Prohibitions in paragraph B of this section apply to each User introducing pollutants into the Sanitary Sewer System or POTW, whether or not the User is subject to National Pretreatment Standards or any other National, State, or local Pretreatment Requirements.
- B. **Specific Prohibitions.** No Person shall introduce or cause to be introduced into the District's Sanitary Sewer System the following pollutants, substances, material or wastewater:
1. Pollutants which create a fire or explosive hazard in the District's Sanitary Sewer System or receiving POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
  2. Wastewater having a pH less than 5.0 or more than 11.0, or which will cause the pH of the influent to the Sanitary Sewer System or receiving POTW to drop below 6.5 or rise above 8.0, or otherwise cause corrosive structural damage to the District's Sanitary Sewer System, receiving POTW or O&M equipment;
  3. Discharges in amounts which will cause obstruction of the flow in the District's Sanitary Sewer System or any receiving POTW resulting in interference but in no case solids greater than 3/8 inches in any dimension;
  4. Any substance or heat in amounts which will inhibit biological activity in the receiving POTW resulting in Interference, or which will

cause the temperature of sewage in the Sanitary Sewer System or tributaries thereto to be greater than 140°F (60°C). In no case shall any substance or heat be discharged to the Sanitary Sewer System or tributaries thereto which will raise the influent to the POTW higher than 104°F (40°C).

5. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;
6. Pollutants which result in the presence of toxic gases, vapors, or fumes within the District's Sanitary Sewer System or any receiving POTW in a quantity that may cause acute worker health and safety problems;
7. Any trucked or hauled Pollutants, except at discharge points designated by the General Manager;
8. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the Sanitary Sewer System for maintenance or repair;
9. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the receiving POTW's effluent;
10. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
11. Unpolluted water including, but not limited to, storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, condensate, deionized water, and single pass cooling water, unless specifically authorized by the General Manager;
12. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
13. Detergents, surface-active agents, or other substances, which may cause excessive foaming in the District's Sanitary Sewer System or any receiving POTW;

14. Wastewater required to be manifested under RCRA, unless specifically authorized by the General Manager;
15. Any recognizable portions of human or animal anatomy;
16. Hydrolysate Wastes or Wastewater resulting from Hydrolysis either directly or indirectly into the Sanitary Sewer System.
17. Infectious wastes as defined in the California Health and Safety Code Sections 117600-118360 without obtaining written permission from the General Manager. The request shall be submitted to the General Manager in writing and shall include:
  - a. The source and volume of the medical waste;
  - b. The procedures and equipment used for disinfection of the medical waste; and
  - c. Employee training procedures for the legal disposal of the medial waste.
18. Increased volumes of process water used to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The General Manager may impose such limitations on the amount, in pounds per day, of pollutants discharged by Users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of such limitations is appropriate.
19. Waste recovered from treatment equipment, systems, or devices into any private sewer or any drains or other openings leading to the Sanitary Sewer System. All recovered waste shall be disposed of in accordance with all applicable Federal, State, county, and local laws and regulations.
20. Any quantities of herbicides, algaecides, or pesticides in excess of the local or national categorical discharge standards.

21. Any liquid or solid substance, including without limitation fats, oils, grease, compounds, debris, objects, material or elements that could potentially damage the Sanitary Sewer System or receiving POTW as solely determined by the District or potentially create excessive O&M expense to remedy its presence.

Wastewater prohibited by this article, including pollutants, substances, or material (liquid or solid) shall not be processed or stored in such a manner that they could reasonably or accidentally be Discharged to the District's Sanitary Sewer System.

## **2.2 NATIONAL CATEGORICAL PRETREATMENT STANDARDS**

The Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471, as amended, are hereby incorporated into this Ordinance by reference.

- A. Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in Wastewater, the General Manager may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- B. When Wastewater subject to a Categorical Pretreatment Standard is mixed with wastewater not regulated by the same standard, the General Manager shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).
- C. A User may obtain a variance from a Categorical Pretreatment Standard if the User can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the Categorical Pretreatment Standard.
- D. A User may request a net gross adjustment to a Categorical Pretreatment Standard in accordance with 40 CFR 403.15.

## **2.3 LOCAL LIMITS**

- A. No User shall discharge or cause to be introduced directly or indirectly into the District's Sanitary Sewer System, a quantity or quality of wastewater, which exceeds the Local Limits established by the

receiving POTW owner. The local limits and conventional pollutant surcharge limits and associated treatment fees are POTW specific and are set forth by the District and amended from time to time to reflect current factors.

- B. Local Limits apply at the point where the wastewater is discharged to the District's Sanitary Sewer System. The General Manager may impose limitations based on concentrations of pollutants in milligrams per liter (mg/L) or as an amount of pollutants in pounds per day (lbs/day) or both.

#### **2.4 LIMITATIONS ON WATER SOFTENERS**

- A. Industrial Water Softener Policy

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

1. The brine solutions generated during the backwash cycles of the water softener shall be segregated from the freshwater rinses for disposal to a legal brine disposal site;
2. The backwash equipment shall be equipped with an electrical conductivity-controlled discharge valve that controls the wastewater discharged to the POTW. The electrical conductivity valve shall be calibrated at a minimum annually or as often as necessary to control and prevent any wastewater from being discharged to the POTW that exceeds the maximum total dissolved solids, or associated sodium and chloride concentrations established in the local discharge limitations; and
3. The Industrial User shall maintain the electrical conductivity-controlled discharge valve in proper operating condition at all times. The Industrial User shall notify the General Manager within twenty-four (24) hours in the event of a valve failure and immediately cease the discharge of all wastewater to the

Sanitary Sewer System and receiving POTW associated with the soft water regenerating processes. A written report documenting the cause of the failure and the corrective actions taken shall be submitted to the District, within five calendar days after discovery of the electrical conductivity valve failure.

B. Residential Water Softener Policy

Residential Water Softening shall be regulated in accordance with California Health and Safety Code Sections 116775-116795 and amendments thereto, which are hereby incorporated by reference.

C. General Water Softener Policy

The District may, by ordinance, limit the availability, or prohibit the installation, of residential water softening or conditioning appliances that discharge to the sanitary sewer system if the District makes all of the following findings:

D. Limiting the availability, or prohibiting the installation, of the appliances is a necessary means of achieving compliance with waste discharge requirements issued by the applicable Regional Water Quality Control Board. In determining a necessary means of achieving compliance, the District shall assess both of the following:

1. The technological and economic feasibility of alternatives to the ordinance;
2. The potential saline discharge reduction of the ordinance.

E. The District has adopted and is enforcing regulatory requirements that limit the volumes and concentrations of saline discharges from non-residential sources in the sanitary sewer system to the extent technologically and economically feasible.

F. The District findings shall be substantiated by an independent study of discharges from all sources of salinity, including, but not limited to, residential water softening or conditioning appliances, residential consumptive use, industrial and commercial discharges, and seawater or brackish water infiltration and inflow into the sewer collection system. The study shall quantify, to the

greatest extent feasible, the total discharge from each source of salinity and identify remedial actions taken to reduce the discharge of salinity into the community sewer system from each source, to the extent technologically and economically feasible, to bring the District into compliance with waste discharge requirements, water reclamation requirements, or a master reclamation permit, prior to limiting or prohibiting the use of residential water softening or conditioning appliances.

- G. Any ordinance adopted pursuant to California Health and Safety Code Sections 116775 - 116795 shall be prospective in nature and may not require the removal of residential water softening or conditioning appliances that are installed before the effective date of the ordinance.
- H. Any Person installing or operating a water conditioning apparatus of any kind shall make such apparatus accessible to the General Manager for inspection at reasonable times.

**2.5 LIMITATIONS ON CESSPOOL, SEPTIC & HOLDING TANK WASTES**

- A. Cesspool, Septic Tank, and Holding Tank wastes are prohibited unless specifically approved in writing by the District under emergency or other abnormal short duration circumstances. Wastes from Industrial process sources are prohibited and may not be hauled and discharged to the Sanitary Sewer System.

**2.6 RIGHT OF REVISION**

The District reserves the right to establish, by Resolution, Ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the District's Sanitary Sewer System or receiving POTW.

**ARTICLE 3**  
**USE OF THE PUBLIC SANITARY SEWER SYSTEM**

**3.1 SEWER HOOKUP REQUIRED**

- A. When required by the local building authority to connect to the Sanitary Sewer System, the Person shall make application to the District for sewer service.
- B. No Person shall make any connection to a District Sanitary Sewer System, Public Sewer Main or appurtenance thereof without obtaining prior written permission to do so, Notice To Proceed (see 3.2 NOTICE TO PROCEED) from the District or public agency with jurisdiction over the Sanitary Sewer System, in the form of a Notice To Proceed (NTP). Such Notice To Proceed shall be in addition to any and all permits required by the District or Local Building Authority.
- C. Where a Sanitary Sewer System is not or cannot be made available as determined by the District, sewers may be connected to a private wastewater disposal system upon approval of the Riverside County Department of Public Health and compliance with any other applicable laws, rules and regulations.
- D. No Person, Public Agency, User or entity outside the boundaries of the District shall Discharge into any District Sanitary Sewer System or POTW without an interagency agreement, a permit issued by the District and compliance with any other applicable laws, rules and regulations.

**3.2 NOTICE TO PROCEED**

- A. To provide maximum public benefit from the District's Sanitary Sewer System, written authorization to use said facilities is required. This written authorization shall be in the form of a Notice To Proceed, which may be issued subject to
  - 1. All District Sewer System Fees and Charges, as adopted by Ordinance or Resolution, by the District's Board of Directors and which may be modified from time to time, have been paid;
  - 2. A Wastewater Discharge Permit Application has been submitted where required;
  - 3. Arrangements have been made to pay any District

fees or charges.

4. The applicant agrees to comply with Federal, State, and District requirements including this Ordinance governing User Discharges.

### **3.3 SEWER CONNECTION RULES**

- A. The connection to the District's Sanitary Sewer System shall conform to the requirements of applicable building and plumbing codes and current District rules and regulations. All such connections shall be gas and watertight and shall be tested as described in the District's Developer Handbook & Standard Drawings for Water and Sewer Facilities". Any deviation from such codes and/or District rules and regulations must be approved, in writing, by the District prior to the installation of the connection.
- B. Before wastewater from any structure which has been previously served by a private wastewater disposal system are discharged into a District Sanitary Sewer System, a Notice To Proceed shall be required. No cesspool or septic tank effluent may be discharged directly into a Sanitary Sewer System unless specifically authorized in the Notice To Proceed.
- C. Following issuance of a Notice To Proceed, the Discharger shall notify the District when the building's sewer is ready for connection to the District's Sanitary Sewer System. The District reserves the right to inspect any physical connection of the building's sewer to the District's Sanitary Sewer System.
- D. Whenever, in the opinion of the District, there exists the possibility of sewage from the District's Public Sewer Main flooding through the connection into the connected structure as a result of hydraulic characteristics in the District's Sanitary Sewer System, a backwater overflow prevention device, approved by the District, shall be installed in the Discharger's lateral at the Discharger's expense.
- E. All excavations for a building sewer installation and connection thereof to the District's Sanitary Sewer System shall be adequately guarded to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the

course of the work shall be restored in a satisfactory manner as determined by the District at the Discharger's expense.

### **3.4 GRAVITY SEPARATION INTERCEPTOR REQUIREMENTS**

- A. Any Person that Discharges wastewater containing fats, oils and grease or solids at excessive levels, as solely determined by the District, shall be required to install and maintain a gravity separation interceptor (Interceptor). Sanitary wastewater shall not be allowed to pass through the Interceptor. The Interceptor shall conform to District standards and the operational fluid capacity shall be determined by the District. The interceptor shall have a minimum operational fluid capacity of 750 gallons.
- B. All Persons required to install an Interceptor shall comply with the following conditions:
1. 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 chamber. At no time shall any material, debris, obstacles, vehicles, or other obstructions be placed (temporarily or permanently) in a manner, which will prevent immediate access to any Interceptor chambers.
  2. Any Interceptor installed prior to November 20, 2013 shall be acceptable as an alternative to the Interceptor requirements of this Ordinance provided it meets minimum District operational standards as set forth herein. The Interceptor shall be effective in removing floatable and settleable material as specified in Article 3.4, B.3 and shall be accessible as described in Article 3.4, B.1.
  3. If the District finds, either by engineering knowledge or by observation that an existing Interceptor is incapable of adequately eliminating Prohibited Discharges (Article 2.1), is structurally inadequate, or is undersized for the intended use, the District may condemn such Interceptor and declare that the Interceptor does not meet District

requirements. The User may be required to install, at the User's expense, an Interceptor which is acceptable to the District.

- D. The District may maintain a file, available to the public, of suitable designs for Interceptors. This file shall be for informational purposes only and shall neither provide nor imply any endorsements of any kind. Installation of an Interceptor of a design shown in this file, or any design meeting the size requirements set forth in this Ordinance, shall not subject the District to any liability for adequacy of the Interceptor under actual conditions of use. The Person and/or permittee shall not be relieved of the responsibility for keeping floatable and settleable material out of the District's Sanitary Sewer System.
- E. Adequate Interceptor maintenance is the responsibility of the User and shall be determined as follows:
1. The Interceptor shall be cleaned by a licensed and permitted Waste Hauler on a periodic basis which assures that the Interceptor will operate as designed at all times. An Interceptor is **not** considered adequately maintained, if for any reason the Interceptor is not in good working condition (e.g. missing or broken internal plumbing) or if the operational fluid capacity has been reduced by more than 25%.
  2. The use of chemicals or other materials including biological products which emulsify, suspend, or in any manner, allow fats, oil and grease to pass through, rather than be retained by the Interceptor is prohibited.
  3. The use of microbiological agents to metabolize fats, oil and grease shall be reviewed for approval on a case-by-case basis. The User shall submit a written request to the District for any use of a microbiological agent prior to the use of said agent. The use of microbiological agents shall not be a substitute for adequate Interceptor maintenance.
  4. Interceptor pumping records shall be maintained continuously on site and retained for a minimum of 3 years by the User and made available to the District immediately upon request. All

material removed during the Interceptor cleaning shall be disposed of properly at a facility licensed to receive and process Interceptor wastes and shall not be disposed of into the District's Sanitary Sewer System.

5. Any User required to install or maintain an Interceptor pursuant to this Ordinance, shall be required to have written procedures for their facility, which describe operational practices employed to ensure that the interceptor operates as designed. Said procedures may include but are not limited to: waste minimization practices; Interceptor cleaning schedule; on-site record keeping for manifests from the licensed and permitted waste haulers; and recycling of fats, oil and grease waste.
6. The owner, Person, User, Discharger, lessee, sub-lessee, proprietor, operator, and/or superintendent of any facility, required to install or maintain an Interceptor, are individually and severally liable for any failure of properly maintaining said Interceptor.

### **3.5 PRETREATMENT OF INDUSTRIAL WASTEWATERS**

- A. An Industrial User shall:
  1. Provide Pretreatment, as required, to comply with this Ordinance.
  2. Achieve compliance with all Federal Categorical Pretreatment Standards, as contained in 40 CFR Chapter I, Subchapter N, as it exists and as it may be amended, and Local Limits, whichever is more stringent, within the time limitation as specified by the Federal Pretreatment Regulations.
  3. Be required to treat wastewater to a level acceptable to the District and shall provide, operate, and maintain all necessary equipment, systems, and devices at the Industrial User's expense.
  4. Provide detailed plans showing the treatment equipment, systems, devices, and operating procedures. Said plans shall be submitted to

the District for review and approval prior to beginning construction or installation of any Pretreatment equipment. The review of such plans and operating procedures will in no way relieve the Industrial User of the responsibility for treating wastewater to a level acceptable to the District under provisions of this Ordinance.

5. Provide adequate notice, as applicable, to the District so rough plumbing can be inspected prior to backfilling to document conformity with approved plans.

B. Discharge Permits may include:

1. Conditions that, whenever deemed necessary, may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and or consolidate points of discharge, separate sewage (e.g., domestic wastewater) from industrial wastestreams, and such other conditions deemed necessary to protect the POTW and comply with this Ordinance.
2. Limits on the average and/or maximum rate of Discharge, time of Discharge, and/or requirements for flow regulation and equalization;
3. Requirements for the installation of Pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of Pollutants into the POTW;

**3.6 INDUSTRIAL USER MODIFICATIONS**

- A. An Industrial User shall report proposed changes in the Industrial User's operations to the District for approval prior to the Industrial User initiation of the changes. For the purposes of this article, "changes" shall include, but is not limited to, any of the following:

1. A sustained positive or negative change of 20% in quantity or Pollutant in the Industrial Wastewater discharged;

2. Additional processes;
3. Additional or different equipment; or
4. An increase in production capacity.

### **3.7 SPILL CONTAINMENT SYSTEM**

Spill containment systems, as may be required, shall conform to requirements established by the District, including, but 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 water-tight 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 impermeable and non-reactive materials to the liquids being contained.
- D. A spill containment system shall conform to local regulation and policies as to percent containment, container type, and size but at a minimum have a capacity 10% greater than the sum of the containers it is protecting.
- E. At no time shall a spill containment system be used for the routine storage of waste, other than from a spill.

### **3.8 INTEGRATED WASTE MANAGEMENT PLANS**

- A. All industrial users shall be required to develop and maintain an Integrated Waste Management Plan (IWMP). The IWMP shall be available to the District for the General Manager's review. The IWMP shall be prepared in accordance with criteria established by the General Manager and shall comply with all applicable pretreatment requirements established by the United States Environmental Protection Agency.
- B. The IWMP must contain all of the following documents, unless not required by pretreatment regulations or guidance, and the General Manager, at his sole discretion, has, in writing, exempted the industrial

user from developing and implementing the plan or provision:

1. **A Toxic Organic Management Plan (TOMP).** A TOMP is required of all categorical industrial users who do not conduct total toxic organics (TTO) monitoring;
2. **A Slug Discharge Prevention Control Plan (SDPCP).** A SDPCP is required of all industrial users who have batch discharge provisions, stored chemicals or materials or the potential for a slug discharge which if discharged to the District's collection system would violate any of the prohibited discharge requirements of this chapter;
3. **A Pretreatment Systems Operations and Maintenance Manual.** The manual shall be submitted by all industrial users that operate and maintain pretreatment equipment for the removal of pollutants from wastewater;
4. **A Hazardous Materials and Hazardous Waste Management Plan.** This plan is required of all industrial users that use or possess hazardous materials and/or generate hazardous wastes;
5. **A Waste Minimization/Pollution Prevention Plan (WMPPP).** A WMPPP is required of all industrial users. The WMPPP shall list ways in which the industrial user plans to conserve water, investigate and implement product and/or material substitution, maintain inventory controls and provide employee education to minimize the amount of waste generated and hazardous materials used.

### **3.9 ACCIDENTAL DISCHARGE AND SLUG DISCHARGE PREVENTION CONTROL PLAN**

- A. The District may require any Person to develop and implement a Slug Discharge Prevention Control Plan. Any Person required to develop and implement a Slug Discharge Prevention Control Plan shall submit a plan within 30 days of District notification, which, at a minimum addresses the following:
  1. Description of proposed or historical discharge practices, including non-routine batch discharges.
  2. Description of proposed or historical stored

chemicals.

3. Procedures for immediately notifying the District and any applicable State or county agency having jurisdiction of any accidental or Slug Load Discharge. Such notification must also be given for any discharge, which would violate any of the prohibited discharges in Article 3 of this Ordinance.
4. Procedures to minimize adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and measures and equipment for emergency response.

### **3.10 NOTIFICATION OF DISCHARGE**

- A. All users shall immediately notify the General Manager of all wastewater discharges that could cause a problem at the POTW or collection system, including any slug loadings of any material. Wastewater discharges that may cause a problem at the POTW could be, but are not limited to, acids, alkalines, oils, greases, high strength organic wastes, salt, hazardous materials/waste, colored wastes and batch discharges. All users shall provide the General Manager, within five business days from the incident, a written report detailing the cause of the discharge and the corrective actions taken to prevent a reoccurrence. The notification shall include at the minimum the date and time, a description, cause, estimated gallons and steps taken to prevent a discharge of this nature from occurring again in the future.
- B. All users shall notify the Regional Board and the District of any discharge into the District's POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261.

### **3.11 DRAWING SUBMITTAL REQUIREMENTS**

- A. Industrial Users shall provide, as requested by the

District, drawings, schematics, or process and instrumentation diagrams during the initial sewer connection or whenever a site modification occurs. Industrial Users may be required to submit three copies of detailed facility plans. The submittal shall be in a professional form and content acceptable to the District for review of existing or proposed Pretreatment Facilities, spill containment facilities, monitoring facilities, metering facilities, and operating procedures. The review of the plans and procedures shall in no way relieve the User of the responsibility for modifying the facilities or procedures in the future, as necessary to produce an acceptable Discharge, and to meet the requirements of this Ordinance or any requirement of other Regulatory Agencies.

- B. The drawing shall depict, as a minimum, the manufacturing process (waste generating sources), spill containment facilities, monitoring facilities, metering facilities, and Pretreatment Facilities.
- C. The Applicant, Person or User shall submit a schematic drawing of the Pretreatment Facilities, piping diagram and instrumentation diagram, together with a wastewater characterization report.
- D. Users, Persons, and Applicants may also be required to submit for review site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, spill containment, clarifiers, Pretreatment Facilities and appurtenances by size, location, and elevation for evaluation.
- E. Unless otherwise allowed, diagrams, drawings and reports must be prepared by a California Registered Chemical, Mechanical, or Civil Engineer.

**3.12 RESPONSIBILITY FOR DISTRICT FACILITIES AND PRIVATE  
LATERALS**

- A. All District facilities installed by or for the District used in the collection and disposal of wastewater shall be dedicated to and remain the property of the District. Any Person who damages such facilities and any Person or property owner who knowingly or negligently permits such damage to occur will be held liable to the District.
- B. As a condition of sewer service, a District easement or right-of-way may be required to be conveyed by

Persons and property owners to the District for the installation, protection, maintenance, or replacement of District facilities on private property. Persons and property owners shall be responsible for compliance with the terms of the easements. At no time shall any material, debris, obstacles, vehicles or other obstructions be placed (temporarily or permanently) in a manner that prevents immediate access to District facilities. Costs incurred by the District as a result of any Person or property owner's failure to comply, may be billed to the said Person or property owner. The Person is responsible for maintenance of the Private Lateral and the easement or right of way it is into the point of connection with the District Sanitary Sewer System.

- C. The property owner owns and is responsible for the proper maintenance, repair, and/or replacement of the entire sewer lateral from the planar intersection of the lateral at the sewer main (see Western Municipal Water District Standard Drawing W-1160). The property owner shall be responsible for the costs of any cleaning, repair, replacement, or other maintenance activities at any point in the sewer collection system arising from improper or negligent use of the sewer lateral such as excessive fats, oils, or grease [FOG], debris, blockage by detritus, etc. The property owner shall notify the District prior to commencing any work in the public right-of-way.

### **3.13 COSTS**

- A. All costs and expenses incidental to all connections to the District Sanitary Sewer System shall be borne by the Person. The Person shall indemnify the District from all losses or damages which may result from the actions of said Person, Person's contractor and/or agent, associated with the installation or maintenance of such a connection to the District's Sanitary Sewer System.
- B. All construction, reconstruction, or maintenance of a building sewer on private property shall be accomplished by the Person at the Person's sole expense.
- C. All projected costs and expenses anticipated by the District's plan check procedures shall be paid by

the Applicant or Person prior to the District's issuance of a Notice To Proceed. Any additional costs incurred by the District shall be paid by the Applicant or Person prior to approving a Certificate of Occupancy as described in Article 3.13 of this Ordinance.

**3.14 PROCESSING COSTS**

- A. The plans for the construction of District Sewerage Facilities and Private Lateral(s) needed for service from the District must be approved by the District in advance. The Applicant or Person shall be responsible to pay all actual costs including deposits in advance to cover estimated District costs associated with any agreement, planning, engineering, inspection, and supervision of the District Sewerage Facilities and/or Private Lateral work.
- B. Cost for work performed by the District, including planning, engineering, inspection and construction, shall be determined through fees for service adopted and amended from time to time by the District's Board of Directors or separate agreement with the Applicant or Person.
- C. Plan check and inspection deposits and terms for initiating and maintaining said deposits shall be determined solely by the District.

**3.15 CAPACITY CHARGES**

- A. As needed, the District's Board of Directors shall establish capacity charges for connection to the sanitary sewer system that reflect the costs for treatment and conveyance system capacity.
- B. The District reserves the right to reassess capacity charges if it determines through the plan check or project approval process, and/or a future review of domestic water usage, that the sewer flows exceed the original purchased estimate of capacity use, facility design capacity, or facility use by 110% or more.

**3.16 SEWER RATES AND CHARGES**

- A. As needed, the District's Board of Directors shall establish sewer rates and charges to recover the

cost of providing sewer service.

- B. Industrial sewer dischargers with onsite consumptive water uses may request the use of a return factor to determine sewer charges. The nature and methodology of determining this return factor shall be approved by the District's Director of Engineering. Validation of the return factor shall be sufficient to reflect all seasonal variations.

**3.17 CERTIFICATE OF OCCUPANCY**

- A. All Persons shall obtain from the local building authority, a Certificate of Occupancy.
- B. The Person or Applicant shall verify to the District that it has obtained the Certificate of Occupancy and satisfied all District requirements (including payments) prior to the District approving the Certificate of Occupancy and any Discharge from the Person.

**ARTICLE 4  
WASTEWATER DISCHARGE PERMITS**

**4.1 GENERAL REQUIREMENTS**

Permits will be issued to all Significant Industrial Users (SIUs) and Categorical Industrial Users (CIUs) as defined in this Ordinance (Class I Users). Permits will also be issued to other Industrial Users based upon the General Manager's determination of each User's potential for causing upset, interference, pass-through, and Sanitary Sewer System problems including Sanitary Sewer Overflows (SSOs). Each Industrial User shall be placed into a User classification that determines the necessary level of oversight.

**4.2 WASTEWATER ANALYSIS**

When requested by the General Manager, a User must submit specific information on the nature and characteristics of its Discharges within 90 days of the request. The General Manager is authorized to prepare a form for this purpose and may periodically require Users to update this information.

**4.3 PERMIT REQUIREMENT**

- A. No Significant Industrial User or Categorical Industrial User shall discharge wastewater into the District's collection system without first obtaining a Class I User Permit.
- B. The District also requires Class II (Industrial Users), and Class III (Temporary Permit) to obtain permits to ensure the necessary oversight for carrying out the purposes of this Ordinance.
- C. Any violation of the terms and conditions of a permit shall also be a violation of this Ordinance and subject the User to all provisions herein, including the Enforcement provisions in Article 6 of this Ordinance. Obtaining a permit does not relieve the User of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

**4.4 ISSUING PERMITS: DISCHARGES THROUGH EXISTING CONNECTIONS**

Any User proposing to recommence discharging into the District's Sanitary Sewer System through a previously permitted connection must apply for a new permit. The process shall be the same as the process used for a new permit, except that the connection and private lateral may be evaluated for adequacy to assure it is both physically and hydraulically capable of handling the proposed discharge.

**4.5 ISSUING PERMITS: DISCHARGES THROUGH NEW CONNECTIONS**

Any User required to obtain a permit who proposes to begin discharging into the District's Sanitary Sewer System must apply for such permit prior to the beginning of such Discharge. An application for this permit, in accordance with Article 4.6 (below) of this Ordinance, must be filed at least 60 days prior to the date upon which any discharge will begin.

**4.6 WASTEWATER DISCHARGE PERMIT APPLICATION CONTENTS**

- A. Any User required to obtain a permit shall submit a Wastewater Discharge Permit Application (Permit Application) on a form provided by the General Manager and shall pay applicable fees within thirty (30) days of invoicing by the District. The application form may require:
1. Industrial user's name, facility address, facility mailing address, telephone number and facility contact person;
  2. Industrial users NAICS number according to the Economic Classification Policy Committee (ECPC) of United States Office of Management and Budget as amended;
  3. Industrial user's EPA hazardous waste generator number, if applicable;
  4. Wastewater samples analyzed for specified constituents. The samples shall be analyzed by a state certified laboratory in accordance with the methods published by the EPA in 40 CFR 136, and amendments thereto;
  5. Time and duration of all wastewater discharges;

6. Average and maximum daily wastewater flow rates, including any seasonal variation of all waste streams discharged;
7. A list of all environmental control permits held by the users;
8. A statement from the property owner or landlord, if different from the industrial user, agreeing to the industrial user's activities, manufacturing processes and chemical and material storage;
9. Site plans, floor plans, mechanical and plumbing plans with details to show all sewers, sewer connections, pretreatment equipment, systems and devices, production areas and all areas of wastewater generation;
10. A complete description of operations which shall include the nature, average rate of production and standard industrial classification 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;
11. Information showing the measured average daily and maximum daily flow in gallons per day to the District from regulated process waste streams and other waste streams as necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e);
12. 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 136, and amendments thereto;
13. A certification statement reviewed by an authorized representative of the industrial user and prepared by a qualified professional, indicating whether or not pretreatment standards (categorical and/or local) are being met on a consistent basis. If not, the industrial user shall state if additional operation and maintenance and/or additional pretreatment

- equipment is necessary to achieve compliance with pretreatment standards and requirements;
14. A schedule of compliance shall be submitted if compliance with pretreatment standards cannot be met on a consistent basis. This 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 in the form of dates, not to exceed nine months, for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the industrial user to achieve compliance with applicable categorical pretreatment standards;
  15. Plans of systems to prevent and control the loss of materials through spills to the public to the Districts collection system or POTW. These plans shall contain at least the following elements:
  16. A description of discharge practices, including non-routine batch discharges;
  17. A description of stored material;
  18. Procedures for promptly notifying the District of slug discharges, including any discharge that violate a specific prohibition under this chapter with procedures for follow-up written notification within five days;
  19. Procedures to prevent adverse impacts from accidental spills;
  20. Follow-up practices to limit the damage suffered by the POTW or the environment;
  21. Other information may be required to properly evaluate the permit application. After evaluation and acceptance of the information furnished, the District shall issue an industrial user discharge permit, subject to the terms and conditions set forth in this chapter;
  22. If the General Manager determines that the proposed discharge will not be acceptable, the General Manager shall disapprove the application and shall notify the applicant in writing specifying the reason(s) for denial and the applicable appeals process;

23. Industrial user permits shall be subject to all provisions of this chapter and all other applicable regulations, charges and fees established by resolutions. Permits may contain the following:
  24. The unit charge or schedule of user charges and fees for the wastewater discharged to the POTW;
  25. Schedule of penalty fees for noncompliance;
  26. Limitations on the average daily and maximum daily wastewater pollutants and mass emission rates for pollutants;
  27. Limitations on the average daily and maximum daily wastewater flow rates;
  28. Requirements for the submittal of an Integrated Waste Management Plan;
  29. Requirements for the submittal of daily, monthly, annual and long-term production rates;
  30. Requirements for installation and maintenance of monitoring and sampling equipment and devices;
  31. Specifications for monitoring programs which may include sampling location(s); frequency of sampling; number; types and standards for tests; and reporting schedule; total toxic organic (TTO) monitoring;
  32. Requirements of compliance schedules;
  33. Requirements for submission of technical or discharge reports, baseline monitoring reports, compliance reports and reports on continued compliance;
  34. Requirements for maintaining and retaining all records relating to the wastewater monitoring, sample analyses, production, waste disposal, recycling, waste minimization and BMPs as specified by the General Manager;
  35. Requirements for notification of slug or accidental discharges;
  36. Other conditions as deemed appropriate by the General Manager to ensure compliance with this ordinance.
- B. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

#### **4.7 APPLICATION SIGNATORIES AND CERTIFICATION**

All Wastewater Discharge Permit Applications, User reports, and Notice of Transfer must be signed by an authorized representative of the User and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision. Qualified personnel properly gathered the information and I personally evaluated all information submitted. The qualified person directly responsible for gathering the information, by signature herein, certifies the information is true, accurate, and complete. I and the qualified person are aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

#### **4.8 PERMIT DECISIONS**

The General Manager will evaluate the data furnished by the User and may require additional information. Within 30 days of receipt of a complete Wastewater Discharge Permit Application, the General Manager will determine if the information is complete and if so, whether or not to issue a Permit and the Permit Classification. The General Manager may deny any application for a Permit in accordance with the General Manager's authority under applicable law and this Ordinance.

#### **4.9 PERMIT DURATION**

- A. A Wastewater Discharge Permit shall be issued for specified time period, not to exceed five (5) years from the Effective Date of the Permit, although the General Manager shall have the discretion to issue the Permit for a duration less than five (5) years. Each Wastewater Discharge Permit shall indicate a specific date upon which it will expire.
- B. Temporary User (Class III) Permits shall be issued for a specified time period, not to exceed 180 days from the Effective Date of the Permit.

#### **4.10 WASTEWATER DISCHARGE PERMIT CONTENTS**

- A. Wastewater Discharge Permits shall be subject to all

provisions of this Ordinance and all other applicable regulations, charges and fees established by the District's Board of Directors. Permits shall include the following:

1. A statement of duration, (in no case more than five (5) years from the Effective Date of the Permit);
2. A statement that the Wastewater Discharge Permit is nontransferable in accordance with Article 4.13 (4.13 NO PERMIT TRANSFER OR ASSIGNMENT) of this Ordinance;
3. Effluent limits, including Best Management Practices, based on applicable general Pretreatment Standards in 40 CFR 403, categorical Pretreatment Standards, local limits, and State and local law;
4. Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored (including the process for seeking a waiver for a pollutant neither present nor expected to be present in the Discharge in accordance with §403.12(e)(2), or a specific waived pollutant in the case of an individual control mechanism), sampling location, sampling frequency, and sample type, based on the applicable general Pretreatment Standards in part 403 of this chapter, categorical Pretreatment Standards, local limits, and State and local law
5. Statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines.
6. Requirements to control Slug Discharges, if determined by the General Manager to be necessary.
7. A statement that compliance with the Wastewater Discharge Permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the

Wastewater Discharge Permit;

8. Requirements for reporting changes and/or modifications to equipment and/or processes that affect the quantity or quality of the wastewater discharged;
9. Consent to entry onto the User's premises to assess compliance by inspection, records examination, sampling, and monitoring;

B. Wastewater Discharge Permits may include, but are not limited to, the following conditions:

1. Limits on the average and/or maximum rate of Discharge, time of Discharge, and/or requirements for flow regulation and equalization;
2. Requirements for the installation and maintenance of Pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the District's Sanitary Sewer System;
3. Requirements for the development and implementation of spill control plans or other special conditions including Best Management Practices necessary to adequately prevent accidental, unanticipated, or routine Discharges;
4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the District's Sanitary Sewer System;
5. The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the District's Sanitary Sewer System;
6. Requirements for installing and maintaining inspection and sampling facilities and equipment;
7. Other conditions as deemed appropriate by the General Manager to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

**4.11 WASTEWATER DISCHARGE PERMIT APPEALS**

- A. Any Person, including the User, may petition the District to reconsider the terms of a Wastewater Discharge Permit within 30 days of notice of its issuance.
1. Failure to submit timely petition for review shall be deemed to be a waiver of the appeal.
  2. In its petition, the User must indicate the Wastewater Discharge Permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to be placed in the Wastewater Discharge Permit.
  3. The effectiveness of the Wastewater Discharge Permit shall not be stayed pending the appeal.
  4. The District shall take action to approve or disapprove the request for reconsideration of permit terms within 30 days of the District's receipt of completed petition information.
  5. The User may appeal the District's decision to the General Manager - Article 6.20 (6.22 APPEALS TO GENERAL MANAGER).

**4.12 WASTEWATER DISCHARGE PERMIT MODIFICATION**

- A. The District may modify a Wastewater Discharge Permit for good cause including, but not limited to, the following reasons:
1. To incorporate any new or revised Federal, State, or local Pretreatment Standards or requirements;
  2. To address significant alterations or additions to the Discharger's operation processes, or wastewater volume or character since the time of Wastewater Discharge Permit issuance;
  3. A change in the receiving POTW that requires either a temporary or permanent reduction or elimination of the authorized Discharge;
  4. Information indicating that the permitted Discharge poses a threat to the District's Sanitary Sewer System, District personnel or the receiving waters;
  5. Violation of any terms or conditions of the Wastewater Discharge Permit;

6. Misrepresentation or failure to fully disclose all relevant facts in the Wastewater Discharge Application or in any required reporting;
7. Revision of or a grant of variance from such Categorical Pretreatment Standards pursuant to 40 CFR 403.13;
8. Correction of typographical or other errors in the Wastewater Discharge Permit; or

#### **4.13 NO PERMIT TRANSFER OR ASSIGNMENT**

Wastewater Discharge Permits are issued to a specific User for a specific operation at a specific location, for a specified time and create no vested rights. No Wastewater Discharge Permit shall be assigned, transferred, pledged or sold to a new owner, new User, or different premises.

- A. When the permittee is a legal entity (such as a corporation, partnership, limited liability company, or other legal entity), the permittee is deemed to have undergone a change of ownership when any other legal entity or person acquires a direct or indirect ownership or control of more than fifty percent (50%) of the total ownership interest in the permittee. The permit is void if an attempt is made to assign, transfer, pledge or sell the permit to a new owner, new User, or a different premise.
- B. At least thirty (30) calendar days prior to the sale or change of ownership of any business operating under a permit, the Permittee shall notify the District in writing of the proposed sale or change of ownership. The successor owner shall apply to the District for a new permit at least thirty (30) calendar days prior to the sale or change of ownership in accordance with the provisions of this Ordinance. A successor owner shall not discharge any wastewater for which a permit is required by this Ordinance until a new permit is issued to the successor owner.
- C. The written notification of intended sale or change of ownership shall be in a form approved by the District and shall include a written certification by the new owner or Authorized Representative, which shall include as a minimum:
  1. the specific date on which the sale or change of ownership is to occur; and

2. an acknowledgement to comply with all the terms, conditions, limits, and provisions of this Ordinance and the new permit;
- D. In the event that the General Manager determines that any person is discharging industrial wastewater directly or indirectly to the Sanitary Sewer System or tributaries thereto without a valid Permit, the General Manager may issue to such person a Class III Wastewater Discharge permit (Temporary Permit) containing such conditions, limitations, restrictions, and other provisions or requirements, which the General Manager determines are necessary or advisable to protect the Brine Line or tributaries thereto and to assure compliance with all federal, state and District discharge requirements. This Class III Permit shall be enforceable until such time as appropriate Class I or II Permit is issued. The User shall immediately comply with all of the provisions and requirements of such Temporary Permit and shall apply for a permit within thirty (30) days from the issuance of the Temporary Permit. In no cases shall an extension be granted for the thirty (30) day requirement. A Temporary Permit is for a limited duration and shall not be extended. A Temporary Permit is revocable by the General Manager at any time. Any User whose Temporary Permit is revoked shall immediately cease and desist all discharge of any industrial wastewaters.

**4.14 WASTEWATER DISCHARGE PERMIT REVOCATION**

- A. A Wastewater Discharge Permit may be revoked for good cause including, but not limited to the following:
1. Failure to notify the District of significant changes to the wastewater prior to the changed discharge;
  2. Failure to provide prior notification to the District of changed conditions pursuant to Article 4.20 (4.20 REPORTS OF CHANGED CONDITIONS) of this Ordinance;
  3. Misrepresentation or failure to fully disclose all relevant facts in the Wastewater Discharge Application;
  4. Falsifying self-monitoring reports;

5. Tampering with monitoring equipment;
  6. Refusing to allow the District timely access to the facility premises and records;
  7. Failure to meet effluent limitations;
  8. Failure to pay fines;
  9. Failure to pay sewer charges;
  10. Failure to meet compliance schedules;
  11. Failure to complete a wastewater survey or the Wastewater Discharge Permit Application form;
  12. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
  13. Violation of any Pretreatment Standard or requirement, or any terms of the Wastewater Discharge Permit or this Ordinance.
- B. Wastewater Discharge Permits shall be voided upon cessation of operations. All Wastewater Discharge Permits issued to a particular User are void upon the issuance of a new Wastewater Discharge Permit to that User.
- C. Wastewater Discharge Permit revocation is subject to appeal to the General Manager as set forth in Article 6.20 (6.22 APPEALS TO GENERAL MANAGER).

#### **4.15 WASTEWATER DISCHARGE PERMIT REISSUANCE**

- A. A User with an expiring Wastewater Discharge Permit shall apply for Wastewater Discharge Permit reissuance by submitting a complete Wastewater Discharge Permit Application, in accordance with Article 4.20 (4.20 REPORTS OF CHANGED CONDITIONS) of this Ordinance, a minimum of 60 days prior to the expiration of the User's existing Wastewater Discharge Permit.

#### **4.16 BASELINE MONITORING REPORTS**

A Baseline Monitoring Report (BMR), when required, shall be prepared and submitted per 40 CFR 403.12(b). Completed BMR shall contain a statement of review by an authorized representative of the User and be certified by a qualified professional, indicating whether permit requirements are being met on a consistent basis, and, if not, whether additional operation and maintenance, subsection P and M, and/or additional Pretreatment is

required for the User to meet the requirements.

**4.17 COMPLIANCE SCHEDULE PROGRESS REPORTS**

- A. The compliance schedule required by 40 CFR 403.12(b)(7) shall contain progress increments, as specified in 40 CFR 403.12(c).

**4.18 COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARDS**

Within 90 days following the date for final compliance with applicable Categorical Pretreatment Standards, or in the case of a new source following commencement of the introduction of wastewater into the District's Sanitary Sewer System, any User subject to such Pretreatment Standards and requirements shall submit to the General Manager a report containing the information described in 40 CFR 403.12(b). For Users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to Categorical Pretreatment Standards expressed in terms of allowable Pollutant Discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Article 5.7 of this Ordinance.

**4.19 PERIODIC COMPLIANCE REPORTS**

- A. If a permitted User monitors any Pollutant using the procedures prescribed in Article 4.25 (4.25 SAMPLE COLLECTION) of this Ordinance, the results of this monitoring shall be reported, at a frequency determined by the District but in no case less than twice per year. The report shall indicate the nature and concentration of Pollutants in the Discharge, which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. All such reports must be signed and certified in accordance with Article 4.7 (4.7 APPLICATION SIGNATORIES AND CERTIFICATION) of this Ordinance.
- B. All wastewater samples must be representative of the User's Discharge. Wastewater monitoring and flow measurement facilities shall be properly operated,

kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its Discharge.

#### **4.20 REPORTS OF CHANGED CONDITIONS**

- A. Each User must notify the District of any planned significant changes to the User's operations or system, which might alter the nature, quality, or volume of its wastewater at least 30 days before the change.
- B. The District may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a Wastewater Discharge Application under Article 4.6 (4.6 WASTEWATER DISCHARGE PERMIT APPLICATION CONTENTS) of this Ordinance.
- C. The District may issue a Wastewater Discharge Permit under Article 4.8 (4.8 PERMIT DECISIONS) of this Ordinance or modify an existing Wastewater Discharge Permit under Article 4.12 (4.12 WASTEWATER DISCHARGE PERMIT MODIFICATION) of this Ordinance in response to changed conditions or anticipated changed conditions.
- D. For purposes of this requirement, significant changes include, but are not limited to, flow increases or decreases of twenty percent (20%) or greater, and the Discharge of any previously unreported Pollutants.

#### **4.21 REPORTS OF POTENTIAL PROBLEMS**

- A. In the case of any Discharge, including, but not limited to, accidental Discharges, Discharges of a non-routine, episodic nature, a non-customary batch Discharge, or a Slug Load Discharge, that cause problems or may cause problems for the District's Sanitary Sewer System or receiving POTW, the User shall immediately telephone and notify the District of the incident. This notification shall include the location of the Discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.
- B. Within five (5) days following such Discharge, the User shall, unless waived by the District, submit a

detailed written report describing the cause(s) of the Discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the District's Sanitary Sewer System or receiving POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this Ordinance.

**4.22 REPORTS FROM UNPERMITTED USERS**

All Users not required to obtain a Wastewater Discharge Permit shall provide appropriate reports as the District may require.

**4.23 REPORTS OF SAMPLING VIOLATIONS/REPEAT SAMPLING**

If sampling performed by a User indicates a violation, the User must notify the District within 24-hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the District within 30 days after becoming aware of the violation. The User is not required to resample if:

- A. the District monitors at the User's facility at least once a month, or;
- B. if the District samples between the User's initial sampling and when the user receives the results of this sampling.

**4.24 ANALYTICAL REQUIREMENTS**

All Pollutant analyses, including sampling techniques, to be submitted as part of a waste discharge application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the Pollutant in question, sampling and analysis must be performed in accordance with procedures approved by US EPA.

**4.25 SAMPLE COLLECTION**

- A. Except as indicated in section B below, the User shall collect wastewater samples using twenty-four (24) hour flow or time proportional composite collection techniques.
- B. Samples for fats, oils and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using Grab Sample collection techniques.
- C. For sampling required in support of baseline monitoring and ninety (90) day compliance reports, a minimum of four (4) Grab Samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities which historical sampling data does not exist. For facilities in which historical sampling data are available, a reduced number of samples may be allowed. For self-monitoring sampling, the User is required to collect the number of Grab Samples necessary to assess and assure compliance with discharge limits.
- D. If a User monitors for regulated pollutants at the appropriate sampling location more frequently than the minimum required, the results of the additional monitoring shall be reported.

**4.26 TIMING**

The District deems written reports to be received on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date the District received the report shall govern.

**4.27 RECORD KEEPING**

Users subject to the reporting requirements of this Ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the date(s) analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least 3 years. This period shall be

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automatically extended for the duration of any litigation concerning the User or the District, or where the User has been specifically notified of a longer retention period by the District.

**ARTICLE 5**  
**MONITORING, REPORTING, INSPECTION, AND**  
**FACILITY REQUIREMENTS**

**5.1 MONITORING AND REPORTING**

The District's approved pretreatment program allows approved Users to electronically submit via the District's CROMERR-compliant database portal, various types of documents to the District. Examples of such documents include, but are not limited to, self-monitoring reports, permit applications, slug load prevention plans, contingency plans, and emergency contact lists. All such submittals are in compliance with 40 CFR 3. If a User is not approved by the District to electronically submit documents, then the User shall submit the original hard copy document with a wet signature, to the District by personal delivery, certified mail, or commercial courier.

- A. At the direction and discretion of the General Manager, any User discharging wastewater directly or indirectly into the Sanitary Sewer System, or tributaries thereto, shall be required to install, at the User's cost, sampling station(s) and measuring device(s) to measure the quality and quantity of wastewater discharged. These measuring devices may include, but are not limited to:
1. Flow meters and recorders;
  2. pH meters and recorders;
  3. Electrical conductivity meter and recorders;  
and
  4. 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. Monitoring or metering facilities may be required to have a security closure that can be locked with a District lock during sampling and monitoring. Construction shall be completed within a reasonable time frame as required in written notification from the General Manager.
- C. The General Manager shall have the absolute 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 by authorized District personnel or contract employees installing wastewater monitoring equipment on the User's property. Any permanent or temporary obstruction of easy access to the sampling, monitoring, or metering locations shall be immediately removed by the User or property owner at the written or oral request of the General Manager and shall not be replaced.
- E. The sampling station or measuring devices shall be maintained for continuous sampling or metering. The measuring devices shall be calibrated as often as necessary to ensure accurate measurements according to manufacturer's specifications. Flow meters shall be calibrated in accordance with Article 5.5 (5.5 FLOW MEASUREMENT). All maintenance and calibration work shall be performed at the User's expense.
- F. All Users that are required to install and maintain monitoring equipment shall report to the District the failure of such equipment within twenty-four (24) hours after discovery of the failure. The notification may be accomplished by a telephone call, electronic mail, personal visit to the District or a hand delivered notification to the District. A written report documenting the cause of the failure and the corrective actions taken shall be submitted to the General Manager within five (5) business days of discovering the failure.
- G. All Users that are required to self-monitor shall have all samples collected and analyzed and reported according to 40 CFR 403.12(g) and amendments thereto. Samples shall be collected and analyzed during the period covered by the report and shall be representative of the conditions occurring:
  - 1. Except as indicated in subsections 2 and 3 below, the User shall collect wastewater samples using twenty-four (24) hour time or flow proportional composite samples. Time or flow proportional composite sampling or grab sampling, must be representative of the discharge.

2. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides and volatile organic compounds must be obtained using grab collection techniques.
  3. For sampling required in support of baseline monitoring and ninety (90) day compliance reports, a minimum of four (4) Grab Samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities which historical sampling data does not exist. For facilities in which historical sampling data are available, a reduced number of samples may be allowed. For self-monitoring sampling, the User is required to collect the number of Grab Samples necessary to assess and assure compliance with discharge limits.
  4. If a User monitors for regulated pollutants at the appropriate sampling location more frequently than the minimum required, the results of the additional monitoring shall be reported.
- H. All pollutant monitoring techniques and analyses, to be submitted as part of a discharge application or self-monitoring report, shall be performed in accordance with the techniques in 40 CFR Part 136 and amendments thereto unless otherwise prescribed in a Categorical Pretreatment Standard or in the User's Wastewater Discharge Permit.
- I. All Users that are required to self-monitor shall submit all records of sampling that include the following information and documents:
1. The date, monitoring location, method, and time of monitoring (including the time for each Grab Sample whether or not they are later composited into one or more samples) and the names of the person or persons taking the samples;
  2. The dates the analyses were performed;
  3. The initials of the person 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. A copy of the chain-of-custody form, which includes sample collection details, such as sample container type, preservation, etc.

All submittals shall include the certification statement in 40 CFR Part 403.6(a)(2)(ii) signed by an authorized representative of the User, as defined in 40 CFR Part 403.012(1). These records shall remain available for a period of three (3) years. This period shall automatically be extended for the duration of any litigation concerning the User, or where the User has specifically been notified of a longer retention period by the General Manager.

- J. All permitted Users that take more than one Grab Sample in a twenty-four (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 instantaneous maximum limit for oil and grease at any time.
  2. The average result from all individual oil and grease grab samples taken in a twenty-four (24) hour period shall not exceed the User's permitted limit for oil and grease.
- K. Any sample collected from the designated monitoring point(s) or other representative sampling location shall be considered representative of the wastewater discharged to the Sanitary Sewer System or tributaries thereto.
- L. All Users that are required to have flow measurement are required to take daily twenty-four (24) hour readings of their wastewater effluent flow. The User shall report exceedances of their daily permitted flow within twenty-four (24) hours of discovering the violation. The reporting may be accomplished by a telephone call, electronic mail sent to a pre-approved list of electronic mail addresses, or a meeting with the General Manager as necessary to comply with the conditions of the Wastewater Discharge Permit, or a hand delivered notification to the District. The flow exceedance report shall have the total flow, the reason for the flow exceedance, and the name of the person reporting the flow exceedance. This report shall also be in

compliance with Article 4 (ARTICLE 4 WASTEWATER DISCHARGE PERMITS) of this Ordinance. Failure to report flow exceedances as stated shall constitute a violation of this Ordinance and may subject the User to enforcement actions.

- M. All Users that are required to self-monitor shall report pollutant violations in any wastewater sample from an approved monitoring location to the General Manager within twenty-four (24) hours of becoming aware of the violation. The reporting may be accomplished by a telephone call, electronic mail, personal visit to the District or a hand delivered notification to the District. The violation reporting shall contain the date and time of the wastewater sample, the discharge flow rate or volume represented by the sample, a preliminary explanation for the violation(s), proposed corrective action, and the date scheduled for the required resample. Failure to report pollutant violations as stated shall constitute a violation of this Ordinance and may subject the User to enforcement actions. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the District within 30 days after becoming aware of the violation. Failure to submit the laboratory results within the thirty (30) day requirement will result in enforcement action. Failure to submit the required report within forty-five (45) days of the due date will result in a determination of Significant Noncompliance (SNC) for the User. Where the District has performed the sampling and analysis in lieu of the User, the District shall perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat analysis. Resampling is not required if:
1. The District performs sampling at the User at a frequency of at least once per month; or
  2. The District performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the District receives the results of this sampling.
- N. All resamples shall be obtained and analyzed according to 40 CFR 403.12(g). All laboratory analyses shall be performed by a laboratory certified by the State of California, State Water

Resources Control Board, and Environmental Laboratory Accreditation Program as being competent to perform the pollutant analyses requested.

- O. All Users, whose wastewater discharge is monitored by the District, shall be responsible for all resampling requirements contained in subsection M. of this section when a pollutant violation is detected. The District shall notify the User of the resampling requirements by a telephone call, electronic mail, or personal visit within twenty-four (24) hours of confirming a pollutant or flow violation.
  
- P. All Users that desire to conduct their own wastewater sampling in lieu of a certified contract laboratory shall submit a written plan describing the equipment used, equipment cleaning methodology, employee qualifications and training, sample preservation methods, and chain of custody procedures. The User's wastewater sampling plan shall be approved by the General Manager prior to the implementation of the plan. Any sample collected by a User without an approved plan or from an unapproved laboratory may be considered invalid and may subject the User to enforcement actions.
  
- Q. All Users monitoring their wastewater discharge for pollutants and characteristics required for determining the District's user charges shall submit the sample results in the form of self-monitoring reports as required in their Wastewater Discharge Permit. The frequency of sampling, analysis, and reporting shall be set forth in the User's Wastewater Discharge Permit. The analyses of the sample pollutants and characteristics shall be at the sole expense of the User. Only sample analyses approved or performed by the District shall be used in the determination of the District's user charges.
  
- R. The District will meet reporting requirements as specified by 40 CFR Part 3 (Cross-Media Electronic Reporting). Therefore, Users that send electronic (digital) documents to the District to satisfy the requirements of this Section must register for the system online and submit a signed Subscriber Agreement to the District for review and approval. This Subscriber Agreement shall be provided to the

User by the District. An electronic submission shall be deemed to have been properly received by the District when it is received by the electronic system, accessible by District staff and a confirmation is sent to the signatory making the submission. When the sender receives confirmation and can fully review the submitted materials, report and related data shall be considered received.

- S. The User shall submit a written Contingency Plan that details alternatives to discharging wastewater to the Sanitary Sewer System during emergency situations in accordance with Article 3.8 (3.8 INTEGRATED WASTE MANAGEMENT PLANS) of this Ordinance and the User's approved Wastewater Discharge Permit.
- T. Notification of the Discharge of Hazardous Waste. Discharge of hazardous waste, as defined in 40 CFR 261, is prohibited. Any User that discharges any hazardous waste into the Sanitary Sewer System or tributaries thereof shall notify the District immediately as required by 40 CFR 403.12(p).

## **5.2 INSPECTION**

- A. The District shall be authorized at any reasonable times to enter the facilities of any User using the Sanitary Sewer System or tributaries thereto to determine compliance with all applicable requirements, to inspect facilities and monitoring equipment, take photographs, take samples of wastewater generated by the User, insofar as such inspection and sampling is reasonably related to enforcement and compliance with this Ordinance and the User's Permit conditions, requirements and discharge limitations. Such inspection shall also include the right to inspect and copy records required to be maintained by the User under federal, state, or local permit requirements.
- 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 duly authorized District representative(s) during the inspection.
- C. The User shall provide immediate access when an emergency occurs, regardless of the hour of the day.
- D. All pretreatment equipment shall always be

immediately accessible 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 or designated monitoring point(s).

- E. No Person shall interfere with, delay, resist or refuse entrance to the General Manager when attempting to inspect any facility involved directly or indirectly with a discharge of wastewater to the Brine Line or tributaries thereto.
- F. Where a User has security measures in force which would require proper identification and clearance before entry onto/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 or other duly authorized will be permitted to enter, without delay, for the purpose of performing their specific responsibilities.
- G. The User shall make available for copying by the General Manager all records required to be kept under the provisions of this Ordinance.

### **5.3 INSPECTION WARRANTS**

If the General Manager has been refused access to a building, structure, or property, or any part thereof with a wastewater discharge to the Brine Line or tributaries thereto, 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 SAWPA designed to verify compliance with this Ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the General Manager may seek issuance of an inspection warrant duly issued pursuant to the procedure set forth in Title 13 (commencing with Section 1822.50) of Part 3 of the Code of Civil Procedure. 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.

### **5.4 RECORD KEEPING**

All Users shall keep records of waste hauling,

reclamations, wastewater pretreatment, monitoring device recording charts and calibration reports, effluent flow, and sample analysis data and any documentation associated with Best Management Practices established on the site of the wastewater generation. All these records are subject to inspection and shall be copied as needed. All records must be kept on the site of wastewater generation for a minimum period of three (3) calendar years. The records retention period may be extended beyond three years in the event criminal or civil action is taken or an extensive company history is required.

## **5.5 FLOW MEASUREMENT**

The General Manager may require any User to install, at its own cost, a continuous monitoring flow meter capable of measuring industrial wastewater discharged to the Sanitary Sewer System or tributaries thereto. If so required, the User shall:

- A. Ensure that any open channel monitoring equipment does not adversely affect the hydraulics of the system on which it is installed.
- B. Ensure that any closed pipe meter is installed to full flow at all times.
- C. Maintain an effluent flow log sheet and record the effluent flow on a daily basis. The flow measurement device shall conform to standards issued by the General Manager.
- D. Report to the General Manager the type and size of the flow meter.
- E. Ensure that the flow meter be equipped with a non-resetting flow totalizer.
- F. Calibrate the flow meter(s) as often as necessary, but at no less frequent than annually.
- G. Select and install a flow meter to ensure accuracy of the actual flow discharged within plus or minus two (2) percent as determined at the time of calibration. All existing and replacement meters shall ensure an accuracy of the actual flow discharged within plus or minus five (5) percent.

- H. Ensure that all flow meter installations shall have posted in a conspicuous place, the flow meter's size, type, totalizer units, and flow multipliers.
- I. Immediately report to the General Manager any flow meter malfunction or anomaly. Within five (5) days of the determination of a malfunction, inaccurate readings or any other problem, the User shall have the flow meter repaired or replaced at its own cost.

**5.6 PRETREATMENT EQUIPMENT BYPASS**

- A. Bypass means the intentional diversion of wastestreams from any portion of an Industrial User's treatment facility.
- B. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- C. Bypass not violating applicable Pretreatment Standards or Requirements. An Industrial User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs D and E of this section.
- D. Notice.
  - 1. If a User knows in advance of the need for a bypass, it shall submit prior notice to the District, if possible, at least ten days before the date of the bypass.
  - 2. A User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the District within 24 hours from the time the User becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times,

and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The District may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

- E. Prohibition of bypass.
1. Bypass is prohibited, and the District may take enforcement action against a User for a bypass, unless;
    - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
    - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
    - c. The Industrial User submitted notices as required under paragraph (c) of this section.
  2. The District may approve an anticipated bypass, after considering its adverse effects, if the District determines that it will meet the three conditions listed in paragraph E 1 of this section.

**ARTICLE 6**  
**ENFORCEMENT RESPONSE PLAN**

**6.1 GENERAL ENFORCEMENT PRACTICES**

The District is mandated by State Water Resources Control Board Order Statewide General Wastewater Discharge Requirements for Sanitary Sewer Systems (currently No. 2006-0003) and its amendments to enforce requirements promulgated by Regulatory Agencies. The District shall use an Enforcement Response Plan (ERP), as required by 40 CFR 403.8(f)(5) to coordinate progressive enforcement actions against Users and Persons in non-compliance with this Ordinance.

**6.2 ERP OBJECTIVES**

The ERP works in conjunction with the pretreatment program and various Standard Operating Procedures (SOPs) to effectively administer the pretreatment program requirements. The overall pretreatment program provides a systematic way of determining whether IUs are complying with requirements specified in the control mechanisms and legal authorities. The ERP stipulates how and when to respond to non-compliance. The ERP establishes progressive enforcement measures and may include a range of administrative penalties associated with each level of enforcement. The consistency in enforcement response is assured through the ERP. The ERP is designed to meet the following objectives:

- A. Identify (in conjunction with the monitoring and inspection portion of the Pretreatment Program) and investigate instances of non-compliance and discrepancies;
- B. Establish enforcement responses that are appropriate in relation to the nature and severity of the violation and the overall degree of non-compliance; and
- C. Provide a guide to encourage uniform application of enforcement responses for comparable level and types of violations and to ensure adequate, consistent, and timely enforcement actions.
- D. The level or severity of response to each violation by any Person is determined using the factors listed below and progressive enforcement steps adopted in the District's Enforcement Response Plan (ERP) herewith incorporated and made a part of this Ordinance:
  1. The magnitude of the violation;
  2. The duration of the violation;

3. The effect of the violation on the Public Health or the Environment;
4. The effect of the violation on the Sanitary Sewer System and receiving POTW.
5. The violation history of the Person;
6. The good faith efforts of the Person to remedy the violation.

### **6.3 IMPLEMENTATION OF ENFORCEMENT ACTIONS**

The ERP is used to:

- A. Determine the appropriate enforcement steps (initial and follow-up);
- B. Establish staff responsibilities for implementing the enforcement actions;
- C. Designate time frames for enforcement actions.

### **6.4 ENFORCEMENT CLOSURE**

In some cases of enforcement, verification or follow-up action is required. In other instances, the enforcement action may be self-closing (e.g. provide the report with all attachments). Generally, more severe enforcement actions require formal closure documentation to be issued to the User.

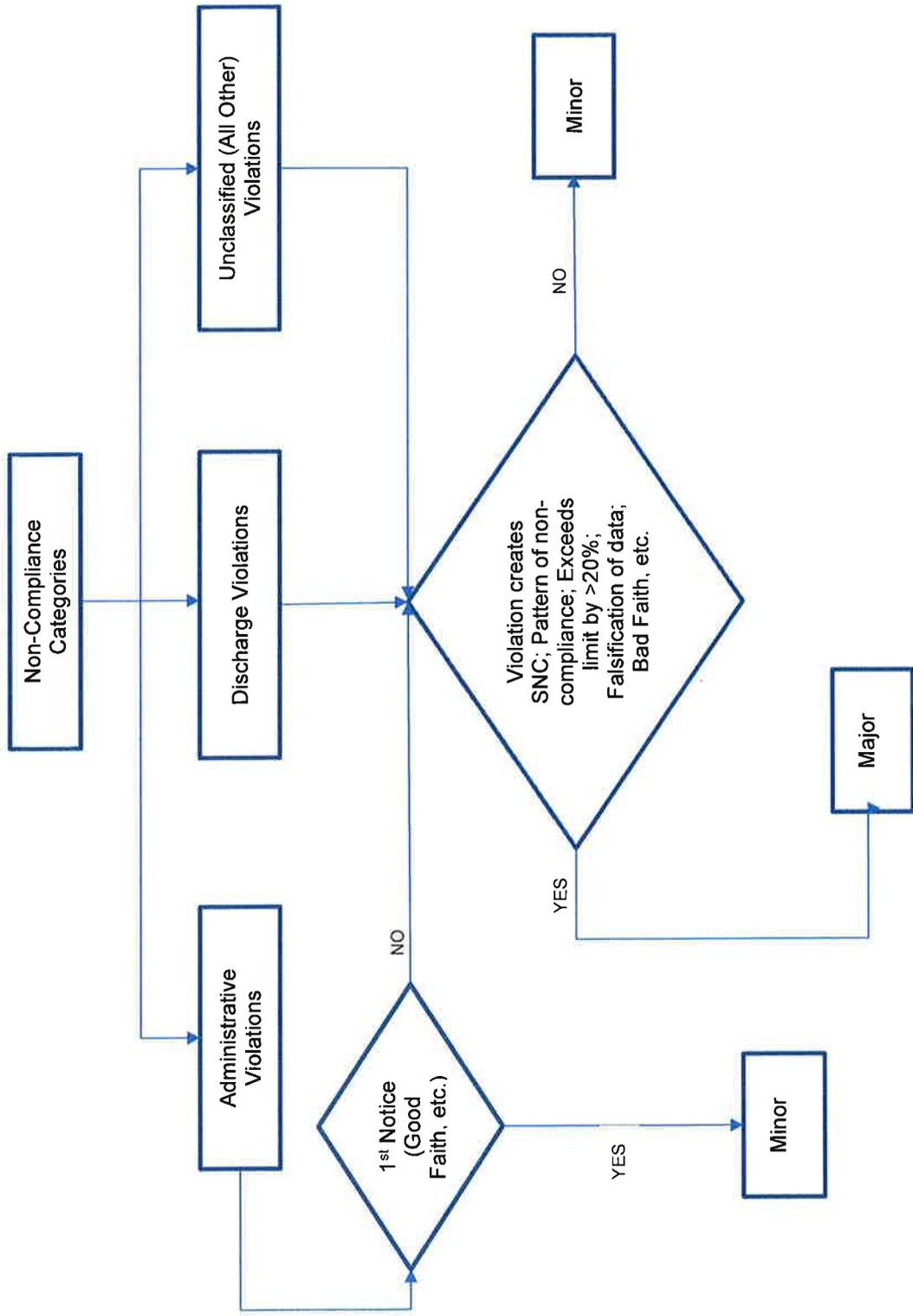
### **6.5 SIGNIFICANT NON-COMPLIANCE**

SNC is defined in 40 CFR 403.3(1). See also Article 1, 1.10 - Definitions.

### **6.6 TYPES OF VIOLATIONS**

A crucial step is to prepare a list of typical violations. Categorizing the violations facilitates the organization of non-compliance into smaller subsets that allows for consistent treatment of all violations that fall within a specified area of concern. The organization also allows for a systematic guide to resolving non-compliance using a stepwise escalated enforcement approach. The first major differentiation comes from the segregation of non-compliance events into administrative violations, discharge quality violations, and unclassified (all other) violations. Each category is then subdivided into major and minor violations. Figure 1 provides an overview of this concept.

Figure 1 Violation Type Overview



## **6.7 RANGE OF ENFORCEMENT RESPONSES**

To be effective, enforcement steps must produce the desired result - compliance. As such, each instance of non-compliance is handled with escalating enforcement remedies. Progressively more severe consequences occur when initial attempts are unsuccessful. Enforcement responses range from verbal (informal) warnings through written notices, administrative orders, permit revocations, civil actions and criminal penalties.

## **6.8 ADMINISTRATIVE VIOLATIONS**

There is hereby established a class of violations to be known as Administrative Violations. This type of violation is generally directly related to a failure to report in a timely manner, or take a specified action, or take an inappropriate action.

A. Violation of Permit Reporting Requirements - Each permit contains specific reporting requirements. Violations which may occur and for which enforcement responses have been prepared include:

1. Failure to accurately report effluent flow monitoring data
2. Failure to accurately report process flow monitoring data
3. Failure to accurately report process changes
4. Failure to accurately report batch discharge
5. Failure to accurately report spills and slug loads

B. Violation of Administrative Mandates - These violations are caused when an IU fails to respond to previously issued mandates, directives, administrative orders, compliance schedule agreements, etc. Violations which may occur and for which enforcement responses have been prepared include:

1. Failure to comply with a Correction Notice;
2. Failure to comply with a Written Warning;
3. Failure to comply with a Monitoring/Production Information Order (MPIO);
4. Failure to comply with a Notice of Violation;

5. Failure to comply with a Consent Order;
6. Failure to comply with a Compliance Order;
7. Failure to comply with a Civil Penalty Order;
8. Failure to comply with a Cease and Desist Order;
9. Failure to comply with a Permit Suspension Order;
10. Failure to comply with a Permit Revocation Order.

They 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 and submit to questionnaires;
  4. Missing a compliance date without proper prior notification to the District;
  6. Failure to notify the District of a violation of permit conditions within twenty-four (24) hours of the discovery of the violation; or
  7. Failure to pay all required fees, penalties and charges within forty-five (45) days from the due date.
- B. Major Administrative Violations include, but are not limited to, the following:
  1. Failure to notify the General Manager of a Slug Discharge immediately after discovery of said discharge;
  2. Failure to respond, by scheduled due date, to letters requiring responses or to administrative orders;
  3. Missing a compliance date by more than forty-five (45) days;
  4. Falsification of documents or attempting to mislead the District in any manner whatsoever;

5. Failure to cooperate with the District or contracted employees exercising their authority under this Ordinance, including monitoring and inspection activities;
  6. A pattern of minor administrative violations;
  7. Failure to allow entry to authorized District employees, agents, or contracted employees, in the course of their job, onto the User's property;
  8. Failure to produce records as required;
  9. Failure to accurately report noncompliance;
  10. Failure to submit required reports (self-monitoring, baseline monitoring report, 90-day compliance report, Compliance Schedule progress reports) or submitting such reports more than forty-five (45) days late;
  11. Failure to pay pursuant to Section 304.0 of this Ordinance, permit application fees, permit renewal fees, charges, or Administrative Penalties within sixty (60) days of due date;
  12. Intentional discharge of a hazardous waste or material or otherwise prohibited waste into the Sanitary Sewer System or tributaries thereto;  
or
  13. Wastewater discharge without a valid Wastewater Discharge Permit after notification.
- C. Upon notice of appropriate mitigating circumstances and consistent with applicable federal and state laws, the General Manager has sole discretion to treat a Major Administrative Violation as a Minor Administrative Violation, or a pattern of Minor Administrative Violations with aggravating circumstances as a Major Administrative Violation.

#### **6.9 VIOLATIONS OF DISCHARGE LIMITATIONS**

There is hereby established a class of violations to be known as discharge violations. This type of violation is generally directly related to wastewater monitoring, or lack of monitoring, or inappropriate monitoring. There are three (3) discrete categories of Discharge Violations: Unauthorized Discharges, Exceedance of Discharge Limits, Self-Monitoring Violations.

- A. Unauthorized Discharges are those discharges from an unpermitted source; however, the violation can occur under different circumstances. The enforcement action for each case is dependent upon the harm caused or contributed to by the violation. The violations include, but are not limited to, the following:
1. Discharging without a permit - the User may or may not be aware of the requirements but has not obtained a wastewater discharge permit.
  2. Failure to inform of a change of ownership - changes in ownership require a new permit. The change in ownership may also change the nature of the discharge.
  3. Discharging with an expired permit - each User is given sufficient notification to apply for renewal of a permit. Unauthorized discharge occurs when a permit expires, and the User continues to discharge.
  4. Discharging with a suspended permit.
  5. Discharging with a revoked permit - in this instance, the User has been notified of the revocation and may be subjected to a higher level of enforcement relative to the others above.
- B. Exceedance of Discharge Limits. General, specific, and prohibited discharge standards and limitations are expressed in the IU Wastewater Discharge Permit, and in this Ordinance (Article 2.1). Any exceedance of those specified limits falls into this category. Violations to discharge limits may be either major or minor violations depending on the magnitude, frequency of occurrence, and the effect. The exceedance can be detected during any of the following:
1. Routine sampling (self-monitoring or delegated control authority monitoring);
  2. Slug load discharge;
  3. Surveillance sampling;
  4. Compliance sampling (following an earlier violation or under a Compliance or Consent Order).
- C. Violation of Self-Monitoring Requirements - All

Users that self-monitor have requirements for scheduled monitoring and reporting of the results. Violations which may occur and for which enforcement responses have been prepared include:

1. Failure to sample as described in the self-monitoring requirements of the permit;
  2. Failure to submit self-monitoring report within specified time frame;
  3. Submitting an incomplete or deficient self-monitoring report;
  4. Failure to resample following a violation based on self-monitoring results;
  5. Repeated failure to self-monitor correctly;
  6. Intentional falsification of self-monitoring reports;
  7. Selective Reporting.
- D. Violation of Ordinance and Permit Conditions - These violations refer to a User's failure to comply with Ordinance or Permit conditions regarding record keeping, maintenance of pretreatment equipment, BMPs, interfering or denying reasonable access to the facility, Ordinance prohibitions, etc. Violations which may occur and for which enforcement responses have been prepared include:
1. Failure to install or maintain required BMPs, pretreatment equipment, spill containment, representative sample point, or flow monitoring equipment;
  2. Failure to maintain records;
  3. Failure to comply with Ordinance prohibitions;
  4. Failure to allow reasonable access for the purpose of inspection.

The above violations are further subdivided into minor and major discharge violations as follows:

- E. Minor Discharge Violations are those that, either alone or in combination with similar user discharge violations, as determined by the General Manager, do not pose a significant threat to the public health, safety or welfare, the environment, the Sanitary Sewer System or tributaries thereto, or to any District employee or contractor.

- F. Major Discharge Violations may include, but are not limited to, the following:
5. Significant Non-Compliance, as determined by 40 CFR 403.8(f)(2);
  6. Discharges which either alone or in combination with similar discharges, as determined by the General Manager, pose a significant threat to the public health, welfare or safety, the environment, the safe and efficient operation of the Sanitary Sewer System or tributaries thereto, the District's POTW, or to any District employee or contractor, or cause or contribute to the additional treatment costs incurred by the District, or cause or contribute to Pass Through, Interference, or other known damages;
  7. Discharging regulated pollutants to the Sanitary Sewer System or tributaries thereto without a current discharge permit;
  8. A pattern of Minor Discharge Violations;
  9. Failure to correct a Minor Discharge Violation within a specific time period as directed by the General Manager; or,
  10. Tampering with or purposely rendering inaccurate any monitoring device, method or record required to be maintained pursuant to this Ordinance
- G. Upon notice of appropriate mitigating circumstances, the General Manager has sole discretion to treat a Major Discharge Violation as a Minor Discharge Violation. The General Manager also has sole discretion to treat a pattern of Minor Discharge Violations with aggravating circumstances as individual Major Discharge Violations.

**6.10 UNCLASSIFIED VIOLATIONS**

For any violation by any User or Person that is not classified herein, or for the violation of any rule or regulation promulgated hereunder, the General Manager shall have the discretion to treat such violation as a minor or major violation and to exercise enforcement authority accordingly. In exercising this enforcement authority, the General Manager shall consider the magnitude of the violation, its duration, and its effect on receiving waters, the Sanitary Sewer System or

tributaries thereto, the District's POTW, the health and safety of District employees, contractors, Users, and the general public. The General Manager shall also evaluate the User's or Person's compliance history, good faith, and any other factors the General Manager deems relevant.

#### **6.11 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. Wastewater discharge pollutant violations shall be considered an individual violation for each pollutant in violation.

#### **6.12 ADMINISTRATIVE ORDERS**

The General Manager may require compliance with Wastewater Discharge Permit conditions or limitations by issuing Administrative Orders that are enforceable in a court of law or by directly seeking court action. The General Manager may use Administrative Orders, either individually, sequentially, concurrently, or in any order for one or more violations as appropriate for the circumstances. Administrative Orders include:

- A. **INFORMAL NOTICE.** An Informal notice is for minor infractions only and may be verbal or written. The intent is to point out a problem and encourage compliance without taking formal compliance actions. The notice may come via telephone, e-mail, informal meetings, during an inspection, or with a reminder letter. All informal notices are documented and retained in case the IU fails to respond.
- B. **WRITTEN WARNING.** A written warning shall be given to a User identified to have a Minor Administrative Violation of this Ordinance or permit condition or requirement. Initial notification may be made by email, with a Hard Copy of the Written Warning being served personally, by certified mail, or by Commercial Courier upon the User. The written warning will state the provisions violated, the facts alleged to constitute the violation and may include a correction notice at the discretion of the General Manager.
- C. **CORRECTION NOTICE.** A correction notice shall be given to a User to require correction of minor violations noted during an inspection by the General Manager of the User's facility and may be issued in

conjunction with a written warning.

1. Compliance time extensions may be granted to Users who fail to correct minor violation(s) required by a correction notice, upon 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, which prevented or significantly impaired the User's ability to comply with the correction notice.
3. A correction notice may require a written response within ten (10) days of receipt; User shall provide a written explanation to the General Manager of the violation, including specific actions taken to correct the violation. Submission of such a response in no way relieves the User of liability for any violations occurring before or after receipt of the written warning and/or correction notice.

C. **MONITORING/PRODUCTION INFORMATION ORDER (MPIO)** may be issued to a User for consecutive violations or if determined to be in SNC for the same pollutant as detected either in District samples, self-monitoring samples, or both. The MPIO shall be used to determine if discharge compliance has been achieved or if a detected violation is consistent. The User may be required to self-monitor the wastewater discharged for the pollutants in violation and record the daily effluent wastewater flow frequency and schedule as determined by the General Manager based on the volume and frequency of industrial wastewater discharged to the Sanitary Sewer System or tributaries thereto. Production information shall be required of all Categorical Industrial Users which have production-based discharge limits.

D. **NOTICE OF VIOLATION (NOV)**. When the General Manager finds that a User has violated, or continues to violate, any provision of this Ordinance, related resolution, an individual Wastewater Discharge Permit or any order issued under this Ordinance, the General Manager may serve upon the User a written Notice of Violation (NOV). Initial notification may be made by email, with a Hard Copy of the NOV being served personally, by certified mail, or by

Commercial Courier upon the User. The NOV will state the provisions violated, the facts alleged to constitute the violation and may include any proposed corrective actions or monitoring. Within ten (10) business days of the receipt of the NOV, User shall provide a written explanation of the violation, a plan for the satisfactory correction and prevention thereof, including specific required actions, to the General Manager. Submission of such a response and plan in no way relieves the User of liability for any violations occurring before or after receipt of the NOV. Nothing in this Section shall limit the authority of the General Manager to take any action, including any emergency actions or any other enforcement action, with or without the issuance of a NOV.

- E. **COMPLIANCE MEETING** shall be required of all Users who have failed to achieve compliance after the issuance of an NOV or violation(s) resulting in significant noncompliance. This meeting shall be for the General Manager to consider drafting a Consent Order or Compliance Order and for the User to propose solutions, request time extensions, draft a compliance schedule, or file an appeal.
- F. **CONSENT AGREEMENT.** The General Manager may, at any time after finding a violation of this Ordinance, enter into an agreement with the violating User that shall be known as a Consent Agreement. Such agreement may be in the form of a Compliance Schedule with milestones or other specific actions to be taken by the User to correct or prevent the noncompliance within a time period specified in the order, or payment of damages, penalties, fines, or other remedies. The Consent Agreement is developed between the User and the District. This Agreement shall have the same force and effect as any other Administrative Order issued pursuant to this Ordinance and may include a civil penalty pursuant to Article 6.15, 9 (6.16 ADMINISTRATIVE COMPLAINT). A Consent Agreement may be enforced by an Administrative Complaint under Article 6.15 (6.16 ADMINISTRATIVE COMPLAINT) or by court action.
- G. **COMPLIANCE ORDER.**
1. A Compliance Order shall be issued to a User that has violated or continues to violate this Ordinance, the User's Wastewater Discharge

Permit, or any other order issued under this Ordinance. The General Manager may issue a Compliance Order to the User responsible for the violation(s) which shall specify the provisions violated and the facts constituting the violation(s), and shall direct that adequate treatment facilities, devices, or other related appurtenances be installed and properly operated by a specified time period. Compliance Orders may also contain such other requirements as the General Manager deems reasonably necessary and appropriate to assure timely compliance with this Ordinance and to address the noncompliance. Such 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 General Manager without comment from the User and may include a Civil Penalty Order pursuant to Section 6.15,9 (6.16 ADMINISTRATIVE COMPLAINT).

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 the General Manager to conduct either an informal meeting or a hearing. Such submission or request shall be in writing and filed with the General Manager no later than ten (10) days after receipt of the Compliance Order. The request shall not stay the Compliance Order.
3. A Compliance Order may be enforced by an Administrative Complaint under Article 6.15 (6.16 ADMINISTRATIVE COMPLAINT) or by court action.
4. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the Person.

H. **CIVIL PENALTY ORDER** will be issued to a User by the General Manager or the District's Counsel to assess

penalties as required by the 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 Order.

- I. **CEASE AND DESIST ORDER** shall be issued by the General Manager to any User or Persons whose violation(s) of this Ordinance, a Wastewater Discharge Permit, or any Order issued hereunder pose(s) a threat to the Sanitary Sewer System or tributaries thereto, the District's POTW, District employees or contractors, the environment or the public. A Cease and Desist Order may also be issued by the General Manager to Users who continue to discharge wastewater to the Sanitary Sewer System or tributaries thereto, without a valid Wastewater Discharge Permit or in violation of such permit. The General Manager may issue a Cease and Desist Order immediately upon discovering any such violations and direct those Users or Persons in noncompliance to take such appropriate remedial or preventive action as may be deemed necessary to eliminate a continuing or threatened violation, including halting operations and terminating the discharge. Such order shall include the provision violated and the facts constituting the violation. A Cease and Desist Order may also include a Civil Penalty Order pursuant to Article 6.15 (6.16 ADMINISTRATIVE COMPLAINT). The General Manager may direct the District's legal counsel to initiate judicial enforcement immediately as stated in 6.20 (6.21 LEGAL ACTION). Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the Person.
- J. **SHOW CAUSE HEARING.** The General Manager may order a User which has violated, or continues to violate, any provision of this Ordinance, an individual Wastewater Discharge Permit, or any Order issued under this Ordinance, or any other pretreatment standard or requirement adopted by resolution or otherwise, to appear before the General Manager at a Show Cause Hearing and provide evidence and reasons why the proposed enforcement action should not be taken. A Notice of Show Cause Hearing shall be served on the User specifying the time and place for the Show Causing Hearing, the proposed enforcement action, the reasons for such action, and a direct

that the User provide evidence and reasons why the proposed enforcement action should not be taken. Initial notification may be made by email, with a Hard Copy of the Notice of Show Cause Hearing being served personally, by certified mail, or by Commercial Courier upon the User at least fifteen (15) days prior to the hearing. A Show Cause Hearing shall not be a bar against, or prerequisite for, taking any enforcement action against the User.

1. At the conclusion of the show cause hearing, the General Manager may:
  - a. rescind previous enforcement action;
  - b. issue an appropriate Administrative Order (Consent Order, Compliance Order, or Cease and Desist Order), including assessment of fines; initiate permit revocation proceedings or termination of sewer services; or
  - c. direct the remission of the file to Counsel for legal action (civil or criminal).
2. After the conclusion of the hearing, the General Manager's designee shall submit a written report to the General Manager within thirty (30) calendar days after the conclusion of the hearing setting forth a brief statement of facts found to be true, a determination of the issues presented, conclusions, and a recommendation.
3. Should it be found that grounds exist for permit revocation, the General Manager shall issue a written order within twenty (20) calendar days of receiving the written report. The written decision and order of the General Manager shall be sent via personal delivery, mail with proof of delivery, or a similar method to the User or its legal counsel/representative at the User's business address.
4. Upon issuance, an order of Permit Suspension issued by the General Manager shall be final in all respects.
5. The User shall immediately cease and desist its discharge of any Wastewater, directly or

indirectly to the Brine Line for the duration of the suspension. All costs for physically terminating and reinstating service shall be paid by the User.

- K. **WASTEWATER DISCHARGE PERMIT REVOCATION.** A permit may be revoked for any violation of any provision of the Ordinance. The violations can include, but are not limited to:
1. falsification of required information;
  2. refusing to allow entry to facility for the purpose of inspection;
  3. failure to re-apply for a wastewater discharge permit;
  4. failure to pay required fees or charges;
  5. failure to comply with the terms and conditions of an Administrative Order;
  6. falsifies, tampers with, or knowingly renders inaccurate any monitoring device or sample collection method; or
  7. for any other reasons deemed appropriate to protect the interests of the District.

Upon determination that there are reasonable grounds for permit revocation, the General Manager may issue a permit revocation notice sent via personal delivery, mail with proof of delivery, or a similar method to the permittee setting forth a statement of the facts and grounds deemed to exist, together with the time and place where the charges shall be heard by the General Manager's designee. The hearing date shall be not less than fifteen (15) calendar days nor more than forty-five (45) calendar days after the mailing of such notice. See the Show Cause Hearing section above for additional information.

#### **6.13 EMERGENCY SUSPENSIONS OF A USER'S DISCHARGER PERMIT**

- A. The Board of Directors or the General Manager may immediately suspend a User's discharge permit, after notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of individuals or to the environment.
- B. The Board of Directors or the General Manager may

also immediately suspend a User's discharge permit and issue a Cease and Desist Order to the User if the User's action(s) threatens to interfere with the operation of the District's Sanitary Sewer System or receiving POTW.

- C. Any User notified of a suspension of its discharge permit shall immediately stop its Discharge. In the event of a User's failure to immediately comply with the Emergency Suspension, District Management may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the District's Sanitary Sewer System, the receiving POTW, the receiving stream, or endangerment to any individuals or environment.
- D. Upon receipt of the Emergency Suspension, the User shall submit a detailed written statement, describing the causes of the harmful action and the measures taken to prevent any future occurrence.
- E. District Management will review the User's statement before deciding to withdraw the Emergency Suspension or to implement enforcement remedies including Administrative Orders and Administrative Fines.
- F. Nothing in this article shall be interpreted as requiring a hearing prior to any emergency suspension.

**6.14 TERMINATION OF DISCHARGE**

The Board of Directors or the General Manager may immediately terminate a User's discharge, without prior notice to the User, whenever such termination is necessary to stop an actual or threatened discharge, which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of individuals or to the environment. The following list provides examples without limitation.

- A. Violation of Wastewater Discharge Permit conditions or Administrative Order;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to Discharge;
- D. Refusal of reasonable access to the User's premises

for the purpose of inspection, monitoring, or sampling;

- E. Violation of the Pretreatment Standards;
- F. Exercise of the Termination of Discharge by the District shall not be a bar to, or a prerequisite for, taking any other action against the User.

#### **6.15 ANNUAL PUBLICATION NOTICE**

In accordance with Federal Regulations, the District shall annually cause to be published the names of all Industrial Users which at any time during the previous twelve (12) months were in significant non-compliance with applicable Pretreatment Standards, Requirements and this Ordinance. Said publication shall be made in the newspaper of general circulation that provides meaningful public notice within the jurisdiction of the District.

#### **6.16 ADMINISTRATIVE COMPLAINT**

- A. Notwithstanding Article 6.5, the General Manager may issue an Administrative Complaint to a User who violates this Ordinance, permit requirement, or an Administrative Order
- B. The Administrative Complaint shall allege the act or failure to act that constitutes the violation, the provisions of law authorizing civil liability to be imposed and the proposed civil penalty. Initial notification may be made by email, with a Hard Copy of the Administrative Complaint being served personally, by certified mail, or by Commercial Courier upon the User and shall inform the User served that a hearing shall be conducted within sixty (60) days after the User has been served.
- C. The hearing shall be before a hearing officer designated by the General Manager. At the hearing the User shall have an opportunity to respond to the allegations set forth in the Administrative Complaint by presenting written or oral evidence. The User who has been issued an Administrative Complaint may waive the right to a hearing, in which case the District shall not conduct a hearing.
- D. After the conclusion of the hearing, the hearing

officer shall compile a written report within thirty (30) days setting forth a brief statement of the facts found to be true, a determination of the issues presented, conclusions, and a recommendation.

- E. The General Manager shall make his/her determination and should he/she find that grounds exist for assessment of a civil penalty against the User, he/she shall issues his/her decisions and order in writing within twenty (20) days of receiving the written report. A User dissatisfied with the decision of the hearing officer may appeal to the District Board of Directors within thirty (30) days of notice of the hearing officer's decision.
- F. If after the hearing, or appeal, if any, it is found that the User has violated reporting or discharge requirements, the hearing officer or the General Manager may assess a civil penalty against that User. In determining the amount of a civil penalty, the hearing officer or General Manager may take into consideration all relevant circumstances including, but not limited to, the extent of harm caused by the violation, the economic benefit derived through any non-compliance, the nature and persistence of the violation, the length of time over which the violation occurs and corrective action, if any, attempted or taken by the User.
- G. Civil Penalties may be imposed as follows:
  - 1. In an amount which shall not exceed \$2,000.00 for each day for failing or refusing to furnish technical or monitoring reports [Government Code, Section 54740.5(d)(1)];
  - 2. In an amount which shall not exceed \$3,000.00 for each day for failing or refusing to timely comply with any Compliance Schedule established by the General Manager [Government Code, Section 54740.5(d)(2)];
  - 3. In an amount which shall not exceed \$5,000.00 per violation for each day for discharges in violation of any waste discharge limitation, permit condition, or requirement issued, reissued or adopted by the District [Government Code, Section 54740.5(d)(3)];
  - 4. In an amount which shall not exceed \$10.00 per

gallon for discharges in violation of any suspension, Cease and Desist Order or other Orders, or prohibition issued, reissued or adopted by the General Manager [Government Code, Section 54740.5(d)(4)].

5. The amount of any civil penalties imposed under this section which have remained delinquent for a period of 60 days shall constitute a lien against the real property of the discharger from which the discharge originated resulting in the imposition of the civil penalty. The lien provided herein shall have no force and effect until recorded with the county recorder and when recorded shall have the force and effect and priority of a judgment lien and continue for 10 years from the time of recording unless sooner released, and shall be renewable in accordance with the provisions of Sections 683.110 to 683.220, inclusive, of the Code of Civil Procedure. [Government Code, Section 54740.5(d)(5)].
6. All moneys collected under this section shall be deposited in a special account of the local agency and may be made available for the monitoring, treatment, and control of discharges into the local agency's sanitation or sewer system or for other mitigation measures. [Government Code, Section 54740.5(e)].
7. Unless appealed, orders setting administrative civil penalties shall become effective and final upon issuance thereof, and payment shall be made within 30 days. Copies of these orders shall be served by personal service or by registered mail upon the party served with the administrative complaint and upon other persons who appeared at the hearing and requested a copy. [Government Code, Section 54740.5(f)].
8. All monies collected under this Section shall be deposited in a special account of the District and may be made available for the monitoring, treatment and control of discharges into the Sanitary Sewer System and tributaries thereto.

9. The amount of any Civil Penalties imposed under this section which have remained delinquent for a period of sixty (60) days shall constitute a lien against the real property of the User from which the discharge, Ordinance violation, or permit violation originated resulting in the imposition of the Civil Penalty. The lien shall be recorded with the County Recorder for the respective county and when recorded shall have the force and effect and priority of a judgment lien and continue for ten (10) years from the time of recording unless sooner released, and shall be renewable in accordance with the provisions of Section 683.110 to 683.220, inclusive, of the Code of Civil Procedure.
10. No penalties shall be recoverable under this section for any violation for which civil liability is recovered under Article 6.18 (6.19 CIVIL ACTIONS).
11. Judicial Review
  - a. Any User aggrieved by a final Order issued under this section may obtain review of the order in the Superior Court by filing with the Court a petition for Writ of Mandate within thirty (30) days following the service of a copy of a decision and order issued. Any User aggrieved by a final Order issued under this section for which the Board of Directors denies review, may obtain review of the order of the hearing officer in the Superior Court by filing in the Court a petition for writ of mandate within thirty (30) days following service of a copy of a decision and order denying review by the Board of Directors.
  - b. If an aggrieved User does not petition for a Writ of Mandate within thirty (30) days, an Order or a hearing officer shall not be subject to review by any court or agency.
  - c. The evidence before the Court shall consist of the record before the Board of Directors, including the hearing officer's record, and any other relevant evidence which, in the judgment of the Court,

should be considered to effectuate and implement policies of this Ordinance. In every such case, the Court shall exercise its independent judgment on the evidence.

- d. Subdivisions (e) and (f) of Section 1094.5 of the Code of Civil Procedure shall govern review proceedings.

#### **6.17 JUDICIAL ENFORCEMENT REMEDIES**

In certain circumstances, judicial enforcement may be appropriate. Such remedies may include, but are not limited to, injunctive relief, civil penalties, and criminal prosecution.

#### **6.18 INJUNCTIVE RELIEF**

At the sole discretion of the General Manager the District may petition the Superior Court for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the permit, order, or other requirement imposed by this Ordinance on activities of the Person. The District may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the Person to conduct environmental remediation.

A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against the Person.

#### **6.19 CIVIL ACTIONS**

- A. Authority
  - 1. All Persons discharging to the District's Sanitary Sewer System or downstream POTW are subject to administrative or judicial enforcement actions by the District, U.S. EPA, State of California Regional Water Quality Control Board, or the County of Riverside District Attorney. Said actions may be taken pursuant to the authority and provisions of several laws, including but not limited to: (1) Federal Water Pollution Control Act, commonly known as the Clean Water Act (33 U.S.C.A. Section 1251 et seq.); (2) California Porter-Cologne Water Quality Act (California

Water Code Section 13000 et seq.); (3) California Hazardous Waste Control Law (California Health & Safety Code Sections 25100 to 25250); (4) Resource Conservation and Recovery Act of 1976 (42 U.S.C.A. Section 6901 et seq.); and (5) California Government Code, Sections 54739-54740.

2. Pursuant to the authority of California Government Code Sections 54739-54740, any Person who violates any provision of this Ordinance, any Wastewater Discharge Permit condition, prohibition or effluent limit, or any suspension or revocation order, shall be liable civilly for a sum not to exceed \$25,000.00 per Violation for each day in which such Violation occurs. Pursuant to the authority of the Clean Water Act, 33 U.S.C. Section 1251 et seq., any Person who violates any provision of this Ordinance, or any permit condition, prohibition, or effluent limit shall be liable civilly for a sum not to exceed \$25,000.00 per Violation for each day in which such Violation occurs.

B. Administrative Complaint and Civil Penalties

1. Pursuant to the authority of California Government Code Sections 54740.5 and 54740.6, the District may issue an administrative complaint against any Person and impose civil penalties:
  - a. When the Person violates any provision of this Ordinance;
  - b. When the Person violates any permit condition, prohibition, or effluent limit; or
  - c. When the Person violates any suspension or revocation order.
2. When the Person causes the District to pay fines or penalties imposed by a regulatory or Public Agency and the District can establish said fine and/or penalty was the result of a Discharge by a Person, which Discharge was in Violation, as defined in this Ordinance, the District shall recover from the Person all costs and expenses, including, but not limited to, the full amount of Regulatory Agency and/or Public Agency fines or penalties.
3. In determining the amount of civil penalties

to issue with the administrative complaint consideration will be given to all relevant circumstances, including but not limited to the extent of harm caused by the Violation, the economic benefit derived through any noncompliance, the nature and persistence of the Violation, the length of time over which the Violation occurs, and corrective action, if any, attempted or taken by the Person involved.

4. Civil penalties may be assessed cumulatively or separately as follows:
  - a. In an amount which shall not exceed \$2,000.00 for each day for failing or refusing to furnish technical or monitoring reports;
  - b. In an amount which shall not exceed \$3,000.00 for each day for failing or refusing to timely comply with any compliance schedules established by the District;
  - c. In an amount which shall not exceed \$10.00 per gallon for Discharges in violation of this Ordinance;
5. The administrative complaint shall be served by personal delivery, certified mail, or Commercial Courier. The administrative complaint will allege the act or failure to act that constitutes the Violation of the District's requirements, the provisions of law authorizing civil liability to be imposed, and the proposed civil penalty.
6. The administrative complaint and the administrative civil penalties shall be final on the 31st day after being served on the Person unless an appeal and request for hearing is filed with the General Manager before the 31st day.
7. Payment of the administrative civil penalties shall be made within 30 days of the date the administrative complaint becomes final. The amount of any administrative civil penalties imposed which have remained delinquent for a period of 60 days following the date the administrative complaint became final shall constitute a lien against the real property of the Person and shall become effective when recorded with the county recorder. The District may record the lien for any unpaid administrative civil penalties on the 91st day following the date the administrative

complaint became final.

8. No administrative civil penalties shall be recoverable under Article 6.15, D for any violation for which the District has recovered civil penalties through a judicial proceeding filed pursuant to Government Code Section 54740.
- C. Filing a suit for civil penalties and/or issuing an administrative complaint shall not be a bar to, or a prerequisite for, taking any other action against a Person.

**6.20 CRIMINAL PROSECUTION**

- 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 for each separate violation per day, punishable by a fine not to exceed One Thousand Dollars (\$1,000.00) or imprisonment for not more than thirty (30) days, or both for each violation. Each violation and each day in which a violation occurs may constitute a new and separate violation of this Ordinance and shall be subject to the penalties contained herein.
- B. Any User who 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 Wastewater Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance shall, upon conviction, be punished 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 for each violation. This penalty shall be consistent with the Federal Clean Water Act, 33 U.S.C. 1251, et seq. and shall apply to the exclusion of any other Ordinance provisions more lenient.

**6.21 LEGAL ACTION**

If any User discharges wastewater into the District's Sanitary Sewer System or tributaries thereto in violation of the provisions of this Ordinance, federal or state pretreatment requirements, or any order or permit issued

hereunder, then the District may commence an enforcement and/or collection action for legal, equitable or injunctive relief in the appropriate court of Riverside County. Any such court action filed by the District shall entitle the District to recover all reasonable attorneys' fees, court costs, expert witness fees and related litigation expenses.

## **6.22 APPEALS TO GENERAL MANAGER**

### A. General

Any Person affected by any decision, action or determination may file with the General Manager a written request for an appeal hearing. The District must receive the request within 30 days of mailing of notice of the decision, action, or determination to the Person. The request for hearing shall set forth in written detail all of the issues in dispute and all facts supporting the request.

### B. Notice

The General Manager shall, within 15 days of receiving the request for appeal, designate a Hearing Officer who within 45 days of being appointed shall provide written notice to the Person of the hearing date, time and place. The hearing date shall not be more than 30 days from the date of the mailing of such notice by the Hearing Officer, unless a later date is agreed to by the Person. If the hearing is not held at the agreed time due to actions or inactions of the Person, then the decision shall be deemed final.

### C. Hearing

At the hearing, the Person shall have the opportunity to present information to the Hearing Officer supporting the Person's position concerning the decision, action or determination.

### D. Written Determination

Within 60 days of the hearing, the Hearing Officer shall deliver a written report to the General Manager setting forth findings of fact, conclusions, and a recommendation whether to uphold, modify or reverse the original decision, action or determination. Within 30 days of receipt of the written report from the Hearing Officer, the General Manager shall issue a decision and order. The written decision and order of the General

Manager shall be sent by certified mail or by commercial courier. The order of the General Manager shall be final.

**6.23 APPEALS TO THE BOARD OF DIRECTORS**

A. General

Any Person may appeal a decision or order made by the General Manager prior to the date that the General Manager's order becomes final, by filing a written request for a hearing with the Board of Directors, accompanied by an appeal fee of \$500, which shall be used to cover staff costs associated with the appeal. The request for a hearing shall set forth in written detail all the issues in dispute and all facts supporting the request. The appeal fee shall be refunded if the Board of Directors denies a hearing.

B. Notice

No later than 60 days after receipt of the request for hearing, the Board of Directors shall either set the matter for a hearing or deny the request for a hearing.

C. Hearing

Upon agreement to hear the matter, the Board of Directors shall appoint a hearing panel consisting of individuals with experience and knowledge of wastewater operations and regulations, a committee of the Board or full Board. A hearing shall be held within 60 days of the date the request for a hearing was granted unless a later date is agreed to by the Person and the Board of Directors. If the matter is not heard within the required time, due to actions or inactions of the Person, the General Manager's order shall be final.

At the hearing, the Person shall have the opportunity to present information to the hearing panel supporting the Person's position concerning the decision, action, or determination.

D. Written Determination

Within 60 days of the hearing, the hearing panel shall deliver a written report to the Board of Directors setting forth findings of fact, conclusions, and a recommendation whether to uphold,

modify, or reverse the original decision, action, or determination. Within 30 days of receipt of the written report, the Board of Directors shall issue a decision and order. The written decision and order of the Board of Directors shall be sent by certified mail.

The order of the Board of Directors shall be final on the 15<sup>th</sup> day after it was mailed.

#### **6.24 ENFORCEMENT OF FEES, CHARGES AND PENALTIES**

- A. Except as otherwise provided, all fees, charges and penalties imposed with the administrative complaint are due and payable upon notice thereof. All such amounts are delinquent if unpaid 30 days after the administrative complaint becomes final.
- B. Any charge that becomes delinquent shall have added to it a penalty in accordance with the following:
  - 1. 30 days after date of invoice, a basic penalty of 5% of the base invoice amount, not to exceed a maximum of \$1,000.00; and
  - 2. Interest at a rate of 1.5% per month of the sum of base invoice amount and basic penalty shall accrue from and after the 31<sup>st</sup> day after date of invoice.

#### **6.25 APPEAL OF CHARGES AND FEES**

- A. Any Person may request reconsideration of the imposition and collection of charges, fees and penalties, including for example, only without limitation, connection charges, sewer use charges, and waste hauler fees. Following review of such a request, the Director of Engineering shall notify the Person by certified mail or commercial courier of staff's decision on the reconsideration request within 45 days of the District's receipt of the request. Any Person may file an appeal to Director of Engineering's decision within 30 days of the mailing of the decision on the reconsideration request.
- B. Appeals shall be directed to the General Manager in accordance with the appeal process contained in this Ordinance.

**6.26 REMEDIES NONEXCLUSIVE**

The remedies provided for in this Ordinance are not exclusive. The General Manager may take any, all, or any combination of these actions against a noncompliant User. Enforcement of Ordinance, pretreatment, and Wastewater Discharge Permit violations will generally be in accordance with the District's Enforcement Response Plan. The General Manager, however, may take other actions against any User when the circumstances warrant. Further, the General Manager is empowered to take more than one enforcement action simultaneously against any noncompliant Person.

**6.27 COLLECTION OF DELINQUENT ACCOUNTS**

Collection of delinquent accounts shall be in accordance with the District's practices and policies establishing procedures for collection of delinquent obligations owed to the District.

**6.28 RECOVERY COSTS INCURRED BY DISTRICT**

In the event a User fails to comply with any of the terms and conditions of this Ordinance, the District shall be entitled to reasonable attorney's fees and other costs which may be incurred in order to enforce this Ordinance and other policies of the District.

**6.29 FINANCIAL SECURITY/AMENDMENTS TO PERMIT**

A. Compliance Deposit

Persons that have been subject to enforcement and/or collection proceedings may be required to deposit with the District an amount necessary to guarantee payment of all charges, fees, penalties, costs and expenses that may be incurred in the future, before permission is granted for any future discharge to the Sanitary Sewer System.

B. Delinquent Accounts

The District shall review and examine any User 's account to determine whether previously incurred fees and charges have been paid in accordance with time requirements prescribed by this Ordinance. If any such amounts are delinquent, future discharge shall not be permitted unless or until said amounts are brought current.

## C. Bankruptcy

Subject to, and in accordance with, any applicable laws, the District at its sole discretion may terminate service and connections to the Sanitary Sewer System of any Person who fails to make payments and/or has such debts or obligations discharged in any court of competent jurisdiction, including the United States Bankruptcy Court.

## D. Security

Reinstated service and/or connections to the Sanitary Sewer System may be conditioned upon the Person depositing financial security with the District. The minimum deposit shall be equal to the average total fees and charges for three (3) calendar months during the preceding year but may be more as determined solely by the District. Said deposit shall be used to guarantee payment of all fees and charges incurred for future services and facilities furnished by District.

## F. Return of Security

In the event the Person makes payment in full within the time prescribed by this Ordinance of all fees and charges incurred over a period of 2 years following the deposit, the District shall either return the security deposit or credit the account.

## G. Water Supply Severance

Subject to, and in accordance with, the applicable rules and regulations for water service as the same may be revised from time to time, water service to the Person at the subject property may be terminated for any violation of this Ordinance. Service under this Ordinance and the rules and regulations for water service will only recommence, at the Person's expense, after fees, charges, penalties and deposits have been paid and the Person has satisfactorily demonstrated its ability to comply with this Ordinance.

### **6.30 JUDICIAL REVIEW**

## A. Judicial Action

The Person shall exhaust the District's appeal process as described herein before filing any judicial action.

## B. Time Limit for Judicial Review

Judicial review of the decision by the District's Board of Directors may be made pursuant to Section 1094.5 of the Code of Civil Procedure only if the petition for writ of mandate is filed no later than the 30<sup>th</sup> day following the date on which the General Manager's decision becomes final.

D. Notice

In making a final decision, the District shall provide notice to the party that the time within which judicial review must be sought is governed by Section 1094.6 of the Code of Civil Procedure.

E. Administrative Civil Penalties

Notwithstanding the foregoing, and pursuant to Government Code Section 54740.6, judicial review of an order of the Board of Directors imposing administrative civil penalties may be made only if the petition for writ of mandate is filed no later than the 30th day following the day on which the order of the Board of Directors becomes final.

**6.31 CRITERIA FOR DETERMINING APPROPRIATE ENFORCEMENT ACTION**

As previously described in Article 6.2 ERP Objectives, there are six (6) factors that may be taken into consideration when determining the appropriate enforcement action. These are described in detail below:

- A. Magnitude of the Violation - Violations must be evaluated against the potential or actual threat created by the noncompliance. While some violations are isolated and insignificant others, even as a single isolated event, require higher level enforcement because of the magnitude of the impact created by the violation.
- B. Duration and/or Frequency of the Violation - Regardless of the magnitude, the duration of the violation must be considered in determining the enforcement response. Escalating enforcement actions are available to discourage repeat (frequent) or long duration violations.
- C. The Effect of the Violation on Public Health or the Environment - The actual or potential effect of a violation on public health or the environment is a significant factor in determining the appropriate level of response. Enforcement responses needed to

correct violations that endanger public health or the environment is elevated to a higher level of significance in order to correct the situation in a timely manner. The response includes provisions for recovering costs incurred by the District as a result of the noncompliance.

- D. The Effect of the Violation on the District's Sanitary Sewer System, its POTW, or District Personnel - Violations which jeopardize the District's Sanitary Sewer System, its POTW, or District personnel requires a level of response that minimizes the extent of the damage and returns the User to compliance immediately. The response includes provisions for recovering costs incurred by the District as a result of the non-compliance.
- E. Compliance History of the User - In determining the appropriate level of enforcement response, the compliance history of the User is taken into consideration. This history of compliance also includes the User's efforts in maintaining pretreatment equipment and the development and implementation of pollution prevention and waste minimization programs.
- F. Good Faith Efforts of the User to Eliminate Noncompliance - Efforts by the User to eliminate noncompliance are factored into the enforcement response decision. Good faith efforts are defined in the Clean Water Act (No. 95-14, Vol.3) as prompt and vigorous pollution control measures undertaken by the discharger which shows that extraordinary efforts (not a "business-as-usual" approach) have been made to achieve compliance.

### **6.32 ENFORCEMENT RESPONSE TIMELINESS**

Enforcement responses must be implemented as soon as violations are identified during the screening process. Table 1 (**Error! Reference source not found.**) presents the guidelines established by the District to ensure timely responses to all noncompliance. The timelines are intended as guidelines and as a target for responses under normal situations. As such, the actual response time, depending upon extenuating circumstances, may be shorter or longer. The District recognizes that unforeseen circumstances may interfere in the implementation of the enforcement response which may result in the completion of the required response beyond a time period otherwise anticipated or set forth in Table 1.

**6.33 PERSONNEL RESPONSIBILITIES**

Specific personnel have been identified for implementing the various enforcement activities and responses. The General Manager has delegated responsibilities for each of the enforcement responses as identified in Tables 2 through 7.

**ARTICLE 7  
SEVERABILITY**

If any provision of this Ordinance or the application to any Person or circumstances is held invalid, the remainder of the Ordinance or the application of such provision to other Persons or other circumstances shall not be affected.

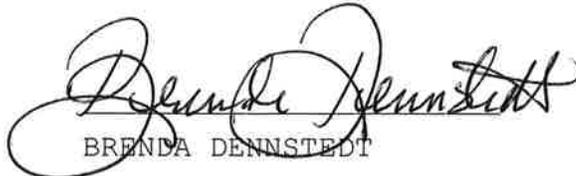
**ARTICLE 8**  
**REPEAL**

Ordinance No. 382 is hereby superseded in its entirety on the effective date hereof and shall be of no further force or effect. All Ordinances, resolutions, policies, rules and regulations which are inconsistent with this Ordinance are hereby superseded to the extent that they are inconsistent with the provisions of this Ordinance.

**ARTICLE 9  
EFFECTIVE DATE**

The effective date of this Ordinance shall be March 17, 2021.

ADOPTED this 17<sup>th</sup> day of March, 2021

  
BREND A DENNSTEDT  
President

March 17, 2021

I HEREBY CERTIFY that the foregoing is a full, true and correct copy of Ordinance 393 adopted by the Board of Directors of Western Municipal Water District of Riverside County at its Regular Meeting held March 17, 2021.

  
\_\_\_\_\_  
MIKE GARDNER  
Secretary-Treasurer

**TABLE 1 - ENFORCEMENT RESPONSE IMPLEMENTATION GUIDELINES**

<b>Enforcement Response Implementation Guidelines</b>		
<b>Enforcement Response</b>	<b>Goal (work days)</b>	<b>Implementation Guidelines</b>
		<b>From</b>
Informal Notices	5 Days	Date the violation was identified
Correction Notice	5 Days	Date the violation was identified
Written Warning	10 Days	Date the violation was identified
Compliance Follow-up Inspection	30 Days	Date the violation was identified
MPIO	10 Days	Date the violation was identified
NOV	15 Days	Date the violation was identified
Compliance Meeting	30 Days	Date of compliance follow-up inspection
Consent Order	30 Days	Date of Compliance Meeting
Compliance Order	30 Days	Date of Compliance Meeting
Complaint to Recover Incurred Costs	90 Days	Date when harm identified
Cease and Desist Order	10 Days	Date IU fails to submit required permit application
	5 Days	Date IU's permit expired
	2 Days	Date IU's permit suspended
	1 Day	Date when IU was known to have caused harm
	10Days	Date for other appropriate unspecified violations
Show Cause Hearing	60 Days	Date of Compliance Meeting
Suspension Order	1 Day	Date of Findings
Permit Revocation	30 Days	From Hearing Date
Physical Termination of Service	10 Days	Date when IU notified of unpermitted discharge
	10 Days	Date when IU failed to comply with administrative mandate
	10 Days	Date for other appropriate unspecified conditions
Revocation of Access Rights to Collection Station	10 Days	Date when IU notified of unpermitted discharge
	10 Days	Date when IU failed to comply with administrative mandate
	10 Days	Date for other appropriate unspecified conditions
Notify Industry of SNC Status	10 Days	Date from which SNC Status verified
SNC Publication	Annually	Published during 1st Quarter of each Calendar Year
Administrative Complaint/Fine	60 Days	Date from NOV
Civil Action to Recover Civil Penalties	90 Days	Date from NOV

**TABLE 2 - UNAUTHORIZED DISCHARGE VIOLATIONS**

<b>ENFORCEMENT RESPONSE PLAN AND GUIDE</b>			
<b>Nature of Violation</b>	<b>Circumstances</b>	<b>Range of Enforcement Response</b>	<b>Personnel <sup>1</sup></b>
<b>Discharging without a Permit</b>	No Harm to SSS or POTW	▶ NOV with Notice to submit permit application	SCS, SCM
		▶ Cease and Desist Order	SCM, GM
		▶ Administrative Complaint / Fine	SCM, GM, LC
		▶ Physical Termination of Service	SCM, GM, LC
	Harm to SSS or POTW	▶ NOV with Notice to submit permit application	SCS, SCM
		▶ Cease and Desist Order	SCM, GM
		▶ Complaint for recovery of District incurred costs	SCM, GM, LC
		▶ Administrative Complaint / Fine	SCM, GM, LC
		▶ Physical Termination of Service	SCM, GM, LC
		▶ Criminal Penalties	GM, LC
	▶		
<b>Failure to Inform of Change of Ownership</b>	No Harm to SSS or POTW	▶ NOV with Notice to submit permit application	SCS, SCM
		▶ Cease and Desist Order	SCM, GM
		▶ Administrative Complaint / Fine	SCM, GM, LC
		▶ Physical Termination of Service	SCM, GM, LC
	Harm to SSS or POTW	▶ NOV with Notice to submit permit application	SCS, SCM
		▶ Cease and Desist Order	SCM, GM
		▶ Complaint for recovery of District incurred costs	SCM, GM, LC
		▶ Administrative Complaint / Fine	SCM, GM, LC
		▶ Physical Termination of Service	SCM, GM, LC
		▶ Criminal Penalties	GM, LC
	▶		
<b>Discharging with an Expired Permit</b>	IU fails to renew permit after proper notice - No Harm to SSS or POTW	▶ Cease and Desist Order	SCM, GM

1 This represents the typical personnel responsible for issuing the enforcement. The GM and LC may issue any level of enforcement, unless otherwise stated.

<b>ENFORCEMENT RESPONSE PLAN AND GUIDE</b>			
<b>Nature of Violation</b>	<b>Circumstances</b>	<b>Range of Enforcement Response</b>	<b>Personnel <sup>1</sup></b>
		▶ Administrative Complaint / Fine	SCM, GM, LC
		▶ Physical Termination of Service	SCM, GM, LC
		▶	
	IU fails to renew permit after proper notice - Harm to SSS or POTW	▶ Cease and Desist Order	SCM, GM
		▶ Complaint for recovery of District incurred costs	SCM, GM, LC
		▶ Administrative Complaint / Fine	SCM, GM, LC
		▶ Physical Termination of Service	SCM, GM, LC
		▶ Criminal Penalties	GM, LC
		▶	
<b>Discharging with a Suspended Permit</b>	No Harm to SSS or POTW	▶ Cease and Desist Order	SCM, GM
		▶ Administrative Complaint / Fine	SCM, GM, LC
		▶ Physical Termination of Service	SCM, GM, LC
		▶	
	Harm to SSS or POTW	▶ Cease and Desist Order	SCM, GM
		▶ Complaint for recovery of District incurred costs	SCM, GM, LC
		▶ Administrative Complaint / Fine	SCM, GM, LC
		▶ Physical Termination of Service	SCM, GM, LC
		▶ Criminal Penalties	GM, LC
		▶	
<b>Discharging with a Revoked Permit</b>	No Harm to SSS or POTW	▶ Cease and Desist Order	SCM, GM
		▶ Administrative Complaint / Fine	SCM, GM, LC
		▶	
	Harm to SSS or POTW	▶ Court Injunction	GM, LC
		▶ Complaint for recovery of District incurred costs	SCM, GM, LC
		▶ Administrative Complaint / Fine	SCM, GM, LC
		▶ Physical Termination of Service	SCM, GM, LC
		▶ Criminal Penalties	GM, LC
		▶	
		▶	

TABLE 3 - VIOLATION OF DISCHARGE LIMITS

Nature of Violation	Circumstances	Range of Enforcement Response <sup>2</sup>	Personnel <sup>3</sup>
<b>Permit Limit Exceedance</b>	Isolated or first violation within a six-month period - <b>Minor Violation</b>	▶ NOV, Compliance Follow-up Inspection and Verification	SCS, SCM
	Isolated or first violation within a six-month period - <b>Major Violation</b>	▶ NOV, Compliance Follow-up Inspection and Verification	SCS, SCM
		▶ Compliance Meeting	SCS, SCM
		▶ Consent Agreement	SCS, SCM
		▶ Consent Order	SCS, SCM
		▶	
	Recurring, 2 or more within a six-month period - <b>Minor Violation</b>	▶ NOV, Compliance Follow-up Inspection and Verification	SCS, SCM
		▶ MPIO	SCS, SCM
		▶ Compliance Meeting	SCS, SCM
		▶ Consent Agreement	SCS, SCM
		▶ Consent Order	SCS, SCM
		▶	
<b>BMP Requirements Not Met</b>	Isolated or first violation within a six-month period - <b>Minor Violation</b>	▶ Written Warning	SCS, SCM
		▶ NOV, Compliance Follow-up Inspection and Verification	SCS, SCM
		▶	SCS, SCM
		▶	
	Isolated or first violation within a six-month period - <b>Major Violation</b>	▶ NOV, Compliance Follow-up Inspection and Verification	SCS, SCM
		▶ Compliance Meeting	SCS, SCM
		▶ Consent Agreement	SCS, SCM
		▶ Consent Order	SCS, SCM
		▶	

<sup>2</sup> May include monetary fines or penalties at the District's discretion

<sup>3</sup> This represents the typical personnel responsible for issuing the enforcement. The GM and LC may issue any level of enforcement, unless otherwise stated.

Nature of Violation	Circumstances	Range of Enforcement Response <sup>2</sup>	Personnel <sup>3</sup>
	Recurring, 2 or more within a six-month period – <b>Minor Violation</b>	▶ NOV, Compliance Follow-up Inspection and Verification	SCS, SCM
		▶ MPIO	SCS, SCM
		▶ Compliance Meeting	SCS, SCM
		▶ Consent Agreement	SCS, SCM
		▶ Consent Order	SCS, SCM
		▶	
<b>Slug Load Discharge</b>	Isolated or first violation within a six-month period – No Harm to SSS or POTW	▶ NOV, Compliance Follow-up Inspection and Verification	SCS, SCM
		▶ Cease and Desist Order	SCM, GM
		▶ Administrative Complaint / Fine	SCM, GM, LC
		▶	
	Isolated or first violation within a six-month period – Harm to SSS or POTW	▶ NOV, Compliance Follow-up Inspection and Verification	SCS, SCM
		▶ Cease and Desist Order	SCM, GM
		▶ Administrative Complaint / Fine	SCM, GM, LC
		▶ Complaint for Recovery of District Incurred Costs	SCM, GM, LC
		▶	
	Recurring, 2 or more within a six-month period – No Harm to SSS or POTW	▶ NOV, Compliance Follow-up Inspection and Verification	SCS, SCM
		▶ Cease and Desist Order	SCM, GM
		▶ Administrative Complaint / Fine	SCM, GM, LC
		▶ Permit Suspension Proceedings	SCM, GM, LC
		▶	
	Recurring, 2 or more within a six-month period – Harm to SSS or POTW	▶ NOV, Compliance Follow-up Inspection and Verification	SCS, SCM
		▶ Cease and Desist Order	SCM, GM
		▶ Administrative Complaint / Fine	SCM, GM, LC
		▶ Complaint for Recovery of District Incurred Costs	SCM, GM, LC
		▶ Permit Suspension Proceedings	SCM, GM, LC
		▶	

Nature of Violation	Circumstances	Range of Enforcement Response <sup>2</sup>	Personnel <sup>3</sup>
<b>Surveillance Sampling</b>	IU in Violation of Discharge Limits - Minor	▶ NOV, Compliance Follow-up Inspection and Verification	SCS, SCM
		▶ Cease and Desist Order	SCM, GM
		▶ Consent Agreement	SCS, SCM
		▶ Consent Order	SCS, SCM
		▶ Administrative Complaint / Fine	SCM, GM, LC
		▶ Complaint for Recovery of District Incurred Costs	SCM, GM, LC
		▶	
	IU in Violation of Discharge Limits - Major	▶ NOV, Compliance Follow-up Inspection and Verification	SCS, SCM
		▶ Cease and Desist Order	SCM, GM
		▶ Consent Agreement	SCS, SCM
		▶ Consent Order	SCS, SCM
		▶ Compliance Meeting	SCM, GM, LC
		▶ Administrative Complaint / Fine	SCM, GM, LC
		▶ Complaint for Recovery of District Incurred Costs	SCM, GM, LC
		▶	
<b>Permit Limit Exceedance While Under Consent Agreement or Order</b>	First Violation – Minor or Major	▶ NOV, Compliance Follow-up Inspection and Verification	SCS, SCM
		▶ Cease and Desist Order	SCS, SCM
		▶	
	Recurring, 2 or more within the duration of the Consent Agreement or Order	▶ NOV, Compliance Follow-up Inspection and Verification	SCS, SCM
		▶ Cease and Desist Order	SCS, SCM
		▶ Administrative Complaint / Fine	SCM, GM, LC
		▶ Permit Suspension Proceedings	SCM, GM, LC

**TABLE 4 - VIOLATION OF SELF-MONITORING REQUIREMENTS**

<b>Nature of Violation</b>	<b>Circumstances</b>	<b>Range of Enforcement Response <sup>4</sup></b>	<b>Personnel <sup>5</sup></b>
<b>Failure to Perform Self-Monitoring</b>	First Occurrence – failure to sample or incorrect sampling	▶ NOV to Perform Self-Monitoring and Submit SMR within 10 days	SCS, SCM
		▶	
	Subsequent Occurrences	▶ NOV	SCS, SCM
		▶ Administrative Complaint / Fine	SCS, SCM
		▶ SNC Notification	SCS, SCM
		▶	
<b>Failure to Submit Self-Monitoring Report</b>	SMR is Past Due (<= 10 days late)	▶ Informal Notice to Submit SMR within 10 days	SCS, SCM
		▶ Written Warning to Submit SMR within 10 days.	SCS, SCM
	SMR is Past Due (<= 10 days late) past Informal Late Notice	▶ Written Warning to Submit SMR within 10 days.	SCS, SCM
		▶	
	SMR is Past Due (<= 10 days late) past Written Warning	▶ NOV to Submit SMR within 10 days	
		▶	
	Failure to Submit SMR (>30 days, but <45 days late) from first notification	▶ Compliance Meeting	SCS, SCM
		▶ Administrative Complaint / Fine	SCM, GM, LC
Failure to Submit SMR >45 days late) from due date	▶ SNC Notification	SCM, GM, LC	
		▶	
<b>Deficient SMR – Incomplete/Incorrect</b>	First Occurrence – SMR is incomplete or incorrect	▶ Informal Warning – to include notification that if revised SMR is not submitted within 10 days from original due date, it will be Past Due	SCS, SCM
		▶	
	Subsequent Occurrences	▶ NOV	
<b>Failure to Resample Following a Self-Monitoring Violation</b>	Report is <= 10 days late	▶ Written Warning, required to resample immediately, submit results within 10 days	SCS, SCM

<sup>4</sup> May include monetary fines or penalties at the District's discretion

<sup>5</sup> This represents the typical personnel responsible for issuing the enforcement. The GM and LC may issue any level of enforcement, unless otherwise stated.

Nature of Violation	Circumstances	Range of Enforcement Response <sup>4</sup>	Personnel <sup>5</sup>
		▶	
		▶	
		▶	
		▶	
	Report >30 days, but <45 days late from due date	▶ NOV, required to resample immediately, submit results within 10 days	SCS, SCM
		▶	
	Report >45 days from due date	▶ NOV, Compliance Meeting, SNC Notification	SCM, GM, LC
		▶	
<b>Falsification of Self-Monitoring Reports</b>	Any	▶ NOV	SCS, SCM
		▶ Compliance Meeting	SCS, SCM
		▶ Administrative Complaint	SCM, GM, LC
		▶ SNC Notification	SCM, GM, LC
		▶ Permit Suspension Proceedings	SCM, GM, LC
		▶ Permit Revocation Proceedings	SCM, GM, LC
		▶	
<b>Selective Reporting</b>	Any	▶ NOV	SCS, SCM
		▶ Compliance Meeting	SCS, SCM
		▶ Administrative Complaint	SCM, GM, LC
		▶ SNC Notification	SCM, GM, LC
		▶ Permit Suspension Proceedings	SCM, GM, LC
		▶ Permit Revocation Proceedings	SCM, GM, LC
		▶	

**TABLE 5 - VIOLATION OF PERMIT REPORTING REQUIREMENTS**

<b>Nature of Violation</b>	<b>Circumstances</b>	<b>Range of Enforcement Response <sup>6</sup></b>	<b>Personnel <sup>7</sup></b>
<b>Failure to Comply with Flow Meter Data Reporting Requirements</b>	Report is <= 10 Days late	▶ Written Warning, required to submit report within 10 days	SCS, SCM
		▶	
	Report >30 days, but <45 days late from due date	▶ NOV, required to submit report within 10 days	SCS, SCM
		▶	
	Report >45 days from due date	▶ NOV, Compliance Meeting, SNC Notification	SCM, GM, LC
		▶	
<b>Failure to Report Production Data or Changes in Production</b>	Report is <= 10 Days but <45 days late from due date	▶ NOV, required to submit report within 10 days	SCS, SCM
		▶	
	Report >45 days from due date	▶ NOV, Compliance Meeting, SNC Notification	SCM, GM, LC
		▶	
<b>Failure to Report Process Changes</b>	Report >30 days, but <45 days late from due date	▶ NOV, required to submit report within 10 days	SCS, SCM
		▶	
	Report >45 days from due date	▶ NOV, Compliance Meeting, SNC Notification	SCM, GM, LC
		▶	
<b>Failure to Report Batch Discharge</b>	First Occurrence	▶ NOV	
		▶	
	Subsequent Violation	▶ NOV	SCS, SCM
		▶ Compliance Meeting	SCS, SCM
		▶ Administrative Complaint	SCM, GM, LC
		▶ SNC Notification	SCM, GM, LC
		▶ Permit Suspension Proceedings	SCM, GM, LC
	▶		
	▶		

<sup>6</sup> May include monetary fines or penalties at the District's discretion

<sup>7</sup> This represents the typical personnel responsible for issuing the enforcement. The GM and LC may issue any level of enforcement, unless otherwise stated.

Nature of Violation	Circumstances	Range of Enforcement Response <sup>6</sup>	Personnel <sup>7</sup>
<b>Failure to Report Spills or Slug Loads</b>		▶ NOV	
		▶ Compliance Meeting	SCS, SCM
		▶ Administrative Complaint	SCM, GM, LC
		▶ SNC Notification	SCM, GM, LC
		▶ Permit Suspension Proceedings	SCM, GM, LC

**TABLE 6 – VIOLATION OF ADMINISTRATIVE MANDATES**

<b>Nature of Violation</b>	<b>Circumstances</b>	<b>Range of Enforcement Response <sup>8</sup></b>	<b>Personnel <sup>9</sup></b>
<b>Failure to Comply with Monitoring Production Information Order (MPIO)</b>	IU does not comply with all provisions of MPIO, but is not SNC	► Compliance Follow-up Inspection and Verification	SCM, GM, LC
		► Increase Self-Monitoring Requirements	SCM, GM, LC
		► Consent Agreement	SCM, GM, LC
		► Consent Order	SCM, GM, LC
		► Administrative Complaint	SCM, GM, LC
		►	
<b>Failure to Comply with Consent Agreement</b>	Missed Milestone	► NOV	SCS, SCM
		► Failure to submit reports required by the Consent Agreement	SCS, SCM
		► Failure to comply with Consent Agreement	SCS, SCM
		► Administrative Complaint	SCM, GM, LC
		► SNC Notification	SCM, GM, LC
		► Permit Suspension Proceedings	SCM, GM, LC
		►	
		►	
<b>Failure to Comply with Consent Order</b>	Missed Milestone	► NOV	SCS, SCM
		► Failure to submit reports required by the Consent Agreement	SCS, SCM
		► Failure to comply with Consent Agreement	SCS, SCM
		► Administrative Complaint	SCM, GM, LC
		► SNC Notification	SCM, GM, LC
		► Permit Suspension Proceedings	SCM, GM, LC
		►	
		►	
<b>Failure to Comply with Cease and Desist Order</b>	Any	► Compliance Follow-up Inspection and Verification, NOV	SCS, SCM
		► Administrative Complaint	SCM, GM, LC
		► SNC Notification	SCM, GM, LC

<sup>8</sup> May include monetary fines or penalties at the District's discretion

<sup>9</sup> This represents the typical personnel responsible for issuing the enforcement. The GM and LC may issue any level of enforcement, unless otherwise stated.

Nature of Violation	Circumstances	Range of Enforcement Response <sup>8</sup>	Personnel <sup>9</sup>
		▶ Permit Suspension Proceedings	SCM, GM, LC
		▶ Criminal Penalties	GM, LC
<b>Failure to Comply with Permit Suspension or Revocation Order</b>	Any	▶ Compliance Follow-up Inspection and Verification, NOV	SCS, SCM
		▶ Administrative Complaint	SCM, GM, LC
		▶ SNC Notification	SCM, GM, LC
		▶ Permit Suspension Proceedings	SCM, GM, LC
		▶ Criminal Penalties	GM, LC
		▶ Termination of Service	GM, LC

**TABLE 7 – VIOLATION OF ORDINANCE OR SPECIAL PERMIT CONDITIONS**

Nature of Violation	Circumstances	Range of Enforcement Response <sup>10</sup>	Personnel <sup>11</sup>
<b>Failure to Implement any Required Action – e.g. Install Treatment, or Spill Containment, Monitoring Equipment.</b>	Initial failure – Initiated action but missed due date(s)	▶ NOV	SCS, SCM
	Repeated failure	▶ NOV	SCS, SCM
		▶ Compliance Meeting	SCM, GM, LC
		▶ Administrative Complaint	SCM, GM, LC
		▶ Consent Agreement	SCM, GM, LC
		▶ Consent Order	SCM, GM, LC
		▶	
<b>Failure to Submit Required Drawings and Information</b>	Past Due	▶ Written Warning, including warning that if not resolved within 30 days, will be SNC	SCM, GM, LC
		▶	
	Complete Failure	▶ NOV	SCS, SCM
		▶ SNC Notification	SCM, GM, LC
		▶	
<b>Failure to Comply with Record Keeping Requirements</b>	First Occurrence	▶ Written Warning with compliance deadline	SCS, SCM
		▶ Compliance Follow-up Inspection and Verification	SCS, SCM
		▶	
	Subsequent Occurrence	▶ NOV – correction required within 30 days	SCS, SCM
		▶	
<b>Failure to Comply with Prohibitions</b>	First Occurrence – detected during Inspection	▶ NOV, requiring Immediate Correction	SCS, SCM
		▶ Compliance Follow-up Inspection and Verification	SCS, SCM
		▶	
	Subsequent Occurrence	▶ NOV	SCS, SCM
		▶ Compliance Meeting	SCM, GM, LC
		▶ Consent Order	SCM, GM, LC

10 May include monetary fines or penalties at the District’s discretion

11 This represents the typical personnel responsible for issuing the enforcement. The GM and LC may issue any level of enforcement, unless otherwise stated.

Nature of Violation	Circumstances	Range of Enforcement Response <sup>10</sup>	Personnel <sup>11</sup>
		▶ Administrative Complaint	SCM, GM, LC
		▶ Permit Suspension Proceedings	SCM, GM, LC
		▶	
<b>Entry Denial</b>	First Occurrence	▶ NOV	SCS, SCM
		▶	
	Subsequent Occurrence	▶ NOV	SCS, SCM
		▶ Compliance Meeting	SCM, GM, LC
		▶ Consent Order	SCM, GM, LC
		▶ Administrative Complaint	SCM, GM, LC
		▶ Permit Suspension Proceedings	SCM, GM, LC
		▶	
<b>Failure to Submit Permit Application</b>	First Occurrence	▶ NOV, requiring submittal of application within 5 days	SCS, SCM
		▶	
	Ignores NOV	▶ NOV	SCS, SCM
		▶ Termination of Discharge	SCM, GM, LC
		▶	

**TABLE 8 - Equivalent Dwelling Units (EDU) Table of Values by  
Proposed Building Use**

<b>Tenant Type Desc</b>	<b>Base Unit Desc</b>	<b>Base Unit</b>	<b>Edu Per Unit</b>
AIRPORT HANGAR	HANGER	1	0.75
ANIMAL KENNELS/PET SHOPS	1000 SQ. FT.	1000	0.80
ANIMAL SHELTERS/ANIMAL ADOPTION CENTERS	1000 SQ. FT.	1000	2.74
APARTMENT/CONDO - FAMILY/2+BEDROOM	DWELLING UNIT	1	0.69
APTMNT/CONDO-SR/1BED/STUDIOS	DWELLING UNIT	1	0.40
AUDITORIUMS	1000 SQ. FT.	1000	1.30
AUTO SALES/REPAIR SHOPS	1000 SQ. FT.	1000	0.20
BARS	SEAT	1	0.07
BEAUTY/BARBER SHOP	SINK	1	0.25
BOWLING ALLEY/SKATING RINKS	1000 SQ. FT.	1000	0.80
BREWERY/TASTING ROOM	1000 SQ. FT.	1000	0.50
CAMPSITES(DEVELOPED)	SITE	1	0.25
CAR WASH - TUNNEL TYPE	1000 SQ. FT.	1000	14.00
CAR WASH - W/RECYCLING UNIT	1000 SQ. FT.	1000	4.75
CAR WASH - WAND TYPE	1000 SQ. FT.	1000	2.65
CASINO	UNIT	1	1.00
CHILD/SENIOR DAYCARE FACILITY	PERSON	1	0.04
CHURCH/LIBRARY	1000 SQ. FT.	1000	0.20
CLUB HOUSE (APT/CONDO/TRACT)	UNIT	1	1.00
CLUBS	1000 SQ. FT.	1000	0.50
DEPARTMENT STORES	1000 SQ. FT.	1000	0.05
DIALYSIS CENTER	CHAIR	1000	1.20
DOCTOR/DENTIST/VET OFFICES	1000 SQ. FT.	1000	0.20
DRIVE-IN THEATERS	1000 SQ. FT.	1000	0.80
DRY CLEANERS - OFFICES	EMPLOYEE	1	0.07
DRY CLEANERS - PLANTS	MACHINE	1	1.62
DRY MANUFACTURER	1000 SQ. FT.	1000	0.04
FINANCIAL INSTITUTIONS	1000 SQ. FT.	1000	0.20
FIRE/POLICE STATION	EMPLOYEE	1	0.41
GOLF COURSE/CAMP/PARK BUILDINGS	RESTROOM/CONCESSION STAND	1	0.20

<b>Tenant Type Desc</b>	<b>Base Unit Desc</b>	<b>Base Unit</b>	<b>Edu Per Unit</b>
GROCERY STORE/SPECIALTY FOOD MARKET	1000 SQ. FT.	1000	0.50
HEALTH SPAS/FITNESS CLUBS W/SHOWERS	1000 SQ. FT.	1000	0.50
HEALTH SPAS/FITNESS CLUBS WITHOUT SHOWERS	1000 SQ. FT.	1000	0.30
HOSPITAL	BED	1	1.00
HOTEL/MOTEL ROOMS WITH KITCHENETTES	ROOM	1	0.65
HOTEL/MOTEL ROOMS WITHOUT KITCHENETTES	ROOM	1	0.31
INDOOR THEATERS	1000 SQ. FT.	1000	0.30
INDUSTRIAL SPECIALIZED	1000 SQ. FT.	1	1.00
JAIL/DETENTION CENTER	PERSON	1	0.41
LAUNDROMAT	MACHINE	1	0.63
MOBILE HOME PARK - FAMILY	DWELLING UNIT	1	0.64
MOBILE HOME PARK - RETIREMENT	DWELLING UNIT	1	0.51
MORTUARIES/CEMETERIES	1000 SQ. FT.	1000	0.51
NIGHT CLUBS	1000 SQ. FT.	1000	1.30
NURSING HOMES	BED	1	0.79
OFFICE BUILDINGS	1000 SQ. FT.	1000	0.20
<b>Open Storage Facilities/Warehouses: Sewer EDU's used by tiering of the total square footage as follows:</b>			
<i>OPEN STORAGE (SMALL) FACILITIES/WAREHOUSES - LESS THAN 100,000 SF.</i>	1000 SQ. FT.	1000	0.07
<i>OPEN STORAGE (MED) FACILITIES/WAREHOUSES - BETWEEN 100,000 AND 1,000,000 SQ FT</i>	1,000 SQ. FT.	1000	0.03
<i>OPEN STORAGE (LARGE) FACILITIES/WAREHOUSES - 1,000,000 sf OR LARGER</i>	1,000 SQ. FT.	1000	0.02
PRE-SCHOOL	STUDENT	1	0.04
RESERVATION CENTERS	1000 SQ. FT.	1000	0.42
RESTAURANT - FAST FOOD	SEAT	1	0.07
RESTAURANT - FULL SERVICE	SEAT	1	0.09
RESTAURANT - QUICK FOOD SHOP	SEAT	1	0.04

<b>Tenant Type Desc</b>	<b>Base Unit Desc</b>	<b>Base Unit</b>	<b>Edu Per Unit</b>
RV CAMPS WITH SEWER HOOK-UPS	SITE	1	0.50
RV PARK W/OUT INDIV. SEWER HOOK-UPS	DWELLING UNIT	1	0.45
SCHOOL - NO CAFETERIA/NO SHOWERS	STUDENT	1	0.01
SCHOOL - NO CAFETERIA/WITH SHOWERS	STUDENT	1	0.01
SCHOOL - WITH CAFETERIA/NO SHOWERS	STUDENT	1	0.01
SCHOOL - WITH CAFETERIA/WITH SHOWERS	STUDENT	1	0.01
SERVICE SHOPS/STATIONS/STORES/WHOLESALE OUTLETS	1000 SQ. FT.	1000	0.20
SINGLE FAMILY DWELLING	DWELLING UNIT	1	1.00
SPECIAL EVENTS CENTER	ATTENDEE	1	0.04
SPORT CENTER - INDOOR	1000 SQ. FT.	1000	1.30
STORAGE FACILITY	DWELLING UNIT	1	1.00
Special Tenant Type	1,000 SQ. FT.	1000	1.00
WHOLESALE WAREHOUSE STORES	1000 SQ. FT.	1	0.21