

HIDDEN VALLEY LAKE COMMUNITY SERVICES DISTRICT
ORDINANCE NO. 60

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR THE CONNECTION AND USE OF WASTEWATER FACILITIES, WASTEWATER DISCHARGE AND PRETREATMENT REGULATIONS, AND REPEALING ORDINANCE NOS. 3, 48, AND 59.1

Section 1. Purpose and Policy.

- a) This Ordinance sets forth uniform requirements for Users of the District's Publicly Owned Treatment Works (POTW) and enables the District to comply with applicable State and federal law, including the Clean Water Act (33 U.S.C. section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations (CFR) Part 403). The objectives of this Ordinance are to:
1. Protect District personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
 2. Prevent the introduction of Pollutants into the District's wastewater collection system which would cause Interference with the system, the District's POTW, or other District operations.
 3. Prevent the introduction of Pollutants into the District's wastewater collection system which cannot sufficiently be treated and Pass Through the District's POTW, or which will have a deleterious effect on the District's POTW, or which are incompatible with the District's treatment operations.
 4. Promote reuse and recycling of wastewater and sludge from the POTW;
 5. Provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW; and

Enable the District to comply with its Wastewater Discharge Requirements, sludge use and disposal requirements, and any other applicable federal or State law to which the POTW is subject.

- b) This Ordinance authorizes the issuance of Wastewater Discharge Permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.
- c) **Applicability.** This Ordinance shall apply to all Users of the POTW, including any Users outside of the District's service area and tributary to the District's sewerage facilities.

Section 2. Definitions and Abbreviations.

- a) **Definitions** – For the purposes of this Ordinance, the terms used herein are defined as follows:
1. **“Act” or “the Act”** means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq.
 2. **“Best available technology”** means the best control and treatment measures that are available and economically achievable.
 3. **“Best management practices” or “BMPs”** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement prohibitions listed in this Ordinance. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
 4. **“Biochemical Oxygen Demand” or “BOD”** means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at twenty (20) degrees Celsius, usually expressed as a concentration (e.g., milligrams per liter (mg/l)).
 5. **“Board”** means the Board of Directors of Hidden Valley Lake Community Services District.

6. **“Categorical Industrial User”** means an Industrial User subject to a Categorical Pretreatment Standard or Categorical Standard.
7. **“Categorical Pretreatment Standard” or “Categorical Standard”** means any regulation that contains Pollutant discharge limits promulgated by the United States Environmental Protection Agency (EPA) in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
8. **“Chemical Oxygen Demand” or “COD”** means a measure of the oxygen required to oxidize all compounds (organic and inorganic) in water.
9. **“Cleanout”** means a pipe, typically located within two (2) feet of a building, with a cap that provides access to the Side Lateral so that blockages can be removed. Cleanouts are owned, operated, and maintained by Owners.
10. **“Collection System”** means the District's pipelines, including Sewer Laterals and Sewer Mains, pump stations, manholes lift stations, and other appurtenances, which collect and transport wastewater to the District's POTW.
11. **“Compliance Schedule”** means a schedule of remedial measures and includes an enforceable sequence of actions or operations that leads to compliance with an effluent limitation or other limitation, prohibition, or standard.
12. **“Commercial User”** means any non-residential User, including a business activity that is not otherwise classified as an industrial User, and that introduces wastewater that is determined by the Wastewater Treatment Plant Legally Responsible Official to consist primarily of sewage into the POTW .
13. **“Contamination”** means an impairment of the quality of the environment (including waters of the State) by waste to a degree which creates a hazard to public health through the spread of disease or creation of toxic conditions. “Contamination” includes any equivalent effect that results from the disposal of waste, whether or not waters of the State are affected.
14. **“Control Authority”** means the District.
15. **“Customer”** means any Person with an account with the District for service. The Customer may be the owner, tenant, or property manager, as appropriate.
16. **“Daily Average”** means the arithmetic average of all effluent samples for a Pollutant collected during a calendar day.
17. **“Daily Average Limit”** means the maximum allowable discharge limit of a Pollutant during a calendar day. Where Daily Average Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Average Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the Pollutant concentration derived from all measurements taken that day.
18. **“Discharger”** means any person, firm, association, corporation, governmental agency or other entity who or which disposes of wastewater into a Sanitary Sewer system that is connected to, or part of, the Collection System and/or POTW.
19. **“District”** means Hidden Valley Lake Community Services District.
20. **“District Engineer”** means the engineer appointed by and acting for the Board and shall be a Registered Professional Civil Engineer.
21. **“District Facilities”** means the Collection System and the POTW.
22. **“Domestic Wastewater”** means 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, into the public sewer or by means of a private disposal system.
23. **“Duly Authorized Representative”** means:

- A. Where the User is a corporation: (i) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other Person who performs similar policy or decision-making functions for the corporation; or (ii) The manager of one (1) or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty to make major capital investment recommendations and initiate and direct other comprehensive measures to assure long-term compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for Wastewater Discharge Permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - B. Where the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
 - C. Where the User is a federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
 - D. The individuals described in paragraphs (i) through (iii) above may designate a Duly Authorized Representative if the authorization is submitted to the District in writing and specifies the individual or position with overall responsibility for operation of the facility from which the discharge originates or overall responsibility for the company's environmental matters.
24. **"Duplex Lift Pump Station"** means a two-pump installation whereby one pump is used as a backup or standby unit in the event of a failure of the other pump.
 25. **"Environmental Protection Agency"** or **"EPA"** means the United States Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of EPA.
 26. **"Existing Source"** means any source of discharge that is not a "New Source."
 27. **"Flow"** means the volume of wastewater measured during a period of time (e.g. gallons per minute or MGD).
 28. **"Garbage"** means solid wastes from the preparation, cooking, and dispensing of food; from the handling, storage, and sale of produce; and paper and plastic wastes.
 29. **"General Manager"** means the General Manager of the Hidden Valley Community Services District, who is appointed by the Board of Directors.
 30. **"Grab Sample"** means a sample that is taken from a wastestream without regard to flow in the wastestream and over a period of time not exceeding fifteen (15) minutes.
 31. **"Indirect Discharge"** means the introduction of Pollutants into the POTW from any non-domestic source.
 32. **"Individual Lift Pump"** means a sewer pump that services a building too low in elevation to obtain gravity flow. An Individual Lift Pump is owned and maintained by the Owner.
 33. **"Industrial wastes"** means the wastes generated by or from industrial processes (including cooling) and/or any wastewater other than sewage generated by an Industrial User. Generally, industrial wastes differ from sewage in quantity, strength, temperature, pH, or other chemical constituents, and have the potential, as determined by the District, to adversely impact the operation of the treatment works.
 34. **"Industrial User"** means a source of Indirect Discharge. For purposes of notification or service, "Industrial User" means the Duly Authorized Representative
 35. **"Instantaneous Limit"** means the maximum concentration of a Pollutant allowed to be discharged at any time determined from the analysis of any discrete or composited

sample collected, independent of the industrial flow rate and duration of the sampling event

36. **“Interference”** means a discharge that alone or in conjunction with a discharge or discharges from other source(s) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use, or disposal and thus is a cause of a violation of the District's Wastewater Discharge Requirements or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder or any more stringent State or local regulations: section 405 of the Act: the Solid Waste Disposal Act, including Title 11 commonly referred to as the Resource Conservation and Recovery Act (RCRA): the Clean Air Act: and the Toxic Substances Control Act.
37. **“Local Limit”** means a specific discharge limit developed and enforced by the District upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR section 403.5(a)(1) and (b).
38. **“Mass Emission Rate”** means the weight of material discharged to the sewer system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of a particular constituent or combination of constituents.
39. **“Mechanical garbage grinder”** means a mechanical device for pulverizing quantities of garbage.
40. **“Medical wastes”** means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
41. **“Monthly Average”** means the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
42. **“Monthly Average Limit”** means the highest allowable average of daily discharges over a calendar month calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
43. **“Multiple Living Unit Buildings”** means a building for residential purposes containing more than one kitchen or having facilities for the occupancy of more than one person or families, including but not limited to the following:
 - hotels
 - motels
 - auto courts
 - trailer courts
 - apartment houses
 - duplex
 - rooming houses
 - boarding houses
 - dormitories
44. **“New Source”** means:
 - A. 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 Act that will apply to such source if such Standards are thereafter promulgated in accordance with that section, provided:
 - i. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - ii. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of Pollutants at an Existing Source; or

- iii. 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, consider 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.
 - B. 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 Subsection MI-15-6101(f)(24)(A), paragraph (ii) or (iii) above, but otherwise alters, replaces, or adds to existing process or production equipment.
 - C. Construction of a New Source commenced if the owner or operator has:
 - i. Begun or caused to begin as part of a continuous onsite construction program any placement, assembly, or installation of facilities or equipment or significant site preparation work (including clearing, excavation, or removal of existing buildings, structures, or facilities) that is necessary for the placement, assembly, or installation of New Source facilities or equipment; or
 - ii. Entered into a binding contractual obligation for the purchase of facilities or equipment intended to be used in the New Source's operation within a reasonable time. Options to purchase or contracts that can be terminated or modified without substantial loss and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this Section.
- 45. **“Noncontact Cooling Water”** means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- 46. **“Nuisance”** means anything that meets all of the following requirements:
 - 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;
 - 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.
- 47. **“Outside Sewer”** means a Sanitary Sewer beyond the limits of the District’s service area. An Outside Sewer is not subject to the control or jurisdiction of the District.
- 48. **“Owner”** applied to a building or land, includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant of, or owner of an undivided interest or condominium interest in the whole or part of such building or land. “Owner” also means a developer, agent, or other person authorized in writing to act for the owner with respect to such building or land.
- 49. **“Owner Facilities”** includes the Side Lateral and any other pipelines from a building or property up to, and including, the connection at the Sewer Lateral, Cleanout, Individual Lift Pump. Owner Facilities also includes sampling manholes, flow meters, grease interceptors, sewer overflow protection devices, and other pretreatment facilities, if any. Owner Facilities are owned, operated, and maintained by the Owner.
- 50. **“Pass Through”** means a discharge that exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the District's NPDES Permit and includes an increase in the magnitude or duration of a violation.
- 51. **“Person”** means an individual, partnership, association, corporation, limited liability company, association, trust or any other legal entity, public or private, and includes any

natural person, firm, organization, company or political subdivision, city, county, the state and the United States of America or any department or agency thereof (excepting the District) unless the code expressly provides otherwise.

52. **"Pollutant"** means dredged soil, solid waste, incinerator residue, filter, backwash, wastewater, wastewater sludge, garbage, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g. pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
53. **"Pollution"** means an alteration of the quality of waters by waste to a degree that unreasonably affects either the waters for beneficial uses or facilities that include these beneficial uses. "Pollution" may include Contamination.
54. **"Premises"** means a parcel of real estate, including any improvements thereon, which parcel is determined by the District to be a single User for the purposes of receiving, using, and paying for services.
55. **"Pressure Side Lateral"** means a pressurized sewer line through which the sewage from a building is pumped by Individual Lift Pump to the Sewer Main.
56. **"Pretreatment"** means the reduction of the amount of Pollutants, elimination of Pollutants, or alteration of the nature of Pollutant properties in Wastewater prior to or in lieu of introducing such Pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes, process changes, or other means except by diluting the concentration of the Pollutants (unless allowed by an applicable Pretreatment Standard).
57. **"Pretreatment Requirement"** means any substantive or procedural requirement related to Pretreatment imposed on a User other than a Pretreatment Standard.
58. **"Pretreatment Standard"** means Prohibited Discharge Standards, Categorical Pretreatment Standards, and Local Limits.
59. **"Private Sewer"** means a sewer serving an independent sewage disposal system not connected with the Collection System or the POTW and which accommodates one or more buildings or industries.
60. **"Prohibited Discharge Standard"** or **"Prohibited Discharges"** means absolute prohibitions against the discharge of certain substances; these prohibitions appear in Sections 5(a) and 5(b) of this Ordinance.
61. **"Publicly Owned Treatment Works"** or **"POTW"** means a treatment works (as defined by section 212 of the Act) owned by the District. This definition includes any devices or systems used in the collection, storage, treatment, recycling or reclamation of Sewage or industrial wastes of a liquid nature and any sewers, pipes, or other means that convey Wastewater to the District's Treatment Plant.
62. **"Recycled water"** means water produced by further treatment of secondary effluent as defined in Title 22, California Code of Regulations, Division 4, Environmental Health, Chapter 3, Reclamation Criteria, as it may be amended from time to time.
63. **"Sanitary Sewer"** means a sewer into which wastewater is discharged and to which storm, surface and ground waters are not intentionally admitted.
64. **"Sewage"** means water or other liquid carrying domestic wastes from sanitary conveniences located in residences, industrial, institutional or commercial structures, whether treated or not, together with such other waters as may be present, or any combination of such wastes and waters.
65. **"Sewer"** means a pipe or conduit for carrying sewage and other wastewater.
66. **"Sewer Lateral"** means the sewer pipe in a public street or easement connecting a Side Lateral to the Sewer Main. The Sewer Lateral is owned, operated, and maintained by the District. The District will provide a Sewer Lateral as close as practical to the property being served, and the Owner will maintain the Side Lateral from the building to that point.

67. **“Sewer Main”** means a pipeline owned by the District and dedicated to public use in the District’s Collection System. Except in very rare situations, a Sewer Main serves more than one customer.
68. **“Sewer overflow protection device”** means a device, installed on a Side Lateral, owned, operated, and maintained by the Owner of the property it serves, which prevents sewage overflow from entering a building by rerouting sewage overflow outside the building.
69. **“Side Lateral”** means the sewer pipe on private property connecting a house or a building with the Sewer Lateral. The Side Lateral is owned, operated, and maintained by the Owner of the property which it serves
70. **“Significant Industrial User”** or **“SIU”** means
- A. An Industrial User subject to Categorical Pretreatment Standards; or
 - B. An Industrial User that: (i) Discharges an average of twenty-five thousand (25,000) gallons per day (gpd) or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown Wastewater); (ii) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW Treatment Plant; or (iii) Is designated as such by the District on the basis that it has a reasonable potential for adversely affecting the POTW’s operation or for violating any Pretreatment Standard or Requirement. Upon a finding that a User meeting the criteria in this paragraph has no reasonable potential for adversely affecting the POTW’s operation 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 an Industrial User and in accordance with procedures in 40 CFR section 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.
71. **“Single Family Unit”** means the place of residence for a single family.
72. **“Slug Load”** or **“Slug Discharge”** means any discharge at a flow rate or concentration that could cause a violation of the Prohibited Discharge Standards in this Ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch Discharge that has a reasonable potential to cause Interference or Pass Through or in any other way violate the POTW’s regulations, Local Limits, or NPDES Permit conditions
73. **“Storm Water”** means any flow that occurs during or following any form of natural precipitation and results from such precipitation, including snowmelt.
74. **“Total Suspended Solids”** or **“TSS”** or **“Suspended Solids”** means the total suspended matter that floats on the surface of or is suspended in water, Wastewater, or other liquid and that is removable by laboratory filtering.
75. **“Treatment Plant”** means that portion of the District’s POTW designed to provide treatment of municipal Sewage and industrial waste.
76. **“User”** means a recipient of wastewater services, including an applicant for a permit authorized or required under this Ordinance and a permittee of such permit. A User may or may not be a Customer.
77. **“Wastewater”** means treated or untreated liquid and water-carried industrial wastes and Sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, contributed to the POTW.
78. **“Wastewater Discharge Permit Applicant”** means a Person applying for a waste discharge permit in accordance with Section 7 of this Ordinance.
- (b) **Abbreviations** – The following abbreviations used in this Ordinance shall have the meanings respectively ascribed thereto:

BTEX – benzene, toluene, ethyl benzene and xylenes
CCR – California Code of Regulations

CFR – Code of Federal Regulations
GPD – gallons per day
LEL – lower explosive limit
MGD – million gallons per day
mg/L – milligrams per liter
NPDES – National Pollutant Discharge Elimination System
PCBs – polychlorinated biphenyl compounds
POTW – Publicly Owned Treatment Works
SIC – Standard Industrial Classification
TICH – total identifiable chlorinated hydrocarbons
TTO – total toxic organics
TPH – total petroleum hydrocarbons, both gasoline and diesel
USC – United States Code

Section 3. General Provisions.

- (a) **Connection to and Use of District Facilities Required.** The Owner of any building situated within the District's service area and abutting on any street in which there is now located a Sewer Main is hereby required at the Owner's expense to connect said building directly with District Facilities in accordance with the provisions of this Ordinance, within ninety (90) days after date of official notice to do so, provided that District Facilities are within two hundred (200) feet of the nearest point of the property line.
- (1) Following the effective date of this Ordinance, it shall be unlawful for any Person to connect to, construct, install or provide, maintain and use any other means of sewage disposal from said building except by connection to District Facilities in the manner provided in this Ordinance.
- (b) **Separate Side Laterals.** No two adjacent buildings fronting on the same street shall be permitted to join in the use of the same Side Lateral. Every building or industrial facility must be separately connected with the Sewer Main upon which the property abuts or in an easement which will serve said building or industrial facility. However, two or more buildings located on property belonging to the same Owner may be served with the same Side Lateral provided the property cannot be subdivided into smaller legal-sized lots.
- (c) **Use of Existing Side Laterals.** Existing Side Laterals may be used in connection with new buildings only when they are found, upon examination and test by the District Inspector, to meet all requirements of the District.
- (d) **Treatment of Discharged Wastes.** It shall be unlawful to discharge to any stream or watercourse any Sewage, Industrial Wastes, or other Polluted waters, except where suitable treatment has been provided in accordance with the provisions of this Ordinance.
- (e) **Written Agreement for Connection of Outside Sewers.** No Person shall connect any Outside Sewer to District Facilities that Person first enters into a written agreement with the District, which shall bind that Person, his/her heirs, successors, and assigns to abide by all ordinances, rules, and regulations in regard to the manner in which such Outside Sewer shall be used and the manner of connection therewith, and also shall agree to pay all fees set by the District for the privilege of connecting to District Facilities. The granting of such permission for connection of an Outside Sewer to District Facilities shall be at the discretion of the District Board of Directors.
- (f) **Fees.** The District may set, by resolution, capacity and connection fees, and other miscellaneous fees and charges for connection to and use of District Facilities.
- (g) **Owner Responsible for Owner Facilities.** Construction, installation, maintenance, repair, and replacement of Owner Facilities, are the responsibility of the Owner, at no cost to the District.
- (h) **District Access.** The District shall have the right to enter any User's Premises to ensure compliance with all provisions of this Ordinance, to conduct inspection and sampling as provided for under Section 8(b) of this Ordinance, and to make emergency repairs that threaten public health and safety. All Persons, including Owners or occupants of Premises where wastewater is created or discharged, shall allow the District, or its representatives, ready

access at all reasonable times to all parts of the Premises for the purpose of inspections or sampling or in the performance of any of their duties.

- (i) **Notice.** Whenever this Ordinance requires that notice be given, unless this Ordinance specifically provides otherwise, notice shall be given in writing and may be delivered either personally or by deposit in the United States mail in a sealed envelope, postage prepaid, addressed to the person to be notified at his or her last known business or residence address appearing in the public records or in other records of the matter for which notice is given. Notice by mail shall be deemed served at the time of deposit in the United States mail.
- (j) **Construction, Repair, and Replacement of Sewers.** No Sewer Main, Sewer Lateral, Side Lateral, or other sewerage facility may be constructed, altered, repaired, or replaced within the District unless/until the Person has obtained permission from the District and all applicable fees have been paid. Any Person constructing a sewer within a street shall comply with all state, county, and local laws, ordinances, rules, and regulations pertaining to the cutting of pavement, opening, barricading, lighting and protecting of trenches, backfilling and repaving thereof and shall obtain all permits and pay all fees prior to construction. The District may, by resolution, enact or amend rules and regulations pertaining to construction, repair, and replacement of sewers.
- (k) **Limitation of Liability and Indemnification for Use of Treated Wastewater.** District and its officers, agents, and employees shall not be liable for injury or death to any Person or damage to any property arising out of the use and/or application of Recycled Water or treated wastewater produced by the District. All Persons who use and/or apply Recycled Water or treated wastewater produced by the District shall indemnify, hold harmless and defend the District and its officers, agents, and employees from any liability and claims for damages by reason of any injury from any cause whatsoever, to the extent caused or occasioned by, or in any way connected with the use and/or application of Recycled Water or treated wastewater produced by the District.

Section 4. Discharge Requirements.

- (a) **General Discharge Prohibitions.** No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater that causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical pretreatment standards or any other federal, State, or local pretreatment standard or requirement.
- (b) **Specific Discharge Prohibitions.** No User shall introduce or cause to be introduced into the POTW pollutants, substances, or wastewater as follows:
 - (1) Pollutants that create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR Section 261.21;
 - (2) Wastewater that has a pH less than 5.0 or more than 12.5 or otherwise causes corrosive structural damage to the POTW or equipment;
 - (3) Solid or viscous substances in amounts that may obstruct the flow in the POTW or cause other interference with proper operation or treatment works;
 - (4) Pollutants (including oxygen-demanding pollutants such as BOD) released in a discharge at a flow rate and/or pollutant concentration that either singly or by interaction with other pollutants may cause obstruction to flow in sewers or other interference with the POTW;
 - (5) Wastewater that may inhibit biological activity in the treatment plant and result in interference;
 - (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that may cause interference or pass through;

- (7) Pollutants that may result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health or safety problems;
- (8) Trucked or otherwise hauled wastes except in accordance with a wastewater discharge permit or other written authorization issued by the District;
- (9) Noxious or malodorous liquids, gases, solids, or other wastewater that either singly or by interaction with other wastes are sufficient to create a nuisance or hazard to life or prevent entry into the sewers for maintenance or repair;
- (10) Wastewater that imparts color not removable by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions that consequently impart color to the treatment plant's effluent and thereby violate any provision of the District's NPDES Permit;
- (11) Wastewater that contains any radioactive wastes or isotopes except in compliance with applicable State or federal law;
- (12) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater unless specifically authorized by the District;
- (13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (14) Medical wastes except as specifically authorized by the District in a wastewater discharge permit;
- (15) Wastewater that alone or in conjunction with other sources causes the treatment plant's effluent to fail an applicable toxicity test;
- (16) Detergents, surface-active agents, or other substances that might cause excessive foaming in the POTW;
- (17) Fats, oils, or greases of animal or vegetable origin in concentrations or amounts that may cause interference or pass through;
- (18) Any liquid that contains suspended solids or dissolved matter of such character and quantity that unusual attention or expense is necessary to handle, process, or treat such matter at the treatment plant; or
- (19) Heat in amounts that inhibit or disrupt biological activity in the POTW or that raise influent temperatures above one hundred four (104) degrees F (forty (40) degrees C) unless the Central Valley Regional Water Quality Control Board approves alternate temperature limits that justify an alternate allowable influent temperature.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW or flow through the system to the receiving water so as to cause a violation of the District's NPDES permit.

(c) **National Categorical Pretreatment Standards.**

- (1) Users must comply with the National Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471, including as amended from time-to-time. However, any limits adopted by the District or in this Ordinance that are more stringent than those contained in the Categorical Pretreatment Standards shall apply.
- (2) When wastewater subject to a Categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the District shall impose an alternate limit in accordance with 40 CFR Section 403.6(e).

(d) **State Pretreatment Standards.** State requirements and limitations on discharges shall apply in any case where they are more stringent than requirements or limitations established under federal law or this Ordinance.

(e) **Local Limits and Best Practices.**

- (1) The District shall establish local limits in accordance with 40 CFR Section 403.5(c) as necessary.

- (2) The District may develop best management practices (BMPs) by resolution or in wastewater discharge permits to implement local limits and the requirements of the categorical pretreatment standards.
- (f) **District's Right of Revision.** The District reserves the right to establish more stringent limitations or requirements on discharges to the wastewater disposal system by ordinance or in wastewater discharge permits where consistent with this Ordinance. No establishment or revision of limitations or requirements under this Ordinance shall subject the District to civil liability or penalty for interference with a right (vested or otherwise) of any User.
- (g) **Dilution.** No User shall increase the use of process water or in any other manner attempt to dilute a discharge as a partial or complete substitute for treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. Nor shall any User increase the use of process water or in any other manner attempt to establish an artificially high flow rate for mass emission rates. The District may impose mass limitations on Users that use dilution to meet applicable pretreatment standards or requirements or as otherwise appropriate.

Section 5. Pretreatment of Wastewater.

- (a) **Limitations.** The General Manager shall, from time-to-time, establish quantitative or other limitations applicable to industrial wastewater discharges when in his or her judgment it is necessary to protect the District's sewerage system or comply with federal, State, or local law. Such limitations shall apply at the industrial wastewater monitoring facility or station prior to mixing with domestic wastewaters. Wastewater discharges in excess of applicable limitations shall constitute excessive concentrations or quantities prohibited by this section. The General Manager shall promulgate and maintain a list of limitations established for restricted wastes that generally apply to all dischargers and shall make such list available upon request.
- (b) **Pretreatment Facilities.** Users shall provide wastewater treatment as necessary to comply with this Ordinance. Users shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set forth in this Ordinance within the time limitations specified by EPA, the State, or the District, whichever is more stringent. The User shall provide, operate, and maintain any facilities necessary for compliance at the User's expense. The User shall submit detailed plans that describe such facilities and operating procedures to the District for its review. The plans submitted shall be acceptable to the District before the User constructs such facilities. The District's review of the plans and operating procedures shall in no way relieve the User from its responsibility to modify such facilities as necessary to produce a discharge acceptable to the District under this Ordinance. The User shall submit and obtain the District's approval of all subsequent changes in the User's pretreatment facilities or method of operation before the User implements any such change. Approval of a User's plans (including changes to the pretreatment facilities or operations) shall not relieve a User of its responsibility to take all steps necessary to comply with wastewater limitations prescribed in accordance with law.
- (c) **Additional Pretreatment Measures.**
 - (1) The District may require Users to restrict their discharges during peak flow periods, discharge certain wastewater only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and satisfy such other conditions as the District may deem necessary to protect the POTW or determine the User's compliance with the requirements of this Ordinance.
 - (2) The District may require waste minimization, source control evaluation, or plans to conserve water or any combination thereof. The District may require investigation of new product or chemical agent substitution, implementation of inventory control procedures, implementation of employee education, conductance of internal audits, and implementing steps as necessary to minimize waste produced.
 - (3) The District may require any Person who discharges into the POTW to install and maintain on that Person's property and at that Person's expense, a suitable storage and

flow-control facility to ensure equalization of flow. The District may issue a wastewater discharge permit for flow equalization.

- (4) The District shall require grease, oil, and sand interceptors when it deems them necessary to the proper handling of wastewater that contains excessive amounts of grease, oil, or sand. The District shall not require such interceptors for residential Users. All interception units shall be of a type and capacity approved by the District and located so as to provide easy access for cleaning and inspection. The User shall inspect, clean, and repair such interceptors at its expense and maintain the same in continuously efficient operation at all times.
- (5) The User shall keep all domestic wastewaters from rest rooms, showers, drinking fountains, etc., separate from all industrial wastewaters until the industrial wastewaters have passed through any required pretreatment system or device and monitoring facility or station.

(d) **Accidental Discharge/Slug Discharge Control Plans.**

- (1) Each User shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this Ordinance.
- (2) The District shall evaluate whether each Significant Industrial User needs an accidental discharge/slug discharge control plan or other action to control accidental discharges and slug discharges. The District may require any User to develop, submit for approval, and implement such a plan or take such other action as may be necessary to control such discharges. Alternatively, the District may develop such a plan for any User. A User's accidental discharge/slug discharge control plan shall at a minimum address the following:
 - A. Discharge practices, including nonroutine batch discharges;
 - B. Stored chemicals;
 - C. Procedures for immediately notifying the District of any accidental discharge or slug discharge as required by this Ordinance; and
 - D. Procedures to prevent adverse impact from any accidental discharge 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 runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

(e) **Waste-Holding Devices and Hauled Water.**

- (1) Waste from septic tanks, seepage pits, cesspools, chemical toilets, or other approved waste-holding devices or transport vehicles may be introduced into the POTW only at locations and times designated by the District in a wastewater discharge permit or other written authorization of the District. Such waste shall not violate this Ordinance or any other requirements established by the District.
- (2) The District may require haulers of industrial waste to obtain wastewater discharge permits. The District may require generators of hauled industrial waste to obtain wastewater discharge permits. The District also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this Ordinance.
- (3) Industrial waste haulers may discharge loads only at locations designated by the District and with the District's prior consent. The District may collect samples of each hauled load to ensure compliance with applicable standards and require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- (4) Industrial waste haulers shall provide a waste-tracking form for every load. This form shall include at a minimum the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of the waste sources, and volume

and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are hazardous wastes under RCRA.

Section 6. Wastewater Discharge Permits

- (a) **Wastewater Analysis.** When requested by the District, a User must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The District may prepare a form for this purpose and require Users to update this information periodically.
- (b) **Wastewater Discharge Permit Requirement.**
 - (1) No Significant Industrial User (SIU) shall discharge industrial wastewaters directly or indirectly to the Collection System or POTW except in accordance with a wastewater discharge permit issued by the District. The SIU shall obtain the wastewater discharge permit before the SIU commences any construction of new or modified facilities that will discharge the industrial wastewater into the sewerage system.
 - (2) The District may require other Users to obtain wastewater discharge permits as necessary to carry out the purpose of this Ordinance.
 - (3) Any violation of the terms and conditions of a wastewater discharge permit is a violation of this Ordinance and subjects the wastewater discharge permittee to enforcement remedies provided for in Section 11. Obtaining a wastewater discharge permit does not relieve a wastewater discharge permittee of its obligation to comply with all federal and State pretreatment standards or requirements or with any other requirements of federal, State, or local law.
- (c) **New Connections.** Any User required to obtain a wastewater discharge permit that proposes to begin or recommence discharging into the POTW must obtain the wastewater discharge permit before the User begins or recommences such discharge. The User must file an application for the wastewater discharge permit at least one hundred eighty (180) days before the date upon which any discharge will begin or recommence.
- (d) **Wastewater Discharge Permit Fee and Application Contents.** The District may assess a wastewater discharge permit fee payable to the District prior to the discharge. All Users required to obtain a wastewater discharge permit must submit an application on a form supplied by the District. The application may require the following information:
 - (1) **Identifying Information.** The name and address of the facility (including the name of the operator and owner); contact information; and a description of activities, facilities, and plant production processes on the premises;
 - (2) **Environmental Permits.** A list of any environmental control permits held by or for the facility;
 - (3) **Description of Operations.** (i) A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes; (ii) types of wastes generated and a list of all raw materials and chemicals used or stored at the facility which are or could be accidentally or intentionally discharged to the POTW; (iii) number and type of employees, hours of operation, and proposed or actual hours of operation; (iv) type and amount of raw materials processed (average and maximum per day); and (v) site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
 - (4) **Discharge Information.** Time and duration of discharges;
 - (5) **Monitoring Information.** The location for monitoring all wastes covered by the wastewater discharge permit;

- (6) **Measurement of Flow.** Information showing the measured average daily and maximum daily flow in gallons per day to the POTW from regulated process streams and other streams as necessary to allow use of the combined wastestream formula;
 - (7) **Measurement of Pollutants.** (i) The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources; (ii) the results of sampling and analysis that identifies the nature and concentration and/or mass (where required by the pretreatment standard or District) of regulated pollutants in the discharge from each regulated process; (iii) instantaneous, daily average, and long-term average concentrations, or mass shall be reported where required; (iv) the sample shall be representative of daily operations and shall be analyzed in accordance with procedures set forth in this Ordinance. Where the pretreatment standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the District or the applicable pretreatment standards to determine compliance with any such standard; and (v) sampling must be performed in accordance with the procedures set forth in Section 7(l) of this Ordinance; and
 - (8) Any other information that the District deems necessary to evaluate the wastewater discharge permit application.
- (e) **Signatories to Applications, User Reports, and Certifications.** All wastewater discharge permit applications, User reports, and certification statements must be signed by a Duly Authorized Representative of the User and contain the certification statement in Section 7(o). If the designation of a Duly Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or the company's environmental matters, a new written authorization that satisfies the requirements of this Section must be submitted to the District prior to or together with any reports to be signed by a Duly Authorized Representative of the User.
- (f) **Waste Discharge Permit Decisions.** The District will evaluate the data furnished by the User and may require additional information. Within ninety (90) days of receipt of a complete wastewater discharge permit application, the District will determine whether to issue a wastewater discharge permit. The District may deny any application for a wastewater discharge permit.
- (g) **Permit Duration.** The District shall issue a wastewater discharge permit for a specified time period not to exceed five (5) years from the effective date of the permit. The District may exercise its discretion to issue a wastewater discharge permit for a period of less than five (5) years. Each wastewater discharge permit shall indicate a specific date upon which the permit expires.
- (h) **Contents of Wastewater Discharge Permit.**
- (1) A wastewater discharge permit shall include such conditions as the District deems reasonably necessary to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.
 - (2) Wastewater discharge permits must contain the following:
 - A. A statement that indicates the wastewater discharge permit issuance date, expiration date, and effective date;
 - B. A statement that the permittee may not transfer the wastewater discharge permit without prior notification to the District in accordance with Section 6(k) of this Ordinance and furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
 - C. Effluent limits (including BMPs) based on applicable pretreatment standards;
 - D. Self monitoring, sampling, reporting, notification, and recordkeeping requirements, which shall identify the pollutants (or BMPs) to be monitored, sampling location, sampling frequency, and sample type based on federal, State, and local law;

- E. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, State, or local law;
 - F. Requirements to control slug discharge if determined by the District to be necessary; and
 - G. A statement that the District has the right to enter the property to inspect, monitor, collect samples, and inspect and copy monitoring and discharge records.
- (3) Wastewater discharge permits may contain the following:
- A. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 - B. Requirements for the User to install pretreatment technology or pollution control or construct appropriate containment devices designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW;
 - C. Requirements for the User to develop and implement spill control plans or other special conditions that include management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
 - D. Requirements for the User to develop and implement waste minimization plans to reduce the amount of pollutants discharged to the POTW;
 - E. The unit charge or schedule of User charges and fees for the management of the wastewater discharged into the POTW;
 - F. Requirements for the User to install and maintain inspection and sampling facilities and equipment (including flow measurement devices);
 - G. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable pretreatment standards, including those that take effect during the term of the wastewater discharge permit;
 - H. Notification requirements; and
 - I. Signatory requirements.

(i) **Process – Public Notification of Issuance and Permit Appeals.**

- (1) Public Notification. At least thirty (30) days prior to issuance, the District will publish a notice to issue a wastewater discharge permit in an official government publication and/or newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW or on the District's web page. The notice will indicate where any interested party may review the draft permit and submit written comments.
- (2) Permit Appeals. The District shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the User, may petition the District to reconsider the terms of a wastewater discharge permit within thirty (30) days of notice of the permit's issuance.
 - A. Failure to submit a timely petition for review shall be a waiver of the administrative appeal.
 - B. The petition for appeal must indicate the wastewater discharge permit provisions objected to, reasons for the objection, and alternative condition, if any, the petitioner seeks to place in the permit.
 - C. The District shall not stay the effectiveness of the wastewater discharge permit pending its appeal.

- D. If the District fails to act within ninety (90) days, a request for reconsideration shall be deemed denied. Decisions not to reconsider, issue, or modify a wastewater discharge permit are final administrative actions for purposes of judicial review.
 - E. Aggrieved parties that seek judicial review of a final administrative wastewater discharge permit decision must do so by filing a complaint with the appropriate California Superior Court.
- (j) **Modification of Wastewater Discharge Permit.** The District may modify the terms or conditions of a wastewater discharge permit for good cause. Examples of good cause are as follows:
- (1) To incorporate any new or revised federal, State, or local pretreatment standard or requirement;
 - (2) To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of permit issuance;
 - (3) A change in the POTW that requires the User to reduce or eliminate temporarily or permanently the authorized discharge;
 - (4) Information that indicates the permitted discharge poses a threat to the District's POTW or personnel or the receiving waters;
 - (5) Violation of any terms or conditions of the permit;
 - (6) Misrepresentations or failure to fully disclose all relevant facts in the permit application or any required reporting;
 - (7) Revision or grant of variance from categorical pretreatment standards in accordance with 40 CFR Section 403.13;
 - (8) To correct typographical or other errors in the permit; or
 - (9) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 6(k).

District shall inform the User of proposed changes in the wastewater discharge permit issued by personal service or registered or certified mail at least thirty (30) days prior to the effective date of the permit change(s). As appropriate, the District may include in the modified permit a reasonable schedule for the User to achieve compliance with the change(s).

- (k) **Transfer of Wastewater Discharge Permits.** Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least forty-five (45) days advance notice to the District of the transfer and the District provides written approval of the permit transfer. The notice to the District must include a written certification by the new owner or operator which:
- (1) States that the new owner and/or operator has no immediate intent to change the facility's operations or processes, including discharge locations;
 - (2) Identifies the specific date on which the transfer is to occur; and
 - (3) Acknowledges that the new owner or operator accepts full responsibility for complying with the permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

- (l) **Reissuance of Wastewater Discharge Permit.** A User with an expiring wastewater discharge permit shall apply for permit reissuance by submitting a complete permit application in accordance with Sections 6(d) and 6(g) of this Ordinance at least one hundred eighty (180) days prior to the expiration of the existing permit.
- (m) This Ordinance prohibits the use of a sewer connection that is the subject of a wastewater discharge permit by anyone other than the person named in the permit except in accordance with Section 6(k).

Section 7. Reporting Requirements

- (a) **Discharge Reports.** The District may require discharge reports, including, but not limited to, questionnaires, technical reports, sampling reports, and test analyses, and period reports of waste discharge. When a report filed pursuant to this Section is not adequate in the District's judgment, the District may require the User to supply such additional information as deemed necessary. The discharge report may include, but not be limited to, the nature of the process, volume and rates of wastewater flow; and the elements, constituents, and characteristics of the wastewater; and any information required in an application for a wastewater discharge permit.
- (b) **Baseline Monitoring Reports.**
- (1) Within one hundred eighty (180) days after the effective date of a categorical pretreatment standard or final administrative decision on a category determination under 40 CFR section 403.6(a)(4), whichever is later, categorical industrial users that discharge or are scheduled to discharge into the POTW shall submit to the District a report that contains the information listed in Section 7(b)(2) of this Ordinance. At least ninety (90) days prior to commencement of their discharge, new sources and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard shall submit to the District a report that contains the information listed in Section 7(b)(2). A new source shall report its intended method of pretreatment to meet applicable categorical standards and estimate the anticipated flow and quantity of pollutants that the new source will discharge.
 - (2) The users described in Section 7(b)(1) of this Ordinance shall submit the following information:
 - A. All information required in Section 6(d), paragraphs (1), (2), and (3)(i).
 - B. *Measurement of Pollutants.* (i) The User shall provide the information required in Section 6(d) paragraph (7); (ii) The User shall take a minimum of one (1) representative sample to compile the data necessary to comply with the requirements of this paragraph; (iii) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR Section 403.6(e) to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit was calculated in accordance with 40 CFR Section 403.6(e), this adjusted limit along with supporting data shall be submitted to the Control Authority; (iv) Sampling and analysis shall be performed in accordance with Section 7(k) of this Ordinance; (v) The District may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures; and (vi) The baseline report shall indicate the time, date, and place of sampling and methods of analysis and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
 - C. *Compliance Certification.* A statement reviewed by the duly authorized representative of the User and certified by a qualified professional that indicates whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance and/or additional pretreatment is required to meet the pretreatment standards and requirements.
 - D. *Compliance Schedule.* If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment standards, the shortest schedule by which the User will provide such additional pretreatment and/or operation and maintenance must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable

pretreatment standard. A compliance schedule pursuant to this Section must meet the requirements of Section 7(c) of this Ordinance.

- E. *Signature and Report Certification.* A duly authorized representative of the User must sign and certify all baseline monitoring reports in accordance with Section 7 of this Ordinance.

(c) **Compliance Schedule Progress Reports.** The following conditions shall apply to the compliance schedule required by Section 7(b), paragraph D of this Ordinance:

- (1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events that lead to the construction and operation of additional pretreatment required for the User to meet the applicable pretreatment standards. Such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation. No progress increment shall exceed nine (9) months;
- (2) The User shall submit a progress report to the District no later than fourteen (14) days following each date in the schedule and the final date of compliance, including as a minimum whether the User complied with the progress increment, the reason for any delay, and where appropriate, the steps being taken by the User to return to the established schedule; and
- (3) In no event shall more than nine (9) months elapse between compliance schedule progress reports to the District.

(d) **Reports on Compliance with Categorical Pretreatment Standards Deadline.** Within ninety (90) days after the date for final compliance with an applicable categorical pretreatment standard, or in the case of a new source, after it commences to introduce wastewater into the POTW, the User shall submit a report that contains the information described in Section 6(d), paragraphs (6) and (7), and Section 7(b), paragraph (2)(B) of this Ordinance to the District. For users subject to equivalent mass or concentration limits, 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 shall be signed and certified in accordance with Section 7(o) of this Ordinance. All sampling shall be done in conformance with Section 7(l) of this Ordinance.

(e) **Periodic Compliance Reports.**

- (1) At a frequency determined by the District, all users must submit no less than twice per year (June and December or other dates specified in the applicable wastewater discharge permit) reports that indicate the nature and concentration of pollutants in the discharge limited by pretreatment standards and measured or estimated average and maximum daily flows for the reporting period. Where the pretreatment standard requires compliance with a BMP or pollution prevention alternative, the User must submit documentation required by the district or the pretreatment standard necessary to determine the User's compliance status.
- (2) All periodic compliance reports must be signed and certified in accordance with Section 7(o) of this Ordinance.
- (3) 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) If a User subject to these reporting requirements monitors any regulated pollutant at the appropriate sampling location more frequently than required by the District using the procedures prescribed in this Ordinance, the User shall include the results of such monitoring in the report.

- (f) **Reports of Changed Conditions.** Each User must notify the District of any significant changes to the User's operations or system that might alter the nature, quality, or volume of the User's wastewater at least ninety (90) days before the change will take effect. 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 permit application in accordance with this Ordinance. The District may issue or modify a wastewater discharge permit under this Ordinance in response to changed conditions or anticipated changed conditions.
- (g) **Reports of Potential Problems.**
- (1) In the case of any discharge, including, but not limited to, accidental discharges; discharges of a nonroutine, episodic nature; a noncustomary batch discharge; or a slug discharge or slug load that might cause potential problems for the POTW, the User shall immediately telephone and notify the District of the incident. To the extent known, this notification shall include the location of the discharge; type of waste, concentration, and volume; and corrective actions taken by the User.
 - (2) Within five (5) days following such discharge, the User shall submit a detailed written report that describes the cause(s) of the discharge and the measures the User will take to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability that might occur as a result of damage to the POTW, natural resources, or any other damage to any 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. The District may waive this five-day notification requirement.
 - (3) A User shall permanently post a notice on the User's bulletin board or other prominent place to advise employees who to call in the event of a discharge described in Section 7(g)(1) of this Ordinance. Users shall ensure that all employees who could cause such a discharge to occur are advised of the emergency notification procedure.
 - (4) Significant industrial users shall notify the District immediately of any changes at the SIU's facility that affect the potential for a slug discharge.
- (h) **Reports from Unpermitted Users.** All users not required to obtain a wastewater discharge permit hereunder shall provide reports to the District as it may require.
- (i) **Notice of Violation/Repeat Sampling and Reporting.**
- (1) If sampling performed by a User indicates a violation of any applicable standard or limitation, the User must notify the District within twenty-four (24) hours after the User becomes aware of the violation. The User shall repeat the sampling and analysis and submit the results of the repeat analysis to the District within thirty (30) days after the User becomes aware of the violation. This Ordinance does not require resampling if the District performs sampling at the User's facility at least once a month or between the time when the initial sampling was conducted and the time when the User or the District receives the results of this sampling or if the District performed the sampling and analysis in lieu of the User.
 - (2) The User shall confirm the notification required by Section 7(i)(1) above in writing no later than five (5) working days after the date of the incident. The written notification shall state the date of the incident, reasons for the discharge or spill, steps already taken to immediately correct the problem, and steps the User will take to prevent the problem from recurring.
 - (3) The notification required by Section 7(i)(1) above shall not relieve the User of any expense, loss, damage, or other liability that may occur as a result of damage or loss to the District or any other damage or loss to person or property. Nor shall such notification relieve the User of any fees or other liability that may be imposed pursuant to this Ordinance or other applicable law.
- (j) **Notification of Hazardous Waste Discharge.**

- (1) Any User that commences the discharge of a substance into the POTW that if otherwise disposed of would be a hazardous waste under 40 CFR Part 261 shall so notify the District, EPA Regional Waste Management Division Director, and State hazardous waste authorities. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, EPA hazardous waste number, and type of discharge (continuous, batch, or other). If the User discharges more than ten(10) kilograms of such waste per calendar month into the POTW, the notification also shall contain the following information to the extent known or readily available to the User: An identification of the hazardous constituents contained in the wastes, estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and estimation of the mass of constituents in the wastestream the User expects to discharge during the following twelve (12) months. All notifications must take place no later than one hundred eighty (180) days after the discharge commences. The User need submit any such notification only once for each hazardous waste discharged. However, the User must submit any notification of changed conditions in accordance with Section 7(f) of this Ordinance. The notification requirement of this Section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of this Ordinance.
 - (2) Dischargers are exempt from the requirements of Section 7(j)(1) above during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes unless the wastes are acute hazardous wastes as specified in 40 CFR Sections 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month or of any quantity of acute hazardous wastes as specified in 40 CFR sections 261.30(d) and 261.33(e) requires one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.
 - (3) In the case of any new regulations under Section 3001 of RCRA that identify additional characteristics of hazardous waste or list any additional substance as a hazardous waste, the User must notify the District, EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
 - (4) In the case of any notification made under Section 7(j), the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree the User determined to be economically practical.
 - (5) Section 7(j) does not create a right to discharge any substance not otherwise authorized to be discharged by this Ordinance, a wastewater discharge permit, or any applicable federal, State, or local law.
- (k) **Analytical Requirements.** All pollutant analyses (including sampling techniques) submitted as part of a wastewater discharge permit 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 or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by use of validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the District or other parties approved by EPA. Unless the District approves otherwise, a laboratory certified by the State for the specific pollutants and matrices to be analyzed shall perform all analyses.
- (l) **Sample Collection.**
- (1) Samples collected to satisfy reporting requirements shall be representative of the actual conditions and based on data obtained through appropriate sampling and analysis performed during the reporting period. The District will indicate the frequency of monitoring necessary to assess and assure the User's compliance with applicable pretreatment standards and requirements.

- (2) Except as indicated in Sections 7(l)(3) and 7(l)(4) below, the User shall collect wastewater samples using twenty-four-hour flow-proportional composite sampling techniques unless the District authorizes in writing time-proportional composite sampling or grab sampling. Where the District authorizes time-proportional composite sampling or grab sampling, the samples shall be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and EPA guidance, multiple grab samples collected during a twenty-four-hour period may be composited prior to the analysis as follows: (1) For cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; and (2) For volatile organics and oil and grease, the samples may be composited in the laboratory. The District may authorize composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies. In addition, the District may require grab samples to show compliance with instantaneous limits.
 - (3) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds shall be obtained using grab collection techniques.
 - (4) For sampling required in support of baseline monitoring and ninety-day compliance reports required by Sections 7(b) and 7(d) of this Ordinance, a minimum of four (4) grab samples shall be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist. For facilities for which historical sampling data are available, the District may authorize a lower minimum. For the reports required by Section 7(e) of this Ordinance, the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements shall be collected.
- (m) **Date of Receipt of Reports.** Written reports submitted to the District are deemed submitted on the date postmarked. For reports that the User does not mail with postage prepaid into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.
- (n) **Recordkeeping.**
- (1) Users subject to the reporting requirements of this Ordinance shall retain and make available for the District or any other governmental entity, with appropriate jurisdiction to inspect and copy, all records of information obtained pursuant to any monitoring activities required by this Ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with BMPs established under this Ordinance.
 - (2) Records shall include the date, exact place, method, and time of sampling; the name of the individual(s) that took the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses.
 - (3) Records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation that concerns the User or District or where the District, State, or EPA specifically notifies the User of a longer retention period.
- (o) **Certification of Permit Applications, User Reports, and Initial Monitoring Waiver.** A duly authorized representative of the User must sign and submit the following certification statement when he or she submits any permit application or report required by this Ordinance:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person(s) who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are

significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Section 8. Compliance Monitoring.

- (a) **Monitoring Programs.** The District may require users to implement technical or monitoring programs as it deems necessary, provided that the burden of such programs (including costs) bear a reasonable relationship to the need for and benefits of the program. The User shall pay the applicable District charge for the monitoring program in addition to the wastewater disposal and other charges established by the District. The monitoring program may require the User to conduct a sampling and analysis program of a frequency and type specified by the District or as required by the federal general pretreatment regulations at 40 CFR Part 403 to demonstrate compliance with prescribed wastewater discharge limitations. The User may either:
- (1) Conduct its own sampling and analysis program provided the User demonstrates to the District's satisfaction that the User has the necessary qualifications and facilities to perform the work; or
 - (2) Engage a private consulting firm or laboratory certified by the State of California, Department of Public Health.
- (b) **Right of Entry: Inspection and Sampling.**
- (1) The District shall have the right to enter any User's premises, including, but not limited to, any areas or points of sampling, discharge, process, storage, or recordkeeping, to determine if the User is in compliance with the requirements of this Ordinance and any wastewater discharge permit or order issued hereunder. Users shall allow the District ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.
 - (2) Where a User has security measures in force that require proper identification and clearance before entry into the User's premises, the User shall make necessary arrangements so that upon presentation of suitable identification, the District shall be permitted to enter without delay for the purposes of performing specific responsibilities.
 - (3) The District shall have the right to set up on the User's property, or require installation of, devices necessary to conduct sampling and/or metering of the User's operations.
 - (4) The District may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its expense. All devices used to measure wastewater flow and quality shall be calibrated to ensure their accuracy.
 - (5) At the written or verbal request of the District, the User shall promptly remove and not replace any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled. The User shall bear the costs of clearing such access.
 - (6) Unreasonable delays in allowing the District access to the User's premises shall be a violation of this Ordinance.
 - (7) The District shall have the authority to witness any sampling and sampling procedures required of the User as part of the wastewater discharge permit program of this Ordinance.
 - (8) If the District has been refused access to a building, structure, or property or any part thereof and can demonstrate probable cause to believe that there may be a violation of this Ordinance or need to inspect and/or sample as part of a routine inspection and sampling program or to protect the overall public health, safety and welfare of the community, the District may seek issuance of an inspection or search warrant pursuant to applicable law. In the event of an emergency that affects the public health or welfare, the District may conduct any necessary inspection without consent or the issuance of a warrant.

- A. To the extent that the owner or possessor of the premises requires the District to obtain a warrant, the District may suspend the wastewater discharge permit and/or any other right to the discharge to the sewerage facilities immediately and such suspension may continue until such time as the District obtains the warrant and inspects the facilities. If the District finds no violation of this Ordinance, the wastewater discharge permit, or other applicable federal, State, or local law that deals with sanitation or hazardous substances, the District shall lift the suspension upon the conclusion of the service of the warrant. If the District finds a violation of this Ordinance, the wastewater discharge permit, or other applicable federal, State, or local law that deals with sanitation or hazardous substances, the District may continue or terminate the suspension and/or pursue appropriate enforcement remedies.

Section 9. Confidential Information.

- (a) **Availability of Information.** Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, permits, monitoring programs, and the District's inspection and sampling activities shall be available to the public and governmental agencies without notification or restriction unless the User specifically requests and is able to demonstrate to the District's satisfaction that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under State law. The User must assert any such request at the time of submission of the information or data by including "Confidential Business Information" on each page, document, or other item.
- (b) **Confidentiality of Report.** If the User demonstrates that the District should treat information in a report furnished as confidential, the District shall not make portions of the report that might disclose trade secrets or secret processes available for public inspection. The District shall make such portions of the report available immediately upon request to governmental agencies (including EPA and the State) for uses related to the NPDES or pretreatment program and in enforcement proceedings that involve the User or District.
- (c) **Exceptions.** Wastewater constituents and characteristics and other effluent data are not confidential information under this Ordinance and shall be available to the public without restriction.

Section 10. Publication of Users in Significant Noncompliance.

- (a) **List of Users.** In accordance with federal regulations, the District shall publish at an interval of not less than once per year, a list of the User(s) found to be in significant noncompliance with any pretreatment standard or requirement of federal or State law or this Ordinance within the previous twelve (12) months. The publication shall occur in the newspaper that has the largest daily circulation within the District's service area.
- (b) **Significant Noncompliance Defined.** The term "significant noncompliance" applies to all significant industrial users (or any industrial User that violates paragraphs (c), (d), or (h) below) and shall mean:
- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of all of the measurements taken for the same pollutant parameter taken during a six-month period exceed by any magnitude a numeric pretreatment standard or requirement, including instantaneous limits;
 - (2) Technical review criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of all of the wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits multiplied by the applicable TRC (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

- (3) Any other violation of a pretreatment standard or requirement that the District determines caused (alone or in combination with other discharges) interference or pass through, including endangering the health of POTW personnel or the general public;
- (4) Any discharge of a pollutant that caused imminent endangerment to the public or environment or resulted in the District's exercise of its emergency authority to halt or prevent such a discharge;
- (5) Failure to meet within ninety (90) days of the scheduled date, a compliance schedule milestone in a wastewater discharge permit or enforcement order for the User to start or complete construction or attain final compliance;
- (6) Failure to provide within thirty (30) days after the due date any reports required (e.g., baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules);
- (7) Failure to accurately report noncompliance; or
- (8) Any other violation(s) that the District determines will adversely affect the operation or implementation of the local pretreatment program.

Section 11. Violations, Liability, and Enforcement.

- (a) Any Person violating any of the provisions of this Ordinance shall become liable to the District for any expense, loss, or damage occasioned by the District by reason of such violation. All Persons shall be held strictly responsible for any and all acts of agents or employees done under the provisions of this Ordinance.
- (b) **Administrative Enforcement Remedies.**
 - (1) Notice of Violation. When the District finds that a User violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the District may serve upon that User a written notice of violation (NOV). Within fifteen (15) days of the receipt of the NOV or any shorter period specified in the NOV, the User shall submit to the District a written explanation of the violation and plan that includes specific actions required to correct and prevent the violation. Submission of the plan in no way relieves the User of liability for any violations that occur before or after receipt of the NOV. Nothing in this Section shall limit the District's authority to take any action (including emergency actions or any enforcement action) in the absence of a NOV or before the response period expires.
 - (2) Consent Orders. The District may enter into consent orders, assurances of compliance, or other similar documents to establish an agreement with any User responsible for noncompliance. A consent order shall include specific action(s) the User shall take to correct the noncompliance within time frames specified in the order. Such documents shall have the same force and effect as administrative orders issued under this Ordinance and be judicially enforceable.
 - (3) Show Cause Hearing. The District may order a User that violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement to appear before the General Manager and show cause why the District should not take the enforcement action proposed. The District shall serve upon the User a notice that specifies the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the District should not take the action. The District shall serve the hearing notice personally or by registered or certified mail at least fifteen (15) days prior to the hearing. After review of the evidence and testimony presented at the hearing, the General Manager may make such orders as he or she deems appropriate with due regard to any violations.
 - (4) Compliance Orders and Compliance Schedules.

- A. When the District finds that a User violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the District may issue an order to the User to direct it to come into compliance within a specified time. If the User does not come into compliance within the time provided, the District may discontinue sewer service unless the User properly installs and operations adequate treatment facilities, devices, or other related appurtenances.
 - B. When the District determines that a User violated or continues to violate this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement and needs to construct and/or acquire and install equipment related to pretreatment, the District may issue a compliance schedule to amend the User's wastewater discharge permit. The compliance schedule may contain terms and conditions that a User must satisfy during the time or by the specific dates provided.
 - C. Compliance orders and compliance schedules may contain other requirements to address noncompliance, including, but not limited to, additional self-monitoring, submittal of drawings or reports, audit of waste minimization practices, or other provisions to ensure compliance with this Ordinance. A compliance order may not extend the deadline for compliance established for a federal pretreatment standard or requirement, nor does a compliance order relieve the User of liability for any violation.
- (5) Cease and Desist Orders. When the District determines that a User violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement or that the User's past violations are likely to recur, the District may issue an order to the User that directs it to cease and desist all such violations, come into compliance with all requirements immediately or in accordance with a time schedule set by the District, and take any remedial or preventive action necessary to properly address a continuing or threatened violation, including an action to halt the User's and/or terminate the User's discharge.
- (6) Administrative Complaint and Civil Liability Penalties.
- A. *Complaint.* When the District determines that a User violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the District may issue a complaint to the User that imposes civil liability as set forth in Section 11(a)(6)(C). The District shall serve the complaint by personal service or registered or certified mail on the individual subject to the District's discharge and reporting requirements. The complaint shall allege the act or failure to act that constitutes a violation, provision of law that authorizes the District to impose the civil liability, and civil liability proposed. The complaint shall set forth the date of the hearing before a hearing officer designated by the Board of Directors, and such hearing shall occur within thirty (30) days after the date of service.
 - B. The individual served the complaint pursuant to Section 11(a)(6)(A) may waive the right to a hearing, in which case the District shall not conduct the hearing. At the hearing, the individual shall have an opportunity to present written and/or oral evidence to respond to the allegations in the complaint. The hearing officer shall conduct the hearing in accordance with the procedures established by the General Manager and approved by the District's counsel. After the hearing concludes, the hearing officer shall submit a written report to the General Manager that provides a brief statement of the facts found to be true, a determination of the issues presented, conclusions, and a recommendation. Upon receipt of the report, the General Manager shall determine whether grounds exist to assess a civil liability penalty. The General Manager shall issue a decision and order in writing within thirty (30) days upon the conclusion of the hearing and serve copies of the order on the party served with the complaint (either by personal service or registered or

certified mail) and other persons who appeared at the hearing and requested a copy of the order.

- C. *Civil Liability Penalties.* The District may impose civil liability penalties as follows:
- i. In an amount that does not exceed two thousand dollars (\$2,000.00) for each day for failing or refusing to furnish technical or monitoring reports
 - ii. In an amount that does not exceed three thousand dollars (\$3,000.00) for each day for failing or refusing to timely comply with any compliance schedule established by the District.
 - iii. In an amount that does not exceed five thousand dollars (\$5,000.00) for each day of intentionally or negligently discharging hazardous waste (as defined in Section 25117 of the Health and Safety Code) or knowingly falsifying any information provided in any furnished technical or monitoring report.
 - iv. In an amount that does not exceed five thousand dollars (\$5,000.00) per violation for each day for discharges in violation of any waste discharge limitation, wastewater discharge permit condition, or requirement issued, reissued, or adopted by the District.
 - v. In an amount that does not exceed ten dollars (\$10.00) per gallon for discharges in violation of any of the District's cease and desist or other orders or prohibitions issued, reissued, or adopted by the District.
 - vi. In determining the appropriate civil penalty to assess, the District may consider all relevant circumstances to the extent allowed by law, including, but not limited to, the extent of harm caused by the violation, the economic benefit derived through noncompliance, the nature and persistence of the violation, the length of time over which the violation occurs, any corrective action attempted or taken by the discharger, and any prior history of violations.
- D. Unless appealed, orders that set administrative civil liability shall become effective and final upon the issuance thereof and the User shall make the payment within thirty (30) days. The District shall seek a lien against the User's property for unpaid civil liability penalties that are at least sixty (60) days delinquent.
- E. *Other Action.* Issuance of an administrative civil penalty shall not be a bar against or prerequisite to the District taking any other action against the User. The District shall not recover administrative civil liability penalties for any violation for which the District already recovered civil penalties through a judicial proceeding.
- F. *Emergency Suspensions.*
- i. The General Manager may immediately suspend a discharge after informal notice to the User whenever necessary to stop an actual or threatened discharge that reasonably appears to present or cause imminent or substantial endangerment to the public health or welfare or environment. The General Manager may also immediately suspend a User's discharge after notice and opportunity to respond where the discharge interferes or threatens to interfere with operation of the POTW.
 - ii. Any User notified of a discharge suspension shall immediately stop or eliminate the User's discharge contribution. In the event a User fails to immediately comply with the suspension order, the General Manager may take steps such as immediate severance of the sewer connection to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The General Manager may allow the User to recommence its discharge after the User demonstrates to the General Manager's satisfaction that the period of endangerment passed unless the District initiates revocation or termination proceedings pursuant to this Ordinance. Nothing in this Ordinance requires a hearing prior to any emergency suspension.

iii. A User responsible in whole or in part for any discharge that presents an imminent endangerment shall submit a detailed written statement that describes the causes of the harmful contribution and measures taken to prevent any future occurrence. The User shall submit such statement to the General Manager prior to the date of any show cause, revocation, or termination hearing under this Ordinance or within fifteen (15) days of the date of the suspension notification if there is no such hearing.

G. *Suspension and Revocation of Wastewater Discharge Permit.* Any User that does any of the following is subject to an order to suspend or revoke the User's wastewater discharge permit:

- i. Fails to complete a wastewater survey or the wastewater discharge permit application;
- ii. Fails to accurately report the wastewater constituents and characteristics of the discharge;
- iii. Fails to report significant changes in operations or wastewater volume, constituents, or characteristics prior to the changed discharge;
- iv. Refuses to provide records, plans, reports, or other documents required by the District to determine permit terms, conditions, or limits; discharge compliance; or compliance with this Ordinance;
- v. Refuses reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling;
- vi. Violates the any wastewater discharge permit condition or compliance schedule, pretreatment standard, or other provision of this Ordinance (e.g., notification requirements);
- vii. Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or sample collection method;
- viii. Discharges effluent to the District's sewerage system while the User's permit is suspended; or
- ix. Fails to make timely payment of all amounts owed to the District for User charges, noncompliance sampling fees, permit fees, or any other fees, charges, or penalties imposed pursuant to this Ordinance.

At least fifteen (15) days in advance of the proposed termination date, the District shall notify the User by personal service or registered or certified mail of the proposed termination of the User's discharge. The notification shall offer the User an opportunity to show cause under Section 11(a)(3) of this Ordinance as to why the District should not terminate the discharge as proposed. The District may stay the termination pending the outcome of the show cause hearing.

H. *Physical Termination of Service.* In addition to any other enforcement remedies, whenever a User violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the District may disconnect the User's sewer system from the POTW's sewerage works upon issuance of an administrative order to that affect. Service will recommence at the User's expense only after the User demonstrates to the District's satisfaction the User's ability to comply.

I. *Appeal of Administrative Actions.*

- i. Except as otherwise provided in this Ordinance, any permit applicant or holder or other discharger affected by any decision, determination, or other action made by the District when it interprets or implements this Ordinance, any wastewater discharge permit issued hereunder, or any other pretreatment standard or requirement may file a written request for reconsideration with the General Manager within thirty (30) days of such decision, determination, or other action. The written request must set forth detailed facts that support the request, and the person who seeks reconsideration must promptly furnish all

additional documents and other relevant information relevant upon the General Manager's request. Failure to promptly furnish such documents and other information shall be grounds for the General Manager to deny the request for consideration. The General Manager may elect to hold a hearing on any request for consideration. The General Manager may establish rules and regulations to govern such hearings. If the General Manager fails to act within forty-five (45) days of any request for reconsideration, the request shall be deemed denied. If the General Manager holds a reconsideration hearing, he or she shall issue a detailed decision with findings on the request of reconsideration within ten (10) days from the close of the hearing. The General Manager's decision shall take effect on the fifteenth day after being mailed to the requesting party. The decision, determination, or other action for reconsideration shall remain in effect during such period of review by the General Manager.

- ii. If the General Manager's ruling is unsatisfactory to the person who requests reconsideration, the person may file a written appeal to the Board of Directors within fifteen (15) days of the General Manager's final decision or order. The written appeal shall state all pertinent aspects of the matter. The District shall return any appeal fee if the final order issued by the Board of Directors reverses or modifies the decision, determination, or other action in favor of the appellant. Within thirty (30) days after the written appeal is received, the Board of Directors shall hold a hearing or designate a neutral hearing officer to hold a hearing after due notice to the appellant. The Board of Directors shall provide notice of the hearing to the appellant by personal service or registered or certified mail at least fifteen (15) days before the hearing. The Board of Directors may establish rules and regulations to govern the hearings of such appeals. In any event, the appellant may appear personally or through counsel to cross-examine witnesses and present evidence. The Board of Directors shall make a final ruling by way of an order that contains findings of fact on the appeal within fifteen (15) days after the close of the hearing or receipt of the hearing officer's advisory opinion. The hearing officer shall submit his or her advisory opinion to the Board of Directors within ten (10) days after the close of the hearing. The decision, determination, or other action on appeal shall remain in effect during such period of review by the Board of Directors.

(c) **Judicial Enforcement Remedies.**

- (1) Injunctive Relief. When the District finds that a User violated, continues to violate, or threatens to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or otherwise causes or threatens to cause a condition of contamination, pollution, or nuisance, the District may petition the appropriate court for the issuance of a temporary and/or permanent injunction as appropriate to restrain or compel the specific performance of the requirement imposed. The District may also seek any other action as is appropriate for legal and/or equitable relief, including a requirement that the User conduct environmental remediation.
- (2) Civil Penalties.
 - A. A User that violated, continues to violate, or threatens to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the District for a maximum civil penalty of twenty-five thousand dollars (\$25,000.00) per violation per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
 - B. The District may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses and the cost of any damages incurred by the District. In the event that the District is subject to the payment of fines or penalties pursuant to

the legal authority and actions of other regulatory or enforcement agencies based on a violation of law (including permit requirements) and the District can establish such violation as caused by the discharge of any User in violation of this Ordinance or the User's permit, the District shall be entitled to recover from the User all costs and expenses, including, but not limited to, the full amount of said fines or penalties to which the District was subjected.

- C. In determining the amount of civil liability, the court shall consider all relevant circumstances to the extent allowed by law, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the User's compliance history, and any other factor as justice requires.

(3) Criminal Penalties.

- A. Any person who violates any provision of this Ordinance is guilty of a misdemeanor as set forth in Section 61064 of the Government Code, which upon conviction is punishable by a fine not to exceed one thousand dollars (\$1,000.00), imprisonment for not more than thirty (30) days, or both. 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 specified herein.
- B. The District may recover its reasonable attorney's fees, court costs, court reporter's fees, and other litigation expenses incurred by an appropriate suit at law against the User convicted for violating any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement.

(d) **Supplemental Enforcement Action.**

- (1) Penalties for Late Reports. The District may assess a penalty of two hundred dollars (\$200.00) to any User for each day that a report required by this Ordinance or a wastewater discharge permit or order issued hereunder is late, beginning five (5) days after the date the report became due and continuing until the twenty-ninth day after the report became due. The District may assess a penalty of three hundred dollars (\$300.00) to any User for each day thereafter that the report is overdue. Actions taken by the District to collect late reporting penalties shall not limit its authority to initiate other enforcement actions that may include penalties for late reporting violations.
- (2) Payment of Outstanding Fees and Penalties. The District may decline to issue or reissue a wastewater discharge permit to any User that failed to pay any outstanding fees, fines, or penalties incurred as a result of any provision of this Ordinance or a previous wastewater discharge permit or order issued hereunder.
- (3) Public Nuisances. A violation of any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a nuisance and shall be corrected or abated as directed by the District. Any User(s) or person(s) which create a nuisance shall be subject to the provisions of State and local law that govern such nuisances, including reimbursing the District for any costs incurred in removing, abating, or remedying said nuisance.

- (e) **Remedies Non-Exclusive.** The remedies provided for in this Ordinance are not exclusive. To the extent allowed by law, the District may take any, all, or any combination of these actions against a noncompliant User.

Section 12. Miscellaneous Provisions.

- (a) **Repeal of Ordinances.** This Ordinance shall repeal and/or supersede Ordinance Nos. 3, 48, and 59.1, and any other existing District ordinances, resolutions, orders, or policies, which are in conflict with the contents of this Ordinance. All other provisions of said ordinances, resolutions, orders, or policies, not in conflict with the contents of this Ordinance, shall continue in full force and effect.

- (b) **Effect of Adoption.** The adoption of this Ordinance and the repeal of ordinances by this Ordinance shall not affect the following matters:
- (1) Actions and proceedings which were commenced before the effective date of this code;
 - (2) Prosecution of ordinance violations committed before the effective date of this Ordinance;
 - (3) Licenses and penalties due and unpaid at the effective date of this code and the collection of these licenses and penalties; and
 - (4) Bonds and cash deposits required to be posted, filed or deposited pursuant to any ordinance.
- (c) **Severability.** If any section, subsection, sentence, clause, or phrase of this Ordinance or the application thereof to any person or circumstance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance or the application of such provision to other persons or circumstances. The Board hereby declares that it would have passed this Ordinance or any section, subsection, sentence, clause, or phrase hereof irrespective of the validity of any other part.
- (d) **Effective Date.** This Ordinance shall become effective thirty (30) days from the date of final passage and is subject to the disapproval and veto by the votes, pursuant to the provisions of Section 61451 of the Government Code of the State of California, by proceeding in accordance with Article 2 of Chapter 2 of Division 5 of the Elections code of the State of California, as in said Section provided.
- (e) **Posting Upon Adoption.** Upon adoption, this Ordinance shall be posted in three public places within the District and shall become effective upon the expiration of thirty (30) days from the date of its adoption.


CERTIFICATE OF SECRETARY

I hereby certify that the foregoing Ordinance was duly and regularly adopted by the Board of Directors of the Hidden Valley Lake Community Services District, Lake County, California, at a meeting thereof held on the 17th day of May, 2022 by the following vote:

AYES: Directors Brown, Freeman, Lieberman, and Graves
 NOES: 0
 ABSENT: Director Millerick
 ABSTAIN: 0



 President of the Board



 Secretary to the Board