

ORDINANCE NO. 2013-01

AN ORDINANCE OF THE SOUTH COUNTY REGIONAL WASTEWATER AUTHORITY AMENDING EXISTING ORDINANCE 93-1 and 2000-01 TO INCLUDE THE REQUIREMENTS OF THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY REGULATIONS THAT REGULATES INDUSTRIAL USERS AND SETS UNIFORM REQUIREMENTS FOR DISCHARGE INTO THE WASTEWATER COLLECTION AND TREATMENT SYSTEM

WHEREAS, the South County Waste Water Authority is required to adopt a sewer use ordinance to protect the Treatment Plant; and

WHEREAS, the existing sewer use ordinance 93-1, with local limits table amended by Ordinance 2000-01, provides the legal authority to set uniform requirements for discharges into the wastewater collection and treatment system; and

WHEREAS, the Federal Environmental Protection Agency has promulgated new rules pertaining to requirements of sewer use ordinances; and

WHEREAS, the adoption of these rules will ensure the continued compliance of the South County Regional Wastewater Treatment Plant with its Permit and Federal Law; and

NOW, THEREFORE, THE SOUTH COUNTY REGIONAL WASTE WATER AUTHORITY DOES HEREBY ORDAIN AS FOLLOWS:

SECTION A

This ordinance may be called the "Pretreatment and Sewer Use Ordinance #2013-01".

SECTION B

Pretreatment and Sewer Use Ordinance with Changed Sections shown in Red is as follows.

SOUTH COUNTY REGIONAL WASTEWATER AUTHORITY

PRETREATMENT AND SEWER USE ORDINANCE #2013-01

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SECTION 1 GENERAL PROVISIONS

SECTION 1.1 AUTHORITY

This ordinance shall apply to all industrial Users of the South County Regional Wastewater Treatment “Plant”. The ordinance authorizes the issuance of wastewater discharge permits; authorizes monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires industrial reporting; and provides for the settling of fees for the equitable distribution of costs resulting from the program established herein. This ordinance authorizes the Authority to administer the pretreatment program, to enforce its Enforcement Response Plan, and to apply applicable civil and criminal penalties in its wastewater discharge permits as required by 40 CFR 403.8(f)(1)(vi).

SECTION 1.2 PURPOSE AND POLICY

This ordinance sets uniform requirements for discharges into the wastewater collection and treatment system and enables the South County Regional Wastewater Authority (“Authority”) to comply with the administrative and waste quality requirements of the Clean Water Act, the water quality requirements set by the Regional Water Quality Control Board, the applicable effluent limitations, national standards of performance, toxic and pretreatment effluent standards, and any other discharge criteria which are required or authorized by State or Federal law, and to derive the maximum public benefit by regulating the quality of wastewater discharged into those systems.

The objectives of this ordinance to comply with the Clean Water Act are:

1. To prevent the introduction of pollutants into the Plant and municipal collection system which will interfere with the operation of the system or contaminate the resulting sludge;
2. To prevent the introduction of pollutants into the Plant which will pass through the system, inadequately treated; into receiving waters or the atmosphere or otherwise be incompatible with the system;
3. To improve the opportunity to recycle and reclaim wastewaters and sludges from the system;
4. To protect the Plant, collection system, and pretreatment personnel who may be affected by wastewater and sludge in the course of their employment, and to protect the general public;
5. To enable the Plant to comply with its waste discharge permit conditions, sludge use and disposal requirements and any other Federal or State laws to which the Plant is subject.

SECTION 1.3 ADMINISTRATION AND ENFORCEMENT

The Authority Manager or designee shall enforce the provisions of this ordinance, and for such purposes shall have the powers of a peace officer. Such powers shall not limit or otherwise affect the powers and duties of other Authority officials. Any powers granted to or duties imposed upon Authority Manager may be delegated by the Authority Manager to a duly authorized [City] employee.

SECTION 1.4 DEFINITIONS

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated.

- A. Act or the Act: The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.
- B. Approval Authority: Regional Water Quality Control Board, Central Coast Region, San Luis Obispo, CA.
- C. Authority: South County Regional Wastewater Authority, its officers, directors, Designees, or agents.
- D. Authority Manager: The Manager of the Authority of a designated representative.
- E. Authorized or Duly Authorized Representative of the User. An authorized representative of an Industrial User may be:
 - (1) If the User is a corporation:
 - (a) 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
 - (b) The manager of one 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 of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - (2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If 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.

(4) The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Authority.

F. Beneficial Uses: Uses of the Waters of the State that may be protected against quality degradation include, but are not necessarily limited to: Domestic, municipal, agricultural and industrial supply power generation, recreation, aesthetic enjoyment, navigation and preservation and enhancement of fish, wildlife, and other aquatic resources or reserves, and other uses, both tangible or intangible as specified by Federal or State Law.

G. Biochemical Oxygen Demand (BOD): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° centigrade expressed in terms of mass and concentration (milligrams per liter (mg/l)).

H. Building Sewer: A lateral sewer conveying wastewater from the premises of the User to a public sanitary sewer collection system.

I. Categorical Standards: National Categorical Pretreatment Standards or Pretreatment Standards.

J. Color: The optical density at the visual wave length of maximum absorption relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.

K. Composite Sample: A sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

L. Cooling Water: The water discharge from any uses, such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.

M. Commercial or Industrial Sewage: Any and all liquids and/or solids contained within liquids from industrial, commercial, or institutional processes, except liquid borne wastes derived from ordinary living processes, and of such character as to permit satisfactory disposal, without special treatment, into the sanitary sewage system.

N. Control Authority: The term "Control Authority" shall refer to the "Approval Authority" defined herein above; or the Authority Manager of the Authority Manager's designated authority.

O. Direct Discharge: The discharge of treated or untreated wastewater directly to the waters of the State of California.

P. Effluent: Shall mean the liquid outflow of any facility designed to treat, convey, or retain wastewater.

Q. Environmental Protection Agency (EPA): The United States Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of said agency.

R. Existing Source: Any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act (33USC 1317).

S. Grab Sample: A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time or strength.

T. Health Officer: The county health officer, his/her assistants, or authorized deputies.

U. Holding Tank Waste: Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, boats, septic tanks, and vacuum pump tank trucks.

V. Indirect Discharge: The discharge or the introduction of non-domestic pollutants from any source regulated by the Act, into the South County Wastewater Sewer Treatment Plant (including holding tank waste discharged into the system).

W. Industrial User or User: Any contributor of industrial waste or wastewater.

X. Industrial Waste or Wastewater: Any non-domestic liquid or solid wastes from any commercial, industrial, or institutional establishment. Industrial waste is distinct from sanitary or domestic waste.

Y. Inspector: Inspector means the authorized inspector or representative of the Authority Manager.

Z. Instantaneous Maximum Allowable Discharge Limit: The maximum concentration (or loading) of a pollutant allowed to be discharged at anytime, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

AA. Interceptor: A device or trap to prevent the amount of grease, sand, oil or other solids or semi-solids from entering the sewer system.

BB. Interference: the term “Interference” means an inhibition or disruption of the Plant, its treatment processes or operations, or its sludge processes, use or disposal which is a cause of or significantly contributes to either a violation of any requirements of the sewer treatment plant’s discharge permit (including an increase in the magnitude or duration of a violation) or to the prevention of sewage sludge use or disposal by the Plant in accordance with the following statutory provisions and regulations or permits issued under the Solid Waste Disposal Act (SWDA) (including Title II, more commonly, referred to a Resource Conservation and Recovery Act (RCRA) and including State regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA, the Clean Air Act, and the Toxic Substances Control Act (TSCA).

CC. Medical Waste: Isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiological agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

DD. Member Agency: Either or both of the Cities of Gilroy or Morgan Hill, whose joint exercise of Powers agreement created the Authority.

EE. National Categorical Pretreatment Standard: or “pretreatment standard”. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 USC 1317) which applies to a specific category of Industrial Users.

FF. National Positive Discharge Standard: or “prohibitive discharge standard”. Any regulation developed under the authority of Section 307 (b) of the Act and 40 CFR, Section 403.5.

GG. New Source: Any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307 (c) (33 USC 1317) Categorical Pretreatment Standard.

HH. Noncontact Cooling Water: Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

II. Pass Through: A discharge which exits the Plant 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 South County Regional Wastewater Authority (SCRWA) discharge permit.

JJ. Permittee: The Person to whom a permit has been issued pursuant to this ordinance.

KK. Person: An individual, firm, partnership, or corporation, and their heirs, assigns or agents.

LL. pH: The scale of 1 to 14 which measures acidity and alkalinity; 7.0 being neutral, 0-6.9 being acidic, and 7.1-14 being basic or alkaline. Technically, it is the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions in pH units.

MM. Point of Discharge: The point at which any private sewer joins the public sewer.

NN. Pollutant: Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, industrial wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the characteristics of wastewater (i.e. pH, temperature, TSS, turbidity, color, BOD, Chemical Oxygen Demand (COD), toxicity, odor).

OO. Publically Owned Treatment Works (POTW): A treatment works as defined by the Act. This Definition included any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW. The term also means the municipality as defined in the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

PP. Pretreatment: The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants' properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a publically owned treatment works (POTW). The reduction or alteration can be obtained by physical, chemical, or biological processes, process changes, or other means, except as prohibited by 40 CFR.

QQ. Pretreatment Requirements: Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an Industrial User.

RR. Program Administrator or Administrator: The designee who oversees the Pretreatment Program.

SS. Prohibited Discharge Standards: Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 of this ordinance.

TT. Reclaimed Water: Water which, as a result of treatment of waste, is suitable for direct beneficial use or a controlled use that would not otherwise occur.

UU. Sanitary Sewer: A main line sewer for the acceptance of any sewage or liquid waste, except storm water, surface water, ground water, roof runoff, or other unpolluted water.

VV. Septic Tank Waste: Any sewage from holding tanks, such as vessels, chemical toilets, campers, trailers, and septic tanks.

WW. Sewage: All water, or a combination of liquid or water containing human waste, conducted away from residences, business buildings, and institutions, which is known as domestic or sanitary sewage, together with the liquid or water carried waste resulting from a

manufacturing process employed in commercial or industrial establishments including washing, cleaning, or drain water from such processes, which is known as industrial waste.

XX. Shall: Is mandatory. *May* is permissive.

YY. Significant Industrial User (SIU): Any Industrial User of the Authority's wastewater disposal system who (a) has a discharge flow of ten thousand (10,000) gallons or more per average workday; or (b) has a flow greater than 5 percent of the flow in the Authority's wastewater treatment system; or (c) has wastes which are toxic pollutants as defined pursuant to Section 307 of the Act or State of California Statutes and rules; or (d) is found by the Authority, state control agency, or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated to the system.

ZZ. Significant Non-Compliance (SNC): An industrial User which, at any time in the last 12 months, was in significant non-compliance with applicable pretreatment standards, as per permit. This includes, without limitations, chronic violations of Wastewater Discharge Limits, either daily or over a long period of time.

ZZ.1. Slug Load: Also known as Slug Discharges, any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 2.1 of this ordinance, or any discharge of a non- batch discharge.

ZZ.2. Standard Industrial Classification (SIC) Code: A classification pursuant to the Standard Industrial Classification Manual issued by the U.S. Office of Management and Budget.

ZZ.3. Total Dissolved Solids (TDS): Matter dissolved in water that will pass through a filter.

ZZ.4. Total Suspended Solids (TSS): The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtering.

ZZ.5. Wastewater: The liquid portion of industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, which may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

ZZ.6. Waters of the State: All streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface, or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

SECTION 1.5 ABBREVIATIONS

<u>BOD</u>	Biochemical Oxygen Demand
<u>CFR</u>	Code of Federal Regulations
<u>COD</u>	Chemical Oxygen Demand
<u>EPA</u>	U.S. Environmental Protection Agency
<u>gpd</u>	Gallons Per Day
<u>l</u>	Liter
<u>mg</u>	Milligrams
<u>mgd</u>	Million Gallons Per Day
<u>mg/l</u>	Milligrams Per Liter
<u>NPDES</u>	National Pollutant Discharge Elimination System
<u>O&M</u>	Operation and Maintenance
<u>pH</u>	Hydrogen Ion Concentration
<u>POTW</u>	Publically Owned Treatment Works
<u>RCRA</u>	Resource Conservation Recovery Act
<u>SIC</u>	Standard Industrial Classifications
<u>SIU</u>	Significant Industrial User
<u>SWDA</u>	Solid Waste Disposal Act (42 USC 6901, et seq.)
<u>TOC</u>	Total Organic Carbon
<u>TSS</u>	Total Suspended Solids
<u>TTO</u>	Total Toxic Organics
<u>USC</u>	United States Code

SECTION 2 SEWER USE REQUIREMENTS

SECTION 2.1 PROHIBITED DISCHARGE STANDARDS

It shall be unlawful for any User to contribute or cause to be contributed directly or indirectly, any pollutant or wastewater which will pass through or cause interference with the operation or performance of the POTW whether or not the User is subject to National Categorical Pretreatment Standards or any other national, state, or local pretreatment standard or requirement. A User may not contribute the following substances to the POTW:

- A. Any liquids, solids, or gases which, by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause a fire or explosion or be injurious in any other way to the POTW or the operation of the POTW. At no time shall two successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lowest Explosive Limit (LEL) of the meter. Prohibited materials include but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, perchlorates, bromates, carbides, hydrides, sulfides, and any other substances which the Authority, the State, or EPA has notified the User is a fire hazard to the system.

- B. Solids or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities.

- C. Wastes having a monitored pH lower than 6.5 or higher than 11.0, or having any corrosive property capable of causing damage or hazards to structures, equipment, or personnel of the public sewer systems. Where the Authority deems it advisable, it may be required that any Person discharging industrial wastes install and maintain, in an approved manner, a suitable device to continuously measure and record the pH of the wastes so discharged.

- D. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the Plant, or to exceed the limitations set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include, but not limited to, any pollutant identified Pursuant to the Act.

- E. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life and health, or is sufficient to prevent entry into the sewer system for testing, maintenance, and repair.

- F. Any substance which may cause the Plant's effluent or any other product of the Plant such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the Plant to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act (SWDA), or State criteria applicable to the sludge management method being used.
- G. Any substance which will cause the Plant to violate its Wastewater Discharge Requirements.
- H. Any wastewater with objectionable color not removed in the treatment process.
- I. Any wastewater with heat in amounts which inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the Plant exceeds 40° C (104°F) unless the Approval Authority upon requests of the Plant approves alternate temperature limits.
- J. Any pollutants including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutants concentration which a User knows or has reason to know will cause interference to the POTW. In no case shall a sudden unexpected discharge have a flow rate or contain concentrations or quantities or pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.
- K. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by applicable state or federal regulations.
- L. Any wastewater which causes a hazard to human life, or creates a public nuisance.
- M. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, condensate, deionized water, noncontact cooling water, and unpolluted industrial wastewater.
- N. Limitations on point of discharge: No Person shall discharge directly into a manhole or other opening in a public sewer other than through an approved building sewer, except upon written application by the User and payment of the applicable User charges and fees.
- O. Wastes containing visible amounts of grease, oil, petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in concentrations, flows, or amounts that will cause interference or pass through, sufficient to cause stoppage, pluggage, or obstruction of flow to the Plant, or any other damage, or increased maintenance of the collection system.

P. Wastes prohibited by this section, shall not be processed or stored in such a manner that they could be discharged to the POTW. All floor drains located in process or materials storage areas must discharge to the Industrial User's pretreatment facility before connecting with the POTW.

Q. Any trucked or hauled pollutants may not be disposed of except at discharge points designated by the POTW.

SECTION 2.2 ACCIDENTAL DISCHARGE PREVENTION, REPORTING, AND REPEAT SAMPLING

A. Detailed Plans: Each User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Authority before construction. No User who commences contribution to the POTW after the effective date of this ordinance shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Authority. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify the User's facility as necessary to meet the requirements of this ordinance. In the case of an accidental discharge, it is the responsibility of the User to immediately notify the Program Administrator and Plant operator of the incident. The notification shall include location of discharge, type or waste, concentration, volume, and corrective actions.

B. Written Notice: Within five (5) days following an accidental discharge, the User shall submit to the Authority a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liabilities which may be incurred as a result of damage to the POTW, fish kills, or any other damage to Person or property; nor shall such notification relieve the User of any fines, civil penalties, or other liabilities which may be imposed by this ordinance or other applicable law.

C. Notice to Employees: A notice shall be posted on the User's bulletin board or other prominent place advising employees whom to call in the event of an accidental discharge. Employers shall insure that all employees who may cause such an accidental discharge to occur are advised of the emergency notification procedure.

D. Repeat Sampling: If sampling performed by a User indicates a violation, the User must notify the Authority within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Authority within thirty (30) days after becoming aware of the violation.

E. Notification of Discharge of Hazardous Waste: Any User who commences the discharge of hazardous waste shall notify the POTW, the Regional Water Quality Control Board, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be hazardous waste under 40 CFR Part 261. Notifications must include the name of the hazardous waste as set for the on 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If more than 100kg of such waste per calendar month to the POTW, the notification also shall contain the following:

- i. An identification of the hazardous constituents
- ii. An estimation of the mass and concentration of such constituents
- iii. An estimation of the mass and concentrations in the wastestream expected to be discharged during the following 12 months

All notification must take place no later than 180 days after the discharge commences.

SECTION 2.3 NATIONAL CATEGORICAL PRETREATMENT STANDARDS

- A. National Categorical Pretreatment Standards shall be in addition to Prohibited Discharge Standards cited in Section 2.1 of this ordinance.
- B. Upon promulgation of the Federal Categorical Pretreatment Standards for a particular industrial category, the Federal Standard, if more stringent than limitations imposed under this Part for sources in that category, shall notify all affected Users of the applicable reporting requirements of 40 CFR.
- C. Where specific prohibitions or limits on pollutants or pollutant parameters are developed by the Authority in accordance with Prohibited Discharge Standards (2.1), such limitations shall be deemed pretreatment standards for the purpose of the Act.

SECTION 2.4 SPECIFIC POLLUTANT LIMITATIONS

It shall be unlawful for any User to discharge wastewater containing in excess of:

- | | | |
|-----|--------------|---------------------------|
| 1. | BOD | <1000mg/l |
| 2. | TSS | <1000mg/l |
| 3. | Oil & Grease | <100mg/l |
| 4. | Temperature | 40°C |
| 5. | pH | Within 6.5 to 11 pH units |
| 6. | Arsenic (As) | <1.1 mg/l |
| 7. | Cadmium (Cd) | <0.01 mg/l |
| 8. | Copper (Cu) | <1.8 mg/l |
| 9. | Cyanide (Cn) | <1.8 mg/l |
| 10. | Lead (Pb) | <1.6 mg/l |

- | | | |
|-----|---|------------|
| 11. | Mercury (Hg) | <0.03 mg/l |
| 12. | Nickel (Ni) | <2.7 mg/l |
| 13. | Silver (Ag) | <4.2 mg/l |
| 14. | Chromium (Cr) | <5.1 mg.l |
| 15. | Zinc (Zn) | <1.4 mg/l |
| 16. | Trace mg/l total identifiable chlorinated hydrocarbons * | |
| 17. | Trace mg/l toxic organic compounds (priority pollutants as defined by the EPA)* | |

Concentrations apply at the point where the industrial waste is discharged to the POTW. All concentrations for metallic substance are for “total” metals unless indicated otherwise. The Administrator may impose mass limitations in addition to or in place of the concentration based limitations above.

*Trace refers to the sum of all toxic organic compounds exceeding 1mg/l. In such cases the Authority may require additional testing and/or investigation to determine if the discharge may be allowed. The Authority may define the actual limits assigned to the discharger in their permit.

SECTION 2.5 STATE OR MEMBER AGENCY REQUIREMENTS

State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements or limitations in this ordinance. A Member Agency’s requirements and limitations on discharges shall apply in any case within territorial jurisdiction of the Member Agency where they are more stringent than Federal requirements or limitations in this ordinance.

SECTION 2.6 AUTHORITY’S RIGHT OF REVISION

The Authority reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system.

SECTION 2.7 DILUTION PROHIBITED AS SUBSTITUTE FOR TREATMENT

It shall be unlawful for any User to increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal National Pretreatment Standards, or in any other pollutant-specific limitation developed by the city or state.

SECTION 2.8 DISCHARGE TO NATURAL OUTLETS

It shall be unlawful to discharge to any natural outlet any sanitary sewage, industrial wastes, petroleum products, coal tar, or any refuse from any residential, commercial, industrial, or institutional establishments.

SECTION 2.9 NON-POINT SOURCE (NPS) DISCHARGES

Any Person who discharges rainwater from commercial/industrial properties to storm drains, streets, and natural outlets, which discharged rainwater contains pollutants that may impact receiving waters such as streams, creeks, rivers, and/or aquifers of the state, shall remove such pollutants by best management practices.

SECTION 2.10 HOLDING TANK WASTE OR TRUCKED WASTE

It shall be unlawful for any User to discharge holding tank waste or trucked waste into a sanitary sewer without prior written approval of the Authority. Unless otherwise provided in an approval, a separate written approval must be secured for each separate discharge. Applications for holding tank or trucked waste discharge approvals shall state the specific location of the discharge, the time of day the discharge is to occur, the volume of the discharge, and the wastewater constituents and characteristics of the discharge. If approval is granted for the discharge of such waste into a sanitary sewer, the User shall pay the applicable User charges and fees, and shall meet such other conditions as required by the Authority.

SECTION 2.11 WASH RACK WASTE

No Person owning or operating private or public automobile wash rack shall permit any water or effluent to flow into any sanitary sewer unless such wash rack is roofed over and is equipped with a sand-oil interceptor approved by the Administrator or his/her designee.

SECTION 2.12 DRAINING OF SWIMMING POOLS

It shall be unlawful for any Person to discharge water from swimming pools, whether public or private, into a storm sewer or gutter. All swimming pool water shall be discharged into a sanitary sewer and only upon issuance of a permit by the Authority, payment of the applicable User charges and fees, and satisfaction of such other conditions as are reasonably required by the Authority.

SECTION 2.13 GREASE INTERCEPTORS

- A. Any business or establishment such as, but not limited to, restaurants, bakeries, donut shops, takeout, drive-in eating establishments, ice cream or milk drive-in stations, hospitals, hotels, markets, recreation or reception halls, etc., where any grease or other objectionable materials may be discharged into a public or private sewage main or disposal system, shall have a grease interceptor.

- B. Interceptors shall be constructed in accordance with applicable standards approved by the Administrator.
- C. Each grease interceptor shall be so installed and connected that it shall be at all times easily accessible for inspection, cleaning, and removal of the intercepted grease. Proper installation of the grease interceptor shall meet the Plumbing Code and approval of the Administrator.
- D. Each business establishment for which a grease interceptor is required, shall have an interceptor which shall serve only that business establishment.
- E. Buildings remodeled to accommodate uses requiring interceptors shall be subject to these Regulations.
- F. Waste discharged from fixtures and equipment in the above mentioned types of establishments which may contain grease or other objectionable materials, including, but not limited to, scullery sinks, pot and pan sinks, dishwashers, soup kettles, etc., and floor drains located in areas where such objectionable materials may exist, may be drained into the sanitary sewer through the interceptor only after the approval by the Administrator. Exception: toilets, urinals, and other fixtures containing fecal material may not flow through the interceptor.
- G. Interceptors shall be maintained in efficient operating condition by periodic removal of the accumulated grease. No such collected grease shall be introduced into any drainage pipe or public or private sewer.
- H. Abandoned grease interceptors shall be emptied and filled as required for abandoned septic tanks in the Uniform Plumbing Code (UPC).

SECTION 3 ADMINISTRATION

SECTION 3.1 ESTABLISHING RULES AND REGULATIONS

The Authority Manager is hereby authorized to establish any rules and regulations necessary or appropriate for the enforcement of this ordinance, and may delegate and appoint employees of the Authority or the Member Agencies to act on his/her behalf.

SECTION 3.2 WASTEWATER DISCHARGE PERMITS

1. It shall be unlawful for any User to connect or to discharge into a sanitary sewer without first obtaining a wastewater discharge permit from the Authority.
2. Users required to obtain a wastewater discharge permit shall complete and file an application with the Authority within 15 days of a notice to apply. Proposed new Users shall apply 90 days prior to the actual connection to the system.

3. The Authority will evaluate the data furnished by the User and may require additional information. After evaluation and acceptance of the data furnished, the Authority may issue a wastewater discharge permit subject to terms and conditions provided herein.
4. Permits may be issued for a duration of five (5) years. A permit may be issued for a period less than five years or may be stated to expire on a specific date. Any User wishing to continue its discharge shall apply for permit reissuance a minimum of 60 days prior to the expiration of the User's existing permit. The terms and conditions of the permit may be subject to modification by the Authority during the term of the permit as limitations or requirements are indentified, circumstances or laws change, or other just cause exists. The User shall be informed of any proposed changes to a permit at least 30 days to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
5. Wastewater discharge permits are issued to a specific User for a specific operation. A wastewater discharge permit shall not be reassigned, transferred to or sold to a new owner, new User, different premises, or a new or changed operation without the approval of the Authority. Any succeeding owner or User shall comply with the terms and conditions of the existing permit until a new permit is issued.

SECTION 3.3 PERMIT CONDITIONS

Wastewater discharge permits shall be expressly subject to all provisions of this ordinance and all other applicable regulations, User charges, and fees established by the Authority or its Member Agencies. Permits may contain the following:

- A. The unit charge or schedule of User charges and fees for the wastewater to be discharged to a public sewer;
- B. Limits on the average and maximum wastewater constituents and characteristics;
- C. Limits on the average and maximum rate and time of discharge or requirements for flow Regulations and equalization;
- D. Requirements for installation and maintenance of inspection and sampling facilities;
- E. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests, and reporting schedules;
- F. Compliance schedules – If additional pretreatment and/or operations and maintenance are required to meet the pretreatment standards, the wastewater discharge permit shall require the User to follow and schedule to provide such additional pretreatment at the earliest possible date. The completion date in this schedule shall not be later than the compliance date

established for the applicable pretreatment standard. The following conditions shall apply to this schedule:

(i) The User shall prepare and submit at his/her expense a proposed schedule for inclusion in the permit. The Authority shall review and refine such schedule at the User's expense.

(ii) The schedule shall contain performance standards in the form of dates for the commencement and completion in the shortest of major events, leading to the construction and operation of additional pretreatment that may be required for the User to meet applicable pretreatment standards (e.g. hiring and engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

(iii) No increment referred to in a paragraph (i) shall exceed nine (9) months.

(iv) Not later than fourteen (14) days following each performance standard date and the final date for compliance, the User shall submit a progress report to the Program Administrator, including, at minimum, whether or not it complied with the performance standard, the reason for the delay, and the steps being taken by the User to return to the schedule established.

(v) Failure to satisfy any performance standard of the final date for compliance shall constitute a material violation of the wastewater discharge permit.

G. Requirements for submission of technical reports of discharge reports;

H. Requirements for notifying the Authority of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced to the Plant

I. Requirements for notifying the Authority of Slug Discharges; The Authority shall evaluate whether each SIU needs an accidental discharge/Slug Discharge control plan or other action to control Slug Discharges. The Authority may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. An accidental discharge/Slug Discharge control plan shall address, at a minimum, the following:

- i. Description of discharge practices, including nonroutine batch discharges;
- ii. Description of stored chemicals;
- iii. Procedures for immediately notifying the Authority of any accidental or Slug Discharge, as required by Section 6.6 of this ordinance; and,
- iv. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control

of plant site 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.

- J. Representative Sampling - All sampling of wastewater shall be done in a manner so that the sample is representative of the nature of the wastewater being discharged to the sanitary sewer. Sample data shall be collected and analyzed using methods listed in 40 CFR Part 136 and shall be submitted to the pretreatment program. All sample data collected and analyzed using these stated methods shall be submitted to the Pretreatment Program. 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.
- K. Other conditions as deemed appropriate by the Authority to ensure compliance with this ordinance.

SECTION 4 REPORTING AND MONITORING REQUIREMENTS

SECTION 4.1 BASELINE MONITORING REPORTS

Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the sanitary sewer system any User subject to pretreatment standards and requirements shall submit to the Administrator a Baseline Monitoring Report stating the following:

- (1) Identifying Information.
 - a. The name and address of the facility, including the name of the operator and owner.
 - b. Contact information, 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.
 - a. 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.

- b. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
 - c. Number and type of employees, hours of operation, and proposed or actual hours of operation;
 - d. Type and amount of raw materials processed (average and maximum per day);
 - e. 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) Time and duration of discharges;
- (5) The location for monitoring all wastes covered by the permit;
- (6) Flow Measurement. 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 set out in Section 2.2C (40 CFR 403.6(e)).
- (7) Measurement of Pollutants.
- a. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
 - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by Authority, of regulated pollutants in the discharge from each regulated process.
 - c. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
 - d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 6.10 of this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Authority or the applicable Standards to determine compliance with the Standard.
 - e. Sampling must be performed in accordance with procedures set out in Section 6.11 of this ordinance.
- (8) Any other information as may be deemed necessary by the Authority to evaluate the permit application.
- (9) Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.
- (10) Application Signatories and Certifications; All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Section 4.2G.

SECTION 4.2 PERIODIC COMPLIANCE REPORTS

A. Any User subject to a pretreatment standard, after the compliance date of such pretreatment standard or, in the case of a new source, after commencement of the discharge

into the sanitary sewer system, shall submit to the Administrator, every six (6) months from the previous sampling event, unless required more frequently by the Administrator, a periodic compliance report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards.

B. The periodic compliance report shall include a record of all daily flows which during the reporting period exceeded the average daily flow.

C. At the discretion of the Administrator and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Administrator may agree to alter the months during which the above reports are to be submitted.

D. The Administrator may impose mass limitations on Users where the imposition of mass limitations is appropriate. In such cases, the report required by subparagraph (A) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the User. These reports shall contain the results of sampling and analysis of the discharge, including the flow and nature and concentration, or production and mass where requested by the Administrator of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard.

E. All analysis shall be performed in accordance with procedures established by the Program Administrator pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, and amendments thereto or with any other test procedures approved by the Program Administrator. Resampling shall be performed in accordance with the techniques approved by the Program Administrator,

F. Where 40 CFR Part 136, does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants", April 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Program Administrator.

G. The following certification statement is required to be signed and submitted by Users submitting the following documents: permit applications, initial monitoring waivers, baseline monitoring reports, reports on compliance with Categorical Pretreatment Standard deadlines, required periodic compliance reports, or submitting an initial request to forego sampling of a pollutant. The certification statement must be signed by an Authorized Representative:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the Person or persons who manage the system, of 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 4.3 MONITORING FACILITIES

The Authority may require, at the User’s expense, a sewer test manhole or other monitoring facilities to allow inspection, sampling, and flow measurement of a building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the User’s premises, but the Authority may, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it may not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. This facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Authority’s requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the Authority, unless otherwise allowed.

SECTION 4.4 INSPECTION AND SAMPLING

The Authority shall inspect the facilities of any User to ascertain whether the purpose of this ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Authority ready access to all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination, or in the performance of any of its duties. The Authority, Approval Authority, and EPA shall have the right to set up on the User’s property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a User has security measures in force which would require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that upon presentation of suitable identification, personnel from the Authority, Approval Authority, and the EPA will be permitted to enter, without delay, for the purpose of performing their specific responsibilities.

SECTION 4.5 PRETREATMENT FACILITIES

Users shall provide all wastewater pretreatment facilities required to comply with this ordinance and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Categorical Pretreatment Regulations.

Facilities required to pretreat wastewater to a level acceptable to the Authority shall be provided, operated, and maintained at the User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Authority for review, and shall be acceptable to the Authority before construction of this facility. The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Authority under the provisions of this article. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Authority prior to the User's initiation of the changes. The User shall retain all records relating to compliance with Pretreatment Standards and make them available to officials of the EPA or Approval Authority upon request.

SECTION 4.6 CONFIDENTIALITY

- A. Information and data on a User obtained from reports, questionnaires, permit applications, permits, monitoring programs, and from inspections shall be available to the public or other governmental agency without restriction, unless the User specifically requests and is able to demonstrate to the satisfaction of the Authority that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the User.
- B. When requested by the Person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this chapter, the National Pollutant Discharge Elimination System (NPDES) Permit, state disposal system permit and/or the pretreatment program; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the Person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.
- C. Information accepted by the Authority as confidential shall not be transmitted to any governmental agency or the general public by the City unless a ten-day notification is given to the User.

SECTION 4.7 RECORDS RETENTION

All Industrial Users shall retain for a minimum of three (3) years any records of monitoring activities and results (whether or not such monitoring activities are required by the Authority) shall make such records available for inspection and copying by the Authority. This period of retention shall be extended during the course of any unresolved litigation regarding the Industrial User of when requested by the Authority.

SECTION 5 ENFORCEMENT

SECTION 5.1 VIOLATION NOTICE

Whenever the Authority finds that any Person is acting in violation of any provision of this ordinance, or of any permit issued hereunder, the Authority shall serve upon the Person causing such violation, including the permittee, if a permit has been issued, a notice of violation. This notice shall state the act or acts constituting the violation and shall direct that the violation be corrected within such time, to be specified in the notice, as the Authority may deem reasonable. A Person who has been so notified shall cease all such acts within the time so specified and shall not resume them until the Authority determines that all of the violations charged in the notice have been corrected.

SECTION 5.2 MANNER OF GIVING NOTICE OF VIOLATION

A. Any notice or order required to be given under terms of this ordinance, including a notice of violation, a notice of hearing, a cease and desist order, or an administrative complaint, shall be in writing, and may be served by any one of the following methods:

1. In the manner provided in the California Code of Civil Procedure for service of process;
2. By certified mail with return receipt, sent to the last address given to the Authority;
3. By hand delivery.

SECTION 5.3 COMPLIANCE SCHEDULE

When the Authority finds that a discharge of wastewater has been taking place in violation of prohibition or limitations prescribed in this ordinance, or wastewater, or wastewater source control requirements, effluent limitations, or pretreatment standards, or the provisions of a wastewater discharge permit, the Authority may require the User to submit for approval, with such modifications as it deems necessary, a detailed compliance time schedule of specific actions which the User shall take in order to prevent or correct a violation of requirements. Preparation and Authority review of the schedule shall be at the User's sole expense.

SECTION 5.4 CEASE AND DESIST ORDER

The Administrator may issue a Cease and Desist Order to any Person found to be in violation of provisions of this ordinance, or of their wastewater discharge permit, or as a preventative action in the event of a threatened violation. The Administrator may include a time schedule for compliance with the Cease and Desist Order.

SECTION 5.5 ADMINISTRATIVE FINES

A. The Authority may issue and serve an administrative complaint on any Person found to be in violation of provisions of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement. The complaint shall allege the act or failure to act that constitutes each violation, the provisions of law authorizing the imposition of an administrative penalty, and the proposed penalty. The complaint shall inform

the Person named of the time and place that a hearing shall be held on the allegations of the complaint, and that the Person may elect to waive this hearing.

B. Within 60 days after the Person has been served, the Administrator shall hold a noticed public hearing, at which the Authority and the Person may each present information relevant to the allegations of the complaint. Formal rules of evidence shall not apply to this hearing. The Person named in the complaint may waive the right to a hearing by serving a written waiver on the Administrator prior to or at the time of the hearing. If the right to a hearing is waived, no hearing shall be held.

C. Whether or not a hearing is held, the Administrator shall issue and serve on the Person named in the complaint, and on any Person who appeared at the hearing, if any, and requested a copy, a written Decision and Order. The Decision and Order shall be issued within 15 working days after:

1. The date the Administrator is served with a waiver of hearing if no hearing is held; or
2. The date the hearing is concluded, if a hearing is held.

D. The Person named in the complaint may appeal the Administrator's Decision and Order to the Authority Board by delivering a written notice or appeal, accompanied by full payment of any penalties assessed in the Decision and Order, to the Clerk of the Authority Board within 30 days of service of the Decision and Order. The notice of appeal shall set forth grounds for appeal and reasons why the appeal should be granted. The payment shall be held by the Administrator, who shall compile the record of the Administrator's hearing for the Board's review.

E. The Authority Board may issue an Order Denying Review or may hear the appeal. If it hears the appeal, it shall do so within 15 working days of receiving the notice of appeal. On appeal, the Authority Board shall review the record of the Administrator's hearing, if any, conduct an additional hearing at which formal rules of evidence shall not apply, and exercise its independent judgment on the matter. Within 15 working days after the appeal hearing is concluded, the Authority Board shall issue and serve on the Person named in the complaint, and on any Person who appeared at the hearing and requested a copy, a Decision and Order on Appeal affirming, reversing, or modifying the Administrator's Decision and Order. The Person named in the complaint may appeal the Authority Board's determination to the Superior Court by filing a petition for a writ of mandate within 30 days following service of the Order Denying Review or the Decision and Order on Appeal, pursuant to California Government Code Section 54740.6.

F. Administrative penalties which may be imposed by the Administrator, or the Authority Board on appeal, are as follows:

1. An amount not to exceed two thousand dollars (\$2,000) for each day for failing or refusing to furnish technical or monitoring reports.
2. An amount not to exceed three thousand dollars (\$3,000) for each day for failing or refusing to timely comply with any compliance schedule established by the local agency.

3. An amount not to exceed five thousand dollars (\$5,000) per violation for each day for discharges in violation of any waste discharge limitation, permit condition, or requirement issued, reissued, or adopted by the Authority.

4. An amount not to exceed ten thousand dollars (\$10,000) per gallon discharge in violation of any suspension, cease and desist order, or other orders, or prohibitions issued, reissued, or adopted by the Authority.

G. In imposing penalties, the Administrator or Authority Board on appeal may take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the economic benefit derived through any noncompliance, the nature and persistence of the violation, the length of time over which the violation occurs, and corrective action, if any, taken or attempted by the Person.

H. Unless timely appeal, all Orders in this Section 5.5 become effective and final upon issuance, and payment of penalties shall be made within 30 days. Any penalties which remain delinquent for 60 days shall constitute a lien against the real property of the Person upon which the violations resulting in the penalty occurred. All penalties collected shall be deposited in a special account of the Authority and shall be made available for the monitoring, treatment, and control of discharges into the POTW or for other mitigation measures.

I. No penalties shall be recoverable under Section 5.5 for any violation for which civil liability is recovered in the courts. Notwithstanding the foregoing, the Authority may, at its option, elect to petition the Superior Court to confirm any Order establishing penalties under this Section 5.5 and to enter judgment in conformity therewith in accordance with Sections 1285 to 1287.6 of the California Code of Civil Procedure.

J. This Section 5.5 establishes an alternative procedure for enforcement of this ordinance and shall not be deemed to limit any other legal remedies to the Authority.

SECTION 5.6 SUMMARY SUSPENSION OR REVOCATION OR PERMIT

A. When a violation hereof creates conditions that necessitate an immediate cessation of operation because of extraordinary circumstances, persistent noncompliance, or an imminent threat to public health and safety, the Administrator may suspend or revoke the permit and serve written notice of such suspension or revocation on the permittee. The Administrator may also suspend or revoke a permit if an objectionable condition listed in a notice of correction is not corrected within the time stipulated.

B. A Person whose permit has been suspended or revoked, as provided for herein, shall immediately discontinue the deposit or discharge of industrial waste, sewage or effluent and shall not resume such deposit or discharge until the permit has been reinstated or a new permit has been issued. The permittee may appeal the Administrator's decision to the Authority Manager within ten (10) working days after the notice is issued. The appeal shall be in writing and shall state the grounds for the appeal.

SECTION 5.7 REFUSAL, DISCONTINUANCE OR TERMINATION OF SERVICE

- A. The Authority may refuse to furnish sanitary sewer service and may discontinue or terminate such service to any premises where the Administrator finds that:
1. Discharge from such premises is detrimental or injurious to the sanitary sewer system or other premises or;
 2. A negligent or wasteful use of water exists at any premises which adversely affects the sanitary sewer system or;
 3. Discharge from such premises causes a condition of contamination, pollution, or creates a threat to the public health and safety.
- B. Service to a premises shall be discontinued or terminated by the Administrator only with the prior approval of the Authority Manager and after service on the Person affected of written notification of the action and the reasons therefore.
- C. Any Person aggrieved by the Administrator's decision may appeal to the Authority Manager within ten (10) working days after the decision is issued. The appeal shall be in writing and shall state the grounds for the appeal.

SECTION 5.8 RECONSIDERATION AND APPEALS

- A. Any User, permit applicant, or permit holder affected by a decision, action, interpretation, or determination other than an Order under Section 5.5 or a decision under Section 5.6 and 5.7 made or taken pursuant to this ordinance or to any permit issued hereunder, may file with the Administrator a written request for reconsideration with ten (10) working days of such decision, action, interpretation, or determination, setting forth in detail the facts supporting the User's request for reconsideration. The Administrator shall respond in writing five (5) working days.
- B. Any Person aggrieved by the response of the Administrator may appeal to the Authority Manager within ten (10) working days after the decision is issued. The appeal shall be in writing and shall state the grounds for the appeal.

SECTION 5.9 HEARING BY AUTHORITY MANAGER

The Authority Manager shall cause a hearing to be held:

1. Upon timely appeal of the summary suspension or revocation of a permit pursuant to Section 5.6.
2. Upon timely appeal of the Administrator's decision to refuse, discontinue, or terminate service pursuant to Section 5.7.
3. Upon timely appeal from a response upon reconsideration by the Administrator pursuant to Section 5.8.

SECTION 5.10 HEARING PROCEDURE

The Authority Manager shall hold the hearing within fifteen (15) working days following notice of the appeal. The applicant shall be given notice of said hearing at least five (5) working days prior to the hearing date.

The time and place of the hearing shall be fixed in said notice. The Authority Manager shall hear the permittee or User and all witnesses together with any proper documentary evidence offered in support of or against the Administrator's decision. The Authority Manager shall issue a written decision within five (5) working days of the conclusion of the hearing upholding, modifying, or overruling the Administrator's decision.

If, from evidence, the Authority Manager finds that substantial evidence exists to sustain the action of the Administrator, he/she shall order the appropriate action. If it is determined that no substantial evidence exists for the action taken by the Administrator, the Authority Manager shall overrule the decision of the Administrator.

SECTION 5.11 HEARING BY THE AUTHORITY BOARD

Any holder of a wastewater discharge permit or any User aggrieved by the written decision of the Authority Manager pursuant to Sections 5.9 and 5.10 may appeal such decision to the Authority Board.

SECTION 5.12 TIME LIMITATION PROCEDURE

An appeal to the Authority Board shall be made by filing a written notice of appeal with the Clerk of the Board no later than ten (10) working days after the decision of the Authority Manager is issued. The notice shall set forth grounds for appeal and the reasons why such appeal should be granted. Upon receipt of said petition the Clerk shall immediately forward a copy to the Authority Manager, who shall compile the record of the Manager's hearing for the Board's review.

SECTION 5.13 ACTION BY AUTHORITY BOARD

The Authority Board shall hear the appeal at its first available meeting following the receipt of the notice of appeal. On appeal, the Board shall review the record of the Authority Manager's hearing, conduct an additional hearing of the issues by the grounds for appeal (at which formal rules of evidence shall not apply), and exercise its independent judgment on the matter. The Authority Board may reverse or affirm, wholly or in part, any decision, termination or requirement of the Authority Manager or impose such conditions as the facts warrant. The decision of the Authority Board shall be final. The Authority shall annually publish in a qualified local newspaper a list of the Users which were not in compliance with any pretreatment

requirements or standards at least once during the twelve (12) previous months. The notification shall also summarize any enforcement actions taken against the Users during the same twelve (12) months.

SECTION 5.14 LEGAL ACTION

If any Person discharges sewage, industrial waste, or other wastes into the sanitary sewer system contrary to the provisions of this ordinance, Federal or State Pretreatment Requirements, or any order of the Authority, the General Counsel of the Authority may commence an action for appropriate legal and/or equitable relief in the Courts of this country. The General Counsel may also prosecute violations of stricter standards imposed by ordinances of any Member Agency, at that Member Agency's expense.

A. Any User who is found to have violated an order of the Authority or who failed to comply with any provision of this chapter and the orders, rules, regulations, and permits issued hereunder, shall be civilly liable in a sum not to exceed twenty-five thousand dollars (\$25,000) per day for each violation, pursuant to the standards and procedures of Government Code Section 54740. In addition to the penalties provided therein, the Authority may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation.

B. Any Person violating any of the provisions of this chapter shall be liable to the Authority for any expense, loss or damage occasioned the Authority by reason of such violation.

C. The Authority shall have the right to seek injunctive relief for noncompliance by Industrial Users with any provision of this ordinance or any order, decision, action, interpretation or determination hereunder.

D. These legal remedies are cumulative, not exclusive.

SECTION 5.15 MISDEMEANOR

Violation of any provision of this ordinance is a misdemeanor, and each day a violation occurs or continues shall constitute a separate offense. Each offense is punishable by a fine of not more than one thousand dollars (\$1000), confinement in jail for not more than six (6) months, or both.

SECTION 6 WASTEWATER USER CHARGES AND FEES

SECTION 6.1 TYPES OF CHARGES FOR INDUSTRIAL USER

The types of charges for industrial use may include, but are not limited to:

a. Fees for permit application

- b. Fees for monitoring, analytical laboratory services, inspections, and surveillance.
- c. Surcharges for BOD, TSS, volume and other discharge constituents.
- d. Other fees as the Authority may deem necessary to carry out the requirements contained herein.

SECTION 6.2 RATES AND CHARGES FOR MUNICIPAL SEWER SERVICE

Rates for municipal sewer service and charges for industrial Users shall be as fixed by resolution of the legislative bodies of the Member Agencies, a copy of which shall be kept on file at the Office of the Clerk of the Board. The charges established for the Industrial Users shall be based upon the measured or estimated constituents and characteristics of that User which may include, but not be limited to, BOD, TSS, COD, oil and grease, and volume of the wastewater.

SECTION 6.3 ESTABLISHMENT OF BOD/TSS

For the purposes of establishing the value of BOD/TSS for a commercial or industrial sewage, four or more representative samples shall be taken at reasonable intervals during the billing period. Those industrial or commercial establishments whose wastes are found to fall continually within the same BOD/TSS limits will be checked only at the request of the owner of said establishment or at the discretion of the Administrator. The average (BOD/TSS) value of the waste as determined by such samples shall apply for the entire billing period during which such samples are taken.

SECTION 6.4 WASTEWATER VOLUME DETERMINATION BY MEMBER AGENCIES

A. Meter Water Supply – User charges and fees shall be applied against the total amount of water used from all sources unless, in the opinion of the Member Agency, significant portions of water received are not discharged to a sanitary sewer. The total amount of water used from public and private sources will be determined by means of public meters or private meters installed and maintained at the expense of the User and approved by Member Agency.

B. Metered Wastewater Volume and Metered Diversions – For purposes of determining other than flat rate charges set forth by Council Resolution of any member Agency the volume of effluent discharged into the sanitary sewer and sewer service charge for such use shall be measured by an effluent meter installed at the User's expense and approved by the Program Administrator.

For Users, where, in the opinion of the Member Agency, a significant portion of the water received from any metered source does not flow in to the sanitary sewer because of the principal activity of the User of removal by other means, the User charges and fees will be applied against the volume of water discharged from such premises into the sanitary sewer. Written notification and proof of the diversion of water must be provided by the User if the User is to avoid the application of the User charges and fees against the total amount of water used from all sources. The User shall install a meter of a type and at a

location approved by the Member Agency at the User's expense. Such meters may measure either the amount of sewage discharged or the amount of water diverted. Such meters shall be tested for accuracy at the expense of the User when deemed necessary by the Program Administrator.

C. Estimated Wastewater Volume

1. Users Without Source Meters - For Users where, in the opinion of the Member Agency, it is unnecessary or impractical to install meters, the quantity of wastewater may be based upon an estimate prepared by the Member Agency and shall be considered as conclusive. This estimate shall be based upon a rational determination of the wastewater discharged and may consider such factors as the number of fixtures, seating capacity, population equivalent, production of goods and services or such other determinations of water use necessary to estimate the wastewater volume discharged.

2. Users With Source Meters – For Users who, in the opinion of the Member Agency divert a significant portion of their flow from a sanitary sewer, the User charges may be based upon an estimate of the volume prepared by the User, provided the obtains a wastewater discharge permit and pays the applicable User charges and fees. The estimate must include the method and calculations used to determine the wastewater volume and may consider such factors as the number of fixtures, seating capacity, population equivalents, production of goods and services, or such other determinants of water use and necessary volume discharge.

SECTION C SEVERABILITY

If any section, subsection, subdivision, sentence, clause, phrase, or word of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Authority hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid or unconstitutional.