

HOME GARDENS SANITARY DISTRICT

OPERATIONS CODE (Updated September 2019)

TABLE OF CONTENTS

| | | |
|---------------|--|----|
| CHAPTER 1 | GENERAL..... | 1 |
| ARTICLE I. | GENERAL PROVISIONS | 1 |
| ARTICLE II. | DEFINITIONS | 3 |
| ARTICLE III. | CLAIMS PROCEDURE | 5 |
| CHAPTER 2 | ORGANIZATIONAL INFORMATION..... | 6 |
| ARTICLE I. | ORGANIZATION AND AUTHORITY | 6 |
| ARTICLE II. | BY-LAWS | 9 |
| ARTICLE III. | FINANCIAL | 14 |
| CHAPTER 3 | GENERAL SEWER REGULATIONS..... | 18 |
| ARTICLE I. | SEWER CONSTRUCTION, INSPECTION, AND FEES | 18 |
| ARTICLE II. | ANNEXATION BY OWNERS AND CONSTRUCTION OF SEWER BY SUBDIVIDERS, DEVELOPERS | 22 |
| ARTICLE III. | SEWER USE. | 23 |
| CHAPTER 4 | SEWER SERVICE AND CAPACITY CHARGE..... | 26 |
| ARTICLE I. | SEWER SERVICE CHARGES | 26 |
| ARTICLE II. | CAPACITY CHARGE AND EQUITY BUY-IN | 30 |
| CHAPTER 5 | PRETREATMENT..... | 33 |
| ARTICLE I. | REGULATIONS AND COMPLIANCE..... | 33 |
| ARTICLE II. | GENERAL SEWER USE REQUIREMENTS..... | 42 |
| ARTICLE III. | PRETREATMENT OF WASTEWATER..... | 46 |
| ARTICLE IV. | INDIVIDUAL WASTEWATER DISCHARGE PERMITS..... | 50 |
| ARTICLE V. | INDIVIDUAL WASTEWATER DISCHARGE PERMIT ISSUANCE | 54 |
| ARTICLE VI. | REPORTING REQUIREMENTS..... | 60 |
| ARTICLE VII. | COMPLIANCE MONITORING..... | 68 |
| ARTICLE VIII. | CONFIDENTIAL INFORMATION..... | 70 |
| ARTICLE IX. | PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE..... | 71 |
| ARTICLE X. | ADMINISTRATIVE ENFORCEMENT REMEDIES..... | 73 |
| ARTICLE XI. | JUDICIAL ENFORCEMENT REMEDIES..... | 80 |
| ARTICLE XII. | SUPPLEMENTAL ENFORCEMENT ACTION..... | 82 |
| ARTICLE XIII. | MISCELLANEOUS PROVISIONS..... | 85 |
| CHAPTER 6 | WASTE DISCHARGE REGULATIONS..... | 87 |
| ARTICLE I. | STATE WATER RESOURCES CONTROL BOARD WASTE DISCHARGE REQUIREMENTS | 84 |

| | |
|---|----|
| ARTICLE II. PRIVATE PROPERTY AND LATERAL MAINTENANCE | 86 |
| ARTICLE III. FAT, OILS, AND GREASE | 88 |
| ARTICLE IV. DAMAGE TO DISTRICT PROPERTY | 90 |
| ARTICLE V. COST RECOVERY | 91 |
| ARTICLE VI. INTERFERENCE WITH THE DISTRICT'S SEWER FACILITIES, EASEMENTS AND APPURTENANCES PROHIBITED..... | 95 |

CHAPTER 1

General

ARTICLE I. GENERAL PROVISIONS

1.01.010. TITLE.

These General Regulations shall be known as the Home Gardens Sanitary District Operations Code.

1.01.020. CONTINUATION OF EXISTING LAW.

Except as noted, the provisions of this Code, which are substantially the same as existing regulations, shall be construed as restatements and continuations, and not as new enactments.

1.01.030. PENDING PRECEEDINGS.

Any action or proceeding commenced before this Code takes effect and any right accrued is not affected by this Code, but all procedure thereafter taken therein shall conform to the provisions of the Code.

1.01.040. SEVERABILITY.

If one or more provisions of these General Regulations are for any reason held to be invalid, the Board of Directors hereby declare that they would nevertheless have adopted the remainder of these General Regulations.

1.01.050. MISDEMEANOR.

Any Violation of these General Regulations is a misdemeanor punishable by fine of up to \$1,000.00 or by imprisonment up to thirty (30) days (Health & Safety Code Section 6523.)

1.01.060. AMENDMENTS TO THIS CODE.

These General Regulations may be amended by the Board of Directors at any regular, special or adjourned meeting. Such amendment may be by reference to existing section or paragraph numbers of this Code or by adding new sections or paragraphs. The revised language of any such section or paragraph, or the language of any section or paragraph, shall be set forth in full. Such amendments shall be published or posted as required for general regulations (Health & Safety Code Section 6490). Amendments prescribing or revising fees, tolls, rates, rentals, or other charges must be by two-thirds vote (Health & Safety Code Section 6520.5). The provisions of California Constitution Article XIIID may also apply.

1.01.070. TIME LIMIT FOR JUDICIAL REVIEW.

Pursuant to Section 1094.6 of the Code of Civil Procedure, the Board of Directors has limited the administrative mandamus statute of limitations to ninety days.

ARTICLE II. DEFINITIONS

1.02.010. SEWERAGE SYSTEM.

Those pipe line and plant facilities and appurtenances constructed, maintained and operated by the District primarily for the collection of sewage and the conveyance thereof to the Sewage Treatment Plant for the treatment of the sewage.

1.02.020. LATERAL.

A sewer lateral is that entire underground pipe connection between the main and the structural improvements on private property and shall include both the portion on private property and the portion in the public or District right of way.

1.02.030. SEWERAGE FACILITIES.

Sewer Main shall also include the phrases "main sewer line" and "main sewer". A sewer main is the underground pipe structure in the public or District right of way, which acts as a gathering system for multiple sewer laterals.

1.02.040. SEWAGE.

The term "sewage" as used and referred to herein is defined as a combination of water or waterborne wastes conducted from a premises.

1.02.050. PERSON.

The term "person" as used and referred to herein shall mean and include individuals, partnerships, associations and corporations.

1.02.060. DISTRICT.

The word "District" as used herein shall mean the Home Gardens Sanitary District.

1.02.070. PREMISES.

Premises as used herein refers to and shall include a lot or parcel of land, a building or establishment.

1.02.080. BOARD OR DISTRICT BOARD.

Is the governing body of the Home Gardens Sanitary District.

1.02.090. DWELLING UNIT.

Dwelling unit is defined as separate living quarters for one (1) or more persons having separate kitchen facilities or toilet facilities and being a single family dwelling or quarters situated in a duplex, apartment, multiple dwelling, court, trailer court, mobile home park, hotel, condominium, etc.

ARTICLE III. CLAIMS PROCEDURE

1.03.010. STATUTORY AUTHORITY.

The provisions of this chapter recognize that the general claims procedures applicable to local public agencies, including this District, are governed by the provision of Chapter 1 of Division 3.6 of the Government Code of the state, commencing with Section 900 and following as stated in Health & Safety Code section 6805.

1.03.020. SPECIAL CLAIMS PROCEDURE FOR CONTRACTS AND OTHER CLAIMS.

- (a) Pursuant to the authority contained in Section 935 of the Government Code of the state, the following claims procedures are established for those claims against the district for money or damages not now governed by state or local laws.
- (b) Notwithstanding the exemptions set forth in Section 905 of the Government Code of the state, all claims against the District for damages or money, when a procedure for processing such claims is not otherwise provided by state or local laws, shall be presented within the time limitations and in the manner prescribed by Sections 910 through 915.2 of the Government Code of the state. Such claims shall further be subject to the provisions of Section 945.4 of the Government Code of the state relating to the prohibition of suits in the absence of the presentation of claims and action thereon by the Board.

1.03.030. FILING.

All claims or demands against the District shall be filed with the District Manager and shall be presented by the District Manager to the Board for approval or rejection, whether in whole or in part, if such presentation is required by law.

CHAPTER 2

ORGANIZATIONAL INFORMATION

ARTICLE I. ORGANIZATION AND AUTHORITY

2.01.010. AUTHORITY.

The Home Gardens Sanitary District was organized in 1957 under the provisions of the Health & Safety Code of California.

2.01.020. DISTRICT BOARD.

The District Board consists of five Directors, including the President and Secretary.

2.01.030. ELECTION OF DIRECTORS.

General District Elections are held in odd numbered years pursuant to the Uniform District Election Law. Elections are held pursuant to the Health & Safety Code and Elections Code. Candidate's statements shall be limited to 200 words or less. Each candidate shall pay his/her own costs for such statements.

2.01.040. BOARD OFFICERS.

Those certified as elected shall enter office upon taking the oath of office. The Board shall select a President and a Secretary from among its members. Selection shall be made as soon as practicable after the results of a District election have been certified and the officers have taken their oaths of office.

2.01.050. COMPENSATION.

Pursuant to the provisions of Health & Safety Code Section 6489, compensation is set for each day's attendance at the Board meeting, or for each day's service rendered as a director at the request of the Board, the sum of two hundred and twenty seven dollars (\$227.00) per day, not to exceed a total of six days in any calendar month. If authorized by the Board, The Secretary/Treasurer shall be entitled to be paid on a different basis in accordance with Health and Safety Code Section 6489.

2.01.060. ETHICS TRAINING, BOARD COMPENSATION, AND REIMBURSEMENTS.

- (a) Board Members shall attend ethics training as required by said Law. The District Manager shall be responsible for advising Board Members of the requirements of this law.

- (b) The types of meetings for which daily compensation shall be paid to Directors shall be the following:
1. Board meeting.
 2. Attendance at subcommittee meetings of the Board.
 3. Attendance at Western Riverside County Regional Wastewater Authority meetings.
 4. Attendance at educational and training sessions and conferences authorized by the Board.
 5. Attendance at other government agency meetings involving the Board's business, including, but not limited to, the Riverside Local Agency Formation Commission, the Riverside Board of Supervisors, the Santa Ana Watershed Project Authority, the Santa Ana Regional Water Quality Control Board, and others.
- (c) In addition to monthly per diem payments, Board Members shall also be entitled to lodging, mileage, meals, and similar reimbursements, provided they do not exceed the government or group rates charged. All such requests for compensation shall be on District forms showing compliance with this policy.
- (d) Board members shall submit a report at the next Regular meeting of the Board describing the event attended.

2.01.070. CONFLICT OF INTEREST.

The District has adopted the model conflict of interest code as set forth in Regulation 18700 of the Fair Political Practice Commission and its own appendix and will review said appendix on a regular basis as required by law. The Board members and the District's officers and employees shall comply with said Code.

2.01.080. BOARD MEETINGS.

Regular meetings shall be held once a month, on the fourth Tuesday of each month at 7:30 p.m. at the principal office of the District, unless notification is otherwise given. Special Meetings will be held as called by the President or three Directors.

2.01.090. PRINCIPAL OFFICE.

The principal office of the District is at 13538 Magnolia Ave., Riverside County, California (mailing address) 13538 Magnolia Ave., Corona, CA 92879, or at such other location as the Directors shall determine from time to time.

2.01.100. BY-LAWS.

The organization of the District is governed by the By-Laws on file set forth herein.

2.01.110. BROWN ACT.

The provisions of the Ralph M. Brown Act shall be observed for all Board business.

2.01.120. APPOINTMENT.

That as soon as practicable after the results of a District election have been certified and the officers have taken their oaths, other appointments to various bodies shall also be made.

2.01.130. DISTRICT MANAGER.

The Board may appoint a District Manager to plan, manage, and operate the District and to report to the Board. Said duties may be more fully set forth in the District's job description for said position and in any employment contract with said person which shall be kept with the District's official records.

2.01.140. DISTRICT ENGINEER.

The Board may appoint an engineer to design various projects for the District and to render engineering advice to the District.

2.01.150. DISTRICT COUNSEL.

The Board may appoint a general counsel to provide it with legal advice and render other legal services. The duties to be provided shall be set forth in said Attorney's retainer agreement.

2.01.160. JOINTS POWERS AUTHORITY AND OTHER SHARED SEWER SERVICES ARRANGEMENTS.

The District is a member of the Western Riverside County Regional Wastewater Authority (WRCRWA), a joint powers authority, formed to construct and operate a regional wastewater conveyance, treatment and disposal system. Pursuant to that agreement, as amended, the District's sewage is treated and disposed of through a sewer treatment plant that is jointly owned. District also has arrangements with Western Municipal Water District of Riverside County, a municipal water district, to provide various services to District.

ARTICLE II. BY-LAWS

2.02.010. MEMBER.

The Board of Directors of the District consists of five members elected as provided by law.

2.02.020. GOVERNING POWER OF THE DISTRICT.

The Board of Directors is the governing power of the District, and exercises all District powers, except the making of an assessment roll in the first instance.

2.02.030. QUORUM.

Vote required for Action. The Board of Directors shall act only at a regular, special, or adjourned meeting duly held, and at which a quorum is present. Three Directors shall be required for a quorum. Except as otherwise provided by law or herein, no action of the Board shall be valid for any purpose unless adopted by the vote of a least three members.

2.02.040. GENERAL REGULATIONS.

A general regulation of the Board shall be entered in its minutes, and shall be published once in a newspaper published in the District, if there is one, and if not, then it shall be posted for one week in three public places in the District. A subsequent order of the Board that publication or posting has been made in conclusive evidence that the publication or posting has been properly made. A general regulation takes effect upon expiration of the week of publication or posting.

2.02.050. ORDER NOT ESTABLISHING GENERAL REGULATION.

Unless otherwise provided by law, an order of the Board not establishing a general regulation need not be published or posted, but shall be entered in the minutes and shall take effect upon the entry in the minutes.

2.02.060. VACANCIES.

Vacancies in the membership of the Board shall be filled for the unexpired term by appointment term by appointment by a majority of the remaining members of the Board.

2.02.070. DELEGATION.

To the extent permitted by law, the Board of Directors may delegate to the president and other officers and employees of the District the authority to act for the District.

2.02.080. COMPENSATION.

Each of the members of the Board shall receive the compensation provided by law.

2.02.090. PRESIDENT.

At its first regular meeting in July of each year, the Board of Directors shall elect one of its members president. The President may not hold the office of secretary or assistant Secretary. The President shall preside at meetings of the Board and shall be the principal executive officer of the District, with general supervision over the affairs of the District. The Board may delegate to the President the authority to appoint employees to carry on the work of the District. The President shall sign all contracts, deeds, warrants, releases, receipts, and documents of the District and the minutes of the Board. In case of the President's absence or inability to act, the Board shall choose one of its other members President pro tem.

At any time, the Board may remove the President from the office of President and elect another Director President in his place. The President shall receive no compensation other than that due him as a Director.

2.02.100. SECRETARY.

The Secretary shall be chosen by the Board of Directors, and shall serve at its pleasure. The Secretary may (but need not) be a director, but may not be President. The Secretary may be the Treasurer and may be known as the "Secretary/Treasurer". Whenever a Secretary /Treasurer is appointed, that person shall comply with all duties of Secretary and of Treasurer. The Secretary shall have custody of the seal and records of the District; all such records shall be kept public except as otherwise required by law. The Secretary shall countersign all contracts, deeds, warrants, releases, receipts, and documents of the District and the minutes of the Board, and shall affix the District seal thereto. The Secretary shall maintain all financial records of the District. The secretary shall receive compensation to be set by the Board, not to exceed the amount allowed by law, which compensation shall be in lieu of any other compensation to which that person may be entitled by reason of attendance at the meeting or meeting of the Board. The Secretary shall perform such other duties as may be given that person by the Board. The Secretary may be paid the sum of \$62.50 per hour while performing plumbing inspection services. In case of the Secretary's absence or inability to act, the Board shall choose another qualified person as

Secretary pro tem. The Board may appoint one or more assistant Secretaries to assist the Secretary and to act in that person's stead, under such rules as the Board and/or the Secretary shall prescribe.

2.02.110. SELECTION OF PRESIDENT AND SECRETARY/TREASURER BY ROTATION.

The offices of President and Secretary/Treasurer shall have one year terms and shall be filled in accordance with the following rotation procedure.

- (a) The Board member who has the longest consecutive Board service shall become President.
- (b) In the event that two Board members have the same length of service, the one receiving the greater number of votes in their last Board election shall become President. If any person declines his/her term as it comes by in rotation, that person shall remain in the same place in the rotation cycle as if he/she had served.
- (c) The Board shall endeavor to arrange the order in such a way as to allow every Board member the opportunity to be President.
- (d) The above rules shall be applied so that each person serving may be allowed to a full term as President if possible. In the event of a vacancy, the Board may elect any member to fill the balance of the term.
- (e) The election of Secretary/Treasurer shall be in accordance with the above selection procedure, except that the Secretary/Treasurer shall be the person with the next greatest qualification.

2.02.120. ATTORNEY.

The Board may appoint an attorney or Attorney or Attorneys to act as legal advisers to the Board and to perform such other legal services as shall be determined by the Board. The compensation of the Attorney of the District shall be fixed by the Board. Notwithstanding such appointment, the District may utilize the legal services of the District Attorney/and or County Counsel of the County, in the manner provided by law.

2.02.130. TREASURER.

The Treasurer shall be appointed by the Board, and serve at its pleasure. The Treasurer may be a Director, and may hold the office of President or Secretary. The Treasurer need not be a Director. The Treasurer shall be responsible for the deposit and withdrawal of funds of the District and shall have a surety bond on file with the Board.

2.02.140. PRINCIPAL OFFICE.

The principal office of the District shall be at such location as the Directors shall determine from time to time. Until further action by the Board of Directors, the principal office of the District shall be located at 13538 Magnolia Ave., Corona, California.

2.02.150. MEETINGS OF THE BOARD.

All meetings of the Board of Directors shall be public, unless otherwise provided by law.

2.02.160. REGULAR MEETINGS.

Regular meetings of the Board of Directors shall be held on the fourth Tuesday of each month, at the principal office of the District, at 7:30 P. M.

2.02.170. SPECIAL MEETINGS.

Special meetings of the Board may be held at any time and place, when called by the President or any three Directors.

Unless the call for such special meeting otherwise specifies, the meeting shall be held at the principal office of the District.

Notice of such meetings shall be given to each of the Directors as follows:

- (a) Such notice shall be in writing.
- (b) Such notice shall be delivered to each Director personally or by mail and received at least 24 hours before the time of the meeting, the address to which such notice shall be mailed shall be the address of each director as it appears upon the records of the District.

2.02.180. ADJOURNED MEETING.

Any regular, special, or adjourned meeting may be adjourned by the Board to a later time and place.

2.02.190. SEAL.

The District shall have and maintain a seal, described as follows:



A seal consisting of a circle with concentric lines and the words HOME GARDENS SANITARY DISTRICT, with a bar across with the words SERVING PROUDLY SINCE 1957. The background is blue and in the inner seal is a picture of mountains with clouds and sky above.

ARTICLE III. FINANCIAL

2.03.010. TREASURER.

Pursuant to Health and Code Section 6001, the District shall appoint a treasurer to be responsible for the safekeeping, investment and payment of District monies. A surety bond shall be fixed by the Board and maintained at all times. The Board has determined that a master bond may be used that meets the requirements of Government Code Section 1481. All money of the District shall be promptly deposited by the treasurer in approved institutions in the manner provided by law.

2.03.020. STAFF EXPENSES.

No staff person or any other person shall incur any expense for reimbursement for travel, conferences, meetings, seminars or related matters without Board approval.

2.03.030. ADMINISTRATION OF FUNDS.

Pursuant to the authority of Health and Safety Code Section 6801, the Board has determined to administer its own funds and has done so by Resolution 303. The District's treasurer shall administer, pay out, invest and otherwise be responsible for the handling of District funds. The treasurer shall be authorized to open and maintain accounts in institutional depositories qualifying pursuant to Government Code Sections 53530 through 53683 to administer said funds.

2.03.040. EXPENDITURES.

In accordance with Health and Safety Code 6794, all warrants shall be approved by a resolution, which sets forth the name of the payee, the fund from which paid, and the general purpose of the payment.

2.03.050. SIGNATURES FOR WITHDRAWALS OF FUNDS.

The signature of the President and Secretary/Treasurer shall both be required on any instrument withdrawing funds from District accounts. A facsimile signature may be used for such purpose.

2.03.060. ORDERS FOR PAYMENT.

The Treasurer shall pay out money of the District only upon the written order of the Board, signed by the President and countersigned by the Secretary. The order shall specify the name of the person to whom the money is to be paid and fund from which it is to be paid, and shall state generally the purpose for which the payment is to be made. The order shall be entered in the minutes of the Board. The Treasurer shall keep all such orders and shall keep a specific account of receipts and disbursements for the District.

2.03.070. RUNNING EXPENSE FUND.

In a fund called "Running Expense Fund (General Fund) of Home Gardens Sanitary District" the Treasurer shall place and keep the money levied by the Board for that fund, together with all other money of the District, which is not required by law or by these by-laws to be deposited in some other fund. The whole or any part of the money in the Running Expense Fund shall be transferred to any other fund on the order of the Board. The Board may direct payment from the Running Expense Fund for any lawful purpose of the District.

2.03.080. BOND FUND.

In a fund called "Bond Fund of Home Gardens Sanitary District" the Treasurer shall keep the money levied by the Board for that fund or ordered by the Board to be transferred to that fund. While any bonds are unpaid, no part of the money in the Bond Fund may be transferred to any other fund or used for any purpose other than the payment of the principal and interest of the bonds of the District and for retirement of bonds that have been issued by District.

2.03.090. PURCHASE OF UN-MATURED BONDS.

Notwithstanding any other provision of these by-laws, the Board may, out of any surplus funds remaining in the Bond Fund, the Running Expense Fund, (General Fund), or the Sewer Construction Fund, purchase in the open market its outstanding un-matured bonds. No such bonds shall be purchased at a price above par and accrued interest plus an allowance of six months interest from the date of purchase. All bonds so purchased shall be canceled.

2.03.100. DISTRICT MONEY AND INVESTMENT.

The following shall be District's Investment Policy:

- (a). The District shall diversify its investments to protect against losses to any one fund.
- (b). District investments shall be placed in a manner that protects the principal from losses that provides adequate liquidity for operating expenses, and provides for a high yield. However, safety shall be the primary concern, followed by liquidity and only then, yield.
- (c). Government Code Section 53635 sets forth the types of investments that can be made by the District. Notwithstanding what the statute allows, this District shall only invest in the following types of investment unless Board action is taken at a properly noticed meeting to invest in a different investment, and said action is recorded in the minutes.

Authorized investments are:

U.S. Treasury Bills

U.S. Treasury Notes

U.S. Treasury Bonds

Certificates of Deposit that are insured

Local Agency Investment Fund (LAIF)

Investment with the County Treasurer

- (d). The Board shall review this statement of investment policy at least annually at a public meeting. The Manager shall report to the Board on a monthly basis about the status of the investment accounts. At least quarterly a report shall be made showing type of investment, issuer, date of maturity, par and dollar amount invested, and monies held by contracted parties and a current market value. The report shall also verify compliance with the Statement of Investment Policy. LAIF statement may be provided in lieu of the forgoing.
- (e). The Manager shall continue to develop internal procedures to protect the District's money. Such procedures shall include the requirement of two signatures for withdrawals or transfer of money. At least one such signature shall be that of the Secretary/Treasurer. Other Procedures shall require that original statements shall be requested showing the status of investments. Physical delivery is required of securities by way of book entry, physical delivery or third party custodial agreement, which may be in a bank trust department.
- (f) Consistent with the small size of the organization, the Manager shall institute such internal control on the handling of cash that may be feasible and shall report to the Board as to what those procedures are.
- (g) The Manager shall remain vigilant to insure that fidelity bonds and/or insurance against embezzlement or theft is always in place and shall report to the Board at least annually on the status of those coverages.
- (h) The District shall manage its investment in accordance with the "prudent investor standard" and must act with the care, skill, prudence and diligence that a person would use in his own affairs.

2.03.110. COMPETITIVE BIDDING-PUBLIC WORKS.

- (a) For public works projects in excess of \$15,000 in value, the project shall be left to the lowest responsible responsive bidder in accordance with the procedures set forth in Public Contract Code Section 20800 et seq.
- (b) In an emergency, the procedures of Public Contract Code Section 20806 and 22050, or any successor statute, shall apply. The District Manager is authorized to order emergency work pursuant to Public Contract Code Section 22050 and if such action is ordered, the District Manager shall report to the Board at successive regular meetings stating the justification for continuing with the emergency work.
- (c) If the public works project is \$15,000 or less in value, the purchasing procedures set forth below shall be utilized.

2.03.120. PURCHASING.

The procedures to be followed in purchasing property or for having work performed that is not required to be bid in accordance with the Public Contract Code, shall correspond to the following dollar amounts:

- (a) \$15,000 or less - The District Manager shall attempt to obtain the best price for the District but will not be required to competitively bid the contract or purchase.
- (b) Over \$15,000 - The job shall be competitively bid in a manner that ensures competitive bidding by qualified bidders and the Board shall make the award.

2.03.130. EXCEPTIONS.

When allowed by state law, exceptions from the competitive bidding regulations shall include sole source procurement, the services of engineers, attorneys and other professionals, and whenever the public's interest may otherwise be served by dispensing with the bidding procedure, provided that the Board shall disclose on the record and in the minutes of the meeting how the public interest was served by foregoing the bidding process.

2.03.140. SIGNATURES ON CONTRACTS:

In accordance with the Health and Safety Code Section 6487, all contracts must generally be signed by the President and countersigned by the Secretary. Purchase orders and contracts for purchases and/or work of \$15,000 or less may be signed by the District Manager on behalf of the District.

2.03.150. RATIFICATION.

All contracts and purchase orders implemented by the Manager under the authority granted under this Ordinance shall be ratified by the Board on the disbursement sheet of the monthly agenda and with such documentation or explanation as may be appropriate.

2.03.160. DEBARMENT.

The District shall not knowingly do business with any person, firm, corporation, or any other entity convicted of any felony.

CHAPTER 3

GENERAL SEWER REGULATIONS

ARTICLE I. SEWER CONSTRUCTION, INSPECTION, AND FEES

3.01.010. CONSTRUCTION CODE:

- (a) Pursuant to Health & Safety Code Section 6491.1, 6491.2, and 17910 et seq. and Government Code Section 50021.1 et seq. the District does hereby adopt the California Plumbing Code, in the latest edition adopted by the State in the California Administrative Code. A complete copy of said code shall be kept on file at the District office.
- (b) The Administrative Authority is the District Manager of this District.
- (c) Said code shall be applicable for the District's regulation or prescription of standards for the installation of plumbing inside buildings and structures.
- (d) Said code shall be and hereby is applicable except as otherwise may be provided herein, only as regards sewage lines (including construction, maintenance, alteration, and relocation), effluent discharge and regulation of all disposal facilities which do or will discharge sewage into the lines of this District or which may adversely affect in any way the District sewage and treatment facilities.
- (e) All drainage and sewage lines which discharge or will discharge into District lines shall be constructed with a clean out at the property line.

3.01.020. INSPECTIONS:

All inspections will be made only when the permittee has the work open and ready for inspection. Permittees shall locate their own private sewage disposal facilities and shall have the same ready for inspection at the same time that inspection is made of the connection to the existing District facilities.

3.01.030. LICENSED CONTRACTORS:

All sewer line installations and connections shall be made either by the property owner or a contractor licensed by the State of California to do such work.

3.01.040. DEPOSIT REQUIRED:

The Board of Directors of the District shall have the right to require any person liable to pay any charge herein fixed, to make reasonable deposit with the District to insure collection of those charges.

Persons applying for new development shall be required to deposit processing fees in an amount as may be determined by the Manager, but not less than \$500.00, and shall pay to the District its actual processing costs according to the following schedule:

- (a) Engineer's fees - actual + 25%
- (b) Attorney's fees - actual + 25%
- (c) Manager's fees \$62.50 per hour
- (d) Inspections at \$62.50 per hour
- (e) Other extraordinary cost

3.01.050. CONDITIONS AND REQUIREMENTS FOR SUBDIVIDERS AND DEVELOPERS:

Sub dividers, developers and other persons desiring to develop property requiring installation of main line sewers shall comply with the following requirements:

- (a) Shall comply with all requirements of the County of Riverside.
- (b) Plan Checking.
All plans and specifications for such systems must be approved in advance by the District and shall be subject to plan checking fees and deposits as set forth in Section 3.01.040 of this Code.

3.01.060. INSPECTION FEES:

Inspection fees for main line sewers and laterals to property lines shall be paid at the rates set forth in Section 3.01.040 for actual inspection time required. A deposit against said cost shall be made. No sewer line construction shall be commenced and no inspection shall be made by District until such deposit has been made. District shall refund any excess and underage shall be paid to District prior to acceptance. No actual connection to the District lines will be permitted until the sewer lines have been installed, inspected and approved by the District. A two-day notice should be given to the District Inspector in advance of inspection that may be required. The sewer line installation shall be made in such manner as to minimize required trips and time for inspections by the District Inspector. Sewer lines, which have not been inspected and approved by the

District, shall not be covered over, and no sewer line shall be permitted to be used unless inspected and approved.

3.01.070. BOND:

Prior to commencement of construction involving any street, highway or public easement, each contractor shall post an authorized surety bond in the amount determined as reasonable by District's Manager, but in no event less than \$2,000.00, guaranteeing installation of said sewage lines and guaranteeing, for one year after completion, against any damage or injury of any nature whatsoever to District's lines, facilities, or other property. Each contractor shall also furnish a policy of insurance, naming the District as an insured, and insuring against any liability resulting from the work; such policy shall be for not less than the following amounts:

\$1,000,000.00 for each person and \$2,000,000.00 for each occurrence, with respect to bodily injury, and \$500,000.00 with respect to property damage.

3.01.080. FEES:

The subdivider or developer shall pay: the fees as prescribed in Section 4.02.010, including permit fees and capacity/equity buy-in fees for each house, structure or dwelling unit which will connect with the system of the District or the main line system in the development. Such permit shall be obtained and the fees paid prior to any installation of said laterals.

3.01.090. TESTING:

All sewer lines shall be subject to tests as directed by the District or its authorized representative. All such tests shall be conducted at no cost to the District.

3.01.100. MANHOLES:

New manholes shall be precast concrete and constructed to District specifications and standard drawings. All street sewers including lines in easements shall terminate in a manhole except house connections, unless good cause is shown for a waiver. Manhole covers for new manholes shall be round and conform to District's Standard Drawing S-1, or superseding drawing unless otherwise required by the County of Riverside. The existing inventory of square covers may be used as replacement covers until the supply is exhausted.

3.01.110. MAIN LINES:

All main sewer lines shall be in public streets or rights of way unless permission to place the same in private easement has been obtained from the District in advance. All sewer lines shall be of the wedge lock or speed seal type design. Hot pour joints are not permitted.

3.01.120. LATERALS:

All laterals from the main line shall run to the property or lot lines.

3.01.130. OWNERSHIP OF MAIN SEWER LINES:

When all main sewer lines have been completed, inspected and approved by the District, the same shall become the property of the District so far as all lines are contained within public rights-of-way or easements, and the sub divider or developer shall execute any instruments necessary to convey the same to District, together with any easements (if any there be) as required by the District.

3.01.140. REQUIREMENTS & WAIVER:

All requirements shall otherwise meet existing regulations of the District and no departure from the above requirements shall be made without advance special permission from the Board of Directors. The Board of Directors may give special permission for departure from said requirements upon good cause shown.

**ARTICLE II. ANNEXATION BY OWNERS AND CONSTRUCTION
OF SEWER BY SUBDIVIDERS, DEVELOPERS**

3.02.010. ANNEXATION AND REQUIREMENTS:

As a condition precedent to annexation to the District, the owners of property requesting annexation shall pay to the District the following sums:

- (a) Processing Costs.
The actual cost of preparation of maps, legal descriptions, publication charges, any and all other charges applicable to the annexation.
- (b) Annexation Fees.
Front footage fees, lot fees, acreage fees, or other fees constituting a condition of annexation shall be prescribed by the Board of Directors in each proceeding based upon the facts involved.
- (c) Deposit of Estimated Processing Costs.
As a matter of policy, the Board of Directors will not act favorably upon any annexation proposal unless the proponents have deposited with the District the estimated cost of an adequate investigation by the District. Accordingly, the proponents should deposit with the District, prior to initiation of annexation proceedings, the estimated amount of the processing costs referred to in Subsection (a), above.

3.02.020. ADJUSTMENT OF COSTS & FEES

The District Board reserves the right to adjust the above costs and fees or provide for additional terms and conditions at or before any meeting or public hearing on any annexation.

ARTICLE III. SEWER USE.

3.03.010. INDUSTRIAL SEWAGE:

All industrial sewage discharged into District lines shall be subject to all of the existing ordinance and requirements of the Western Riverside County Regional Wastewater Authority, State of California, and such as may hereafter be established.

3.03.020. PROHIBITION:

No cesspools, septic tanks, or other private sewage facility shall be emptied into District lines.

3.03.030. SWIMMING POOLS:

No swimming pool may be drained into District lines unless the property owner or representative has first contacted the District to advise it of the same and received the District's consent to such deposit of pool water. The District may deny the permission to drain the swimming pool into District lines because of capacity problems in the District's system and may request that the draining of the pool occur at a nonpeak flow period or after the line has been cleaned or cleared.

3.03.040. RESPONSIBILITY:

Owners of real property shall be liable for payment of sewer service charges for their premises although payments may be accepted from tenants. A statement of sewer service charges shall be sent to owners at their address as shown on the latest assessment roll of the assessor of the County of Riverside unless any such owner notifies the District of a different mailing address.

3.03.050. LINES ON PRIVATE PROPERTY:

All persons shall keep their sewer connections and laterals in good order at their own expense and shall be liable for damages, which may result from failure to do so. A District Inspector shall be admitted at all reasonable hours at all parts of any premises connected with the sewerage system for the purpose of checking any facilities herein mentioned and establishing sewer service charges as herein provided.

3.03.060. CONTROL MANHOLE:

When required by the District, the owner of any property shall install a suitable control manhole located on private property to facilitate observation, sampling or measurement of waste. Such manhole shall be constructed in accordance with plans approved by the District. The manhole shall be installed by the owner at his/her expense and shall be maintained by him/her.

3.03.070. GREASE, OIL OR SAND INTERCEPTORS:

Grease, oil or sand interceptors shall be provided when, in the opinion of the District Engineer, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, sand and other harmful ingredients. Type and capacity shall be approved by the District Engineer before installation. Interceptor shall be cleaned and maintained by owner.

3.03.080. "PRIVATE DISPOSAL SYSTEMS"

- (a) "Private disposal systems" are defined as individual disposal systems that are not connected to District's sewage collection and treatment system. Private disposal systems include septic tanks, cesspools, and other similar individual disposal systems.
- (b) Cesspools, septic tanks, or other private sewage facilities are prohibited, except as expressly provided herein.
- (c) For those persons with private disposal systems that were lawful when installed, use of those systems shall be allowed until:
 - i. the private disposal system fails, at which time owner of such property shall connect to District's sewage collection system, or
 - ii. it is determined by the County Health Officer or other appropriate governmental representative that the private collection system constitutes a health hazard, at which time the owner of such property shall connect to District's collection system, or
 - iii. the ownership of the property is transferred, at which time the new owner of such property shall connect to District's sewage collection system.
- (d) All connections shall be made in accordance with the provision of this Operations Code and all applicable fees shall be paid and inspections obtained.
- (e) For these lawful private disposal systems for which a connection fee advance has already been paid, there shall be no charge for the connection capacity fee, but the owner shall be responsible for all costs related to actual connection at the time of abandonment of the private disposal system.
- (f) For persons who have not paid a connection fee advance, a connection fee shall be paid at the current rate, along with any other charges related to connection to the District's system.

- (g) For persons with lawful private disposal systems, such Notices shall be given and/or recorded by the Manager so as to provide actual or constructive notice of the Operations Code with respect to lawful private disposal systems.

3.03.090. TIME LIMIT:

Where private sewage system disposal facilities are being abandoned consequent to connection to District's system, the back-filling and inspection of the same shall be complete within ten days of the connection to the District lines.

CHAPTER 4

SEWER SERVICE AND CAPACITY CHARGE

ARTICLE I. SEWER SERVICE CHARGES

4.01.010. SEWER SERVICE CHARGES.

Every person whose premises in the District are served by a connection with the system of sewerage of the District, whereby the sewage or industrial wastes, or either or both, are disposed of by the District, shall pay a sewer service charge as follows based on the dates indicated, which is based on the following formula and the factors set forth in the report prepared for the Board of Directors at the public hearing held on June 2, 2015:

| | | July 1 2015 | July 1 2016 | July 1 2017 | July 1 2018 | July 1 2019 |
|---|-------------|----------------|----------------|----------------|----------------|----------------|
| % Increase | CODE | 31% | 21% | 18% | 13% | 6% |
| Single Family Dwelling | A | \$21.00 | \$25.50 | \$30.00 | \$34.00 | \$36.00 |
| Duplex (2 SF) | B | \$42.00 | \$51.00 | \$60.00 | \$68.00 | \$72.00 |
| Apartment Unit | C | \$21.00 | \$25.50 | \$30.00 | \$34.00 | \$36.00 |
| Hotel, motel, auto court with cooking facilities | D | \$21.00 | \$25.50 | \$30.00 | \$34.00 | \$36.00 |
| Hotel, motel, auto court w/o cooking facilities | E | \$10.50 | \$12.75 | \$15.00 | \$17.00 | \$18.00 |
| Hotel, motel, auto court water closet | F | \$14.44 | \$17.53 | \$20.62 | \$23.37 | \$24.74 |
| Rooming house, plus | G | \$21.00 | \$25.50 | \$30.00 | \$34.00 | \$36.00 |
| each room | | \$5.25 | \$6.38 | \$7.51 | \$8.51 | \$9.01 |
| Restroom in cemetery or park | H | \$31.50 | \$38.25 | \$45.00 | \$51.00 | \$54.00 |
| Laundromat, plus | I | \$21.00 | \$25.50 | \$30.00 | \$34.00 | \$36.00 |

| | | | | | | |
|---|----------|---------|---------|---------|----------|----------|
| each washing machine | | \$5.25 | \$6.38 | \$7.51 | \$8.51 | \$9.01 |
| Trailer park, plus | J | \$21.00 | \$25.50 | \$30.00 | \$34.00 | \$36.00 |
| Office within the park | | \$13.13 | \$15.94 | \$18.75 | \$21.25 | \$22.50 |
| Laundry room | | \$13.13 | \$15.94 | \$18.75 | \$21.25 | \$22.50 |
| Washing machine | | \$5.25 | \$6.38 | \$7.51 | \$8.51 | \$9.01 |
| Additional room with water service | | \$10.50 | \$12.75 | \$15.00 | \$17.00 | \$18.00 |
| Beauty shop, plus | K | \$31.50 | \$38.25 | \$45.00 | \$51.00 | \$54.00 |
| each employee | | \$5.25 | \$6.38 | \$7.51 | \$8.51 | \$9.01 |
| Cafe or restaurant w/seating of 30 or less | L | \$65.63 | \$79.69 | \$93.75 | \$106.25 | \$112.50 |
| each additional 5 seats or part thereof | | \$10.50 | \$12.75 | \$15.00 | \$17.00 | \$18.00 |
| Commercial establishment | M | \$21.00 | \$25.50 | \$30.00 | \$34.00 | \$36.00 |
| each employee | | \$3.15 | \$3.83 | \$4.51 | \$5.11 | \$5.41 |
| Service station w/convenience store | N | \$68.25 | \$82.88 | \$97.51 | \$110.51 | \$117.01 |
| Service station w/o convenience store | N | \$42.00 | \$51.00 | \$60.00 | \$68.00 | \$72.00 |
| Industrial establishment or manufacturing business | O | \$42.00 | \$51.00 | \$60.00 | \$68.00 | \$72.00 |
| each employee (domestic sewage only) | | \$3.15 | \$3.83 | \$4.51 | \$5.11 | \$5.41 |
| Schools - per pupil | P | \$0.17 | \$0.21 | \$0.25 | \$0.28 | \$0.30 |
| Schools - per employee | P | \$0.17 | \$0.21 | \$0.25 | \$0.28 | \$0.30 |
| Bar, tavern, cocktail lounge, billiard hall, pool parlor, or game room serving beverages and/or sandwiches or snack foods w/seating of 30 or less | Q | \$42.00 | \$51.00 | \$60.00 | \$68.00 | \$72.00 |
| each additional 5 seats or part thereof | | \$1.31 | \$1.59 | \$1.87 | \$2.12 | \$2.24 |

4.01.020. ALTERNATIVE SEWER RATES.

All other premises, not specifically herein mentioned and which are equipped with sanitary facilities and discharge into the sewerage system of the District, shall pay a sewer service charge based on metered water service and actual BOD and TSS.

4.01.030. MULTIPLE SERVICE PIPES.

In the case where there are two or more water service pipes serving the premises, there shall be a charge for each such water pipe as described in Section 4.01.020.

4.01.040. CHARGES FOR SERVICE.

The charges fixed by General Regulation shall be applicable only to premises connected to and being served by the sewerage system of the District. When water service to any given premises is disconnected, said premises shall not be deemed to be served by the sewerage system.

4.01.050. RATE CHANGES.

The Board of Directors of this District, by two-thirds vote, may from time to time alter, fix, change, amend or revise the charges and rates for services and facilities in connection with the sewerage system as herein, or hereafter, established and fixed.

4.01.060. DISCONNECTION.

In the event that any person shall fail to pay any charge herein provided when the same becomes due, the District may, in addition to any other remedies it has, cut off any of its services, and shall not resume the same until all delinquent charges necessitated by resumption of such services and facilities have been fully paid. Said charges shall include both the costs of disconnection and reconnection. (Health and Safety Code Section 6523.2)

4.01.070. DISPOSITION OF SEWER SERVICE CHARGES.

All revenue received from the collection of Sewer Service Charges as herein established shall be deposited with the District Treasurer. Revenues derived by the District for sewer services may be used for any purpose except the acquisition or construction of local street sewers or laterals, which are an augmentation to the existing sewer system.

4.01.080. BILLING PERIOD.

Sewer service charges shall be billed bi-monthly.

4.01.090. LATE CHARGES.

There shall be imposed on any service billing which is unpaid, in whole or part, on the 28th day of the month in which the bill is deposited in the United States mails, an 18.75% late charge on the unpaid balance of the bill.

4.01.100. DELINQUENT BILLS.

All unpaid delinquent sewerage service bills shall be a lien on the property served by said sewerage system and shall be collected and enforced in the same manner that unpaid District taxes on said property are collected and enforced.

ARTICLE II. CAPACITY CHARGE AND EQUITY BUY-IN

4.02.010. SEWER FACILITY EQUITY BUY-IN CONTRIBUTION AND INSPECTION FEES.

Every applicant for a permit to install, add to, alter, relocate or replace any drainage or sewage system discharging to, or which will discharge into District lines, shall be made on the forms provided for that purpose at the principal office of the District and shall be subject to the charge as follows:

- (a) Inspection Permit: Shall be set by resolution
- (b) Residential dwelling unit equity buy in contribution \$2,730
- (c) For new commercial and industrial buildings, an equity buy in contribution sum based on the estimated daily sewage flow and a sewer facilities charge of \$13.00 per gallon for normal domestic sewage. Such sewage shall not exceed the maximum value for biochemical oxygen demand (BOD) of 230 mg/l and for suspended solids (SS) of 200 mg/l. The daily sewage flow used to calculate the fee shall be as follows:
 - (1) Offices - 0.15 gal/day/sq. ft.
 - (2) Stores - 0.10 gallon per day per square foot.
 - (3) Industrial/Warehouse (excluding process waste flows) - 0.03 gal/day/sq. ft.
 - (4) Gas Stations - 500 gallons per day per stall.
 - (5) Schools - 15 gallons per day per student.
 - (6) All other categories shall be evaluated by the District's engineers using readily available information to determine the estimated maximum daily sewage flow.
 - (7) For non-domestic sewage having values of BOD greater than 230 mg/l and or SS greater than 200 mg/l, the facilities charge rate shall be increased to cover all additional costs to the District for the treatment and disposal of such sewage.
 - (8) All changes of use will be evaluated from time to time and adjusted and or approved accordingly in respect to additional charges in regard to pretreatment, qualities and quantity of gallons discharged to the public sewer system.

- (9) All nonresidential discharges to the District's system are subject to review by the District to determine the quantity or quality of the flows. If these are found to exceed the values used to calculate the sewer facilities charges paid, the permittee shall be subject to additional charges based on the excess amount and the current rate for the sewer facilities charge.
- (10) Residential Connections shall run with the land and are generally non-transferable. Equity buy in contribution charges based on the size or type of structure serviced, including square footage and stalls, shall also run with the land and are generally transferable. Any sums paid as part of the equity buy in contribution permit process that is attributable to the processing of the sewage, including quality and quantity charges, to the extent that the same may be readily identified and segregated, may, at the District's discretion, be transferred by written memorialization in the District's records identifying the calculations and approved by the District Engineer and Manager.
- (11) Monies received for Equity buy in purposes shall be deposited with other equity buy in money and any interest shall accrue to that fund. Said fund shall only be used to pay for capital facilities that will benefit the properties that contributed said sums. Said money shall not be commingled with any other money of the District except for investments.
- (12) Industrial/warehouse/office uses have been calculated based on generally accepted principals of sanitary engineering. Should competent engineering data support a different intensity for a proposed use, those facts may be presented to the Board of Directors who may approve an adjustment to the use calculation if so justified. The applicant for such consideration may be required to record a restriction on the property that sets forth the circumstances for the adjustment of the calculation so that if the use changes to a more intense use, that appropriate buy-in fees are then paid for the difference in intensification.

4.02.020. INSPECTIONS:

All inspections will be made only when the permittee has the work open and ready for inspection. Permittees shall locate their own private sewage disposal facilities and shall have the same ready for inspection at the same time that inspection is made of the connection to the existing District facilities.

4.02.030. TIME LIMIT.

Where private sewage system disposal facilities are being abandoned consequent to connection to the District's systems, the back-filling and inspection of the same shall be complete within ten days of the connection to the District's lines.

CHAPTER 5

PRETREATMENT

ARTICLE I. REGULATIONS AND COMPLIANCE

5.01.010. Pretreatment Regulations.

The District does hereby adopt the latest version of the WRCRWA's Pretreatment Ordinance. Western Municipal Water District has entered into a contract for enforcement and assistance with the District in implementing these regulations which are consistent with Federal law and the National Pollutant Discharge Elimination System (NPDES) permit by which WRCRWA operates.

5.01.020. Purpose and Policy

This Ordinance sets forth the requirements for Users of the Publicly Owned Treatment Works (POTW) for the Western Riverside County Regional Wastewater Authority (the "Authority") and adopts that Ordinance as the District's, and enables the Authority to comply with all applicable State and Federal laws, including the Clean Water Act (33 U.S.C. Section 1251 et seq.) and the General Pretreatment Regulations (Title 40 CFR Part 403).

The objectives of this Ordinance are:

- A To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
- B To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;
- C To protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- D To promote reuse and recycling of industrial wastewater and sludge from the POTW;
- E To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and
- F To enable the Authority to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use, and disposal requirements, and any other Federal or State laws to which the POTW is subject.

This Ordinance shall apply to all Users of the Authority's POTW within The District. The Ordinance authorizes issuance of individual wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; and provides for setting of fees for the equitable distribution of costs resulting from the program established herein.

5.01.030. Administration

It is the intent of this Ordinance to recognize that Member Agencies with a pretreatment program approved by the Authority have the primary responsibility for compliance monitoring and enforcement of the federal, state and locally mandated pretreatment regulations. However, in the event a Member Agency does not take appropriate action to enforce Pretreatment standards and Requirements, the Authority has the right to take administrative or legal action. Any powers granted to or duties imposed upon the Administrator may be delegated by the Administrator to a duly authorized individual.

5.01.040. Abbreviations

The following abbreviations, when used in this Ordinance, shall have the designated meanings:

| | |
|--------|--|
| BOD | Biochemical Oxygen Demand |
| BMP | Best Management Practice |
| BMR | Baseline Monitoring Report |
| CERCLA | Comprehensive Environmental Response, Compensation & Liability Act |
| CFR | Code of Federal Regulations |
| CIU | Categorical Industrial User |
| COD | Chemical Oxygen Demand |
| EPA | U.S. Environmental Protection Agency |
| Gpd | gallons per day |
| IU | Industrial User |
| mg/L | milligrams per Liter |
| µg/L | micrograms per Liter |
| NPDES | National Pollutant Discharge Elimination System |
| NSCIU | Non-Significant Categorical Industrial User |
| POTW | Publicly Owned Treatment Works |
| RCRA | Resource Conservation and Recovery Act |
| SIU | Significant Industrial User |
| SNC | Significant Noncompliance |
| TSS | Total Suspended Solids |
| U.S.C. | United States Code |

5.01.050. Definitions

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

A Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. Section 1251 et seq.

B Administrator. The person, agency and/or entity designated by the Authority to supervise and manage the operations of the POTW, and who is charged with certain duties and responsibilities by this Ordinance. The term also means a Duly Authorized Representative of the Administrator.

C Approval Authority. California Regional Water Quality Control Board for the Santa Ana Region.

D Authorized or Duly Authorized Representative of the User.

(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.

- E Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/L).
- F Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1 A and B. (40 CFR 403.5(a)(1) and (b)) BMPs 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.
- G Board of Directors, or The Board. The Board of Directors of the Western Riverside County Regional Wastewater Authority.
- H Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by the 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.
- I Categorical Industrial User. An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.
- J Chemical Oxygen Demand or COD. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.
- K Contracting Agency. Any Member Agency or outside entity contracted by the Authority to perform pretreatment program services in another Member Agency's jurisdiction.
- L Control Authority. The Western Riverside County Regional Wastewater Authority also referred to as the "Authority."
- M Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

- N Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum 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.
- O Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.
- P Existing Source. Any source of discharge that is not a "New Source."
- Q Grab Sample. A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- R Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any nondomestic source.
- S Instantaneous Limit. 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 the duration of the sampling event.
- T Interference. A Discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
- (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
 - (2) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

- U Local Limit. Specific discharge limits developed and enforced by the Authority upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a) (1) and (b).
- V Medical Waste. 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.
- W Member Agency. City of Corona, City of Norco, Home Gardens Sanitary District, Jurupa Community Services District, Western Municipal Water District.
- X Monthly Average. The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
- Y Monthly Average Limit. 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.
- Z New Source.
- (1) 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 be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
- (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
- (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
- (c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.

- (2) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:
 - (a) Begun, or caused to begin, as part of a continuous onsite construction program
 - (i) any placement, assembly, or installation of facilities or equipment; or
 - (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or
 - (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

- AA Noncontact Cooling Water. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- BB Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Authority's NPDES permit, including an increase in the magnitude or duration of a violation.
- CC Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.
- DD pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.

- EE Pollutant. Shall include, but is not limited to: dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, 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).
- FF Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.
- GG Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.
- HH Pretreatment Standards or Standards. Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.
- II Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 of this Ordinance.
- JJ Publicly Owned Treatment Works or POTW. The treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), owned by the Authority. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.
- KK Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- LL Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).
- MM Significant Industrial User (SIU). Except as provided in 40 CFR 403.3(v)(3),, a Significant Industrial User is:
- (1) An Industrial User subject to categorical Pretreatment Standards; or
 - (2) An Industrial User that:

- (a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
 - (b) 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
 - (c) Is designated as such by the Authority on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.
- NN Slug Load or Slug Discharge. 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. 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, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.
- OO Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- PP Total Suspended Solids or Suspended Solids. 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.
- QQ User. Any Person who contributes or discharges, or causes or permits the contribution or discharges of wastewater directly or indirectly into the Authority's POTW.
- RR Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- SS Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

ARTICLE 2. GENERAL SEWER USE REQUIREMENTS

5.02.010. Prohibited Discharge Standards

- A General Prohibitions. No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which 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 National, State, or local Pretreatment Standards or Requirements.
- B Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
- (1) Pollutants which 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 261.21;
 - (2) Wastewater having a pH less than 5.0 or more than 10.0, or otherwise causing corrosive structural damage to the POTW or equipment;
 - (3) Solid or viscous pollutants in amounts which will cause obstruction of the flow in the POTW resulting in Interference, but in no case solids greater than one-half of an inch (1/2") or 1.2 centimeters (1.2 cm) in any dimension;
 - (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;
 - (5) Wastewater having a temperature greater than 140 degrees F (60 degrees C), or which will inhibit biological activity in the treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);
 - (6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through, or in amounts that exceed any Local Limit;
 - (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

- (8) Any trucked or hauled pollutants, except at discharge points designated by the Administrator in accordance with Section 3.54 of this Ordinance;
- (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the Authority's NPDES permit;
- (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
- (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 Administrator;
- (13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (14) Medical Wastes, except as specifically authorized by the Administrator in an individual wastewater discharge permit;
- (15) Any infectious waste except where prior written approval for such discharges is given by the Administrator.
- (16) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;
- (17) Detergents, surface-active agents, or other substances that might cause excessive foaming in the POTW;
- (18) Any solids, liquids, gases, devices, or explosives which by their very nature or quantity are or may be sufficient either alone or by interaction with other substances or sewage to cause fire or explosion hazards, exceed 10% of the lower explosive limit (LEL) at the point of discharge or in the collection system, or in any other way create imminent danger to contract wastewater personnel, WRCRWA's POTW, the environment or public health.

- (19) Any hazardous waste or toxic substance including, but not limited to those listed in 40 CFR Part 300.5 or any substance designated pursuant to Section 311 (b) (2) (A) of the Act, or any element, compound, mixture, solution or substance designated pursuant to Section 102 of the Comprehensive Environmental Response, Compensation And Liability Act, any hazardous waste having the characteristics identified under or listed pursuant to Section 3001 of the Solid Waste Disposal Act, any Toxic Pollutant listed under Section 307(a) of the Act, any hazardous air pollutant listed under Section 112 of the Clean Air Act, any eminently hazardous chemical toxic substance or mixture which the EPA has taken action pursuant to Section 7 of the Toxic Substances Control Act, or any Hazardous Waste as defined in 40 CFR Part 261.3 or Title 22 of the California Code of Regulations.

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.

5.02.020. National Categorical Pretreatment Standards

Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471.

- A Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Administrator may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- B When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Administrator may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.
- C When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Administrator shall impose an alternate limit in accordance with 40 CFR 403.6(e).

5.02.030. Local Limits

- A The Authority shall establish qualitative or other limitations or restrictions applicable to Wastewater or Sanitary Wastes when, in its judgment, it is necessary to protect the Regional Sewerage System. Wastewater or Sanitary

Waste Discharges in excess of the limits established by the Authority or any State of California law or applicable Federal Categorical Pretreatment Standard shall constitute excessive concentrations or quantities prohibited by Section 2.1. The Authority shall promulgate and maintain a list of limitations established for restricted wastes which are generally applicable to all Member Agencies or Domestic Waste Haulers.

The Authority may establish qualitative limitations for Member Agencies, Domestic Waste Haulers, or Users that are not within the jurisdiction of a Member Agency that is implementing a pretreatment program pursuant to the Regional Pretreatment Agreement which, because of their location, quantity, or quality of discharge, can degrade the quality of wastewater treatment plant effluent or residue or air quality to a level that prevents or inhibits efforts to reuse or dispose of the water or residue or cause any unusual operation or maintenance problems in the Regional Sewerage System.

B The following pollutant limits are established to protect against Pass Through and Interference. No User shall discharge wastewater containing in excess of the following Daily Maximum Limit.

The Administrator may impose mass limitations in addition to the concentration-based limitations above.

5.02.040. Authority's Right of Revision

The Authority reserves the right to establish, by Ordinance or in individual wastewater discharge permits, more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this Ordinance.

5.02.050. Dilution

No User shall ever 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 a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The Administrator may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements or in other cases when the imposition of mass limitations is appropriate.

ARTICLE 3. PRETREATMENT OF WASTEWATER

5.03.010 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this Ordinance and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 2.1 of this Ordinance within the time limitations specified by EPA, the State, or the Administrator, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Administrator for review, and shall be acceptable to the Administrator before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Authority under the provisions of this Ordinance.

5.03.020. Additional Pretreatment Measures

- A Whenever deemed necessary, the Administrator may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this Ordinance.
- B The Administrator may require any User discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.
- C Grease, oil, and sand interceptors shall be provided when, in the opinion of the Administrator, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the Administrator and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be installed, cleaned, and repaired by the User at their expense.

5.03.030. Accidental Discharge/Slug Discharge Control Plans

The Administrator shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The Administrator 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. Alternatively, the Administrator may develop such a plan for any User. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- A Description of discharge practices, including non-routine batch discharges;
- B Description of stored chemicals;
- C Procedures for immediately notifying the Administrator of any accidental or Slug Discharge, as required by Section 6.6 of this Ordinance; and
- D 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.

5.03.040. Bypass

- A For the purposes of this Section;
 - (a) Bypass means the intentional diversion of wastestreams from any portion of a User's treatment facility.
 - (2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- B A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this Section.
- C Bypass Notifications
 - (1) If a User knows in advance of the need for a bypass, it shall submit prior notice to the Administrator ten (10) days before the date of the bypass, if possible.
 - (2) A User shall submit oral notice to the Administrator of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The

written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Administrator may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

D Bypass

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

5.03.050. Hauled Wastewater

- A Septic tank waste may be introduced into the POTW only at locations designated by the Administrator and at such times as are established by the Administrator. Such waste shall not violate Section 2 of this Ordinance or any other requirements established by the Authority. The Administrator may require septic tank waste haulers to obtain individual wastewater discharge permits.
- B The Administrator may require haulers of industrial waste to obtain individual wastewater discharge permits. The Administrator may require generators of hauled industrial waste to obtain individual wastewater discharge permits. The Administrator also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this Ordinance.

- C Industrial waste haulers may discharge loads only at locations designated by the Administrator. No load may be discharged without prior consent of the Administrator. The Administrator may collect samples of each hauled load to ensure compliance with applicable Standards. The Administrator may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- D Industrial waste haulers must provide a waste-tracking (manifest) 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 sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

ARTICLE 4. INDIVIDUAL WASTEWATER DISCHARGE PERMITS

5.04.010. Wastewater Analysis

When requested by the Administrator, a User must submit information on the nature and characteristics of its wastewater within ten (10) days of the request. The Administrator is authorized to prepare a form for this purpose and may periodically require Users to update this information.

5.04.020. Individual Wastewater Discharge Permit Requirement

- A No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit from the Administrator, except that a Significant Industrial User that has filed a timely application pursuant to Section 4.3 of this Ordinance may continue to discharge for the time period specified therein.
- B The Administrator may require other Users to obtain individual wastewater discharge permits as necessary to carry out the purposes of this Ordinance.
- C Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of this Ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections 10 through 12 of this Ordinance. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

5.04.030. Individual Wastewater Discharge Permitting: Existing Connections

Any User required to obtain an individual wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this Ordinance and who wishes to continue such discharges in the future, shall, within one hundred twenty (120) days after said date, apply to the Administrator for an individual wastewater discharge permit in accordance with Section 4.5 of this Ordinance, and shall not cause or allow discharges to the POTW to continue after one hundred twenty (120) of the effective date of this Ordinance except in accordance with an individual wastewater discharge permit issued by the Administrator.

5.04.040. Individual Wastewater Discharge Permitting: New Connections

Any User required to obtain an individual wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge

permit, in accordance with Section 4.5 of this Ordinance, must be filed at least sixty (60) days prior to the date upon which any discharge will begin or recommence.

5.04.050. Individual Wastewater Discharge Permit Application Contents

A. All Users required to obtain an individual wastewater discharge permit must submit a permit application. The Administrator may require Users to submit all or some of the following information as part of a permit application:

- (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 waste stream 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 the Administrator 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 6.9 of this Ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Administrator or the applicable Standards to determine compliance with the Standard.
- (e) Sampling must be performed in accordance with procedures set out in Section 6.10 of this Ordinance.

(8) Any other information as may be deemed necessary by the Administrator to evaluate the permit application.

- B Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

5.04.060. Application Signatories and Certifications

- A. 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 6.13.
- B. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Administrator prior to or together with any reports to be signed by an Authorized Representative.

5.04.070. Individual Wastewater Discharge Permit Decisions

The Administrator will evaluate the data furnished by the User and may require additional information. Within sixty (60) days of receipt of a complete permit application, the Administrator will determine whether to issue an individual wastewater discharge permit. The Administrator may deny any application for an individual wastewater discharge permit.

ARTICLE 5. INDIVIDUAL WASTEWATER DISCHARGE PERMIT ISSUANCE

5.05.010. Individual Wastewater Discharge Permit Duration

An individual wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An individual wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Administrator. Each individual wastewater discharge permit will indicate a specific date upon which it will expire.

5.05.020. Individual Wastewater Discharge Permit Contents

An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Administrator 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.

A Individual wastewater discharge permits must contain:

- (1) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
- (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the Authority in accordance with Section 5.4 of this Ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (3) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
- (4) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.
- (5) 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.
- (6) Requirements to control Slug Discharge, if determined by the Administrator to be necessary.

B Individual wastewater discharge permits may contain, but need not be limited to, the following conditions:

- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- (3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
- (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (5) A reference to a Rate Resolution that sets the unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
- (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
- (7) A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge permit; and
- (8) Other conditions as deemed appropriate by the Administrator to ensure compliance with this Ordinance, and State and Federal laws, rules, and regulations.

5.05.030. Permit Modification

A The Administrator may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (1) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
- (2) To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
- (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

- (4) Information indicating that the permitted discharge poses a threat to the Authority's POTW, Authority's personnel, or the receiving waters;
- (5) Violation of any terms or conditions of the individual wastewater discharge permit;
- (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (7) Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;
- (8) To correct typographical or other errors in the individual wastewater discharge 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 5.4.

B The Administrator may modify a general permit for good cause, including, but not limited to, the following reasons:

- (1) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
- (2) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (3) To correct typographical or other errors in the individual wastewater discharge permit; or
- (4) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 5.4.

5.05.040. Individual Wastewater Discharge Permit Transfer

Individual wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least ninety (90) days advance notice to the Administrator and the Administrator approves the individual wastewater discharge permit transfer. The notice to the Administrator must include a written certification by the new owner or operator which:

- A States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- B Identifies the specific date on which the transfer is to occur; and
- C Acknowledges full responsibility for complying with the existing individual wastewater discharge permit.

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

5.05.050. Individual Wastewater Discharge Permit Revocation

The Administrator may revoke an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A Failure to notify the Administrator of significant changes to the wastewater prior to the changed discharge;
- B Failure to provide prior notification to the Administrator of changed conditions pursuant to Section 6.5 of this Ordinance;
- C Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D Falsifying self-monitoring reports and certification statements;
- E Tampering with monitoring equipment;
- F Refusing to allow the Administrator timely access to the facility premises and records;
- G Failure to meet effluent limitations;
- H Failure to pay fines;
- I Failure to pay sewer charges;
- J Failure to meet compliance schedules;
- K Failure to complete a wastewater survey or the wastewater discharge permit application;
- L Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- M Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or this Ordinance.

Individual wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits issued to a User are void upon the issuance of a new individual wastewater discharge permit to that User.

5.05.060. Individual Wastewater Discharge Permit Reissuance

A User with an expiring individual wastewater discharge permit shall apply for individual wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 4.5 of this Ordinance, a minimum of ninety (90) days prior to the expiration of the User's existing individual wastewater discharge permit.

5.05.070. Regulation of Waste Received from Other Jurisdictions

- A If another municipality, or User located within another municipality, contributes wastewater to the POTW, the Administrator shall enter into an inter-municipal agreement with the contributing municipality.
- B Prior to entering into an agreement required by paragraph A, above, the Administrator shall request the following information from the contributing municipality:
 - (1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
 - (2) An inventory of all Users located within the contributing municipality that are discharging to the POTW; and
 - (3) Such other information as the Administrator may deem necessary.
- C An inter-municipal agreement, as required by paragraph A, above, shall contain the following conditions:
 - (1) A requirement for the contributing municipality to adopt a sewer use Ordinance which is at least as stringent as this Ordinance and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 2.3 of this Ordinance. The requirement shall specify that such Ordinance and limits must be revised as necessary to reflect changes made to the Authority's Ordinance or Local Limits;
 - (2) A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;
 - (3) A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Authority; and which of these activities will be conducted jointly by the contributing municipality and the Authority;
 - (4) A requirement for the contributing municipality to provide the Administrator with access to all information that the contributing municipality obtains as part of its pretreatment activities;
 - (5) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
 - (6) Requirements for monitoring the contributing municipality's discharge;

- (7) A provision ensuring the Administrator access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Authority; and
- (8) A provision specifying remedies available for breach of the terms of the inter-municipal agreement.

ARTICLE 6. REPORTING REQUIREMENTS

5.06.010. Baseline Monitoring Reports

- A Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a) (4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the Administrator a report which contains the information listed in paragraph B, below. 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 Administrator a report which contains the information listed in paragraph B, below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- B Users described above shall submit the information set forth below.
- (1) All information required in Section 4.5A(1)(a), Section 4.5A(2), Section 4.5A(3)(a), and Section 4.5A(6). (See 40 CFR 403.12(b) (1)-(7))
 - (2) Measurement of pollutants.
 - (a) The User shall provide the information required in Section 4.5A (7)(a) through (d).
 - (b) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
 - (c) 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 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;
 - (d) Sampling and analysis shall be performed in accordance with Section 6.9 and 6.10;

- (e) The Administrator 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;
 - (f) 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.
- (3) Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in Section 1.4D and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.
- (4) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M 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 set out in Section 6.2 of this Ordinance.
- (5) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 6.13 of this Ordinance and signed by an Authorized Representative as defined in Section 1.4 D.

5.06.020. Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 6.1(B) (4) of this Ordinance:

- A The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading 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);
- B No increment referred to above shall exceed nine (9) months;
- C The User shall submit a progress report to the Administrator no later than fourteen (14) days following each date in the schedule

and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and

- D In no event shall more than nine (9) months elapse between such progress reports to the Authority.

5.06.030. Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the Administrator a report containing the information described in Section 4.5A(6) and (7) and 6.1(B)(2) of this Ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 2.2 (See 40 CFR 403.6(c)), this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 6.13 of this Ordinance. All sampling will be done in conformance with Section 6.10.

5.06.040. Periodic Compliance Reports

- A All Significant Industrial Users must, at a frequency determined by the Administrator submit no less than twice per year (i.e., June and December) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Administrator or the Pretreatment Standard necessary to determine the compliance status of the User.
- B All periodic compliance reports must be signed and certified in accordance with Section 6.13 of this Ordinance.
- C 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.

- D If a User, subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Administrator using the procedures prescribed in Section 6.10 of this Ordinance, the results of this monitoring shall be included in the report. (See 40 CFR 403.12(g)(6)).

5.06.050. Reports of Changed Conditions

Each User must notify the Administrator of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change.

- A The Administrator 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 under Section 4.5 of this Ordinance.
- B The Administrator may issue an individual wastewater discharge permit under Section 4.7 of this Ordinance or modify an existing wastewater discharge permit under Section 5.34 of this Ordinance in response to changed conditions or anticipated changed conditions.

5.06.060. Reports of Potential Problems

- A In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Administrator of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.
- B Within five (5) days following such discharge, the User shall, unless waived by the Administrator submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this Ordinance.
- C A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who could cause

such a discharge to occur, are advised of the emergency notification procedure.

- D Significant Industrial Users are required to notify the Administrator immediately of any changes at its facility affecting the potential for a Slug Discharge.

5.06.070. Reports from Unpermitted Users

All Users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the Administrator as the Administrator may require.

5.06.080. Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a User indicates a violation, the User must notify the Administrator 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 Administrator within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if the Authority performs sampling at the User's facility at least once a month, or if the Authority performs sampling at the User's facility between the time when the initial sampling was conducted and the time when the User or the Authority receives the results of this sampling, or if the Authority has performed the sampling and analysis in lieu of the Industrial User.

5.06.090. Analytical Requirements

All pollutant analyses, including sampling techniques, to be 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 and amendments thereto, 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 using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Administrator or other parties approved by EPA.

5.06.100. Sample Collection

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

- A Except as indicated in Section B and C below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Authority. Where time-proportional composite sampling or grab sampling is authorized by the Authority, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Authority, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits. See 40 CFR 403.12(g) (3).
- B Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- C For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 6.1 and 6.3 [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Administrator may authorize a lower minimum. For the reports required by paragraphs Section 6.4 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements. See 40 CFR 403.12(g) (4).

5.06.110. Date of Receipt of Reports

Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

5.06.120. Recordkeeping

Users subject to the reporting requirements of this Ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to 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 Best Management Practices established under Section 6.4. Records shall

include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the Authority, or where the User has been specifically notified of a longer retention period by the Authority.

5.06.130. Certification Statements

Certification of Permit Applications, User Reports and Initial Monitoring Waiver—The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Sections 4.6; Users submitting baseline monitoring reports under Section 6.1 B(5) (See 40 CFR 403.12 (1)); Users submitting reports on compliance with the Categorical Pretreatment Standard deadlines under Section 6.3 (See 40 CFR 403.12(d)); and Users submitting Periodic Compliance Reports required by Section 6.4 A-D (See 40 CFR 403.12(e)) The following certification statement must be signed by an Authorized Representative as defined in Section 1.4D:

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

ARTICLE 7. COMPLIANCE MONITORING

5.07.010. Right of Entry: Inspection and Sampling

The Administrator shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this Ordinance and any individual wastewater discharge permit or order issued hereunder. Users shall allow the Administrator 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.

- A Where a User has security measures in force which 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, the Administrator shall be permitted to enter without delay for the purposes of performing specific responsibilities.
- B The Administrator shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
- C The Administrator 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 own expense. All devices used to measure wastewater flow and quality shall be calibrated at the frequency recommended by the device manufacture to ensure their accuracy.
- D Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Administrator and shall not be replaced. The costs of clearing such access shall be paid for by the User.
- E Unreasonable delays in allowing the Administrator access to the User's premises shall be a violation of this Ordinance.

5.07.020. Inspection Warrants

If the Authority is refused access to a building, structure or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or there is a need to inspect and/or sample as part of a routine inspection and sampling program, of the Authority designed to verify compliance with this Ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of community, then the Authority may seek issuance of a search or inspection warrant from a court of competent jurisdiction.

ARTICLE 8. CONFIDENTIAL INFORMATION

Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, and monitoring programs, and from the Administrator's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Administrator that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, 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 immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the User furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

ARTICLE 9. PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

5.09.010. Significant Noncompliance (SNC)

The Administrator shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (C), (D) or (H) of this Section) and shall mean:

- A Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined by 40 CFR 403.3(1)).
- B Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceed the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by 40 CFR 403.3(1) multiplied by the applicable TRC (TRC =1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- C Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(1) (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Administrator determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;
- D Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Administrator's exercise of its emergency authority (under 40 CFR 403.8(f) (1) (vi) (B)) to halt or prevent such a discharge;
- E Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit, or enforcement order for starting construction, completing construction, or attaining final compliance;
- F Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G Failure to accurately report noncompliance; or
- H Any other violation(s), which may include a violation of Best Management Practices, which the Administrator determines will

adversely affect the operation or implementation of the local pretreatment program.

ARTICLE 10. ADMINISTRATIVE ENFORCEMENT REMEDIES

5.10.010. Notification of Violation

When the Administrator finds that a User has violated, or continues to violate, any provision of this Ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Administrator may serve upon that User a written Notice of Violation. Within ten (10) days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Authority. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the Administrator to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

5.10.020. Consent Orders

The Administrator may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 10.4 and 10.5 of this Ordinance and shall be judicially enforceable.

5.10.030. Show Cause Hearing

The Administrator may order a User which has violated, or continues to violate, any provision of this Ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Administrator and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by certified mail (return receipt requested) at least twenty (20) days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Section 1.4D and required by Section 4.6A. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

5.10.040. Compliance Orders

When the Administrator finds that a User has violated, or continues to violate, any provision of this Ordinance, an individual wastewater

discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Administrator may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

5.10.050. Cease and Desist Orders

When the Administrator finds that a User has violated, or continues to violate, any provision of this Ordinance, an individual 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 Administrator may issue an order to the User directing it to cease and desist all such violations and directing the User to:

- A Immediately comply with all requirements; and
- B Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

5.10.060. Administrative Civil Penalties

- A Pursuant to authority of California Government Code, Sections 54740.5 and 54740.6, the Administrator may issue an administrative complaint to any User who violates:
 - (1) any provision of this Ordinance;
 - (2) any Permit condition, prohibition or effluent limit; or
 - (3) any Permit suspension or revocation order.
- B The administrative complaint shall be served by personal delivery or certified mail to the User and shall inform the User that a hearing will be conducted on a date which shall be within sixty (60) days following service. The administrative complaint will allege the act or failure to act that

constitutes the violation of the Authority's requirements, the provisions of law authorizing civil liabilities to be imposed, and the proposed civil penalty. The matter shall be heard by the Executive Committee. The User to whom an administrative complaint has been issued may waive the right to a hearing, in which case a hearing will not be conducted.

- C At the hearing, the User shall have an opportunity to respond to the allegations set forth in the administrative complaint by presenting written or oral evidence.
- D After the conclusion of the hearing, the Executive Committee shall make its determination. Should it find that grounds exist for assessment of a civil penalty against the User, it shall issue a decision and order in writing within thirty (30) calendar days after the conclusion of the hearing.
- E If it is found that the User has violated reporting or discharge requirements, the Executive Committee may assess a civil penalty against the User. In determining the amount of the civil penalty, the Executive Committee may take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the economic benefit derived through any non-compliance, the nature and persistence of the violation, the length of time over which the violation occurs and corrective action, if any, attempted or taken by the User involved.
- F Civil penalties may be assessed as follows:
 - (1) In an amount no less than one thousand dollars (\$1,000) per violation, per day, which shall not exceed two thousand dollars (\$2,000) for each day for failing or refusing to furnish technical or monitoring reports;
 - (2) In an amount no less than one thousand dollars (\$1,000) per violation, per day, which shall not exceed three thousand dollars (\$3,000) for each day for failing or refusing to comply timely with any compliance schedules established by the Authority;
 - (3) In an amount no less than one thousand dollars (\$1,000) per violation, per day, which shall not exceed five thousand dollars (\$5,000) per violation for each day of discharge in violation of any waste discharge limit, Permit condition, or requirement issued, reissued or adopted by the Authority.
 - (4) In any amount which does not exceed ten dollars (\$10) per gallon for discharges in violation of any Permit suspension, Permit revocation, cease and desist order or other orders, or prohibition issued, reissued or adopted by the Authority.

- G An order assessing administrative civil penalties issued by the Executive Committee shall be final in all respects on the thirty-first (31st) day after it is served on the User unless an appeal and request for hearing is filed with the Board no later than the thirtieth (30th) day following such mailing. An order assessing administrative civil penalties issued by the Board shall be final upon issuance.
- H Copies of the administrative order shall be served on the User served with the administrative complaint, either by personal service or by registered mail to the User at his business or residence address, and upon other persons who appeared at the hearing and requested a copy of the order.
- I Any User aggrieved by a final order issued by the Board, after granting review of the order of the Executive Committee, may obtain review of the final order of the Board in the superior court, pursuant to Government Code, Section 54740.6, by filing with the court a petition for writ of mandate within thirty (30) days following the service of a copy of the decision or order issued by the Board.
- J Payment on any order setting administrative civil penalties shall be made within thirty (30) days after the date the order becomes final. The amount of any administrative civil penalties imposed which have remained delinquent for a period of sixty (60) days shall constitute a lien against the real property of the User from which the discharge resulting in the imposition of the civil penalty originated. The lien shall have no effect until recorded with the county recorder. The authority may record the lien for any unpaid administrative civil penalties on the ninety-first (91st) day following the date the order becomes final.
- K No administrative civil penalties shall be recoverable for any violation for which the Authority has recovered civil penalties through a judicial proceeding filed pursuant to Government Code, Section 54740.
- L Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

5.10.070. Non-Compliance Costs

The Authority shall recover its attorneys' fees and costs incurred in processing notices of violation and in performing sampling, monitoring, or laboratory analysis related to any violations of the Ordinance or Permit by any User.

Non-Compliance costs shall be in addition to and not in lieu of any civil or criminal liability specified in this Ordinance.

5.10.080. Recovery of Costs for Damage

In the event that a User causes any damage to the Authority's POTW, the User shall be liable for all costs, including administrative and legal costs, incurred by the Authority.

5.10.090. Emergency Suspensions

The Administrator may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The Administrator may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

B Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Administrator may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Administrator may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Administrator that the period of endangerment has passed, unless the termination proceedings in Section 10.10 of this Ordinance are initiated against the User.

C A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Administrator, prior to the date of any show cause or termination hearing under Sections 10.3 or 10.10 of this Ordinance.

Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.

5.10.100. Termination of Discharge

In addition to the provisions in Section 5.5 of this Ordinance, any User who violates the following conditions is subject to discharge termination:

- A Violation of individual wastewater discharge permit conditions;
- B Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
- E Violation of the Pretreatment Standards in Section 2 of this Ordinance.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.3 of this Ordinance why the proposed action should not be taken. Exercise of this option by the Administrator shall not be a bar to, or a prerequisite for, taking any other action against the User.

ARTICLE 11. JUDICIAL ENFORCEMENT REMEDIES

05.11.010. Injunctive Relief

When the Administrator finds that a User has violated, or continues to violate, any provision of this Ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Administrator may petition the Riverside County Superior Court through the Authority's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, order, or other requirement imposed by this Ordinance on activities of the User. The Administrator may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

5.11.020. Civil Penalties

- A A User who has violated, or continues to violate, any provision of this Ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the Authority for a maximum civil penalty of not less than \$1,000 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 Administrator may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Authority.
- C In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.
- D Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

5.11.030. Criminal Penalties

Any User who violates any provision of this Ordinance is guilty of a misdemeanor, which upon conviction is punishable by a fine not to exceed \$1,000, or imprisonment for not more than thirty (30) days, or both.

Each day in which a violation occurs shall be subject to the penalties contained herein.

5.11.040. Remedies Nonexclusive

The remedies provided for in this Ordinance are not exclusive. The Administrator may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the Authority's enforcement response plan. However, the Administrator may take other action against any User when the circumstances warrant. Further, the Administrator is empowered to take more than one enforcement action against any noncompliant User.

ARTICLE 12. SUPPLEMENTAL ENFORCEMENT ACTION

5.12.010. Penalties for Late Reports

A penalty of \$250 may be assessed to any User for each day that a report required by this Ordinance, a permit, or order issued hereunder is late, beginning five days after the date the report is due. Actions taken by the Administrator to collect late reporting penalties shall not limit the Administrator's authority to initiate other enforcement actions that may include penalties for late reporting violations.

5.12.020. Performance Bonds

The Administrator may decline to issue or reissue an individual wastewater discharge permit to any User who has failed to comply with any provision of this Ordinance, a previous individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless such User first files a satisfactory bond, payable to the Authority, in a sum not to exceed a value determined by the Administrator to be necessary to achieve consistent compliance.

5.12.030. Liability Insurance

The Administrator may decline to issue or reissue an individual wastewater discharge to any User who has failed to comply with any provision of this Ordinance, a previous individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

5.12.040. Payment of Outstanding Fees and Penalties

The Administrator may decline to issue or reissue an individual wastewater discharge permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this Ordinance, a previous individual wastewater discharge Permit, or order issued hereunder.

5.12.050. Public Nuisances

A violation of any provision of this Ordinance, an individual wastewater discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement is hereby declared and deemed a public nuisance and shall be corrected or abated as directed by the Authority. Any violation shall be subject to preliminary or permanent injunctive relief. Any User creating a public nuisance shall be required to reimburse the Authority for any attorneys' fees and costs incurred in removing, abating, or remedying such nuisance.

5.12.060. Informant Rewards

The Administrator may pay up to \$500 for information leading to the discovery of non-compliance by a User. In the event the information provided results in a civil penalty or administrative fine levied against the User, the Administrator may reimburse up to 10% of the collected fine or penalty to the Informant; provided, however, a single reward payment may not exceed \$2,500.00.

5.12.070. Illegal Connection

Any connections made to the Authority's POTW without complying with this Ordinance and paying all fees and charges required is illegal and a public nuisance. In the event of an illegal connection:

- A The Authority may enter the property where the illegal connection is located and disconnect any illegal connection from a sewer line contributory to the Authority's POTW. Should disconnection be necessary all costs incurred by the Authority including reasonable attorneys' fees shall be recoverable by the Authority.
- B At the discretion of the Administrator, after application for permit is made, the illegal connection may be allowed to continue by first determining that no harm has been done by the connection, and if the connection was properly made.
- C Any repairs must be fully effected at the sole expense of the User and a penalty of double the permit, inspection and connection fees, as established by the appropriate Rate Resolution, may be assessed by the Administrator.
- D In addition, all unpaid sewer charges, assessments, capacity charges or other charges shall be computed from the date the illegal connection was made and shall be paid by the User.

5.12.080. Protection from Damage

No User shall intentionally or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is part of the Authority's POTW. Any User violating this provision shall be guilty of a misdemeanor and subject to the penalties provided by law. Any User who knowingly makes any false statements, representation, record, report, plan, or other document filed with the Authority or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance shall be guilty of a misdemeanor and shall be subject to the penalties provided by law or in the alternative shall be subject to administrative civil liability under this Ordinance.

5.12.090. Falsifying Information

Any User who knowingly makes any false statement, representation, record, report, plan or other document filed with the Authority or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance shall be guilty of a misdemeanor and shall be subject to the penalties provided by law or in the alternative, shall be subject to administrative civil liability under this Ordinance.

ARTICLE 13. MISCELLANEOUS PROVISIONS

5.13.010. Pretreatment Charges and Fees

The Authority may adopt reasonable fees for reimbursement of costs of setting up and operating the Authority's Pretreatment Program, which may include:

- A Fees for wastewater discharge permit applications including the cost of processing such applications;
- B Fees for monitoring, pretreatment inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports and certification statements submitted by Users;
- C Fees for reviewing and responding to accidental discharge procedures and construction;
- D Fees for filing appeals;
- E Fees to recover administrative and legal costs (not included in Section 13.1 B) associated with the enforcement activity taken by the Administrator to address IU noncompliance; and
- F Other fees as the Authority may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Ordinance and are separate from all other fees, fines, and penalties chargeable by the Authority.

5.13.020. Severability

If any provision of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

5.13.030. Sale of Byproducts

The Authority may sell or otherwise dispose of water, treated or reclaimed wastewater or any other byproduct of the Authority's operations to private individuals, corporations, or public entities upon terms approved by the Administrator.

5.13.040. Amendments

The Authority may, from time-to-time, in its discretion, by similar ordinance, amend the rules and regulations governing the discharge of nondomestic waste so as to keep the Authority in compliance with evolving State and Federal law. No discharger to the Authority's POTW shall have a vested interest or a right to be bound by this Ordinance

without amendment or by virtue of this Ordinance being superseded by a subsequent ordinance.

5.13.050. Variances

The Authority may find that by reason of special circumstances, any provision of this Ordinance should be suspended or modified as applied to a particular circumstance and User, and may, by resolution, order such suspension, modification or variance for such circumstance and User during the period of such special circumstance or any part thereof for a particular User.

5.13.060. Powers and Authorities of Inspectors

Any duly authorized representative of the Authority, as determined by the Administrator, shall carry evidence establishing the position as an authorized representative of the Authority and upon exhibiting the proper evidence and identification shall be permitted to enter in and upon any and all buildings, industrial facilities, and properties for purposes of inspection, re-inspection, observation, measurement, sampling, testing, and otherwise performing such duties as may be necessary in the enforcement of the provisions of this Ordinance and any other rules and regulations of the Authority.

5.13.070. Judicial Review Limitation

Pursuant to Section 1094.6 of the Code of Civil Procedure, the time within which judicial review shall be sought concerning the adoption of this Ordinance is ninety (90) days following the date of the decision to adopt it is final. Adoption of this Ordinance is final, following the Board of Directors decision on the date it is adopted.

CHAPTER 6

WASTE DISCHARGE REGULATIONS

ARTICLE I. STATE WATER RESOURCES CONTROL BOARD WASTE DISCHARGE REQUIREMENTS

6.01.010. WASTE DISCHARGE ORDER.

The State Water Resources Control Board has promulgated Waste Discharge Order No. 2006-0003 which adopted Waste Discharge Requirements for all public agencies with sanitary sewer systems greater than one mile in length. The purpose of the Order was to prevent sanitary system overflows from discharging to the waters of the United States. As part of that Order, all sewer agencies subject to that Order are required to adopt a Sewer System Management Plan. As part of that Plan, certain legal authority must be in place and the purpose of this Title is to memorialize the District's efforts to comply by setting forth its legal authority.

6.01.020. CONNECTION REQUIRED.

Pursuant to the California Health and Safety code Section 6520, all new development within the District service area must connect the premises to and use the District's sewer system. Existing developments that are being lawfully served by a private disposal system may stay on said system for the reasonable life of the system, after which it must be connected to the District's sewer system.

6.01.030. CONNECTION NOT ALLOWED UNTIL PERMIT OBTAINED AND CHARGES PAID

Any property seeking to connect to the District's sewer system, must only do so after all permits and approvals are obtained and all fees It is unlawful for any person to connect property to the District's system without all necessary approvals and before the appropriate permits have been obtained and charges paid.

6.01.040. CONNECTIONS MUST BE IN COMPLIANCE WITH DISTRICT'S PLANS.

No connection may be made and no permit issued, unless the private facilities to be connected to the District's sewer system is in compliance with District's standard plans and specifications, all ordinances, general regulations and policies, and all approvals of the District Engineer have been given.

6.01.050. INSPECTION OF PROPERTY.

To ensure that property is in compliance with this Operations Code and the District's Sewer System Management Plan, the District shall inspect the property connected to the system and may inspect property that should be connected to the system. Pursuant to California Health and Safety Code section 6523.2, the District may enter private property to inspect and maintain facilities and may terminate service when violations are found. In cases in which property may be constitutionally protected because of privacy issues, the District shall obtain an administrative inspection warrant pursuant to Code of Civil Procedure Section 1822.50 et seq.

6.01.060. DAMAGE TO DISTRICT PROPERTY.

Whenever a person damages District property that person shall be liable to the District for the costs to repair the damage and any consequential costs. Said damage may be caused by failure to take care of private disposal systems and appurtenances, including but not limited to laterals.

ARTICLE II. PRIVATE PROPERTY AND LATERAL MAINTENANCE

6.02.010. LATERAL OWNERSHIP.

Laterals that connect to the District's main sewer are private property up to the point at which the connection is made to the sewer main, and such private property includes the saddle joint. The lateral retains its private property status notwithstanding that a portion of the lateral may be located in the public right of way.

6.02.020. MAINTENANCE.

Private property owners shall maintain their laterals in good repair and order. Such laterals shall remain clear and unobstructed by roots, grease and other obstructing things.

6.02.030. SPILLS PROHIBITED.

Property owners and others responsible for laterals and other private sewer appurtenances shall have a duty not to permit sewer spills or damage to District lines.

6.02.040. ABATEMENT.

Provided District can prove that a person, corporation or other firm caused or allowed, by failure to take corrective action or otherwise, a condition to occur such as roots, so that a District line is damaged or a sewer spill is in imminent danger of occurring, the District may charge that person, corporation or other firm for the damage and for the cost of abatement so that the spill does not occur. District shall first provide the ostensibly responsible person with a copy of the evidence that forms the basis of the proof. Said responsible person shall have an appropriate amount of time to respond to said charges in a hearing in which due process will be provided.

6.02.050. RECONSTRUCTION.

In cases in which a property is a source of sewer spills on more than one occasion, such that recurrence is likely, or in cases in which there is an imminent danger of future sewer spills, the Board may order that a responsible person reconstruct the sewer lateral or other appropriate device to protect the District's system or to protect against sewer system overflows that would be a violation of federal, state or local law. Said order shall not be made unless the property owner and other appropriate persons have been given notice of the proposed action and an opportunity to address the Board of Directors regarding the proposed action. Any order to reconstruct shall contain a finding that the action was necessary to protect the public health, safety and welfare, which are threatened by future sewer spills that are otherwise likely.

6.02.060. TERMINATION OF SERVICE:

The District shall also have the right, in addition to any other rights that it may have, to terminate the property from District's service. Before such termination shall occur, District shall provide the due process required by Health and Safety Code Section 6523.2.

6.02.070. VIOLATIONS:

Any person violating any provisions of this Chapter, including failing to take corrective action after being provided with a hearing thereon, shall be guilty of a misdemeanor and punished as provided in Section 1.02.010 of this Code.

ARTICLE III. FATS, OILS, AND GREASE

6.03.010. PURPOSE.

The purpose of this chapter is to exercise the District's authority under the State law and pursuant to the Waste Discharge Order to prevent sewer spills by controlling fats, oils, and grease, which are hereinafter simply referred to as "grease." The Board has determined that there is substantial evidence that grease and similar substances accumulate in sewers and cause backups and other sewer spills. The provisions of this chapter are meant to address those causes of sewer spills so that such spills are prevented.

6.03.020. PROHIBITED.

Every owner and other persons responsible for property have a duty not to cause or permit grease to accumulate in their lines or in the District's lines so that sewer spills do not occur. Such person shall use reasonable methods to prevent grease from accumulating including diverting grease from the sewer system by not placing such substances down the drain, grease interceptors and grease traps. Such persons shall also maintain their interceptors and traps so that grease does not accumulate and shall cause grease removal at appropriate times.

6.03.030. FOOD SERVICE ESTABLISHMENTS.

- (a) New food service establishments, as defined in California Health and Safety Code section 113789, shall be required to install grease interceptors and to agree to maintain those interceptors in accordance with the terms of the permit established by the District Engineer. Those food service establishments shall maintain service records that shall demonstrate compliance with the maintenance obligations provided therefore and shall provide those to the District's inspector at all appropriate times.
- (c) Existing food service establishments may be required to install a grease interceptor or other measure to prevent grease from entering District's system or causing a sewer spill, if District provides proof of grease accumulation such that a sewer spill is likely. If a food service establishment causes one or more sewer spills, it shall be presumed that grease accumulation is likely to cause a future spill. The Board shall issue an order to retrofit only after the owner or manager of the property have been provided with a due process hearing.

6.03.040. TERMINATION OF SERVICE.

Provided District can prove that the owner or responsible person has caused a sewer spill by the accumulation of grease, and provided further

that reasonable assurances of corrective actions are not provided, the District may order that the premises be terminated from service in accordance with California Health and Safety Code section 6523.2.

6.03.050. ABATEMENT.

Provided District can prove that a person, firm or corporation caused grease build-up so that a District line or appurtenance is damaged or so that a sewer overflow occurs, or that a sewer overflow is imminent, District may charge the responsible person for that damage and for the abatement costs thereof. District shall first provide the ostensibly responsible person with a copy of the evidence that forms the basis of the proof and a copy of this chapter. Said responsible person shall have an appropriate amount of time to respond to said charges in a hearing in which appropriate due process will be provided. Generally, at least ten days' notice of the hearing shall be given. If possible, the responsible person shall be given notice at the time of the sewer overflow or damage if the person is believed to be the cause at that time. The responsible person shall also be provided with a copy of the charges incurred to date before the hearing if those are available.

6.03.060. RETROFITTING.

In cases in which there is an imminent danger of future sewer spills, the Board may order that a property owner or other responsible person install a sewer interceptor or other appropriate device to protect the District's system. Said order shall not be made unless the property owner has been given notice of the proposed action and an opportunity to address the Board of Directors regarding the proposed action. Any order to retrofit shall contain a finding that the action was necessary to protect the public health, safety and welfare, which are threatened by future sewer spills that are otherwise likely.

ARTICLE IV. DAMAGE TO DISTRICT PROPERTY

6.04.010. DAMAGE TO DISTRICT PROPERTY.

No person shall damage District property, including, but not limited to, sewer lines and appurtenances.

6.04.020. LIABILITY FOR DAMAGE.

Every person who damages District property by intentional or negligent act shall be liable to the District for the costs thereof. "Damage" shall include, but not be limited to, dumping debris into the District's sewer system and the costs to remove said debris and to restore District's system. Such liability shall also include, but not be limited to, liability for failure to maintain property or by actions taken which cause a sewer spill or sewer backup or other occurrence that requires a District response. Responsible persons shall be liable for response costs related to such damage, whether by District personnel or by District's independent contractors.

6.04.030. LIABILITY FOR ABATEMENT/REPAIR COSTS.

Persons responsible for causing damage or conditions requiring abatement or repair costs shall be liable to the District for the full costs thereof.

6.04.040. PENALTY.

It shall be unlawful for any person to intentionally or negligently damage District property or dump unauthorized materials into District's sewage system.

ARTICLE V. COST RECOVERY

6.05.010. PURPOSE.

This Chapter shall identify the authority and provide a reference for cost recovery when abatement and enforcement efforts are required to abate violations or to correct violations pertaining to the sewer system, including the sewer laterals that connect to District's system. The intent of this chapter is to provide the mechanism for the District to recover costs when abatement is required for various conditions that constitute violations of this code, including, but not limited to, conditions arising from fats, oils, grease, roots or other conditions of sewer laterals or the District's lines caused by a property owner or occupier or other person who causes a condition that needs to be abated or corrected. The authority for the cost recovery is provided in Health and Safety Code Section 6523.3, which provides that the District may correct any violation of an ordinance of the District and providing further that the cost of such correction shall be added to the sewer service charge of the person violating the ordinance or the tenant or owner of the property upon which the violation occurred.

6.05.020. ABATEMENT.

Whenever a condition exists that is in violation of this code or any applicable State Waste Discharge Order, the District may determine to abate the conditions if necessary for the immediate preservation of the health, safety or welfare of the public.

6.05.030. NOTICE AND DUE PROCESS.

The responsible party shall be provided with appropriate due process before abatement occurs, if possible. Such due process shall be commensurate with the emergency condition necessitating abatement. Whenever possible, that due process shall include attempts to contact the responsible party of the conditions that exist and provide an opportunity to review those conditions before the same are abated if consistent with the immediate public health, welfare and safety concerns. If possible and consistent with the public health, safety and welfare, the responsible party shall be given an opportunity to abate the property using his/her own forces.

6.05.040. ABATEMENT BY DISTRICT FORCES.

Should District not be able to contact the responsible party or should District Manager or District Engineer determine that the situation must be abated immediately and without allowing the responsible party to abate the condition using his/her own forces, the District shall attempt to provide the responsible party with an opportunity to witness the abatement by District staff, which may include District contractors.

District staff shall also provide photographs and other evidence of the abatement if they exist to the responsible party thereafter.

6.05.050. HEARING ON THE ABATEMENT.

If District determines to abate the property using District forces, which includes District contractors, it shall provide the responsible party with a copy of the report of the incident and the abatement efforts, including photographs, video and other memorialization as may exist of the conditions and abatement efforts, including costs by hour and rate. The responsible party shall be entitled to a hearing, which shall be an informal opportunity to present evidence contesting his responsibility, the fact that the conditions constituted a threat to the public health, safety or welfare, and the costs of the abatement.

6.05.060. COLLECTION OF THE ABATEMENT CHARGES.

If the District Board confirms the charges, District staff shall collect those charges by separate invoice sent directly to the property owner. If said charges are not paid within 30 days, District may add said charges on the regular tax roll in accordance with the authority provided in Government Code Section 6523.3. That section provides that the costs of correction may be added to the sewer charges otherwise due and payable, and the District shall have such remedies for collection as are available for those charges.

**ARTICLE VI. INTERFERENCE WITH THE DISTRICT'S SEWER FACILITIES,
EASEMENTS AND APPURTENANCES PROHIBITED**

6.06.010. DUTY NOT TO INTERFERE WITH DISTRICT EASEMENTS AND FACILITIES.

Owners of property in which or over which the District has a sewer easement shall have a duty to maintain the area above and around the sewer easement, and at least ten feet from the centerline of the sewer pipe, from any obstruction that is likely to intrude into the pipe or prevent the District from accessing its facilities for repair or maintenance. Such obstructions shall include trees and roots from all invasive vegetation, which may intrude into the sewer facilities. Obstructions shall further include any fence or other obstruction within or over a sewer easement so that access for repair or maintenance is impeded, unless special written permission has been granted for such obstruction.

6.06.020. ABATEMENT.

Provided District can prove that an owner, or person permitted by the owner, caused or allowed, by failure to take effective maintenance measures or by building or constructing structures on or near the District's sewer easement, so as to make repair or maintenance of the sewer facilities more difficult, said owner or other responsible person shall be liable to the District for the increased costs of the repair or maintenance. Said abatement costs shall include but not be limited to the costs of removal of the obstruction. District shall first provide the owner or other responsible person with notice of the obstruction and an opportunity to be heard. Except in urgent situations, at least five days' notice shall be given and an opportunity to respond. The charges for the abatement may be collected on the tax roll.

6.06.030. TERMINATION OF SERVICE.

After providing the owner or other responsible person with notice pursuant to Health and Safety Code Section 6523.2, the District may terminate the service of any property found to be violating the duties set forth in this Article.