

**EL TORO WATER DISTRICT
WASTE DISCHARGE PRETREATMENT
AND
SOURCE CONTROL PROGRAM**

An Ordinance of
Regulations for the Discharge of
Wastewater to Facilities
of the El Toro Water District

ORDINANCE
1997-1

Prepared by the
Operations Department
El Toro Water District
and
Industrial Waste Division

AWMA

1997

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THE BOARD OF DIRECTORS OF THE EL TORO WATER DISTRICT DOES ORDAIN AS FOLLOWS:

**ARTICLE 1
GENERAL PROVISIONS**

101 INTRODUCTION

- A. The El Toro Water District ("District") was organized in September, 1960 by authority of the California Water District Law (Section 34000 of the Water Code of the State of California). The District is governed by the five member Board of Directors (Board) elected from the qualified voters in the District. The District provides water distribution and wastewater collection and treatment services to residential and commercial establishments in portions of Lake Forest, El Toro, Laguna Hills, and Mission Viejo. Water is imported to the District through the Allen McColloch pipeline and wastewater is treated at the District's Wastewater Reclamation Plant. The District is involved in two wastewater irrigation programs; unused wastewater is discharged to the ocean via the Aliso Water Management Agency (AWMA) Ocean Outfall.
- B. AWMA is governed by its own Board of Directors with each director representing a member agency. Member agencies join together in various project committees to construct and operate joint wastewater collection,

treatment and disposal facilities. The AWMA Ocean Outfall is the key facility in the AWMA system. Treated wastewater is discharged to the outfall from AWMA and the District's wastewater treatment plants.

- C. AWMA is the lead agency responsible for the implementation of the provisions contained in this ordinance. The District, a member agency of AWMA may opt to administer and enforce these provisions under AWMA's oversight, or may contract with AWMA to have these services provided directly to the District. An interagency agreement has been adopted between the District and AWMA that defines each agencies' duties and responsibilities. This interagency agreement is on file at the District and AWMA offices.

102 OBJECTIVES

A. The objectives of this ordinance is to:

1. Ensure compliance with various regulatory agencies and the National Pollutant Discharge Elimination System (NPDES) Requirements.
2. Prevent the introduction of pollutants and interference with sewage facility operations from heavy metals and non-compatible wastes discharged to the sewer.
3. Completely state the goals, objectives and procedures for complying with federal pretreatment standards.
4. Prevent municipal sludge contamination.
5. Improve the opportunity to recycle and reclaim wastewaters and sludges from the sewage treatment system.
6. Encourage waste minimization and material substitution by industrial users.
7. Protect District and AWMA employees and the general public who may be affected by wastewater, sludge and chemical hazards.
8. Encourage the reuse, recycling and reduction of water, industrial wastewater and sludge discharged to the sewer system.
9. Minimize the discharge of volatile organic compounds that could individually or collectively contribute to a decrease in the quality of air emission from District and AWMA sewage facilities.
10. Establish an effective monitoring program for the control of industrial wastewaters.
11. Establish an enforcement response plan (ERP) that ensures equal treatment to all dischargers.
12. Equitably distribute costs.

13. Prevent the introduction of pollutants into sewage facilities that can pass through the treatment works, inadequately treated, into the receiving waters, or otherwise be incompatible with the sewage facilities.
- B. This document incorporates necessary modifications to implement and enforce current federal, state, District and AWMA standards.
 - C. It will continue to be the District's objective to identify all industrial/commercial users who discharge or have the potential to discharge toxic pollutants, non-compatible or excessive amounts of compatible wastes to the sewer system.

103 PURPOSE

- A. The purpose of this ordinance is to:
 1. Provide for the maximum public benefit from the use of District facilities. This is accomplished by regulating sewer use and wastewater discharges by providing equitable distribution of costs in compliance with applicable state and federal regulations and by providing procedures that will allow the District to comply with requirements placed upon it by other regulatory agencies. Any revenues derived from the application of this ordinance may be used to recover the cost of providing services by the District which include but are not limited to administration, monitoring, and enforcement.
 2. Comply with federal and state of California regulations which allow the District to meet applicable standards of treatment plant effluent and ocean outfall quality. This ordinance establishes quality and quantity limitations on all wastewater discharges whether or not the discharges adversely affect District's sewage facilities, processes, ocean outfall effluent quality, or inhibit District's ability to meet its specific discharge limitations. It is the intent of these limitations to improve the quality of wastewater being received for treatment and to encourage water conservation by all users connected to a public sewer. It is the District's intent to discourage the increase in quantity (mass emission) of waste constituents being discharged. This ordinance also imposes pretreatment requirements on the degree of waste authorized to be discharged to the District sewage facilities; provides for the issuance of wastewater discharge permits to impose additional case-by-case requirements, as appropriate, and establishes fees and other penalties for noncompliance and/or violation of this ordinance.

104 POLICY

- A. The policy of this ordinance is to be:
 1. Interpreted in accordance with the definitions set forth in Article 2. The provisions of this ordinance shall apply to the discharge of all wastes carried to District facilities, and have been liberally construed so as to effectuate the environmental purposes, objectives, and other provisions set forth herein.

2. Committed to wastewater reclamation and reuse in order to provide an alternate source of water supply. The adoption of programs for reclamation through secondary and tertiary wastewater treatment processes may necessitate more stringent quality requirements on wastewater discharges. In the event that more stringent quality requirements are necessary, this ordinance shall be amended to reflect those changes.
3. Committed to the beneficial use of sludge. The adoption of programs to land apply or provide for the marketing and distribution of sludge may necessitate more stringent quality requirements on waste water discharges. In the event that more stringent quality requirements are necessary, this ordinance shall be amended to reflect these changes.
4. Committed to compliance with all applicable state and federal laws including the Clean Water Act (33 United States Code 1251 et seq.) and the general pretreatment regulations (40 CFR 403).

105 APPLICABILITY

- A. This ordinance shall apply to industrial users within the District and to industrial users outside the District who, by wastewater discharge permit or agreement, make use of District facilities.

106 AVAILABILITY OF SEWAGE FACILITIES

- A. If sewage capacity in the sewage treatment plant as a whole is not available, District may restrict discharge of existing industrial users until sufficient capacity can be made available. The District may refuse immediate service to new users where their proposed quality or quantity of wastewater is unacceptable to the available treatment/disposal facilities.

107 NOTICE TO EMPLOYEES

- A. The District may provide one (1) copy of this ordinance to each user, that has received a wastewater discharge permit, upon request.
- B. Users who are issued a wastewater discharge permit may make available to their employees, copies of this ordinance.
- C. Users who are issued a wastewater discharge permit may make copies of it, so as to make it available to all personnel at all times.
- D. A notice may be permanently posted in prominent places advising employees to call the District in the event of an uncontrolled spill or discharge as soon as possible and to make the report as indicated in section 803 or 804. The notice shall provide for necessary instruction and information, including but not limited to:
 1. AWMA phone numbers.
 2. District phone numbers.

3. Recording the time of the incident.
4. Name and location of user.
5. Type, concentration and volume of the discharge.
6. Corrective action taken.
7. Name of person reporting the incident.

ARTICLE 2**DEFINITIONS AND ABBREVIATIONS****201 DEFINITIONS CONTAINED IN PUBLICATION**

- A. Unless otherwise defined herein, terms related to water quality shall be defined in the same manner as in the latest edition of Standard Methods for the Examination of Water and Wastewater, published jointly by the American Public Health Association (APHA), The American Water Works Association (AWWA), and the Water Environment Federation (WEF).
- B. The testing procedure for waste constituents and characteristics shall be as provided in 40 CFR 136 (Code of Federal Regulation; Title 40; Protection of Environment; Chapter 1, Environmental Protection Agency; Part 136 Test Procedures for the Analysis of Pollutants), or as specified.

202 DEFINITION OF TERMS

- A. The definitions in this ordinance are not intended to narrow the scope of definitions set forth in federal or state regulations. Unless the context specifically indicates otherwise the following terms, or pronouns used in their place, shall be interpreted as follows:
 1. Act or "the Act". The Federal Water Pollution Control Act also known as the Clean Water Act (CWA) as well as any amendments, guidelines, limitation or standards promulgated by the USEPA pursuant to the Act, (33 USC 1251 et seq).
 2. Aliso Water Management Agency (AWMA). The Joint Powers Agency (JPA) which is formed by the participating member agencies. The member agencies individually and/or collectively use AWMA's sewers and/or treatment plants and the ocean outfall. AWMA is the holder of the NPDES permit which states the pretreatment and waste discharge requirements for the ocean outfall.
 3. Approval Authority. Refers to the US Environmental Protection Agency (USEPA), the California State Water Resources Control Board (SWRCB), or the local California Regional Water Quality Control Board (RWQCB).

4. Authorized Representative. An individual designated by the user, who is responsible for signing all monitoring reports to the District, and who is defined by USEPA regulations as set forth in 40 CFR 403.12 (1).
5. Baseline Monitoring Report (BMR). A required report for all industrial users subject to a categorical pretreatment standard. A BMR provides information that documents an industrial user's compliance status with all applicable pretreatment standards.
6. Batch Dump. The discharge of toxic pollutants or compatible wastes in a manner or method that is not approved or is prohibited by the District.
7. Best Available Technology (BAT). A level of technology that is based on the very best (state of the art) control and treatment measures that have been developed or are capable of being developed for a particular industrial category.
8. Best Practicable Technology (BPT). A level of technology represented by the average of the best existing wastewater treatment performance levels within an industrial category.
9. Biochemical Oxygen Demand (BOD). The quantity of oxygen, expressed in mg/L, utilized in the biochemical oxidation of organic matter in domestic or other wastewater as determined by the appropriate testing procedure.
10. Biodegradable. Organic matter that can be broken down by bacteria to more stable forms which will not create a nuisance or give off offensive odors.
11. Biohazardous Waste. Materials which are likely to transmit etiologic agents which cause, or significantly contribute to the cause of, increased morbidity or mortality of human beings as set forth by the California Medical Waste Management Act.
12. Board. The Board of Directors of the El Toro Water District (District or ETWD).
13. Building Sewer. The entire length of private sewage service lateral extending from the facility or structure to be served to the public sewer main.
14. By-Pass. Any intentional diversion of waste streams around any portion of a user's treatment facility.
15. Chain of Custody. A set of procedures that ensure the integrity of a sample, which includes a record of each person involved in the possession of a sample, securing the sample, and final disposal of the sample.
16. Chemical Oxygen Demand (COD). The total quantity of oxygen expressed in mg/L, required for the oxidation of organic matter in domestic or other wastewater as determined by the appropriate testing procedures.

17. Class I User. Any user that meets the definition of the significant industrial user (SIU) as set forth in this ordinance.
18. Class II User. Any user that discharges toxic pollutants or non-compatible wastes, and not a significant industrial user, which may impact the District sewage facilities.
19. Class III User. Any user that discharges compatible wastes or conventional pollutants, other than domestic wastewater, which may impact the District sewage facilities.
20. Class IV User. Any user that is issued a special wastewater discharge permit to discharge unpolluted water, or treated groundwater to the District sewage facilities.
21. Code of Federal Regulations (CFR). A publication of the United States Government which contains all of the proposed and finalized federal regulations, including environmental regulations.
22. Compatible Waste. Waste that does not contain toxic pollutants and is mostly biodegradable. This may include a combination of, but not limited to, conventional pollutants or other wastes that the District sewage facilities are designed to accept and/or remove.
23. Composite Sample. A collection of individual samples obtained at intervals during a specified period of time. The resulting mixture, a composite sample, forms a representative sample of the wastestream discharged during the sample period.
24. Conventional Pollutants. Those pollutants which are designated pursuant to section 304(a)(4) of the Act which include, biochemical oxygen demand, total suspended solids (TSS), fecal coliform, pH, and oil and grease.
25. Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, to which no pollutant has been added except heat.
26. Corrosion or Corrosive. The gradual deterioration or destruction of a substance or a material by chemical action, proceeding from the surface inward. Corrosive materials deteriorate the collection system.
27. Cyanide (Amenable). Those cyanides amenable to chlorination as described in 40 CFR 136.3.
28. Development. Parcel of land on which dwelling units, commercial or industrial building, or other improvements are built.
29. Discharger. Any person or entity which discharges or causes a discharge of wastewater to a public sewer as defined by the USEPA, including but not limited to, stationary discharges as well as those transported to the facility by truck, rail or otherwise introduced into the treatment facility. May be interchangeable with industrial user, permittee, person or user.

30. Discharge Requirements. The requirements of federal, state or local public agencies having jurisdiction over the effluent discharged into the public sewer or the environment.
31. Disposal. Release to the sanitary sewer system or to the environment.
32. Dissolved Oxygen (DO). The amount of oxygen dissolved in water or wastewater, usually expressed in milligrams per liter (mg/L).
33. District. The El Toro Water District (ETWD or District).
34. Domestic Wastewater. The liquid and solid waterborne wastes derived from the ordinary living processes of humans of such character as to allow satisfactory disposal, without special treatment, into a public sewer.
35. Effluent. Usually water or wastewater discharged partially or completely treated or untreated from an industrial user or treatment plant, or part thereof.
36. El Toro Water District (ETWD). One of the member agencies of AWMA.
37. Emerald Bay Service District (EBSD). One of the member agencies of AWMA.
38. Enforcement. A series of progressively more stringent actions used to seek and ensure compliance with federal, state or local laws, regulations, limitations and this ordinance. Any enforcement may include monetary fees, fines or penalties.
39. Environmental Protection Agency (USEPA). The Agency of the United States Federal Government responsible for overseeing the National Pretreatment Program.
40. Fee. Any amount assessed to a discharger for the use of any portion of District's sewage facilities which shall include, but not be limited to, connection fees for new customers, monthly sewer service, wastewater discharge permit, excess capacity fee, industrial wastewater treatment, laboratory testing, industrial inspection, and monitoring fees.
41. Flashpoint. The minimum temperature of a liquid at which the liquid gives off vapor in sufficient concentration to ignite when exposed to any source of ignition.
42. Flow Monitoring Facilities. Equipment and structures approved by the District provided at the user's sole expense to measure, totalize, record and/or sample incoming water to the facility or the wastewater discharged to the public sewer.
43. General Manager. The individual duly designated by the Board of the District to administer this ordinance.

44. Grab Sample. An individual sample collected from a waste stream with no regard to flow and without consideration of time of day. The time allotted to collect the sample shall not exceed fifteen (15) minutes.
45. Grease. Includes, but is not limited to waxes, fats, oils and other non-volatile materials as determined by the appropriate testing procedures.
46. Groundwater. Water beneath the earth's surface between saturated soil and rock.
47. Hazardous Waste. Any waste that is potentially damaging to environmental health because of toxicity, ignitability, corrosivity, chemical reactivity or other reasons.
48. Industrial User (also referred to as an Indirect Discharger). Any user that discharges water carried wastes and wastewater into the District's sewage facilities that has pollutants different or stronger than those contained in domestic sewage or is subject to categorical standards as defined by USEPA regulations as set forth in 40 CFR 403.3(h) and as identified in the Standard Industrial Classification Manual current edition. May be interchangeable with discharger, permittee, person or user.
49. Industrial Wastewater. All water-carried wastes and wastewater of the community excluding domestic wastewater, including all wastewater from any producing, manufacturing, processing, agricultural, or other operations. These may also include wastes of human origin similar to domestic wastewater.
50. Inspector. A person authorized by the General Manager to inspect and/or monitor any industrial user discharging or anticipated discharge of wastewater to any District sewage facility.
51. Interceptor. A device to provide a quiescent environment for the separation of undesirable matter from discharged wastewater that allows the liquid wastes to be discharged into District facilities. This pretreatment may be referred to as a trap, separator or clarifier.
52. Interference. Any discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the District's sewage facilities, its treatment processes or operations or its sludge processes, use or disposal and therefore, is a cause of violation of the District's or AWMA NPDES permit (including an increase in the magnitude or duration of a violation) or prevents lawful sludge use or disposal in compliance with any of the following statutory/regulatory provisions, or any more stringent state or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.
53. Interjurisdictional Agreements (Also referred to as Interagency Agreements). An agreement between AWMA and any individual or combination of member agencies, that defines the authority and responsibility to implement the Waste Discharge Pretreatment and Source Control Program and to enforce the regulations contained in this ordinance within the individual and/or combination of member agencies, or other local sewerage agency service area.

54. Laguna Beach, City of (CLB). One of the member agencies of AWMA.
55. Local Limits. A set of technically based discharge limits that are determined by the District and/or AWMA and approved by the USEPA or the state. These limits protect sewage facilities and assist in preventing the violation of the NPDES permit requirements or sludge contamination. These limits are to be reviewed on a five year period.
56. Local Sewering Agency. Any public agency or private company responsible for the collection, treatment and disposal of wastewater to the District's sewage facilities duly authorized under the laws of the State of California to construct and/or maintain public sewers.
57. Los Alisos Water District (LAWD). One of the member agencies of AWMA.
58. Lower Explosive Limit (LEL). The point where the concentration of a gas in air is sufficiently large to result in an explosion if an ignition source (sufficient ignition source) is present.
59. Mass Emission Rate. The weight of material discharged to the sewer system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of a particular constituent or combinations of constituents.
60. Material Safety Data Sheet (MSDS). A document normally developed by a chemical manufacturer or formulator, which provides pertinent information about a hazardous substance or mixture. The MSDS is required to be available to employees and inspectors when a hazardous substance is used or found in the work place.
61. May. Permissive.
62. Member Agency. Any one, combination, or all of the individual districts or cities which are members of AWMA. The member agencies of AWMA are: the El Toro Water District (ETWD), Emerald Bay Service District (EBSA), Los Alisos Water District (LAWD), Moulton Niguel Water District (MNWD), South Coast Water District (SCWD), and the City of Laguna Beach (CLB).
63. Micrograms Per Liter (ug/L). A unit of concentration of water or wastewater constituents. It is 0.001 gram of constituent in one thousand (1,000) liters of water. It replaces the unit formerly used, parts per billion, to which it is approximately equivalent in reporting results of water and wastewater analysis.
64. Milligrams Per Liter (mg/L). A unit of the concentration of water or wastewater constituents. It is 1.0 gram of constituent in one thousand (1,000) liters of water. It replaces the unit formerly used, parts per million, to which it is approximately equivalent in reporting the results of water and wastewater analysis.
65. Moulton Niguel Water District (MNWD). One of the member agencies of AWMA.

66. National Pollutant Discharge Elimination System (NPDES). The document issued in the control of discharges to surface waters of the United States as detailed in Section 402 of the Act.
67. National Pretreatment Standards. Includes the following terms: "Prohibited Discharges", "General Prohibitions", "Specific Prohibitions", "Local Limits", "Categorical Standards", "Categorical Pretreatment Standards", "Pretreatment Standards" and "Standards". These terms apply to any pollutant discharge regulations that are promulgated by the USEPA in accordance with Section 307 (b) and (c) of the Act that limits and or prohibits the wastewater discharged by users into the public sewer system.
68. New Source. Those sources that are new as defined by 40 CFR 403.3(k).
69. Non-Compatible Waste. Waste that contains toxic pollutants which could pass-through or cause interference if discharged to District sewage facilities.
70. Non-industrial Wastewater Discharge (NIWD) Form. A form issued by the District to industrial users that are considered to have no industrial wastewater of concern discharging to the sewer system.
71. Normal Working Day. Any time that a user is discharging to the sewer.
72. Nuisance. Anything which is injurious to health or is indecent or offensive to the senses or an obstruction to the free use of property so as to interfere with the comfort or enjoyment of life or property or which affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.
73. Ordinance. That document entitled "An ordinance Establishing Regulations for the Discharge of Wastewater to Facilities of the El Toro Water District" containing District's requirements, conditions and limitations for discharging to the sewer system, as may be amended and modified.
74. Pass Through. The discharge through District's sewage facilities to navigable waters which, alone or in conjunction with discharges from other sources, is a cause of a violation of the District's, and/or AWMA's NPDES permits (including an increase in the magnitude or duration of a violation).
75. Permittee. A person who has received a wastewater discharge permit to discharge wastewater pollutants into the District sewage facilities subject to the requirements and conditions established by the District. May be interchangeable with discharger, industrial user, person or user.
76. Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, tenant, lessee, renter, governmental entity, or any other legal entity; or their legal representatives, agents or assigns. This definition includes all federal, state and local government entities. May be interchangeable with discharger, industrial user, permittee or user.
77. Pesticides. Those compounds including, but not limited to, DDT (dichlorodiphenyltrichloroethane, both isomers), DDE (dichlorodiphenylethylene), DDD (dichlorodiphenyldichloroethane), Aldrin, Benzene

Hexachloride (alpha, beta and gamma isomers), Chlordane, Endrin, Endrin aldehyde, TCDD (2,3,7,8-tetrachlorodibenzo-p-dioxin), Toxaphene, Alpha-endosulfan, Beta-endosulfan, Endosulfan sulfate, Heptachlor, Heptachlor epoxide and Dieldrin.

78. pH. A measure of the acidity or alkalinity of a solution.
79. Pollutant. Any substance, constituent or characteristic of wastewaters on which a discharge limitation may be imposed either by the District, AWMA, or the regulatory agencies empowered to regulate the District and AWMA.
80. Polychlorinated Biphenyls (PCBs). Those compounds including, but not limited to Aroclors 1016, 1221, 1232, 1242, 1248, 1254 and 1260.
81. 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 discharge into the District sewage facilities. The reduction or alteration can be obtained by physical, chemical, or biological process, or process changes by other means except as prohibited by 40 CFR 403.6(d).
82. Pretreatment Facility. Any works or devices for the treatment or flow limitation of wastewater prior to discharge into a public sewer.
83. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.
84. Prohibited Discharges (also known as Prohibited Discharge Standards). Any prohibitions against the discharge of certain substances; these prohibitions appear in Article 5.
85. Public Agency. The State of California and any city, county, district, agency, other local authority or public body of or within this state.
86. Publicly Owned Treatment Works (POTW). A treatment works as defined by section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the District. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected to the facility providing treatment.
87. Public Sewer. A sewer owned and operated by the District or other local sewerage agency which is tributary to treatment or disposal sewage facilities operated by the District or AWMA.
88. Rainwater. Water resulting from precipitation which directly falls upon a parcel.
89. Regulatory Agencies. Those Agencies having jurisdiction over the discharges from the District, including, but not limited to, the following:
 - a. United States Environmental Protection Agency, Region IX, San Francisco and Washington D.C. (USEPA).

- b. California State Water Resources Control Board (SWRCB).
 - c. California Regional Water Quality Control Board (RWQCB).
 - d. South Coast Air Quality Management District (SCAQMD).
 - e. California Department of Health Services (DOHS).
90. Representative Sample Point. A location set forth in the user's wastewater discharge permit from which wastewater can be collected that is as nearly identical in content and consistency as possible to that of the entire flow of wastewater being sampled. For categorical dischargers, this point shall be at the end of each regulated process, and for all other dischargers shall be determined on a case-by-case basis.
91. Resource Conservation and Recovery Act (RCRA). The Act of 1976 to implement the Conservation and Recovery of used or spent resources (42 U.S.C. 6901, et seq.) and as amended.
92. Routine Sampling. Any sampling conducted prior to or during any enforcement action initiated by the District. Sampling may consist of either grab or composite samples or a combination of both.
93. Sampling Facilities. Structure provided at the user's sole expense for the District or the user to measure and record wastewater constituents, collection of samples and/or provide access to terminate the discharge.
94. Scum. Any layer of matter or combination of air and matter that forms on or rises to the surface of a liquid or body of water.
95. Sewage. Wastewater.
96. Sewage Facility. Any and all systems used for collection, conveying, pumping, reclamation, reuse, transportation, treating or disposal of wastewater or sludge.
97. Shall. Mandatory.
98. Significant Industrial User (SIU). A user as defined by 40 CFR 403.3(t) which includes the following:
- a. All industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and CFR Chapter I, Subchapter N; and
 - b. Any other industrial user that: discharges an average of 25,00 gallons per day or more of process wastewater to the District (excluding sanitary, noncontact cooling water, and boiler blowdown wastewater); or contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of a treatment plant; or is designated as such by

the District as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the District's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

- c. Upon a finding that a user meeting the criteria in Section 202 98.b. has no reasonable potential for adversely affecting the District's operation or for violating any pretreatment standard or requirement, the District may at any time, on its own initiative or in response to a petition received from a user, and in accordance with 40 CFR 403.8(f)(6), determine that such user is not a significant industrial user.

99. Significant Non-Compliance. A compliance status of a user as defined by 40 CFR 403.8 (f)(2)(vii) which includes the following:

- a. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of the wastewater measurements taken during a six (6) month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;
- 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 month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);
- c. Any other discharge violation that the District believes 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 pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the District's exercise of its emergency authority to halt or prevent such a discharge;
- e. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- f. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with schedules;
- g. Failure to accurately report noncompliance; or
- h. Any other violation(s) which the District determines will adversely affect the operation or implementation of the local pretreatment program.

100. Sludge. Any solid, semi-solid or liquid decant, supernate, or supernate from an industrial process, utility service pretreatment facility, or treatment facility.
101. Slug Load. Any discharge which at any flow and/or pollutant concentration, causes interference with the POTW.
102. Solvent. Any substance that is used to dissolve another substance in it.
103. South Coast Water District. One of the member agencies of AWMA .
104. Spent Solutions. Any substance defined as a hazardous waste by RCRA and unable to be used for its original purpose.
105. Spill Containment. Any protection system provided and installed at the user's sole expense to prohibit the discharge to the sewer of non-compatible wastes.
106. Standard Industrial Classification (S.I.C.). A system of classifying industries as identified in the S.I.C. manual, current edition, as prepared by the Office of Management and Budget.
107. Standard Methods. Procedures described in the current edition of Standard Methods for the Examination of Water and Wastewater, as published jointly by the American Public Health Association, the American Water Works Association and the Water Environment Federation.
108. State Water Resources Control Board (SWRCB). The California agency with overall pretreatment program responsibility through delegation agreements with the USEPA.
109. Stormwater. Water following a storm, which runs off, or travels over the ground surface to a drainage area or channel.
110. Street Drainage. Water resulting from surface runoff generated by rainwater and/or stormwater.
112. Subsurface Drainage. A method of draining that is situated under the ground (e.g., leachate control system).
113. Surface Runoff. Runoff other than that which is caused by rainfall, stormwater, or street drainage (e.g., car wash runoff, washdown runoff) originating from a user.
114. Suspended Solids. Any insoluble material contained as a component of wastewater and capable of separation from the liquid portion by laboratory filtration as determined by the appropriate testing procedures and expressed in terms of milligrams per liter (mg/L).
115. Technical Review Criteria (TRC). An USEPA term that defines the magnitude of a limits violation. The TRC is calculated by multiplying the daily average maximum limit by the applicable TRC value (TRC=1.4 for BOD, TSS, fats, oils, and grease, and 1.2 for all other pollutants except pH).

116. Total Organic Carbon (TOC). The measure of total organic carbon in domestic or other wastewater as determined by the appropriate testing procedure.
117. Total Toxic Organics (TTO). The sum of the masses of concentrations of specific toxic organic compounds in the industrial users process discharge at a concentration greater than 0.01 mg/L.
118. Toxic Organic Management Plan (TOMP). A strategy for keeping track of all solvents delivered to a site, their storage, use and disposal. The plan will address the prevention of discharge of toxic organics to any wastewater collection system or the environment. The plan will address the control of spills and leaks and also ensure against the deliberate dumping of solvents.
119. Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic by the USEPA under the provisions of Section 307(a) of the Act or other acts or that can harm human health, aquatic life or the biological treatment processes.
120. Unpolluted Water. Water to which no constituent has been added either intentionally or accidentally.
121. Upset. Any upset as defined by 40 CFR 403.16.
122. User. Any person or entity which discharges or causes a discharge of wastewater to a public sewer, as defined by USEPA regulations. May be interchangeable with discharger, industrial user, permittee or person.
123. Volatile. Natural (plant or animal origin) or synthetic substances that are capable of being evaporated or changed to vapor at relatively low temperatures.
124. Waste. Sewage and any other waste substances, liquid, solid, gaseous or radioactive.
125. Waste Manifest. That receipt which is retained by the generator of hazardous wastes as required by the State of California and/or the United States Government pursuant to RCRA or the California Hazardous Materials Act or that receipt which is retained by the generator for recyclable wastes or liquid non-hazardous wastes as required by the District.
126. Wastewater. Waste and water, whether treated or untreated, discharged into or authorized to enter the District sewage facilities.
127. Wastewater Constituents and Characteristics. The individual chemical, physical, bacteriological, radiological, volume, flow rate and such other parameters that serve to define, classify or measure the quality and quantity of wastewater.
128. Wastewater Discharge (WD) Permit . The periodically renewable and/or revocable authorization from the District to an industrial user for the discharge wastewater. This wastewater discharge permit sets forth the limits and conditions under which the industrial user shall be able to discharge wastewater into sewage facilities.

- B. Words used in this ordinance in the singular may include the plural and the plural singular. Use of masculine shall mean feminine and the use of feminine shall mean masculine.

203 ABBREVIATION

- A. The following abbreviations shall have the designated meanings:

1. <u>"AWMA"</u>	Aliso Water Management Agency
2. <u>"BAT"</u>	Best Available Technology
3. <u>"BMR"</u>	Baseline Monitoring Report
4. <u>"BOD"</u>	Biochemical Oxygen Demand
5. <u>"BPT"</u>	Best Practicable Technology
6. <u>"CFR"</u>	Code of Federal Regulation
7. <u>"COD"</u>	Chemical Oxygen Demand
8. <u>"DO"</u>	Dissolved Oxygen
9. <u>"USEPA"</u>	Environmental Protection Agency
10. <u>"GPD"</u>	Gallons per Day
11. <u>"GPM"</u>	Gallons per Minute
12. <u>"IU"</u>	Industrial User
13. <u>"L"</u>	Liter
14. <u>"lb/day"</u>	Pounds Per Day
15. <u>"LEL"</u>	Lower Explosive Limit
16. <u>"mg"</u>	Milligrams
17. <u>"mg/L"</u>	Milligrams Per Liter
18. <u>"MGD"</u>	Million Gallons Per Day
19. <u>"MSDS"</u>	Material Safety Data Sheet
20. <u>"NPDES"</u>	National Pollutant Discharge Elimination System
21. <u>"O&G"</u>	Oil and Grease
22. <u>"POTW"</u>	Publicly Owned Treatment Works
23. <u>"PSES"</u>	Pretreatment Standards for Existing Sources
24. <u>"PSNS"</u>	Pretreatment Standards for New Sources
25. <u>"RCRA"</u>	Resource Conservation and Recovery Act
26. <u>"SIC"</u>	Standard Industrial Code
27. <u>"SIU"</u>	Significant Industrial User
28. <u>"SNC"</u>	Significant Non-Compliance
29. <u>"SWRCB"</u>	State Water Resources Control Board
30. <u>"TDS"</u>	Total Dissolved Solids
31. <u>"TOC"</u>	Total Organic Carbon
32. <u>"TOMP"</u>	Toxic Organic Management Plan
33. <u>"TRC"</u>	Technical Review Criteria
34. <u>"TSS"</u>	Total Suspended Solids
35. <u>"TTO"</u>	Total Toxic Organics

- 36. "USC" United States Code
- 37. "ug" Microgram
- 38. "ug/L" Microgram Per Liter

**ARTICLE 3
AUTHORITIES AND POWERS**

301 AUTHORITY

- A. The District is regulated by Agencies of the United States Federal Government and the State of California under provisions of federal and state law. Federal law requires AWMA and the District and the state grants the District the authority to regulate and/or prohibit by adoption of ordinances, resolutions, and issuance of wastewater discharge permits, the discharge of any waste, directly or indirectly, to AWMA's or the District's sewage facilities. That authority includes, but is not limited to, the right to establish local limits, conditions, prohibitions, flow rates, prohibit flows discharged to the District's sewage facilities, and enforce federal, state and local requirements. This may require the implementation of compliance schedules for the installation of flow monitoring facilities by users and for the District to take all actions necessary to enforce its authority, whether within or outside District boundaries, including those users that are tributary to the District or within areas for which the District has contracted to provide sewerage services.
- B. The District has the authority under California Health and Safety Codes 5471 and 5474 to prescribe, revise, and collect all fees and to charge for services and facilities furnished by the District and/or AWMA either within or without its regional limits.
- C. Administration and enforcement of the pretreatment program may be carried out on a daily basis by any individual and/or combination of District personnel as granted by an interjurisdictional agreement under the oversight of AWMA. However, AWMA retains the authority to assume, at any time, administrative and enforcement powers of the pretreatment program requirements within the District jurisdiction.
- D. The District shall have the authority to seek compliance with 40 CFR 403.8(f)(1), its NPDES permit and the provisions of this ordinance by, but not limited to, the following:
 - 1. Issue wastewater discharge permits.
 - 2. Require the installation of pretreatment facilities.
 - 3. Require the installation of monitoring and/or sampling facilities.
 - 4. Require self-monitoring and reporting of the user's discharge.
 - 5. Require the implementation of spill containment facilities and plans.

302 DELEGATION OF AUTHORITY

- A. Whenever any authority or power is granted to or a duty imposed upon the General Manager, that authority or power may be exercised or that duty may be performed by a person authorized by the General Manager.

303 ENFORCEMENT POWERS

- A. Enforcement action against a user for being in non-compliance with the provision of this ordinance shall include, but is not limited to, the following:
1. Issuing notice of non-compliance forms.
 2. Issuing notice of violation forms.
 3. Issuing administrative orders which include, but are not limited to, the following:
 - a. Probation Order
 - b. Show Cause Order
 - c. Cease and Desist Order
 4. Petition the courts for injunction or civil penalties.
 5. Signing criminal complaints.
 6. Suspension or revocation of issued wastewater discharge permits.
 7. Termination of services.
 8. Administrative complaints.
- B. The issuance of an enforcement action shall not be a bar against, or a prerequisite for, taking any other enforcement action against the user.

**ARTICLE 4
ADMINISTRATION**

401 EL TORO WATER DISTRICT

- A. The District shall implement pretreatment and source control programs in accordance with federal, state, and AWMA regulations, the provisions of this ordinance, and any interjurisdictional agreements.
- B. If the District desires to perform its own pretreatment program, it shall do so only by interjurisdictional agreement with AWMA, under the oversight of AWMA.

- C. The District, which may operate its own treatment plants, shall establish technically based local limits. These limits shall be established in accordance with section 402 H. of this ordinance. These limits are to ensure that any user's effluent that is discharged to the public sewer does not cause, but is not limited to, the following:
1. Upset, pass through or interference of biological treatment process.
 2. Upset, pass through or interference of sludge digestion process.
 3. Generated sludge to be unable to meet regulatory standards for beneficial reuse or unlimited distribution as defined by regulatory agencies.
 4. Violation of any treatment plant NPDES permit limitations.
 5. Cause pass-through which would cause AWMA to violate any discharge limits of the Ocean Outfall
- D. The District shall have the authority to use fees and charges provided for within this ordinance when a user is in non-compliance.
- E. The District shall provide AWMA any and all information and submittals by users for review and central filing.
- F. The District , when operating its own pretreatment program, shall keep AWMA appraised of all activities on a regular and consistent basis. This may be accomplished by several means including correspondence, meetings, reports, etc.

402 AWMA

- A. AWMA has the authority to implement pretreatment and source control programs in accordance with federal and state regulations and the provisions of this ordinance, and interjurisdictional agreements with the member agencies.
- B. All forms used in the pretreatment program shall be approved by AWMA.
- C. AWMA shall have the authority to, at any time, assume administration and enforcement of this ordinance within the service area of the District.
- D. Upon notification to AWMA staff that a non-compliance discharge may be occurring, AWMA staff have the authority to take steps to locate and terminate the discharge, if the non-compliant discharge is not discontinued.
- E. AWMA shall have the authority to review all applications, wastewater discharge permits and any enforcement actions that have been taken.

- F. All ordinances pertaining to waste pretreatment and source control programs shall be reviewed by AWMA before implementation by the District.
- G. The District, when performing its own pretreatment program, shall be subject to audit by AWMA.
- H. AWMA shall oversee the establishment of technically based local limits for all POTW's within its service area. A review of the local limits shall be conducted every five years. This review period shall start upon the EPA approval date of the first set of technically based local limits.

403 PROGRAM ENFORCEMENT

- A. The District shall have first priority to enforce the regulations contained within this ordinance in accordance with, but not limited to, the following:
 - 1. AWMA shall conduct the pretreatment and source control program for the District unless otherwise directed by the interjurisdictional agreement with the District.
 - 2. When the District is performing its own program it shall inform AWMA of all program activity.
 - 3. The District when performing its own program shall conduct routine sampling of permitted users for constituents the industry must sample and analyze for as part of their self-monitoring program, and inform AWMA of such activity.

404 APPLICATIONS

- A. All applications for wastewater discharge permits shall be reviewed by the District and AWMA.

405 WASTEWATER DISCHARGE PERMITS

- A. All proposed wastewater discharge permits shall be reviewed by the District and AWMA before being issued to the user.
- B. All issued wastewater discharge permits shall be signed, identified and/or numbered by AWMA.

406 INSPECTIONS, MONITORING AND ENFORCEMENT

- A. AWMA shall be notified by the District when inspecting, monitoring, or enforcement activities will or have already occurred. This may be done by, but not limited to, the following:
 - 1. Phone contact.
 - 2. Submittal of written schedule reports.
 - 3. Submittal of written status reports.

- B. Emergency enforcement actions by the District shall be reported to AWMA by phone within twenty-four (24) hours and by written report within five (5) days of their notice to the user.

407 FUNDING

- A. Upon review by AWMA, the District may establish a schedule of wastewater discharge permit application fees, annual fees, sample analysis charges, and any other fees or charges required to recover reasonable costs of implementing this waste control program.
- B. Costs incurred by the District for its pretreatment activity may be collected by, but not limited to invoicing directly to the industrial user.

408 APPEALS

- A. The District shall have first priority to handle appeals in accordance with the provisions of this ordinance.
 - 1. Appeals on staff action shall be directed to the General Manager.
 - 2. Appeals on the General Manager action shall be directed to the Board.
 - 3. Actions by the Board shall be final.
- B. AWMA shall have the authority to handle appeals where the District has no jurisdiction, or fails to enforce against a user in accordance with the provision of this ordinance or the interjurisdictional agreements.

ARTICLE 5

GENERAL DISCHARGE PROHIBITIONS AND LIMITATIONS

501 PROHIBITED DISCHARGES

- A. These prohibitions apply to all users of the public sewer system. No user shall discharge a quality or quantity of wastes or wastewater to the public sewer which cause or will cause, either alone or by interaction with other substances:
 - 1. A fire or explosion hazard based upon a closed cup flashpoint of less than 140 degrees fahrenheit (60°C) using the test method specified in 40 CFR 261.21.
 - 2. Corrosive structural damage to sewage facilities.
 - 3. Any solid or viscous substances in amounts that will cause obstruction of flow or physical damage to sewage facilities.
 - 4. Pass through or interference with the wastewater treatment process.

5. Inhibition of biological activity in the treatment process.
 6. Danger to life and/or safety of any person.
 7. Impairment of the effective maintenance or operation of any sewage facilities.
 8. The presence of toxic gases, vapors or fumes, or poisonous, or malodorous gas producing substances that may cause acute worker health and safety problems.
 9. The final effluent or any other product of the treatment process, residue, sludge, or scum to be unsuitable for reclamation, reuse, or disposal.
 10. Discoloration or any other condition which effects the quality of the final effluent in such a manner that discharge requirements established by regulatory agencies cannot be met.
 11. Conditions which violate any statute, rule, regulation, or ordinance of any public agency or regulatory agency having jurisdiction over the discharge of wastewater through the public sewer.
 12. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
 13. Causing the treatment plant's final effluent to fail a toxicity test.
- B. No user shall transport waste from one location to another for the purpose of treating or discharging it directly or indirectly to the public sewer without written approval from the District.
- C. No person shall discharge trucked or hauled wastes directly or indirectly to the public sewer without written approval from the District.

502 PROHIBITION ON DILUTION

- A. Except where expressly authorized to do so by an applicable standard, no user shall increase the use of water, or in any other manner, attempt to dilute a waste being discharged, as a partial or complete substitute for treatment to achieve compliance with this ordinance and the user's wastewater discharge permit, or to establish an artificially high flow rate for mass emission rates.

503 PROHIBITION ON BIOHAZARDOUS WASTE

- A. No user shall discharge a biohazardous waste to the sewer without rendering it nonbiohazardous prior to discharge if the biohazardous waste is deemed to pose a threat to public health and safety or will result in any violation of applicable waste discharge requirements.

504 PROHIBITION ON TOXIC OR HAZARDOUS WASTE

- A. No person or user shall discharge directly or indirectly to the public sewer, any substance that is defined as a toxic or hazardous waste by regulatory agencies, except those wastes which meet the requirements of 40 CFR 403.12(p).

505 PROHIBITION ON WARFARE AGENTS

- A. No user shall discharge, or cause to be discharged, any radiological, chemical, or biological warfare agent into the public sewer.

506 LIMITATIONS ON DISPOSAL OF SPENT INDUSTRIAL SOLUTIONS AND SLUDGES

- A. Any spent solutions, sludges, and/or other wastes generated by the user that are a hazardous waste and not treated on site shall be hauled by a registered hazardous waste transporter. The user shall complete and maintain a hazardous waste manifest that documents the transport.
- B. All hazardous waste manifests shall be retained for a minimum of three (3) years and shall be made available to the District upon request. The District may require a longer period of retention if litigation is being considered.
- C. No user shall batch dump to the public sewer without written approval from the District.

507 LIMITATIONS ON THE USE OF GRINDERS

- A. Wastes from industrial or commercial grinders shall not be discharged into a public sewer, except wastes generated in packing or preparing food or food products. Such grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the sewage facilities.

508 LIMITATION ON RAINWATER, STORMWATER, AND STREET DRAINAGE

- A. No user shall discharge or cause to be discharged into the public sewer any rainwater, stormwater, or street drainage that exceeds the first one-tenth (1/10) of an inch of precipitation from any storm event.

509 LIMITATIONS ON GROUNDWATER AND SUBSURFACE DRAINAGE

- A. Groundwater and subsurface drainage shall not be discharged to the public sewer system except as provided herein.
- B. the District may approve the discharge of such water, by wastewater discharge permit only, when no alternate method of disposal is reasonably available or to mitigate an environmental risk or health hazard.
- C. The discharge of such water shall require the following:
1. A Class IV Special Wastewater Discharge Permit issued by the District, and

2. A letter from the local Regional Water Quality Control Board to accept effluent discharge into the public sewer, and
3. Documentation from the user or user's consultant that all other alternate methods of disposal have been exhausted, and
4. User shall pay all applicable fees and charges and shall meet any other conditions as required by the District.

510 LIMITATIONS ON POINT OF DISCHARGE

- A. No user, except member agencies involved in maintenance functions of sewage facilities, shall discharge any wastewater directly into a manhole or other opening in a sewer other than through an approved building sewer, unless approved by the District upon written application by the user and payment of any applicable fees.

511 LIMITATIONS ON RADIOACTIVE WASTES

- A. No user shall discharge, or cause to be discharged, any radioactive waste into a public sewer except:
 1. When the user is authorized to use radioactive materials by the State Department of Health or other governmental agency empowered to regulate the use of radioactive materials, and
 2. When the waste is discharged in strict conformity with current California Radiation Control Regulations (Cal. Adm. Code Title 17) for safe disposal, and
 3. When the user is in compliance with all other rules and regulations of all other applicable regulatory agencies, and
 4. When a class II wastewater discharge permit has been obtained from the District.

512 LIMITATION ON UNPOLLUTED WATER

- A. Unpolluted water such as deionized, steam waste, distilled, single pass cooling water in excess of laboratory usage, blow-down or bleed water from cooling towers, or other evaporating coolers exceeding thirty-three percent (33%) of the make-up water, shall not be discharged directly or indirectly to the public sewer.
- B. The District may approve the discharge of such water, by wastewater discharge permit only, when no alternate method of disposal or reuse is reasonably available or there is need to mediate an environmental risk or health hazard.
- C. The discharge of such water shall require the following:

1. A Class IV Special Wastewater Discharge Permit, and
2. Documentation from the user or user's consultant that all other alternate methods of disposal have been exhausted, and
3. User shall pay all applicable fees and charges and shall meet any other conditions as required by the District.

513 WASTEWATER STRENGTHS AND CHARACTERISTICS

A. No user shall discharge wastewater with the following strengths and characteristics:

1. Having a temperature higher than 140 degrees fahrenheit (60 degrees centigrade) or which causes the temperature at the treatment plant to exceed 104 degrees fahrenheit (40 degrees centigrade).
2. Containing substances that may precipitate, solidify, or become viscous at temperatures between 50 degrees fahrenheit (10 degrees centigrade) and 104 degrees fahrenheit (40 degrees centigrade).
3. Containing materials which will readily settle or cause an obstruction to flow in sewage facilities or be detrimental to proper wastewater treatment facility operation. These materials may include, but are not limited to, asphalt, dead animals, offal ashes, sand, mud, straw, industrial process shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, bones, hair, coffee grounds, egg shells, flashings, diatomaceous earth, seafood shells, and paper products not intended for use in the public sewer.
4. Producing a gaseous mixture that is ten percent (10%) or greater of the lower explosive limit (LEL). Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, ketones, and alcohols.
5. Having a pH less than 5.0 or greater than 11.0.
6. Containing recognizable portions of human or animal anatomy.

513 WASTEWATER STRENGTHS AND CHARACTERISTICS (cont)

7. Containing excessive flow, constituents or other materials, including but not limited to, chemical oxygen demand, total organic carbon, toxic pollutants, suspended solids, grease and oil of animal or vegetable origin total dissolved solids and phenolic compounds released in a discharge at a flow rate and/or concentration which will cause problems, pass-through or interference with sewage facilities.
8. Containing polychlorinated biphenyls (PCBs) as defined herein, in excess of 0.01 mg/L as a daily maximum.

9. Containing pesticides as defined herein, in excess of 0.01 mg/L as a daily maximum.

10. In violation of any applicable national pretreatment standards, state standards, or other local regulations covering wastewater disposal.

514 MASS EMISSION LIMIT DETERMINATION

- A. Mass emission limits for non-compatible and compatible wastes that are present or anticipated in the user's wastewater discharge may be set for each user and made an applicable part of each user's wastewater discharge permit. These limits shall be based on Table I, local limits or national pretreatment standards and the user's average daily wastewater discharge for the past three (3) years, the most recent representative data, or other data acceptable by the District.
- B. To verify the user's operating data, the user may be required to submit an inventory of all wastewater streams and production data.
- C. The District may revise local limit concentration limits or mass emission limits previously established in the user's wastewater discharge permit at any time, based on current and/or anticipated operating data, the ability to meet NPDES Limits, and/or changes in the requirements of regulatory agencies.
- D. The increased use of water to establish an artificially high flow rate data base for mass emission limit determinations is prohibited.

515 SPECIFIC LOCAL LIMITS

- A. No user shall discharge a quality or quantity of wastes or wastewater containing toxic pollutants, non-compatible or compatible wastes in excess of table I, specific local limits. All limits for the metal pollutants are for "total" amount analyzed, unless indicated otherwise.

Table I

Specific Local Limits

Pollutant	Limit (mg/L)
Arsenic	3.4
Cadmium	0.93
Chromium	4.9
Copper	7.2

Lead	4.9
Mercury	0.19
Nickel	9.5
Silver	2.8
Zinc	7.9
Cyanide	4.3
Oil and Grease	300

B. Local limits are subject to more stringent standards as established by national pretreatment standards. Local limits are deemed to be pretreatment standards for the purposes of Section 307(d) of the Act, and are enforceable under Section 309 of the Act, potentially subjecting an IU to a penalty of \$25,000 per day for each violation.

C. The District may place more stringent standards within any wastewater discharge permit issued to a user at any time, based on current and/or anticipated operating conditions presented in the wastewater discharge permit application, the ability to meet NPDES permit limits, and/or changes in the requirements of regulatory agencies.

516 STATE REQUIREMENTS

A. Upon the adoption of any state requirements on user discharges that are more stringent than federal requirements or the limitations contained in this ordinance, that state standard shall then immediately supersede the federal standard and the limitations of this ordinance.

517 FEDERAL REQUIREMENTS

A. Upon adoption of a national pretreatment standard more stringent than those contained in this ordinance, the federal standard shall immediately supersede the limitations listed in this ordinance and the affected users shall be notified of the new standards and applicable reporting requirements.

B. The industrial user shall comply with the national pretreatment standard within the time provided in the federal regulations that establish such standards even if their wastewater discharge permit has not yet been modified to incorporate the requirement.

C. The industrial user shall comply with any applicable requirements under Sections 204(b) and 405 of the Act and Subtitles C and D of the RCRA.

ARTICLE 6 WASTEWATER DISCHARGE PERMITS

601 WRITTEN AUTHORIZATION

- A. It shall be required of a user to obtain written authorization to use the public sewer. This written authorization shall be in the form of a wastewater discharge permit. No vested right shall be given or be granted by issuance of wastewater discharge permits provided for in this ordinance.
- B. When written authorization is granted, all the types of wastewater discharge permits shall be expressly subject to all provisions of this ordinance and all other regulations, charges for use and fees established by the District. The conditions of wastewater discharge permits are subject to enforcement under this ordinance and under state and federal law.
- C. All users are specifically prohibited from discharging except as provided for by their wastewater discharge permit.
- D. Compliance with wastewater discharge permit provisions does not relieve the user from complying with any other applicable federal, state or local requirement.

602 TYPES OF WASTEWATER DISCHARGE PERMITS

- A. The wastewater discharge permit shall be in one of four (4) types and is dependent upon the volume and characteristics of the users discharge. The four types of wastewater discharge permits are:
 - 1. Class I - Wastewater Discharge (WD) Permit
 - 2. Class II - Wastewater Discharge (WD) Permit
 - 3. Class III - Wastewater Discharge (WD) Permit
 - 4. Class IV - Special Wastewater Discharge (SWD) Permit

603 TRANSFER PROHIBITION

- A. Wastewater discharge permits issued under this ordinance are for a specific user, for a specific operation at a specific location. Wastewater discharge permits shall not be transferred for an operation at a different location.

604 CHANGE OF OWNERSHIP

- A. Upon the sale or transfer of ownership of any business operating under a wastewater discharge permit issued by the District, the permittee shall notify the District in writing prior to the change of ownership. The successor owner shall be required to apply for a new wastewater discharge permit within 15 working days of the sale or transfer of ownership.

- B. In the event that the original owner fails to notify the District of the sale or transfer of ownership than said original owner may be jointly liable for any charges incurred by the new owner.
- C. This does not relieve the new owner of any liability for non-compliance with any federal, state, or local regulations or the provisions of this ordinance.

605 EXCESS CAPACITY CHARGE

- A. New developments or existing developments that expand operations that require substantial sewage facility capacity may be subject to an excess capacity facilities fee in an amount and method to be solely determined by the District on a case-by-case basis.

606 OUT OF REGION WASTEWATER DISCHARGE PERMITS

- A. Wastewater discharge permits for users located outside of the District's service region but tributary to the District's sewage facilities shall only be issued after approval by the District. Inspection and sampling of the user's discharge to determine compliance with industrial waste discharge regulations will be made under a coordinated plan developed by AWMA, the District and the local sewerage agency. The more stringent of the industrial waste discharge regulations and effluent limitations of affected agencies shall apply to the user. The fees for use shall be determined by the District and set forth in an interjurisdictional agreement.

607 REQUIRED INFORMATION

- A. To provide for the equitable use of sewage facilities, the District shall have the right to require a user to provide all information necessary to maintain compliance with the provisions of this ordinance, including treatability studies to determine whether the wastewater would be compatible with treatment plant processes. This information shall include, but is not limited to the following:
 - 1. Wastewater discharge flow rates, peak flow rates and volume over any period of time.
 - 2. Physical, chemical or bacteriological analysis of wastewater.
 - 3. Information on raw materials, processes and products.
 - 4. Quantity, disposition and waste manifests of specific liquids, sludge, oil, solvent or other materials.
 - 5. Details of any pretreatment facilities.
 - 6. Details of systems to prevent and control the loss of material through spills.
 - 7. Review of all types of water bills.

608 CONFIDENTIAL INFORMATION

- A. All user information and data on file shall be available to the public and governmental agencies without restriction, unless the user specifically requests and is able to demonstrate to the satisfaction of the District that the release of such information would divulge information, processes or methods which would be detrimental to the user's competitive position. The demonstration of the need for confidentiality made by the user must meet the burden necessary for withholding such information from the general public under applicable state and federal law. Any such claim must be made at the time of submittal of the information by marking "Confidential Business Information" on each page containing such information within the submittal. Information which is demonstrated to be confidential shall not be transmitted to any governmental agency without prior notification to the user. Information concerning wastewater quality and quantity shall not be deemed confidential.

609 CLASS I - WASTEWATER DISCHARGE (WD) PERMIT

- A. All Class I users proposing to discharge into a public sewer shall obtain a wastewater discharge permit by filing an application and paying any applicable fees before discharging. For the purpose of this ordinance, a Class I user is any discharger that meets the definitions of a Class I user and/or significant industrial user as set forth in this ordinance.

610 CLASS II - WASTEWATER DISCHARGE (WD) PERMIT

- A. All Class II users proposing to discharge into a public sewer shall obtain a wastewater discharge permit by filing an application and paying any applicable fees before discharging. For the purpose of this ordinance, a Class II user is any discharger that meets the definition of a Class II user as set forth in this ordinance.

611 CLASS III - WASTEWATER DISCHARGE (WD) PERMIT

- A. All Class III users proposing to discharge into a public sewer shall obtain a wastewater discharge permit by filing an application and paying any applicable fees before discharging. For the purpose of this ordinance, a Class III user is any discharge that meets the definition of a Class III user as set forth in this ordinance.

612 CLASS IV - SPECIAL WASTEWATER DISCHARGE (SWD) PERMIT

- A. All Class IV users proposing to discharge into a public sewer shall obtain a special wastewater discharge permit by filing an application and paying any applicable fees before discharging. For the purpose of this ordinance, a Class IV user is any user that meets the definition of a Class IV user as set forth in this ordinance and is proposing to discharge:

1. Ground water.
2. Surface runoff.

3. Subsurface drainage.
 4. Unpolluted water.
- B. The special wastewater discharge permit may be issued when no alternative method of disposal is reasonably available or to mitigate an environmental risk or health hazard.
- C. The special wastewater discharge permit may only be issued after receiving a letter of request from the local Regional Water Quality Control Board for the District to accept this waste.

613 NON-INDUSTRIAL WASTEWATER DISCHARGE (NIWD) FORM

- A. Any user that has the potential to discharge a noncompatible waste to sewage facilities that is not doing so at the present time may be classified as an NIWD user and issued an NIWD form.
- B. Any user that has had a Class I, II, or III wastewater discharge permit that no longer has a discharge containing noncompatible wastes to the District's sewage facilities may be classified as an NIWD user and issued an NIWD form.
- C. The main functions of the NIWD form are to assist in maintaining the District's industrial user data base and to track and verify by inspection the lack of a discharge containing noncompatible wastes from the user.

614 WASTEWATER DISCHARGE PERMIT APPLICATIONS

- A. Users seeking a wastewater discharge permit shall complete and file with the District, prior to commencing discharge, an application on a form prescribed by the District.
- B. Users seeking a wastewater discharge permit shall be required to submit, in unit and terms appropriate for evaluation, the following information:
1. Name, address, SIC numbers, and a description of the manufacturing process or service activity.
 2. Name, address of any and all, (whichever is applicable) principals/owners/major share holders of company; articles of incorporation; most recent report of the Secretary of State and business license.
 3. Volume of wastewater to be discharged.
 4. Name of individual who can be served with notices other than officers of corporation.
 5. Name and address of property owner, landlord and/or manager of the property.
 6. Water supplier and water account numbers.

7. Wastewater constituents and characteristics as deemed necessary by the District, including but not limited to, those mentioned in this ordinance. These constituents and characteristics shall be determined by a laboratory of the discharger approved by the District, if applicable.
 8. Time and duration of discharge.
 9. Production records, if applicable.
 10. Waste manifests, if applicable.
 11. Landscaped area in square feet, if applicable.
 12. Tons of cooling tower capacity, if applicable.
 13. Number of employees and average hours of work per employee per day.
 14. USEPA Hazardous Waste Generator number, if applicable.
- C. Users may also be required to submit site floor, mechanical, plumbing, toxic organic management, and spill containment plans for evaluation.
- D. Other information may be required to properly evaluate the wastewater discharge permit application.
- E. After evaluation of the data furnished, the District may issue a wastewater discharge permit, subject to the terms and conditions set forth in this ordinance and as otherwise determined by the General Manager to be necessary to protect sewage facilities.

615 SPECIAL WASTEWATER DISCHARGE PERMIT APPLICATIONS

- A. Users seeking a special wastewater discharge permit shall complete and file with the District, prior to commencing discharge, an application on a form prescribed by the District.
- B. Users seeking a special wastewater discharge permit shall be required to submit, in unit and terms appropriate for evaluation, the following information:
 1. Plumbing plans.
 2. Detailed analysis of the alternatives for water disposal.
 3. Detailed analysis of the water for discharge.
 4. Letter of request from the Regional Water Quality Control Board.
 5. Any other data as required for review.

- C. After evaluation of the data furnished, the District may issue a special wastewater discharge permit, subject to the terms and conditions set forth in this ordinance and as otherwise determined by the General Manager to be necessary to protect sewage facilities.

616. NON-INDUSTRIAL WASTEWATER DISCHARGE (NIWD) FORM APPLICATION

- A. Users meeting the criteria for a non-industrial wastewater discharge form, may be asked to complete and file with the District an application on a form prescribed by the District.
- B. Information on users that meet the criteria for a non-industrial wastewater discharge form may be obtained solely by the District during facility inspections.
- C. After evaluation of the data furnished by the user or from information collected solely by the District an NIWD form may be issued.

617 WASTEWATER DISCHARGE PERMIT RENEWAL

- A. The user shall file a new application sixty (60) days prior to the expiration date of any existing wastewater discharge permit for renewal.
- B. Discharge after the termination date of a wastewater discharge permit is prohibited except:
 - 1. If the user filed a timely application under Section 617 A. of this ordinance which is complete, and:
 - 2. The District, through no fault of the user, does not issue a new wastewater discharge permit with an effective date on or before the expiration date of the previous wastewater discharge permit.

618 WASTEWATER DISCHARGE PERMIT TERMS, CONDITIONS, AND LIMITATIONS

- A. All wastewater discharge permits shall be expressly subject to all terms, conditions, and limitations of this ordinance, and all other regulations, charge for use, and fees established by the District. The terms and conditions of wastewater discharge permits are subject to enforcement by the District in accordance with this ordinance, and applicable state and federal regulations. Any wastewater discharge permit violation shall be a violation of this ordinance.
- B. The terms and conditions of any issued wastewater discharge permit may be subject to modification and changes by the District during the life of the wastewater discharge permit based on:
 - 1. The dischargers current or anticipated operating data.
 - 2. The District's current or anticipated operating data.

3. Changes in the requirements of regulatory agencies.
- C. Permittee may request a modification to the terms and conditions of an issued wastewater discharge permit. The request shall be in writing stating the requested change, and the reasons for the change. The District shall review the request, make a determination and respond in writing. A request for a wastewater discharge permit modification does not relieve a permittee from complying with its existing wastewater discharge permit conditions.
 - D. Any changes or new conditions in the wastewater discharge permit shall include a reasonable time schedule for compliance where allowed under applicable federal, state and local law.
 - E. Wastewater discharge permits may contain any, but is not limited to, the following terms, conditions and limitations:
 1. Mass emission rates regulating pollutants.
 2. Concentration rates regulating pollutants.
 3. Discharge limits based upon the combined wastestream formula.
 4. Limits on rate and time of discharge or requirements for flow regulation and equalization.
 5. Requirements for the user to make notification in writing prior to the physical expansion or any significant change to of any wet processes. Notification is also required in the event of significant changes in production if production-based limits are being applied.
 6. Requirements for the user to construct and maintain, at his own expense, pH control, flow monitoring and/or sampling facilities.
 7. Requirements for submission of technical reports, discharge reports and waste manifests.
 8. Requirements to self-monitor.
 9. Requirements for maintaining plant records relating to wastewater discharge and waste manifests as specified by the District.
 10. Predetermined rates or values for wastewater strength characteristics.
 11. Requirements to submit copies of water bills.
 12. Other provisions which may be applicable to ensure compliance with this ordinance.

13. Other terms and conditions determined by the General Manager to be necessary to protect sewage facilities.
14. Predetermined rate or value for BOD and suspended solids.
15. Requirements for notification of slug, upset or bypass discharges.
16. Requirements for notification of any new introduction of wastewater constituents or any substantial change in the volume or character of wastewater constituents.
17. Requirements to meet compliance schedules.
18. Requirements for the user to develop and implement a slug discharge control plan.
19. Requirements for the user to develop and implement a toxic organics management plan.

619 WASTEWATER DISCHARGE PERMIT DURATION

- A. All wastewater discharge permits shall not exceed a duration of five (5) years. Any wastewater discharge permit may be issued for a shorter period of time at the sole discretion of the District.

620 DISTRICT'S RIGHT OF REVISION

- A. The District reserves the right to establish, by ordinance, or by wastewater discharge permits or by any other means, more stringent standards or requirements on the discharge of users to sewer facilities.

**ARTICLE 7
FACILITY REQUIREMENTS**

701 PRETREATMENT

- A. All pretreatment facilities or devices may be reviewed by the District. Such review shall not absolve the user of any responsibility of meeting prohibitions, limitations, requirements, standards and local limits on discharges.
- B. User shall provide wastewater treatment as necessary which may include, but is not limited to, the use of best available technology (BAT) or best practicable technology (BPT) concepts to comply with this ordinance and shall achieve compliance with all prohibitions, limitations, standards and local limits before discharging to any public sewer. Any facilities required to pretreat, sample, control or transport wastewater shall be provided and maintained in proper operating condition at all times at the user's sole expense.

- C. User may be required to submit waste analysis plans, contingency plans, and meet other requirements to ensure proper operation of pretreatment facilities and compliance with their wastewater discharge permit limits and this ordinance.
- D. No user shall increase the use of water or in any other manner attempt to dilute a discharge as a partial or complete substitute for treatment to achieve compliance with this ordinance and the user's wastewater discharge permit.

702 SPILL CONTAINMENT

- A. Each user shall provide spill containment for protection against the discharge of prohibited materials or other wastes regulated by this ordinance. This protection shall be designed in accordance with reasonable engineering standards to secure the discharges and to prevent them from entering into the public sewer system. These facilities shall be provided and maintained at the user's sole expense.
- B. If it can be shown that a user's spill containment facilities did not prevent a discharge which caused the District to violate its discharge requirements, incur additional operational expenses, or suffer loss or damage to sewage facilities, that user shall be responsible for any costs or expenses, including assessment by other agencies or any costs incurred by the District.
- C. A notice may be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a prohibited discharge. Employers shall ensure that all employees who may cause or suffer such a prohibited discharge to occur are advised of the emergency notification procedure.

703 MONITORING AND METERING FACILITIES

- A. The user may be required to construct and maintain in proper operating condition at the user's sole expense, flow and/or constituent monitoring and/or sampling facilities.
- B. Any sample taken from a user's representative sample point shall be considered to be representative of the discharge to the public sewer.
- C. Monitoring or metering facilities may be required to include a security closure that can be locked with a District provided lock during any sampling and monitoring periods.
- D. Location of the monitoring or metering facilities shall be subject to approval by the District.
- E. The District shall be provided clear and uninterrupted access to monitoring or metering facility locations.

703 MONITORING AND METERING FACILITIES (cont)

- F. When one or more users discharge into a public sewer, those users may be required to install a separate monitoring facility for each user. Also in the judgment of the District, if there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user, that user may be required to install separate monitoring facilities for each operation. Separate monitoring may also be required for different processes subject to categorical pretreatment standards.

- G. Users with the potential to discharge flammable solutions may be required to install and maintain at their sole expense a combustible gas detection meter.

704 DRAWING SUBMITTALS

- A. Detailed plans of any proposed construction of pretreatment, spill containment, monitoring and metering facilities and operating procedures shall be submitted for review, within thirty (30) days of a written request by the District. Review shall be completed prior to commencement of construction. The review of the plans and procedures shall in no way relieve the user of the responsibility of modifying the facilities or procedures in the future as necessary to meet the requirements of this ordinance or any other requirement of other regulatory agencies.
- B. All drawings shall include:
1. North arrow.
 2. Scale size.
 3. User name and address.
 4. Drawing name and drawing number.
 5. Date drawn or revised.
 6. Name of draftsman and name of person approving drawing.
- C. The District may require drawings to scale depicting the manufacturing process (waste generating source), spill containment, pretreatment facilities, and/or monitoring or metering facilities.
- D. The District may require a schematic drawing of the pretreatment facilities.
- E. The District may require the drawings be prepared by a California registered chemical, mechanical, or civil engineer.

705 WASTE MINIMIZATION, RECYCLING, AND TREATMENT

- A. User shall provide waste minimization plans to conserve water, investigate product and/or materials substitution, maintain inventory control records and implement employee education, and other steps as necessary to minimize waste produced within thirty (30) days of written request by the District.
- B. Waste minimization, recycling and treatment shall be demonstrated wherever feasible in the following priority:

1. Source reduction which includes, but is not limited to, substitution of less hazardous materials, spill prevention and control measures, proper storage and handling of chemicals and raw materials.
2. Recovery and reuse which includes, but is not limited to, substitution of less hazardous materials, spill prevention and control measures, proper storage and handling of chemicals and raw materials.
3. Treatment which includes, but is not limited to, pretreatment techniques as to render hazardous wastes harmless or suitable for disposal to a public sewer.

ARTICLE 8

**INSPECTION, MONITORING, SAMPLING,
NOTIFICATION, AND REPORTING REQUIREMENTS**

801 INSPECTION AND MONITORING

- A. The District may inspect and sample the wastewater generating and disposal facilities of any user to ascertain whether the requirements of this ordinance are being met and the user is complying with all requirements.
- B. Where a discharger has instituted security measures requiring proper identification and clearance before entry onto the premises, the discharger shall make all necessary arrangements with its security in order that the inspectors of the District shall be allowed to enter the premises without delay for the purpose of performing their authorized duties.
- C. The District shall have the right to set up on the user's property or any other locations, as determined by the District, such devices as are necessary to conduct sampling or metering operations of the user's discharge.
- D. In order for the District to determine the wastewater characteristics of the discharges for compliance with wastewater discharge permit requirements, the user is required to make available for inspection and copying all industrial user records including, but not limited to, production records, self-monitoring and chain of custody records, and waste manifests without restriction, but subject to the confidential provisions set forth in this ordinance. All records shall be maintained by users for a minimum of three (3) years or longer if a written request is made by the District or a member agency or if litigation is being considered or has resulted. Such records shall be made available to the District upon request.
- E. 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 District and shall not be replaced. The costs of cleaning such access shall be at the sole expense of the user.
- F. Inspection and/or sampling of any user shall be conducted in a time, place, manner and frequency as determined at the sole discretion of the District.

802 SELF-MONITORING AND REPORTING

- A. Self-monitoring of wastewater constituents and characteristics of the discharger needed for determining compliance with any limitations and requirements as specified in the user's wastewater discharge permit, federal regulations, or this ordinance may be required. The self-monitoring requirement and frequency or reporting shall be set forth in the user's wastewater discharge permit. These reports include, but are not limited to, the following:
1. Baseline monitoring reports (BMR's).
 2. Compliance schedule progress reports.
 3. 90-day compliance reports.
 4. Wastewater discharge permit reports on continued compliance.
 5. Other reports as required by the District or applicable law.
- B. Failure by the user to perform any required self-monitoring and/or to submit reports required by the District shall be a violation of this ordinance, and is deemed to be a violation for each parameter and each day in the time period for which monitoring was required, and cause for the District to initiate all necessary tasks and analysis to determine the wastewater constituents and characteristics for any limitations and requirements specified in the user's wastewater discharge permit or in this ordinance. The user shall be responsible for any and all expenses incurred by the District in undertaking such monitoring analysis and preparation of reports.
- C. All users required to sample and analyze their wastewater shall use the sampling methods and the sampling locations as set forth in their wastewater discharge permit. For each sample collected and analyzed, the user shall maintain a record of:
1. Date, exact place, method and time of sampling and the name of the person taking the sample.
 2. Date analysis performed.
 3. Identity and address of the person who performed the analysis.
 4. The analytical methods used.
 5. Results of the analysis.
- D. Samples taken shall be representative of conditions occurring during the reporting period. Users shall submit all monitoring data, even if user samples more frequently than required by its wastewater discharge permit. User is required to provide advance notice of any substantial change in the volume or character of pollutants in their discharge.

- E. When required, self-monitoring reports of the analysis of wastewater constituents and characteristics shall be in a manner and form approved by the District and shall be submitted, at a minimum, by June 20 and/or December 20 of every year. All reports shall be signed by the company authorized representative. Each report shall contain the following certification:

"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."

Date: _____

Signature: _____

Print Name: _____

Title: _____

Company Name: _____

Facility
Address: _____

Mailing
address: _____

Phone: _____

Permit No: _____

- F. Self-monitoring reports shall be subject to the provisions of 18 U.S.C. Section 1001 relating to false statements and fraud and the provisions of Section 309(c) (2) of the Act governing false statements.
- G. The analysis of a user's wastewater constituents and characteristics shall be done by a laboratory approved by the District.
- H. If self-monitoring indicates a violation, the user shall notify the District within 24 hours of becoming aware of the violation. The user shall repeat the sampling and analysis and submit the results of the repeat analysis to the District within 30 days after becoming aware of the violation. **802 SELF-MONITORING AND REPORTING. (cont)**

- I. The analysis of wastewater constituents and characteristics and the preparation of the monitoring report shall be done at the sole expense of the user.
- J. The user shall establish and maintain a representative sample point on each discharge line at a location representative of the discharge to the sewer. The maintenance of this equipment shall be done at the sole expense of the user. Sampling location shall be set forth in the user's wastewater discharge permit.
- K. Any user subject to the reporting requirements of this ordinance shall retain all records of monitoring activities and results for a minimum of three (3) years and shall make them available to the District upon request. The District or a member agency may require a longer period of retention if litigation is being considered or has resulted.
- L. Any user subject to reporting requirements may be required to submit self-monitoring reports on forms approved by the District.

803 REPORT OF SPILL, SLUG LOADING, OR UPSET

- A. In the event the user is unable to comply with any of the wastewater discharge permit conditions due to a breakdown of equipment, accidents caused by human error, or intentional action by any party, or acts of God, or any other cause, the discharger shall notify the District by telephone as soon as possible of any spill, slug loading, batch dumping or upset.
- B. Confirmation of this notification shall be made in writing within five (5) working days of the telephone notification. The written notification shall contain:
 - 1. Date of the incident.
 - 2. Reason for the spill, slug loading, batch dumping or upset.
 - 3. What steps were taken to immediately correct the problem.
 - 4. What steps are being taken to prevent the problem from recurring.
 - 5. Any other information the District deems relevant.
- C. Such notification shall not relieve the user of any expense, loss, damage, liability or fees which may be incurred as a result of damage or loss to sewage facilities or any damage or loss to persons or property. Such notification shall never relieve the user from any fees or liability which may be imposed by this ordinance or other applicable law.

804 REPORTING OF BY-PASS

- A. By-pass of industrial wastewater to the sewer is prohibited. Enforcement action may be taken against the user, unless:

1. By-pass was unavoidable to prevent loss of life, personal injury, or severe property damage, and
 2. There were no feasible alternatives to the by-pass, 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 judgement to prevent a by-pass which occurred during normal periods of equipment downtime or preventative maintenance, and
 3. The user submitted notice as required by this ordinance, or;
 4. The bypass did not exceed user discharge limits and was required for essential maintenance.
- B. If a user knows in advance of the need for a by-pass, it shall submit prior notice to the District at least ten (10) days before the date of the by-pass.
- C. The District may approve an anticipated by-pass after considering its adverse effects, if the District determines that it will meet the conditions listed within this section.
- D. A user shall submit oral notice of an unanticipated by-pass that exceeds their wastewater discharge permit limitation to the District within 24 hours from the time the permittee becomes aware of the by-pass. A written report shall also be provided within five (5) working days of the time the permittee becomes aware of the by-pass. The report shall contain:
1. Description of the by-pass and its cause.
 2. Duration of the by-pass, including exact dates and times.
 3. Anticipated time it is expected to continue if the by-pass has not been corrected.
 4. Steps taken or planned to reduce, eliminate, and prevent recurrence of the by-pass.
- E. Failure to submit oral notice and/or written report may be grounds for wastewater discharge permit suspension or revocation. Failure to provide timely notice under Section 804 D. is deemed a waiver of the bypass defense for the user violation.
- F. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage or loss to the public sewer or any other damage or loss to person or property. Such notification shall never relieve the user from any fees or liability which may be imposed by this ordinance or other applicable law.

805 COMPLIANCE REPORT (40 CFR 403.12(b))

A. Within thirty (30) days following the date for final compliance with applicable pretreatment standards, or in the case of a new source, ninety (90) days prior to commencement of discharge, any user subject to pretreatment standards and requirements shall submit a report to the District containing the information listed below. The report should include, but is not limited to the following:

1. Nature and concentration of all pollutant discharge in the regulated stream.
2. Average and maximum daily flows.
3. Whether the applicable pretreatment standards are being met on a consistent basis.
4. Any additional pretreatment necessary to bring user into compliance.
5. Identification of the method of pretreatment the user intends to use to meet applicable pretreatment requirements.
6. Report shall be signed by a company authorized representative.

806 BASELINE MONITORING REPORTS (40 CFR 403.12(b))

A. Within either one hundred eighty (180) days after the effective date of a categorical standard or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, a user subject to the standard shall submit to the District a report containing the information listed below. This report shall include, but is not limited to the following:

1. Identifying information. The name and address of the facility, including the name of the operator and owner.
2. Environmental permits. A list of all environmental control permits held by or for the facility.
3. Description of Operations. A brief description of the nature, average rate of production, and standard industrial classification of the operation(s) carried out by such a user. This description should include a schematic process diagram which indicates points of discharge to sewage facilities from the regulated processes.
4. Flow Measurements. Information showing the measured average daily and maximum daily flow, in gallons per day, to sewage facilities from regulated process streams and other streams.
5. Measurement of Pollutants. The categorical pretreatment standards applicable to each regulated process and the results and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the District, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass where required, shall be reported. The sample shall be representative of daily operations.

6. Certification. A statement, reviewed by the user's authorized representative 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.
7. 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 shall be utilized.
8. Signature and certification. All monitoring reports shall be signed and certified in accordance with Section 802 E. of this ordinance.

807 REPORT ON PROGRESS IN MEETING COMPLIANCE SCHEDULES (40 CFR 403.12(c))

- A. All Class I users required to submit compliance schedules shall report their progress within fourteen (14) days of each date in their schedule.
- B. 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 comply with the applicable pretreatment standards.
- C. No increment referred to above shall exceed nine (9) months.
- D. In no event shall more than nine (9) months elapse between progress reports to the District.

808 REPORT ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARDS DEADLINE (40 CFR 403.12(d))

- A. Within ninety (90) days following the date for final compliance with the applicable categorical standards or within ninety (90) days of the introduction of wastewater into the treatment facility, the affected user shall submit a report containing the information listed below. This report shall include, but is not limited to the following:
 1. Flow Measurements. Information showing the measured average daily and maximum daily flow, in gallons per day, to sewage facilities from regulated process streams and other streams.
 2. Measurement of Pollutants. The categorical pretreatment standards applicable to each regulated process and the results and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the District, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass where required, shall be reported. The sample shall be representative of daily operations.
 3. Certification. A statement, reviewed by the user's authorized representative 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. Signature and certification. All monitoring reports shall be signed and certified in accordance with Section 802 E. of this ordinance.

809 SEMI-ANNUAL COMPLIANCE REPORT (40 CFR 403.12(e))

- A. All Class I users subject to federal pretreatment standards as a minimum shall submit reports containing the information required in 40 CFR 403.12 during the months of June and December, or as required in their wastewater discharge permit.

810 RIGHT OF ENTRY

- A. Persons or occupants of premises where wastewater is created or discharged shall allow the District, its inspectors or representatives, reasonable access during the normal working day to all parts of the wastewater generating and disposal facilities for the purpose of inspection and sampling.

811 ANALYTICAL REQUIREMENTS

- A. 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, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses shall be performed in accordance with procedures approved by the USEPA.

812 SAMPLE COLLECTION

- A. The user shall collect wastewater samples in accordance with this ordinance or the requirements set forth in its wastewater discharge permit. Samples may be collected using flow proportional composite sample techniques, time proportional composite sample techniques, or by a minimum of four (4) grab samples to provide a representative sample of the discharge. A single grab sample may be used at any time to show compliance with instantaneous discharge limits.
- B. Samples for analysis of oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds shall be obtained by grab sample collection techniques only.

813 TIMING

- A. Reports shall 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.

814 NOTIFICATION OF CHANGED DISCHARGE

- A. All users that have been issued a wastewater discharge permit shall notify the District in advance of any substantial change in the volume or character of pollutants in their discharge in accordance with 40 CFR 403.12(j)

**ARTICLE 9
ENFORCEMENT**

901 ENFORCEMENT SCOPE

- A. The District finds that in order for it to comply with the laws, regulations, and rules imposed upon it by regulatory agencies and to ensure that sewage facilities and treatment processes are protected and are able to operate with the highest efficiency, specific enforcement provisions must be adopted to regulate discharges from industrial users.
- B. The District is willing to cooperate with all users on improvements in wastewater quality, yet must be in a position to ensure that uncooperative users shall comply with this ordinance and any conditions set forth in a wastewater discharge permit.
- C. The District intends to ensure that all interested parties are afforded due process of law and that any noncompliance or violation is resolved as soon as possible.
- D. All users have a right of appeal pursuant to the procedures set forth in this ordinance.
- E. Each non-compliance or violation per day and each day of noncompliance or violation shall be taken as a separate noncompliance or violation for determining the amount of fees, charges, fines or penalties and/or which enforcement actions may be taken. A violation of a weekly average is considered seven (7) days of violation for that parameter and a violation of a monthly average is based upon the number of days in that month. A violation of multiple parameters caused by a single operational upset is considered one violation.
- F. The issuance or exercise of any type of an enforcement action provided for under this ordinance shall not be a bar against, or a prerequisite for, taking any other or additional enforcement action against a user under this ordinance or any other local, state or federal law.

902 NOTICE OF NONCOMPLIANCE (NON)

- A. In the event that it is determined that a user is in noncompliance with any provision of this ordinance, or the terms, conditions and limitations of its wastewater discharge permit, the District may issue a NON, whereby the user shall comply with all directives, conditions and requirements therein within the time prescribed.
- B. The issuance of a NON may contain terms and conditions including, but not limited to, installation of pretreatment equipment and facilities, submittal of drawings or technical reports, payment of fees or

administrative fines, limits on rate and time of discharge or any other provisions to ensure compliance with this ordinance and the user's wastewater discharge permit.

903 NOTICE OF VIOLATION (NOV)

- A. In the event that it is determined that a user has not responded to a NON that was previously issued to them or that noncompliance of any pretreatment standards requires their immediate attention, the District may issue a NOV, whereby the user shall comply with all directives, conditions and requirements therein within the time prescribed.
- B. The issuance of a NOV may contain terms and conditions including, but not limited to, installation of pretreatment equipment and facilities, submittal of drawings or technical reports, payment of fees, administrative fines, limits on rate and time of discharge or any other provisions to ensure compliance with this ordinance.

904 ADMINISTRATIVE ORDER (AO)

- A. The AO is an enforcement document from the District directing the noncompliant user to undertake or to cease specific activities required to bring the user into compliance with this ordinance or the terms, conditions and limitation of a wastewater discharge permit as determined by the District. The terms and conditions of the AO are not negotiable by the user. The circumstances of a user's noncompliance may dictate which theme the administrative order will takes to achieve the earliest possible return to compliance by the user. AOs may include administrative complaints. Types of AOs may include, but are not limited to, the following:

1. Probation Order (PO)

- a. The PO directs the noncompliant user to achieve compliance by a date specified in the order. The PO is usually issued when a user is in non-compliance of this ordinance, or the terms, conditions and limitations of its wastewater discharge permit or other enforcement action, or has not made payment of all amounts owed to the District which include, but are not limited to, any fees, charges, fines and/or penalties.

2. Show Cause Order (SCO)

- a. The SCO directs the noncompliant user to appear at a formal meeting, usually at a District location, to explain its noncompliance, and to show cause why more severe enforcement actions against the user should not go forward. This action, however, is not a prerequisite to taking other or more severe enforcement actions.

3. Cease and Desist Order (CDO)

- a. The CDO directs the noncompliant user to cease illegal or unauthorized discharges immediately, or to terminate its discharge altogether. A CDO may be issued in situations where a particular discharge

could cause interference or pass through, or threaten human safety or the environment. The CDO may be issued immediately upon discovery of the problem. In an emergency, a CDO may be issued by telephone, however, such an order should be followed by a written CDO on the user, either by hand delivery or by certified mail. If necessary, the District may order immediate cessation of any discharge to the public sewer, regardless of the user's compliance status. If a user fails to comply with the CDO, the District may take any independent action to halt the discharge.

905 WASTEWATER DISCHARGE PERMIT SUSPENSION OR REVOCATION

A. Grounds

1. The District may suspend or revoke any wastewater discharge permit, but is not limited to the following, when it as determined that a user:
 - a. Violated an administrative order.
 - b. Provided a false statement, representation, record, report or other document to the District.
 - c. Refused to provide records, reports, plans or other documents required to determine wastewater discharge permit terms, conditions, or limitations, discharge compliance, or compliance with this ordinance.
 - d. Discharged effluent that causes pass-through or interference with the public sewer system, sewage facilities.
 - e. Falsified, tampered with, or knowingly rendered inaccurate any monitoring device or sample collection method.
 - f. Discharged effluent that endangers human health or the environment.
 - g. Failed to report significant changes in operations or wastewater constituents and characteristics.
 - h. Failed to comply with the terms and conditions of any enforcement action.
 - i. Refused reasonable access to the permittee's premises for the purpose of inspection and monitoring.
 - j. Failed to make timely payment of any fees, charges, fines or penalties owed to the District.
 - k. Violated any conditions or limitations of its wastewater discharge permit or any provision of this ordinance.
 - l. Discharged batch dumps to the public sewer system.

B. Notice of Wastewater Discharge Permit Suspension/Revocation

1. When the District has reason to believe that grounds exist for suspension/revocation of a wastewater discharge permit, written notice shall be given by certified mail to the permittee setting forth a statement of facts and grounds deemed to exist together with a description of the time and place where the charge shall be heard by the General Manager. The hearing date shall not be less than fifteen (15) days nor more than sixty (60) days after the mailing of such notice.

C. Hearing on Permit Suspension/Revocation

1. At the wastewater discharge permit suspension/revocation hearing, the permittee shall have an opportunity to respond to the allegations set forth in the notice. The hearing shall be conducted in accordance with procedures established by the General Manager and approved by the District's General Counsel.
2. After the hearing, the General Manager's designee shall submit a written report to the General Manager setting forth a brief statement of facts found to be true, a determination of the issues presented, conclusions, and a recommendation.
3. Upon receipt of the written report, the General Manager shall make his determination. Should he find that the grounds exist for suspension/ revocation of the wastewater discharge permit, he shall issue his decision and order, in writing within thirty (30) days after the hearing by his designee. A copy of the written decision shall be sent by personal delivery or certified mail to the permittee.

D. Effect of Wastewater Discharge Permit Suspension

1. Upon the issuance of an order of suspension by the General Manager, the permittee shall have no right to discharge any industrial wastewater, directly or indirectly to the public sewer for the duration of the suspension. All costs for physically terminating and reinstating service shall be paid by the permittee.
2. An order of wastewater discharge permit suspension issued by the General Manager shall be deemed final upon delivery to the permittee, unless appealed to the Board as specified in Section 913 of this ordinance.

E. Effect of Wastewater Discharge Permit Revocation

1. On the effective date of a wastewater discharge permit revocation being final, the permittee shall permanently lose all rights to discharge any industrial wastewater directly or indirectly to the public sewer system. All costs for physical termination shall be paid by the permittee.
2. Each owner and employee of the permittee shall be bound by the order of revocation.
3. Any future application from any facility within the public sewer system by any person subject to an order of wastewater discharge permit revocation will only be considered by the District after fully

reviewing the records of revocation. Such records may be the basis for denial of a new wastewater discharge permit.

4. An order of wastewater discharge permit revocation issued by the General Manager shall be deemed final upon delivery to the permittee, unless appealed to the Board as specified in Section 913 of this ordinance.

906 TERMINATION OF SERVICE

- A. The District may physically terminate sewer service to any property as a term of any order of suspension or revocation of a wastewater discharge permit. All costs for physical termination shall be paid for by the user as well as all costs for reinstating services.

907 EMERGENCY SUSPENSION

- A. The District may suspend sewer service when such suspension is necessary, in order to stop an actual or impending discharge which presents or may present an imminent or substantial endangerment to the health and welfare of persons, to the environment, cause interference to the sewage facilities, or cause the District to violate any state or federal law or regulation.
- B. An emergency suspension order is final and has no right of appeal.

908 INJUNCTION

- A. Whenever a discharge of wastewater is in violation of the provisions of this ordinance, the District may petition the superior court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate to restrain the continuance of such discharge.

909 CIVIL FINES AND PENALTIES

- A. Authority.
 1. All users of the public sewer system and sewage facilities are subject to administrative or judicial enforcement actions by the District, USEPA, State of California Regional Water Quality Control Board or the District Attorney of Orange County. Actions may be taken pursuant to the authority and provisions of several laws, including but not limited to:
 - a. Federal Water Pollution Control Act (Clean Water Act).
 - b. California Porter-Cologne Water Quality Act (California Water Code).

c. California Hazardous Waste Control Law.

d. Resource Conservation and Recovery Act (RCRA).

B. Recovery of Fines or Penalties.

1. Payment of fines or penalties by the District due to enforcement actions of other regulatory agencies based upon a violation by the District whose cause can be established as the discharge of any user which is in violation of any provisions of this ordinance or a wastewater discharge permit shall entitle the District to recover from the user all cost and expenses, including, but not limited to the full amount of fines and penalties which the District has been subjected to.
2. Each violation shall constitute a new and separate violation and shall be subject to the fines and penalties contained herein.

C. Civil Liability

1. Pursuant to the authority of California Government Code Sections 54739-54740, any permittee, discharger or other person who violates any provision of this ordinance, any wastewater discharge permit condition, prohibition or effluent limitation, or any order, compliance schedule, suspension or revocation shall be civilly liable for a sum not to exceed twenty-five thousand dollars (\$25,000) per violation for each day in which such violation occurs.
2. Pursuant to the authority of Act. 33 U.S.C. Section 1251 st seq., any permittee, discharger or other person who violates any provision of this ordinance, any wastewater discharge permit condition, prohibition or effluent limitation, or any order, compliance schedule, wastewater discharge permit suspension or revocation shall be civilly liable for a sum not to exceed twenty-five thousand dollars (\$25,000) per violation for each day in which such violation occurs.
3. The District may petition the superior court to impose, assess and recover penalties or other such penalties as the District may impose, assess and recover pursuant to federal and/or state legislative authorization.
4. Notwithstanding any other provisions of law, all civil penalties imposed by the court for a violation of this ordinance shall be distributed to the member agency in which the violation(s) occurred.
5. Remedies under this section are in addition to and do not supersede or limit any and all other remedies, civil or criminal, but no liability shall be recovered under this section for any violation for which liability is recovered under Section 909 D. of this ordinance.

D. Administrative Complaint

1. Pursuant to the authority of California Government Code Sections 54740.5 and 54740.6, the District may issue an administrative complaint to any permittee, discharger or other person who violates any provision of this ordinance, any wastewater discharge permit condition, prohibition or effluent limitation, or any administrative, suspension or revocation order.
2. The administrative complaint shall be served by personal delivery or certified mail on such person and shall inform the person that a hearing shall be conducted, within sixty (60) days following service. The administrative complaint will allege the act or failure to act that constitutes the violation(s), set forth the provisions of law authorizing civil liability to be imposed and the proposed civil penalty. The matter shall be heard by the General Manager or his designee. The person to whom an administrative complaint has been issued may waive the right to a hearing, in which case a hearing shall not be conducted.
3. At the hearing, the person shall have an opportunity to respond to the allegations set forth in the administrative complaint by presenting written or oral evidence. The hearing shall be conducted in accordance with the procedures established by the General Manager and approved by the District's General Counsel.
4. After the conclusion of the hearing, the General Manager's designee shall submit a written report to the General Manager setting forth a brief statement of the facts found to be true, a determination of the issues presented, conclusions and a recommendation. Upon receipt of the written report, the General Manager shall make his determination and should he find that grounds exist for assessment of a civil penalty, he shall issue his decision and order in writing within thirty (30) calendar days after the conclusion of the hearing. If not appealed, the order shall be final thirty-one (31) days after it is served on the person.
5. A person dissatisfied with the decision of the General Manager may appeal to the Board pursuant to Section 913 of this ordinance within thirty (30) days of notice of the General Manager's decision.
6. If, after the hearing or appeal, if any, it is found that the person has violated reporting or discharge requirements or other provisions of the this ordinance, the General Manager or Board may assess a civil penalty against that person.
7. In the determination of the amount of the civil penalty, all relevant circumstances may be taken into consideration, 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 violations, the length of time over which the violation occurs and the corrective action(s), if any, attempted or taken by the person.
8. Civil penalties may be assessed as follows:
 - a. In an amount which shall not exceed two thousand dollars (\$2,000) for each day for failing or refusing to furnish technical or monitoring reports.

- b. In an amount which shall not exceed three thousand (\$3,000) for each day for failing or refusing to timely comply with any compliance schedule
 - c. In an amount which shall not exceed five thousand dollars (\$5,000) per violation for each day for discharges in violation of any waste discharge limitation, wastewater discharge permit condition, or requirement issued, reissued or adopted by the District.
 - d. In an amount which does not exceed ten dollars (\$10) per gallon for discharges in violation of any suspensions, cease and desist order or other orders, or prohibition issued, reissued or adopted by the District.
9. Payment of civil penalties shall be due within thirty (30) days of the date of the order assessing the penalties becomes final. The amount of any administrative civil penalties imposed which have remained delinquent for a period of sixty (60) days from the date they are due shall constitute a lien against the real property of the discharger from which the discharge resulting in the imposition of the penalty originated. The lien shall have no force and effect until recorded with the county recorder and when recorded shall have the force and effect and priority of a judgment lien and continue for ten (10) years and be renewable in accordance with law.
10. Copies of the administrative order shall be served by personal service or by registered mail upon the party served with the administrative complaint and upon other persons who appeared at the hearing and requested a copy of the order.
11. Any party aggrieved by a final order issued by the Board after granting review of the order of the General Manager may obtain review of the order of the Board in the Superior Court, by filing in the court a petition for writ or mandate within thirty (30) days following the service of a copy of the decision and order issued by the Board.
12. Any party aggrieved by a final order issued by the General Manager, for which the Board denies review, may obtain review of the order of the General Manager in the Superior Court, by filing in the court a petition for writ of mandate within thirty (30) days following service of a copy of a decision and order denying review by the Board.
13. No administrative civil penalties shall be recoverable under this section for any violation for which civil liability is recovered under Section 909 C. of this ordinance.

910 CRIMINAL PENALTIES

- A. Any person who violates any provision of this ordinance is guilty of a misdemeanor, which upon conviction is punishable by a fine not to exceed one thousand dollars (\$1,000) or imprisonment for not more than thirty (30) days or both.
- B. Each violation shall constitute a new and separate violation and shall be subject to the penalties contained herein.

911 PUBLIC NUISANCE

- A. Discharge of wastewater in a manner that is in noncompliance or violation of this ordinance or of any order issued by the District, in accordance with this ordinance, shall hereby be declared a public nuisance and shall be corrected or abated as directed by the District.
- B. Any person creating a public nuisance is guilty of a misdemeanor and is subject to the criminal penalties identified in Section 910 of this ordinance.

912 APPEALS TO THE GENERAL MANAGER

A. General

- 1. Any user affected by a decision, action or determination made by District staff may file with the General Manager a written request for an appeal hearing.
- 2. Request must be made within fifteen (15) days of the mailing of the original decision.
- 3. Request for hearing shall set forth details of all facts supporting the appellate's request for hearing.

B. Notice

- 1. The General Manager shall, within fifteen (15) days of receiving the request for appeal provide written notice to the user of the hearing date, time, and place.
- 2. The hearing time shall not be more than thirty (30) days from the mailing of such notice by certified mail to the appellant unless a later date is agreed to by the appellant.
- 3. If the hearing is not held within the time set due to actions of the appellant, then the District's decision shall be deemed final.

C. Hearing

- 1. The appellate shall have the opportunity to present information supporting its position concerning the District's original decision, action or determination.
- 2. The hearing shall be conducted in accordance with procedures established by the General Manager and approved by the District's General Counsel.

D. Written Determination

- 1. After the hearing the General Manager shall make a determination whether to uphold, modify or reverse original decision, action or determination.

2. This decision shall be put into writing within a brief statement of facts found to be true, the determination of the issues presented, and the findings.
 3. The final determination of the General Manager upon his approval shall be executed as the order.
 4. A copy shall be mailed or delivered to the appellant.
 5. The order of the General Manager shall be final in all respects fifteen (15) days after it is mailed to the appellant, unless appealed under Section 913 of this ordinance.
- E. Wastewater Discharge Permit Suspension/Revocation Appeals
1. Appeals regarding wastewater discharge permit suspension or revocation are covered under Section 905 and Section 913 as specified in this ordinance.

913 APPEALS TO THE BOARD

A. General

1. The user may, within thirty (30) days after the date of notification of the General Manager's order upholding the District's determination, file a written appeal to the Board.
2. A fee of one hundred dollars (\$100) shall accompany the written appeal which shall be refunded if the Board of Directors reverses or modifies the order of the General Manager.
3. A request for appeal to the Board shall set forth details of the past record and that new arguments cannot be raised on appeal to the Board that could have been, but were not, raised in the prior appeal to the General Manager.
4. Pending the hearing on appeal, the user shall not be entitled to discharge into the public sewer system beyond the effective date of the original order determined by the General Manager, unless it has been determined by the General Manager that the user is pursuing good faith arguments and approves such discharge.

B. Notice

1. The Board Secretary, within fifteen (15) days of receiving the request for appeal, will provide written notice to the user of the hearing date, time and place.
2. The hearing date shall not be more than forty-five (45) days from the mailing of such notice by certified mail to the appellee unless a later date is agreed to by the appellant.

3. If the hearing is not held within the time set due to action of the appellant, the General Manager's decision shall be deemed final.

C. Hearing

1. The appellant shall have the opportunity to present information supporting its position concerning the General Manager's determination.
2. The hearing shall be conducted in accordance with procedures established by the Board and approved by the District's General Counsel.

D. Written Determination

1. After the hearing, the Board shall make a determination whether to uphold, modify or reverse the original decision, action or determination as ordered by the General Manager.
2. The decision of the Board shall be reduced to writing within thirty (30) days after the hearing.
3. It shall contain a brief statement of facts found to be true, the determination of the issues presented, and the findings. The decision shall be submitted to the appellant.
4. The order of the Board shall be final upon its adoption.

914 JUDICIAL REVIEW

A. Purpose and Effect

1. Pursuant to Section 1094.6 of the California Code of Civil Procedure, the time in which a user may bring an administrative mandamus action shall be limited to ninety (90) days following the final decision in the adjudicative administrative hearing in question.

B. Time Limit for Judicial Review

1. Judicial review of any decision of the District's Board may be made pursuant to Section 1094.5 of the California Code of Civil Procedure only if the petition for writ of mandate is filed no later than ninety (90) day following the date on which any decision becomes final.

C. Preparation of Records

1. The complete record of the proceedings shall be prepared by the District and shall be delivered or mailed to the petitioner within one hundred-ninety (190) days after they have filed a written request.
2. The District shall recover from the petitioner its actual costs for preparing and transcribing the record.

D. Extension

1. If the petitioner files a request for the record within ten (10) days after the date the decision becomes final, the time within which a petition may be filed, pursuant to Section 1094.5 of the California Code of Civil Procedures, shall be extended to no later than thirty (30) days following the date on which the record is delivered or mailed, by the District, to the petitioner or the petitioner's attorney of record, if appropriate.

E. Notice

1. In making a final decision, the District shall provide notice to the user whose wastewater discharge permit has been denied, suspended or revoked, that the time in which judicial review must be sought is governed by Section 1094.6 of the California Code of Civil Procedures.

F. This section does not apply to action taken under Section 909 of this ordinance.

915 PAYMENT AND COLLECTION OF FEES AND CHARGES

- A. Except as otherwise provided, all fees and charges are due and payable upon receipt of an invoice or notice thereof. All such amounts are delinquent if unpaid forty-five (45) days after date of invoice or notice.
- B. Any invoice or notice that becomes delinquent may have added to it an assessment in accordance with the following:
 1. Forty-six (46) days after the date of invoice or notice, an assessment of ten percent (10%) of the base amount, not to exceed a maximum of \$1,000.
 2. Ninety (90) days after the date of invoice or notice, a total of twenty-five percent (25%) of the base amount, not to exceed a maximum of \$2,500.
- C. Any invoice or notice that is outstanding and unpaid after ninety (90) days may be cause for immediate initiation of wastewater discharge permit revocation proceedings or immediate wastewater discharge permit suspension.
- D. Delinquent assessments under this section may not accrue to those invoices or notices successfully appealed, provided the District received written notice of appeal prior to the payment due date.
- E. Payment of disputed fees and charges are still required by the due date during review of any appeal submitted by permittee.
- F. This section does not apply to Section 909 of this ordinance.

916 RECOVERY OF ENFORCEMENT COSTS

- A. In the event a user fails to comply with any of the terms and conditions of this ordinance, wastewater discharge permit, administrative order, wastewater discharge permit suspension or revocation, or any other enforcement action, the District shall be entitled to reasonable attorney's fees and costs which may be incurred during enforcement of any terms and conditions with or without filing proceedings in court.

917 FINANCIAL SECURITY CONDITIONS

A. Compliance Deposit

1. Users that have been subject to enforcement actions and/or fees, charges, penalties or fines may be required to deposit with the District an amount determined by the General Manager as necessary to guarantee payment of all charges, fees, costs and expenses that may be incurred in the future.
2. A compliance deposit shall be received by the District before the District either issues a wastewater discharge permit or grants the user permission for further discharge to the public sewer.

B. Delinquent Accounts

1. Any user who fails to make payment in full of all fees, charges, penalties or fines assessed by the District including reconciliation amounts, delinquency fees, and other costs or fees, may be required to obtain the issuance of an amendment to their wastewater discharge permit.

C. Bankruptcy

1. Any user filing any legal action in any court of competent jurisdiction, including the United States Bankruptcy Court, for purposes of discharging its financial debts or obligations or seeking court-ordered protection from its creditors, shall within ten (10) days of filing such action, apply for and obtain the issuance of an amendment to its wastewater discharge permit by the District.

D. Wastewater Discharge Permit Amendments

1. An amendment issued to the user's wastewater discharge permit shall be in accordance with the provision of this ordinance.

E. Security Deposit

1. An amendment to a wastewater discharge permit issued in accordance with this ordinance may be conditional upon the permitted user depositing financial security in an amount equal to the total fees and charges from the preceding year.
2. Such a deposit shall be used to guarantee payment of all fees and charges incurred for future services and facilities provided by the District and shall not be used by the District to recover outstanding

fees and charges incurred prior to the user filing and receiving protection from creditors in the United States Bankruptcy Court.

F. Return of Security Deposit

1. If the user makes full payment in time of all fees and charges incurred over a period of two (2) years following the issuance of an amendment to the user's wastewater discharge permit prescribed by this ordinance, the user's security deposit shall be returned or credited to the user's account.

918 REPORT OF ANALYSIS

- A. All collected data from inspection and monitoring sampling conducted by the District may be reported to the user. This data, if given to the user, shall be kept by the user and the District and made available during inspections by the District.

919 DAMAGE TO FACILITIES OR INTERRUPTION OF NORMAL OPERATIONS

- A. When a discharger of wastes causes an obstruction, interference, damage, or other impairment to sewage facilities or to the operation of those facilities, the District may assess the costs against the user for the work required to clean, replace or repair the facility together with expenses incurred to resume normal operations. This shall also be grounds for wastewater discharge permit revocation. A service charge of twenty-five percent (25%) of costs shall be added to the costs and charges to cover the District's overhead, including administrative personnel and record keeping. The total amount shall be payable within forty-five (45) days of invoicing by the District.
- B. If it can be shown that the discharge of any user is the cause of the District violating its NPDES permit and pretreatment requirements established by any Regulatory Agency or incurring additional expenses or suffering losses or damage to District facilities, then that user shall be responsible for any costs, expenses, or assessments incurred by the District, made by other agencies or a court.
- C. Where two or more dischargers cause a single and indivisible harm to the treatment facility, each is jointly and severally liable for the damages. The burden of proof is on the dischargers to demonstrate that the harm is divisible.

920 INDUSTRIAL WASTE PASS THROUGH

- A. If an industrial waste discharge results in a "pass through" event in sewage facilities, all costs associated with the event, including but not limited to treatment costs, fines, regulatory fines, and other indirect costs may be charged against the discharger.
- B. The discharger shall submit plans which prevent future recurrences to the satisfaction of the District.
- C. A second occurrence shall be grounds for wastewater discharge permit revocation without the right of appeal.

921 BATCH DUMPS

- A. When the District determines that a user has discharged concentrated noncompatible wastes to the public sewer in a manner or method that is not approved by the District, any enforcement action may be taken as set forth in this ordinance.
- B. The user shall be subject to wastewater discharge permit suspension or revocation in accordance with this ordinance as well as any other legal enforcement penalties or remedies available to the District.

922 PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE (SNC)

- A. To comply with the requirements of federal law, the District shall annually publish the names of all industrial users that are in significant noncompliance of federal pretreatment standards.
- B. Publication of this SNC notice shall be in the newspaper of the largest daily circulation published in service areas.
- C. The determination of significant noncompliance is based upon the definition set forth in Section 202 A.99. of this ordinance.

**ARTICLE 10
FEES AND CHARGES**

1001 APPLICATION FEE

- A. All application fees shall be in an amount adopted by the District.
- B. Payment of the application fee must be received before the issuance of a new or renewal of a wastewater discharge permit.
- C. User shall pay any delinquent invoices in full, prior to the wastewater discharge permit renewal.

1002 ANNUAL WASTEWATER DISCHARGE PERMIT FEE

- A. The annual fee shall be in an amount adopted by the District.
- B. The annual fee shall be due on or before the date set by the District.

1003 INSPECTION, MONITORING AND SAMPLING CHARGES

- A. Any and all costs incurred by the District to inspect, monitor and sample a user for the purpose of assuring compliance with this ordinance, the user's wastewater discharge permit, or other regulations, shall be paid for by the user only upon receipt of an invoice or bill from the District or its representative.

1004 DELINQUENCY FEES

- A. Any fees that becomes delinquent may have added to it an amount as set forth in Section 915 of this ordinance.
- B. Any delinquent fee and all assessments including court costs and legal fees thereon may be collected by lawsuit in the name of the District.

1005 FEES AND CHARGES

- A. The user will be required to pay all applicable fees and charges that are established by the District only upon receipt of an invoice or bill.
- B. Any wastewater discharge permit issued for a location where the user is not the property owner, may be conditioned upon depositing financial security to guarantee payment of all fees and charges to be incurred, in accordance with the provisions of Section 917 of this ordinance.

1006 RECORDING OF FEES AND CHARGES

- A. The District may keep a permanent and accurate record and account of all fees and charges received under this ordinance.
- B. Record information shall include, but is not limited to:
 - 1. Name and address of user.
 - 2. Date and amount of fee or charge.
 - 3. Purpose for which fees or charges were paid.
- C. All fees and charges collected by the District under this ordinance shall be distributed to the District in which the fee and/or charge was collected.

**ARTICLE 11
SEVERABILITY**

1101 SEVERABILITY

- A. If any provisions of this ordinance or the application thereof to any persons or circumstances is held invalid, unenforceable, or unconstitutional by any court of competent jurisdiction, the remainder of this ordinance or the application of such provision to other persons or other circumstances shall not be affected.

B. If any section, subsection, clause or phrase of this ordinance is for any reason held to be invalid, unenforceable or unconstitutional by any court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance. The Board declares that they would have passed said ordinance by section, subsection, sentence, clause or phrase thereof.

**ARTICLE 12
REPEAL**

1201 REPEAL

A. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent that they are inconsistent with the provisions of this ordinance.

**ARTICLE 13
EFFECTIVE DATE**

1301 EFFECTIVE DATE

A. This ordinance shall become effective thirty (30) days after adoption.

EL TORO WATER DISTRICT

Dated _____

by _____
President

Dated _____

by _____
Secretary