

ORDINANCE NO. 2003-3

**AN ORDINANCE REGULATING THE USE OF THE WASTEWATER FACILITIES OF THE
ARMONA COMMUNITY SERVICES DISTRICT**

The Board of Directors of the Armona Community Services District of the County of Kings,
State of California, does ordain as follows:

(ADOPTED 9/10/03)
September 10, 2003

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CHAPTER I

GENERAL PROVISIONS

Section 1.01 Short Title. This Ordinance may be cited as the Armona Community Services District Sewer Use Ordinance.

Section 1.02 Purpose and Policy. This sewer use ordinance sets uniform requirements for discharges into the wastewater collection, transport, and treatment system and enables the Armona Community Services District to meet its contractual obligations to comply with the administrative provisions of the Clean Water Grant regulations, the water quality requirements set by the Regional Water Quality Control Board and the applicable effluent limitations, national standards of performance, toxic and pretreatment effluent standards, and any other discharge criteria which are required or authorized by State or Federal law, and to derive the maximum public benefit by regulating the quality and quantity of wastewater discharge into those systems. This ordinance provides for the establishment of a surveillance and enforcement procedure to control the discharge of certain wastewater and the issuance of Nonresidential Wastewater Discharge Permits to certain users. Revenues derived from said Nonresidential Wastewater Discharge Permits required by this ordinance shall be used to defray the District's cost of conducting the pretreatment program and Nonresidential Wastewater Discharge Permit system.

The following documents were reviewed and used as source materials for complying with the federal and state laws, regulations, and guidelines in the writing of this ordinance:

- 1) Model Pretreatment Ordinance EPA 833-B-92-003 June, 1992.
- 2) 40CFR Part 403 - General Pretreatment Regulations For Existing and New Sources of Pollution, July 1, 1991.
- 3) U.S. Environmental Protection Agency; Guidance Manual for POTW Pretreatment Program Development, October 1983.
- 4) U.S. Environmental Protection Agency; Guidance Manual on the Development and Implementation of Local Discharge Limitations Under the Pretreatment Program, December 1987.

Section 1.03 Definitions. Unless otherwise defined herein, terms used herein shall be as adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation, and in the latest edition of Glossary--Water and Wastewater Control Engineering, published by the American Public Health Association, the American Society of Civil Engineers, the American Water Works Association, and the Water Pollution Control Federation. Waste constituents and characteristics shall be measured by the Guidelines

Establishing Test Procedures for the Analysis of Pollutants, found in 40 CFR 136. It is intended that these definitions supplement, expand and add to those provided in other District Ordinances, and in the event of conflict, these definitions shall be controlling in the interpretation of this ordinance.

01 "Act": shall mean the "Federal Water Pollution Control Act Amendments" of 1972 (PL 92-500) and any amendments thereto including the "Clean Water Act of 1977, the Water Quality Act of 1987, as well as any guidelines, limitations, and standards promulgated by the U.S. Environmental Protection Agency pursuant to the Act.

02 "Applicant": shall mean the person making application for a Nonresidential Wastewater Discharge Permit, unless otherwise specified, and shall be the owner of premises to be served by the sewer for which a permit is requested or his authorized agent.

03 "Beneficial Uses": shall mean uses of the waters of the state that may be protected against quality degradation including, but not necessarily limited to, domestic, municipal, agricultural and industrial supply, power generation, recreation, aesthetic enjoyment, navigation and the preservation and enhancement of fish, wildlife, and other aquatic resources or reserves, and other uses, both tangible or intangible as specified by Federal or State law.

04 Best Available Technology Economically Achievable (BAT or BATEA): shall mean, subject to economic and engineering feasibility limitations, incorporation of the top-of-the-line current technology, with a capacity up to and including no discharge of pollutants. Considerations include the age of the equipment and facilities involved; the process used; the engineering aspects of applying various types of control techniques; process changes; the cost of achieving the effluent reduction resulting from applying the technology; and non-water quality environmental impacts, such as energy use.

05 Best Conventional Pollutant Control Technology (BCT): shall mean measures and practices for point sources of conventional pollutants, determined with consideration of the reasonableness attainment costs versus effluent reduction benefits, the age of equipment and facilities involved, and energy impacts.

06 Best Management Practices (BMPs): shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce water pollution. The term also includes treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

07 Best Practicable Technology (BPT or BPCTA): shall mean technology based on the average of the best existing performance levels achieved by exemplary plants of various sizes, ages, and unit processes within an industry.

08 "**Biochemical Oxygen Demand**"(BOD): shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C, expressed in terms of concentration (milligrams per liter).

09 "**Blowdown**": shall mean the minimum discharge of recirculating water to discharge materials contained in the process, when the further buildup would cause concentrations or amounts to exceed limits established by best engineering practice.

10 "**Building**": shall mean any structure used for human habitation or a place of business, recreation or other purpose containing sanitary facilities.

11 "**Building Drain**": shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from drainage piping inside the walls of a building and which conveys liquid wastes to the building sewer intersecting at a point two feet from the building foundation.

12 "**Building Sewer**": shall mean a sewer conveying wastewater from the premises of a user to a community sewer.

13 "**Beneficial Uses**": shall mean Uses of the water of the state that may be protected against quality degradation including, but not necessarily limited to, domestic, municipal, agricultural and industrial supply, power generation, recreation, aesthetic enjoyment, navigation and the preservation and enhancement of fish, wildlife, and other aquatic resources or reserves, and other uses, both tangible or intangible as specified by Federal or State law.

14 "**City or Cities**": shall mean the Armona Community Services District, as applicable.

15 "**Commercial Establishments**": shall mean any building used for conducting private or public wholesale or retail transactions involving the exchange of services, commodities or financial business. Such facilities normally produce domestic wastes, but may also contain industrial wastes.

16 "**Community Sewer**": shall mean a sewer owned, operated and/or maintained by the District, a city, or other public agency tributary to the treatment facility operated by the District.

17 "**Compatible Pollutant**": shall mean BOD, suspended solids, pH (within the range of 6.0 - 9.0) and fecal coliform bacteria, and such additional pollutants as are now or may be in the future specified and controlled in this District's California Regional Water Quality Control Board waste discharge permit for its wastewater facilities where said facilities have been designed and used to reduce or remove such pollutants.

18 "**Condominium**": shall mean residence sited in multiple residence unit buildings,

but usually owned by different individuals. Common areas of the subdivision are owned jointly by all unit owners.

19 "Contamination": shall mean an impairment of the quality of the waters of the state by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. Contamination shall include any equivalent effect resulting from the disposal of wastewater, whether or not waters of the state are affected.

20 "Contractor": shall mean an individual, firm, corporation, partnership or association duly licensed by the State of California to perform the type of work to be done under the permit and shall be the owner or his agent.

21 "Controlled Substance": shall mean any substance which is a toxic substance or an incompatible pollutant or which may cause pollution or which may interfere with or pass through the POTW, or which is regulated by this ordinance or a Nonresidential Wastewater discharge Permit.

22 "Cooling Water": shall mean the water discharged from any use such as air conditioning, cooling or refrigeration, during which the only pollutant added to the water is heat.

23 "County": shall mean the County of Kings, California.

24 "Critical User": shall mean user who is required to obtain a permit as defined in Section 5.01.

25 "Discharge": shall mean to pump, to place, to deposit, to permit, or to cause to flow or to be transported by a flow.

26 "District": shall mean the Armona Community Services District of the County of Kings, State of California.

27 "District's Counsel": shall mean an attorney appointed by the Governing Board to represent the District.

28 "Domestic Wastes": shall mean liquid wastes (a) from the noncommercial preparation, cooking, and handling of food; or containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities, and institutions.

29 "Equivalent SFR Unit": shall mean any discharge of wastewaters, expressed in fractions or multiples of the prevailing quantities of daily emissions of gallonage, pounds of BOD and pounds of SS for the average single family residence (SFR) as stated in the currently effective Amendment to Ordinance No. 10-24-78 "An Ordinance Providing For the Establishment of Sewer Service Charges"

30 "Existing Source" shall mean any building, structure, facility or installation from which there is or may be a discharge of pollutants, and which is not a New Source, as defined herein.

31 "Garbage": shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage, and sales of food.

32 "Governing Board or Board": shall mean the five-person Board of Directors constituted under the County Sanitation District Act (Health and Safety Code Sections 4700 et seq.) empowered as a group acting in public meetings to legislate in all matters related to the District's jurisdiction as established by the laws of the State of California.

33 "Hazardous Substance": shall mean any substance which is imminently hazardous to District personnel, the public, or the environment; and includes but is not necessarily limited to: (A) any substance designated pursuant to section 311(D)(2)(A) of the Federal Water Pollution Control Act, (B) any element, compound, mixture, solution or substance designated pursuant to section 102 of the Comprehensive Environmental Response, Compensation and Liability Act, (C) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by Act of Congress), (D) any toxic pollutant listed under section 307(a) of the Federal Water Pollution Control Act, (E) any hazardous air pollutant listed under section 112 of the Clean Air Act, and (F) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 7 of the Toxic Substances Control Act.

34 "Holding Tank Waste": shall mean any waste from holding tanks such as vessels, chemical toilets, industrial process detention tanks, and brine tanks and grease/sand interceptors.

35 "House Sewer": shall mean any sewer or drain beginning at the plumbing or drainage outlets of any buildings and running to the property line.

36 "Incompatible Pollutant": shall mean any pollutant which is not a "compatible pollutant" as defined in this section or which may interfere with or pass through the wastewater facilities or which may cause abnormal increase in the operation costs of the wastewater facilities.

37 "Industrial Establishment (or Industrial User)": shall mean any building that discharges industrial wastewater or wastewater containing any of the constituents referenced in Chapter II of this Ordinance, or as defined in Ordinance No. 3 as now and hereafter amended.

38 "Industrial Wastewater": shall mean the liquid wastes resulting from the processes employed in industrial, manufacturing, trade, or business establishments,

as district from domestic wastes. This includes wastewater from a source other than an industrial plant or facility which introduces toxic or hazardous substances into publicly owned treatment works, including, without limitation: medical offices; dental offices; hospitals; schools; research, educational and commercial laboratories; warehouses; shopping centers; car washes; print stores; residential, commercial, and public uses of pesticides and fertilizers; gas stations; and septage collection and disposal.

39 "Infectious Waste": shall mean wastes which contain pathogenic organisms.

40 "Institutional Facilities": shall mean any publicly or privately-owned school, publicly-owned building from which Federal, State, County, City or Special District activities are conducted or offered for public use. Such facilities shall include schools, hospitals, jails, libraries, offices, equipment yards and maintenance buildings, laboratories, parks, rubbish stations, detention homes and fire stations.

41 "Interference": shall mean any discharge which, alone or in conjunction with a discharge or discharges from other sources, both, (a) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and (b) therefore causes either a violation of the District's waste discharge requirements (including and increase in the magnitude or duration of a violation) or the prevention of sewage sludge use or disposal in compliance with applicable Federal, State, or local statutory provisions and regulations or permits issued thereunder.

An industrial user significantly contributes to such a permit violation or prevention of sludge use or disposal in accordance with above-cited authorities whenever such User:

- (1) discharges a daily pollutant loading in excess of that allowed by contract with the POTW or by Federal, State or Local law;
- (2) discharges wastewater which substantially differs in nature or constituents from the User's average discharge, or
- (3) knows or has reason to know that his discharge, alone or in conjunction with discharges from other sources, would result in a POTW permit violation or prevent sewage sludge use or disposal in accordance with the above-cited authorities as they apply to the POTW's selected method of sludge management.

42 "Lateral Sewer": shall mean that portion of the building drain within a public street, which, with the House Sewer, comprises the Side Sewer.

43 "Manager": shall mean the General Manager of the District or his designated representative(s) acting within the scope of the policy directives of the Governing Board of the District.

44 "Mass Emission Rate": shall mean the weight of material discharged to the

sewer system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of a particular constituent or combination of constituents.

45 "Mobile Home": shall mean a residence on wheels which required a special permit to be moved and usually sited in a park or development exclusively zoned for such residences. Normally the spaces are rented from the owner-operator of such developments which can offer community facilities such as a recreation building, swimming pools, sauna, et cetera. Mobile Homes are those mobile residences with 400 square feet or more of floor space.

46 "Multiple Family Dwellings": shall mean buildings such as duplexes, triplexes, apartments, et cetera, under a single owner, usually occupied by renters.

47 "Natural Outlet": shall mean a channel, pond, ditch, lake or other body of surface or ground water.

48 "New Source": shall mean any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, subject to certain conditions specified in 40CFR 403.3(k).

49 "Nuisance": shall mean 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.

50 "Outside Sewer": shall mean a private sewer beyond the limits of the District.

51 "Pass Through": shall mean a discharge which exits the POTW into waters of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's waste discharge requirements (including an increase in the magnitude or duration of a violation).

52 "Pathogenic Organisms": shall mean bacteria, protozoa, viruses, or other life forms which may cause disease.

53 "Permit": shall mean any written authorization required pursuant to this or any other rule, regulation or ordinance of District for the installation of any sewage works, including but not limited to Nonresidential Wastewater Discharge Permit.

54 "Person": shall mean any individual, partnership, firm, association, corporation, or public agency including the State of California and the United States of America.

55 "P.C.B.": shall mean polychlorinated biphenols, a group of synthetic organic compounds.

56 "pH": shall mean a measure of the hydrogen-ion concentration in a solution, expressed as the logarithm (base ten) of the reciprocal of the hydrogen-ion concentration in gram moles per liter.

57 "Plumbing System": shall mean the distributing pipes for the water supply; the fixtures and fixture traps; the soil, waste, and vent pipes; the building drain and building sewer; and the stormwater drainage pipes; with their devices, appurtenances, and connections within and adjacent to the building.

58 "Pollution": shall mean an alteration of the quality of the waters of the state by waste to a degree which adversely affects such waters for beneficial use or facilities which serve such beneficial uses. Pollution may include contamination.

59 "Publicly Owned Treatment Works (POTW)": shall mean a treatment works as defined by section 212 of the Federal Water Pollution Control Act, which is owned by a State or municipality (as defined by section 502(4) of the Federal Water Pollution Control Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant. POTW shall also mean the wastewater facilities of the District.

60 "Premises": shall mean a parcel of real estate including any improvements thereon which is determined by the District to be a single user for purposes of receiving, using, and paying for service.

61 "Pretreatment": shall mean application of physical, chemical, or biological processes to reduce the amount of pollutants in or alter the nature of the pollutant properties in a wastewater prior to discharging such wastewater into the wastewater facilities.

62 "Pretreatment Requirement": shall mean any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard, imposed on a user.

63 "Pretreatment Standard (or National Pretreatment Standard)": shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 40CFR 403.5.

64 "Private Sewer": shall mean a sewer which has an independent sewage disposal not connected with a public sewer and which accommodates one or more services.

65 **"Public Sewer"**: shall mean a sewer in a public right-of- way or easement owned or controlled by the District or cities or any sewer constructed by the District.

66 **"Residence or Residential Unit"**: shall mean a building for occupancy by one or a family of persons as a permanent or temporary habitat. Normally used to refer to a Single Family Residence (SFR), house sited physically separate from any other building.

67 **"Sanitary Wastewater"**: shall mean (1) Domestic wastewater with storm and surface water excluded. (2) Wastewater discharged from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, industrial plants, or institutions. (3) The water supply of a community after it has been used and discharged into a sewer.

68 **"Secretary"**: shall mean that ex officio appointed by the Board to serve as Board Secretary.

69 **"Sewer"**: shall mean a pipe or conduit for transporting wastewater.

70 **"Sewerage System"**: shall mean the collection, transport, pumping, treatment, and disposal facilities owned, operated, or maintained by the District.

71 **"Side Sewer"**: shall mean the part of the horizontal piping beginning at the foundation wall of any building and terminating in the main sewer or septic tank.

72 **"Significant Industrial User (SIU)"**: shall mean (a) all industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and (b) any other industrial user that, discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the Manager on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

73 **"Significant Violation (or Significant Non-Compliance)"**: shall mean
(A) Chronic violations of wastewater discharge limits, defined as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
(B) Technical Review Criteria (TRC) violations, defined as those in which thirty-three percent or more or all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC - 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH).

- (C) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Manager determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- (D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under 40CFR403.8(f)(1)(vi)(B) to halt or prevent such a discharge;
- (E) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a Permit or Administrative Order for starting construction, completing construction, or attaining final compliance;
- (F) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (G) Failure to accurately report noncompliance;
- (H) Any other violation or group of violations which the Manager determines will adversely affect the operation or implementation of the District's pretreatment program.

74 "Standard Industrial Classification" (SIC): shall mean the compilation of industries and their discharges of pollutants, which is printed by the U.S. Office of Management and Budget in its Standard Industrial Classification Manual.

75 "Storm Water": shall mean any flow occurring during or immediately following any form of natural precipitation and resulting therefrom.

76 "Street": shall mean any public highway, road, street, avenue, alley, way, easement or right-of-way.

77 "Suspended Solids (SS)": shall mean the total suspended matter that floats on the surface of, is suspended in, or settles from wastewater, or other liquids, and which is removable by laboratory filtering.

78 "Total Toxic Organics": shall mean the sum of all quantifiable values greater than 0.01 mg/L for all toxic organics covered by the electroplating point source category and the metal finishing point source category.

79 "Trailer": shall mean mobile residence normally set up in a park constructed to provide utility hookups for such dwellings. Trailers are limited to 35 feet in length by the California Motor Vehicle Code and may be towed on the public highway without a special permit. Such residences have less than 400 square feet of floor space.

80 "Toxic Substances": shall mean any toxic substances in amounts exceeding standards promulgated by the Administrator of the United States Environmental Protection Agency pursuant to Section 307 (a) of the Act, and the "Toxic Substances Control Act" (P.L. 94-469), and chemical elements or compounds, phenols or other taste or odor-producing substances, or any other substances which are not

susceptible to treatment or which may interfere with the biological processes or efficiency of the treatment system.

81 "Unpolluted Water": shall mean water not containing any pollutants limited or prohibited by applicable regulations, standards, or limitations and whose discharge will not cause any violation of receiving water quality standards.

82 "User": shall mean any person who discharges, causes, or permits the discharge of wastewater into the District's wastewater treatment system.

83 "User Classification": shall mean a classification of user based on the 1972 (or subsequent) edition of the Standard Industrial Classification (SIC) Manual prepared by the Office of Management and Budget.

84 "Waste": shall mean sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of, disposal.

85 "Wastewater": shall mean waste and water, whether treated or untreated, discharged into or permitted to enter a community sewer.

86 "Wastewater Constituents and Characteristics": shall mean the individual chemical, physical, biological and radiological parameters, including volume and flowrate and such other parameters that define, classify, or measure the contents, quality, quantity, or strength of wastewater.

87 "Wastewater Facilities": shall mean any devices, facilities, structures, equipment, or works owned, operated or maintained by the District for the purpose of the collection, transmission, storage, treatment, recycling, reclamation and disposal of industrial and domestic waste, or necessary to recycle or reuse water at the most economical cost over the estimated life of the system, including intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment, and their appurtenances: extension, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

88 "Watercourse": shall mean a channel in which a flow of water occurs either continuously or intermittently.

89 "Waters of the State": shall mean any water, surface or underground, including saline waters within the boundaries of the State.

CHAPTER II

PROHIBITIONS AND LIMITATIONS ON WASTEWATER DISCHARGES TO THE WASTEWATER FACILITIES

Section 2.01 Introduction. This chapter is applicable to areas within the boundaries of the Armona Community Services District and to all other areas and entities which by contract are bound to comply with the ordinances, resolutions, rules and regulations of the District.

Section 2.02 Prohibitions on Wastewater Discharges. No person shall discharge or deposit or cause or allow to be discharged or deposited into the wastewater facilities any wastewater which may cause interference or pass through or which contains the following:

Section 2.02.01 Oils and Grease.

(A) Oil and grease concentrations or mass emission rates in violation of applicable federal pretreatment standards.

(B) Wax, grease, or oil of animal, vegetable, mineral or petroleum origin (including emulsified forms) in any concentration or quantity which may cause or significantly contribute to flow obstruction, pass through or interference, or otherwise be incompatible with the wastewater facilities.

(C) Oil and grease limitations are established at 100 mg/l.

Section 2.02.02 Explosive Mixtures. Liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater facilities or to the operation of the facilities. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes and any other liquids having a closed-cup flashpoint of less than 140 F, peroxides, chlorates, perchlorates, bromates, carbides, formaldehyde, hydrides, and sulfides.

At no time shall the reading on a combustible gas meter at the point of discharge, or at any point in the wastewater facilities exceed 5% of the lower explosive limit (LEL) of the meter.

Section 2.02.03 Noxious Material. Noxious or malodorous solids, liquids, or gases, which either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, may cause acute worker health and safety problems, or are or may be sufficient to prevent entry into a sewer for its maintenance and repair.

Section 2.02.04 Improperly Shredded Garbage. Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the public sewers, with no particle greater than three eighths (3/8) inch in any dimension.

Section 2.05.05 Radioactive Wastes. Radioactive wastes or isotopes of such half-life or concentration that they do not comply with regulations or orders issued by the appropriate authority having control over their use and which will or may cause damage or hazards to the wastewater facilities or personnel operating the facilities.

Section 2.02.06 Solid or Viscous Wastes. Solid or viscous wastes which will or may cause obstruction to the flow in a sewer, or otherwise interfere with the proper operation of the wastewater facilities. Prohibited materials include, but are not limited to, any incompatible pollutant greater than 3/8 inch in any dimension, grease, uncomminuted garbage, animal guts or tissues, paunch manure, bones, hair, hides or flashings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, polishing compounds, resin beads, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, and similar substances.

Section 2.02.07 Excessive Discharge Rate (Slug Loads)

(A) **Hydraulic:** that rate of flow which shall result from the averaging of the flow rates over a period of 15 consecutive minutes and which shall be greater than five (5) times the twenty-four (24) hour total volume expressed in million gallons per day (MGD), of a monthly flow volume greater than that specified by connection permit shall be considered excessive.

(B) **Loadings.** those concentrations of pollutants such as toxics, grease and oil, and other constituents, which in a grab sample are greater by a factor of five (5) than the average 24-hour concentration allowed in the industrial waste permit or a mass emission greater than that specified by connection permit shall be considered excessive.

(C) **B.O.D. and S.S.:** those concentrations of Biochemical Oxygen Demand and Suspended Solids which, in a composite sample taken at intervals of fifteen (15) minutes over a period of four (4) hours, are greater by a factor of five (5) than the average 24-hour concentration allowed in the industrial waste permit or a mass emission greater than that specified by connection permit shall be considered excessive.

(D) Any pollutant, including oxygen demanding pollutants (B.O.D., etc.) released in a discharge at a flow rate and/or concentration which may cause interference or pass through.

Section 2.02.08 Toxic or Hazardous Substances.

- (A) Any toxic or hazardous substance in a manner or quantity which is in violation of any Federal, State, or District regulation, standard, or limitation;
- (B) Any hazardous substance by truck, by rail, or by dedicated pipeline;
- (C) Any chemical element or compound, including taste or odor producing substances, which are not susceptible to treatment or which may interfere with the biological processes or efficiency of the wastewater facilities.

Section 2.02.09 Unpolluted Waters. Any unpolluted water including, but not limited to, water from cooling systems or of stormwater origin, which will increase the hydraulic load on the treatment system.

Section 2.02.10 Discolored Materials. Wastes with objectionable color not removable by the treatment process. Such color shall be objectionable if it causes the plant effluent to fail to meet state or EPA standards for turbidity or light transmittance, or if it causes pollution to waters of the state.

Section 2.02.11 Corrosive Wastes. Any waste which will cause corrosion or deterioration detrimental to the design life expectancy of the treatment system. All wastes discharged to the public sewer system must have a pH value in the range of six (6.0) to nine (9.0) standard units. Materials which may be prohibited under this section include, but are not limited to, acids, caustic, sulfides, concentrated chloride and fluoride compounds, and substances which will react with water to form acidic products.

Section 2.02.12 Interference With Reclamation or Reuse. Any waste which will cause, threaten to cause, or is capable of causing either alone or by interaction with other substances in the District's effluent or any other product of the treatment process, residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process.

Section 2.02.13 Nuisance. Any waste which will cause, threaten to cause, or is capable of causing either alone or by interaction with other substances a detrimental environmental impact or a nuisance in the waters of the state or a condition unacceptable to the District or to any public agency having regulatory jurisdiction over the District.

Section 2.02.14 Incompatible Pollutants. Any waste which is not a "compatible pollutant" as defined in this Ordinance or which may interfere with or may pass through the system or which may cause abnormal increase in the operation costs of the wastewater facilities.

Section 2.03 Limitations on Wastewater Discharges. The following table specifies the maximum concentrations of pollutants allowable in wastewater discharges to the wastewater facilities.

Table 1

pH -- acceptable range 6.0-9.0 pH units

Temperature -- not to exceed temperatures that will cause interference or that will cause the influent at the treatment plant to exceed 104 degrees F, but in no case to exceed 150 degrees F.

Radioactivity -- not to exceed limits specified in Sections 30285 and 30287 of the California Code of Regulations.

Electrical Conductivity -- not to exceed 1,000 μ mho/cm. A discharger which has a flow volume less than 3,000 gallons per day or less than 45,000 gallons per month shall have a maximum concentration limit for Electrical Conductivity of 7,000 μ mhos/cm except that such discharge shall not be an incompatible pollutant nor shall it pass through the POTW or interfere with the POTW.

Limitations for other incompatible pollutants have not been established for general application. The Manager will determine and implement such limits for such constituents as he may find necessary to insure compliance with the District's California Regional Water Quality Control Board waste discharge requirements and with more restrictive pretreatment standards for new sources as prescribed by the Environmental Protection Agency (EPA).

General guidelines for various characteristics are summarized as follows:

Iron	1ppm	lead	5ppm	silver	5ppm
arsenic	5ppm	benene	0.02ppm	phenols	1ppm
cadmium	0.1ppm	zinc	5ppm	chromium	5ppm
copper	5ppm	aluminum	5ppm	mercury	0.2ppm
barium	10ppm	nickel	5ppm	selenium	1ppm
boron	8ppm				

Limitations and prohibitions on wastewater strength contained in this Ordinance, including those of Table 1, may be supplemented with more stringent limitations and prohibitions. The District may provide the more stringent limitations and prohibitions as follows:

- a) If the District determines that the limitations and prohibitions in this Ordinance may not be sufficient to protect the operation of the District's treatment works, or
- b) If the District determines that the limitations and prohibitions in this

Ordinance may not be sufficient to enable the District's treatment works to comply with water quality standards or effluent limitations specified in the District's California Regional Water Quality Control Board waste discharge requirements.

Section 2.03.01 Federal Limitations. Any user who does not comply with the pretreatment Standards as required by the Act and any applicable regulations there under, whether promulgated prior to or subsequent to the effective date of this Ordinance, violates this Ordinance. Said regulations include standards cited in 40 CFR Chapter 1, Subchapter N, parts 401-471. The more stringent of the standards will apply whenever local, State, and Federal standards overlap. Violation and prosecution under this ordinance does not preclude violation and prosecution by other affected Federal, State or local agencies in accordance with applicable law.

Section 2.03.02 Dilution. The dilution of any wastewater discharge for the purpose of satisfying discharge limitations is prohibited.

Section 2.04 Limitations on Point of Discharge. No person shall discharge any substances directly into a manhole or other opening in a community sewer other than through an approved building sewer unless, upon written application by the user and payment of the applicable user charges and fees, the District issues a permit for such direct discharges.

Section 2.05 Trucked or Hauled Waste. The discharge of trucked or hauled waste is prohibited, except as authorized by the District in accordance with the terms and conditions of a Permit for Septic Pumpage Discharge and the District's regulations and procedures for septic pumpage dischargers.

All materials removed from pretreatment devices or facilities and prohibited by this ordinance, including but not necessarily limited to holding tank wastes, shall be stored, transported, treated and disposed of in accordance with applicable Federal, State, and local regulations.

Section 2.06 Medical Facility Wastes.

(A) Infectious wastes from hospitals, clinics, and mortuaries may be disposed of to the sanitary sewer system subject to the following limitations and requirements:

- (1) Pathologic specimens may not be disposed of to the sanitary sewer system.
- (2) The material shall be ground by an approved grinder so that the material shall pass a 3/8" screen opening.
- (3) The materials must not violate any other requirements of these rules and regulations or applicable State and/or Federal statutes, laws, and rules and regulations.

(B) Ground organic kitchen waste from hospital food preparation and disposal facilities excluding all paper and plastic items may be discharged into the sanitary sewer system.

(C) The following shall not be discharged to the sanitary sewer system by any means:

(1) Disposable hypodermic needles, syringes, and associated articles following their use in hospitals, out-patient clinics, medical and dental offices, etc.

(2) Solid wastes generated by patients suspected or diagnosed as having a communicable disease.

(3) Portions of the human anatomy.

(4) Wastes excluded by other provisions of this Ordinance except as specifically permitted in this section.

(D) Nothing in this section shall be construed to limit the authority of the Health Officer of the County to define wastes as being infectious.

Section 2.07 Special Agreements. Nothing in this section shall be construed as preventing any special agreement or arrangement between the District and any user of the wastewater facilities whereby wastewater of unusual strength of character is accepted into said facilities and specially treated subject to any payments or user charges as may be applicable, except that Federal or State standards shall not be waived in any case.

Section 2.08 Non-industrial Users. Hospitals, clinics, schools, commercial facilities, public agency facilities, and any other class of discharger may require treatment as industrial facilities for purposes of applying this Ordinance. The applicability may be extended to residential users at the sole discretion of the District in special instances.

CHAPTER III

CONTROL OF PROHIBITED WASTES

Section 3.01 Regulatory Actions. If wastewaters containing any substance described in Chapter II of this Ordinance are or may be discharged or proposed to be discharged into the sewerage System of the District or to any sewer tributary thereto, the Manager and/or the District's counsel may take any action necessary to,

(A) Prohibit the discharge of such industrial wastewater into the collection system and treatment works.

(B) Require pretreatment of any industrial wastewater which the District determines is necessary in order to meet standards established by the Federal or California state government or other regulatory agencies or which the District determines is necessary in order to protect its wastewater facilities or the proper and efficient operation thereof or the health or safety of its employees or the environment.

(C) Require the person proposing, making, causing, or allowing the discharge to pay to the District for excess costs to the District for supplementary treatment, wastewater facilities, operations or maintenance needed as a result of allowing the discharge into the collection system and treatment works of such industrial waste.

(D) Take such other remedial action as may be deemed by the Manager to be desirable or necessary to achieve the purpose of this ordinance.

Section 3.02 Submission of Plans. Where pretreatment or equalization of wastewater flows prior to discharge into any part of the wastewater facilities is required, plans, specifications, and other pertinent data or information relating to such pretreatment or flow-control facilities shall first be submitted to the District for review and approval in writing. Such written approval shall not exempt the discharge or such facilities from compliance with any applicable code, ordinance, rule, regulation, or order of any governmental authority. Any subsequent alterations or additions to such pretreatment or flow-control facilities may be required by the Manager and shall not be made without due notice to and prior approval of the Manager.

Section 3.03 Pretreatment.

3.03.01 General. Users shall make wastewater acceptable under the limitations established herein before discharging to the community sewer. Any facilities required to pretreat wastewater to a level acceptable to the District shall be provided and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the District for review, and shall be acceptable to, and approved by, the District in writing before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an

effluent acceptable to the District under the provisions of this Ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to, and be approved in writing by, the District.

3.03.02 Interceptors. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Manager, they are necessary for the proper handling of the liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, and other harmful ingredients. All interceptors shall be of a capacity sufficient to provide the appropriate quality of effluent, and shall be in an easily accessible location for purposes of cleaning and inspection.

3.03.03 Commercial Garbage Grinders. No owner of a commercial garbage grinder shall maintain or operate or permit to be maintained or operated any such grinder which may discharge any waters, wastes, or other substances into the District sewer without first providing, at such person's expense, such preliminary treatment as may be necessary to reduce the suspended solids, daily flow, or objectionable characteristics or constituents to within the maximum limits contained in Chapter II.

3.03.04 Water Softening Units. In order to minimize salts discharged into the sewerage system, water softening units must be well operated and maintained in strict accordance with manufacturer's instructions and applicable provisions of the California Health and Safety Code.

Section 3.04 Pretreatment Facilities Operations. If pretreatment or control of waste flows is required, such facilities shall be maintained in good working order and shall be operated so as to insure continuous compliance with District ordinances, resolutions, rules and regulations and any applicable permits by the user at the user's own cost and expense. Pretreatment facilities are at all times subject to the requirements of these rules and regulations and all other applicable codes, ordinances and laws. Intermittent operation of pretreatment facilities, except as approved in writing by the Manager, during discharge to District's wastewater system is prohibited.

Section 3.05 Admission to Property. Whenever it shall be necessary for the purposes of these rules and regulations, the Manager, upon the presentation of credentials, may enter upon any property or premises at reasonable time for the purpose of (1) reviewing and copying any records required to be kept under the provisions of this Ordinance, (2) inspecting any monitoring equipment or pretreatment facility or discharge-producing process, or (3) sampling any discharge of wastewater to the wastewater facilities. The Manager may enter upon the property at any hour under emergency circumstances. In the event of such emergency entry, the Manager shall make every effort to immediately notify the discharger's designated agent. Consent to admission to property is given by the use of the District's wastewater facilities.

Section 3.06 Protection from Accidental Discharge. Each industrial user shall provide protection from accidental discharge of prohibited materials or other wastes

regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the industrial user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the District for review, and shall be approved in writing by the Manager before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify his facility as necessary to meet the requirements of this Ordinance.

Section 3.07 Reporting of Accidental Discharge. If, for any reason, a user does not comply with or will be unable to comply with any prohibition or limitation in this Ordinance, the user responsible for such discharge shall immediately notify the District so that corrective action may be taken to protect the wastewater facilities. In addition, a written report addressed to the Manager detailing the characteristics of the discharge and corrective action taken to prevent future violative discharges, shall be filed by the responsible industrial user within five (5) days of the occurrence of the noncomplying discharge.

Such notification will not relieve the user of liability for any expense, loss, or damage to the sewerage system, treatment plant, or treatment process, or for any fines imposed on the District on account thereof under Section 13350 of the California Water Code.

Section 3.08 Preventive Measures. The Manager may require any user to implement best management practices (BMP) for the purposes of preventing pollution and/or minimizing waste discharge. These may include, but are not limited to, elimination or labeling of drains, connections or other entry points so as to prevent discharge of waste in violation of this ordinance. BMP may also include, but is not limited to, product substitution in order to prevent discharge of wastes in violation of this ordinance.

CHAPTER IV

INDUSTRIAL WASTEWATER MONITORING AND REPORTING

Section 4.01 Reporting Requirements.

(A) The Manager may require any user to monitor wastewater discharge and to submit monitoring reports to the Manager, at a frequency specified by the Manager.

(B) Monitoring reports shall include, at the discretion of the Manager, nature of process, volume, rates of flow, mass emission rates, production quantities, hours of discharge, concentrations of controlled pollutants, and other information relating to wastewater discharge. Such reports may also include the chemical constituents and quantity of liquid materials stored on site even though they are not normally discharged. In addition to monitoring reports, the Manager may require information in the form of Nonresidential Wastewater Discharge Permit Applications and other reports as stipulated in 40 CFR 400.12, which include:

1. Baseline reports (403.12b)
2. Compliance schedules (403.12c)
3. Report on compliance with categorical pretreatment standard deadline (403.12d)
4. Periodic reports on continued compliance (403.12e)
5. Notice of potential problems, including slug loading (403.12f)
6. Monitoring and analysis to demonstrate continued compliance (403.12g)
7. Reporting requirements for industrial users not subject to categorical Pretreatment standards (403.12h)
8. Notification of changed discharge or new discharge (403.12J)
9. Notification of hazardous waste discharge (403.12p)

(C) Any report required by the Act, whether such requirement be prior to or subsequent to the effective date of this Ordinance, shall be signed and certified by a responsible corporate officer, proprietor, general partner, or representative for whom written authorization has been received by the POTW from one of the aforementioned persons. Said certification shall consist of the following statement:

"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 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."

(D) If sampling performed by an industrial user indicates a violation, the user shall notify the Manager within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeated analysis to the Manager within 30 days after becoming aware of the violation.

Section 4.02 Records and Monitoring.

(A) All industrial users who discharge or propose to discharge wastewaters to the wastewater facilities shall maintain such records of production and related factors, effluent flows, and pollutant amounts or concentrations as are necessary to demonstrate compliance with the requirements of this Ordinance and any applicable state or federal pretreatment standards or requirements, and shall notify the Manager of any new or changed discharge.

(B) Such records shall be kept for a minimum of three (3) years, made available upon request by the Manager. All such records relating to compliance with pretreatment standards shall be made available to officials of the U.S. Environmental Protection Agency upon demand. A summary of such data indicating the industrial user's compliance with this Ordinance shall be prepared upon request by the Manager.

(C) The owner or operator of any premises or facility discharging industrial wastes into the wastewater facilities shall install, operate and maintain at his own cost and expense suitable monitoring equipment on each connection discharging industrial wastes to facilitate the accurate observation, sampling, and measurement of wastes. Such equipment shall be maintained in proper working order and kept safe and accessible at all times.

(D) The monitoring equipment shall be located and maintained on the industrial user's premises outside of the building. When such a location would be impractical or cause undue hardship on the user, the Manager may allow such facility to be constructed in the public street or sidewalk area, with the approval of the public agency having jurisdiction over such street or sidewalk, and located so that it will not be obstructed by public utilities, landscaping, or parked vehicles.

(E) When more than one user can discharge into a common sewer, the Manager may require installation of separate monitoring equipment for each user. When there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user, the Manager may require that separate monitoring facilities be installed for each separate discharge.

(F) Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with District requirements and all applicable construction standards and specifications.

(G) If the monitoring facility is inside the user's fence, there shall be accommodations to allow access for District personnel, such as a gate secured with a District lock.

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

Section 4.03 Confidential Information. All information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agencies. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the District as confidential in accordance with the provisions of 40 CFR Part 2 entitled, "Confidentiality of Business Information", shall not be transmitted to the general public by the District until and unless prior and adequate notification is given to the user of the POTW, provided, however, that confidential information shall be available to the state, any state agency, U.S. Environmental Protection Agency or any Federal Agency with jurisdiction.

Section 4.04 Inspection, Sampling, and Analysis-General. The District may inspect the facilities of any user to ascertain whether the purpose of this Ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the District or its representative ready access at all reasonable times to all parts of the premises for the purpose of inspection or sampling or in the performance of any of their duties. The District shall have the right to set up on the user's property such devices as are necessary to conduct sampling or metering operations, and every effort will be made so that such devices and operations do not interfere with the normal business operations of the discharger. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that, upon presentation of suitable identification, personnel from the District will be permitted to enter without delay for the purposes of performing their specific responsibilities.

4.04.01 Compliance Determination. Compliance determinations with respect to Chapter II prohibitions and limitations may be made on the basis of either instantaneous grab samples or composite samples of wastewater. Composite samples may be taken over a 24-hour period, or over a longer or shorter time span, as determined necessary by the Manager to meet the needs of specific circumstances.

4.04.02 Analysis of Industrial Wastewaters. Laboratory analysis of industrial wastewater samples shall be performed in accordance with the approved test procedures listed in 40 CFR 136.

4.04.03 Sampling Frequency. Sampling of industrial wastewater for the purpose of compliance determination with respect to Chapter II prohibitions and limitations will be done at random intervals as the Manager may determine necessary to the pretreatment program goals.

CHAPTER V

NONRESIDENTIAL WASTEWATER DISCHARGE PERMIT SYSTEM

Section 5.01 Nonresidential Wastewater Discharge Permits Required. The District has implemented a Nonresidential Wastewater Discharge Permit system in order to regulate the discharge of industrial wastewater pursuant to Section 3.01. All significant industrial users proposing to connect to or discharge into any part of the wastewater facilities must first obtain a Nonresidential Wastewater Discharge Permit therefore. All existing significant industrial users connected to or discharging to any part of the wastewater facilities must obtain a Nonresidential Wastewater Discharge Permit within one hundred twenty (120) days after the effective date of this Ordinance.

Nonresidential Wastewater Discharge Permits shall be classified as follows:

Class I : Significant Industrial Users

Class II : All Others

Any nonresidential user may be required to apply for a Nonresidential Wastewater Discharge Permit. The Manager may issue a Nonresidential Wastewater Discharge Permit to any user, upon application, subject to the terms and conditions specified therein.

Section 5.02 Permit Application. Users seeking a Nonresidential Wastewater Discharge Permit shall complete and file with the District an application on the form prescribed by the Manager, and accompanied by the applicable fee. In support of this application, the user shall submit the following information:

- (A) Name, address, and SIC number of applicant.
- (B) Volume of wastewater to be discharged.
- (C) Wastewater constituents and characteristics including, but not limited to, those set forth in Chapter II of this Ordinance as determined by a State-approved analytical laboratory.
- (D) Time and duration of discharge.
- (E) Average and thirty (30) minute peak wastewater flow rates, including daily, monthly, and seasonal variations, if any.
- (F) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location, and elevation.
- (G) Description of activities, facilities, and plant processes on the premises

including all materials and types of materials which are, or could be, discharged.

- (H) Each product produced by type, amount, and rate of production.
- (I) Number and type of employees, and hours of work.
- (J) Listing of or copies of, all environmental control permits.
- (K) Any other information as may be deemed by the Manager to be necessary to evaluate the permit application.

The Manager will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Manager may issue a Nonresidential Wastewater Discharge Permit subject to terms and conditions provided therein.

Section 5.03 Permit Fees. Applications for issuance or renewal of Nonresidential Wastewater Discharge Permits shall include the required fee, as specified below:

<u>Classification</u>	<u>Initial Permit</u>	<u>Renewal Permit</u>
Class I	\$225	\$150
Class II	\$175	\$150

The fees are collected for the purpose of offsetting administrative costs to the District to collect the necessary information and prepare the appropriate permit and conditions.

The cost of excessive laboratory analysis required to establish user's compliance with this ordinance shall be billed to the industrial facility sampled.

Section 5.04 Permit Conditions. Nonresidential Wastewater Discharge Permits shall be expressly subject to all provisions of this Ordinance, including Section 5.08, and all other regulations, user charges, and fees established by the District. The conditions of Nonresidential Wastewater Discharge Permits shall be enforced in accordance with this Ordinance, and applicable state and federal regulations. The following general permit conditions shall be applicable to all Nonresidential Wastewater Discharge Permits:

- 1) To comply with all of the provisions, terms and requirements of the ordinances, rules and regulations of the District.
- 2) To furnish any information on nonresidential wastewater discharge as required by the District.
- 3) To pay all fees required by District ordinance including but not limited to

connection fees, annexation fees, bond debt service charges, fixed charges, operation, and maintenance charges, and industrial pretreatment chemical charges.

- 4) To pay any additional cost or expense incurred by the District for handling and treating excess loads imposed on the wastewater facilities.
- 5) To pay any cost or expense incurred by the District in the enforcement of the provisions of its ordinances and the correction of violations thereof.
- 6) To make wastewater acceptable under the limitations of the Armona Community Services District Sewer Use Ordinance before discharge to the sewerage system.
- 7) To operate and maintain any required wastewater pretreatment devices in a satisfactory manner approved by the District.
- 8) To provide immediate access to authorized District personnel to any facility directly or indirectly connected to the sewerage system under emergency conditions and at all other reasonable times.
- 9) To cooperate at all times with authorized District personnel in the inspection, sampling and study of the Permittee's facilities and wastewater discharge.
- 10) To divert rainwater and one-pass cooling water for disposal other than to the sewerage system.
- 11) To apply for a revised Nonresidential Wastewater Discharge Permit if there is any change in the location, grade, materials, construction or configuration of the physical sewer connection or if there is any change in the Permittee's processes or operations which affect the quantity or quality of the wastewater discharge.
- 12) To immediately notify the District (phone 559-584-4542, 24 hours a day) of any wastewater discharge which is not in compliance with the A.C.S.D. Sewer Use Ordinance or which exceeds limitations specified in this permit or which might be reasonably judged to constitute a hazard to District personnel, treatment plant or sewerage system.
- 13) To operate only one nonresidential wastewater discharge point to the sewerage system under the authority granted by the permit.

Any or all of the following specific permit conditions may be included in Nonresidential Wastewater Discharge Permits,

- 14) To install, operate and maintain at Permittee's cost and expense an automatic, permanent wastewater flow monitoring system approved by the District which provides a primary flow measuring device, indication, recording and totalizing of flow and a signal generating device that can be used to activate the District's and other

automatic samplers.

15) To install, operate and maintain at Permittee's cost and expense an automatic wastewater sampling system approved by the District which provides a flow proportional composite sample, a sample volume of not less than two liters, refrigerated storage and self-purging capability.

16) To install operate and maintain at Permittee's cost and expense an automatic pH recording system approved by the District which provides a pH recording instrument and a pH probe located downstream of all pretreatment operations and just before discharge to the sewerage system.

17) To install, operate and maintain at Permittee's cost and expense a batch pH neutralization system approved by the District which provides a storage facility for wastewater of pH less than 6.0 or greater than 9.0, a pH measuring device, neutralizing agent and a permanently bound record of pH neutralization before discharge to the sewerage system.

18) To install, operate and maintain at Permittee's cost and expense an automatic pH recording and control system approved by the District which provides a pH recording instrument, a pH probe located downstream of all pretreatment operations and just before discharge into the sewerage system, storage for a neutralizing agent, a neutralization chamber, a continuous neutralizing agent injection system activated by pH level and adequate agitation.

19) To implement a spill prevention, control and countermeasure plan approved by the District which provides protection from accidental discharge of wastes prohibited or regulated by the A.C.S.D. Sewer Use Ordinance and which provides for the construction, operation and maintenance, at Permittee's cost and expense, of facilities necessary to implement said plan.

20) To implement an illicit discharge prevention plan approved by the District which provides information to Permittee's employees regarding regulation and limitations of wastewater discharge to the sewerage system and which includes permanently posting in a conspicuous place a notice furnished by the District advising employees whom to call in case of discharge in violation of the A.C.S.D. Sewer Use Ordinance.

21) To install, operate and maintain at Permittee's cost and expense a grease interceptor approved by the District which (a) prevents excessive grease and oil from entering the sewerage system (b) provides at least 1250 gallons storage capacity, at least two compartments, baffles to retain floatable greases and oils and a sampling port and (c) excludes any sanitary waste from entering the interceptor.

22) To install, operate and maintain at Permittee's cost and expense a sand interceptor approved by the District which (a) prevents sand and settleable grit from entering the sewerage system (b) provides a 30-minute detention time based on peak wastewater discharge rate, a minimum capacity of 500 gallons, at least two

compartments, baffles to reduce wastewater velocity sufficiently to settle sand and grit and (c) excludes any sanitary waste from entering the interceptor.

23) To operate and maintain any garbage grinders in a manner which prevents discharge of wastewater in violation of the A.C.S.D. Sewer Use Ordinance.

24) To operate and maintain any water softening units in strict accordance with manufacturer's instructions and in a manner to minimize salts discharge into the sewerage system.

25) To maintain a District-approved prohibited substances inventory accounting system which includes a bound log book containing permanent entries that account, either by mass or by volume, for the disposition of substances prohibited by the A.C.S.D. Sewer Use Ordinance or by this permit.

26) To keep waste hauler reports on file for a period of three years using forms provided by the District.

Other permit conditions, including but not necessarily limited to the following, may be included in Nonresidential Wastewater Discharge Permits:

A. The unit charge or schedule of user charges and fees for the wastewater to be discharged to the system;

B. The average and maximum wastewater constituents and characteristics (specific limitations);

C. Limits on rate and time of discharge or requirements for flow regulation and equalization;

D. Monitoring and reporting requirements;

E. Compliance schedules;

F. Requirements to install best available technology (BAT), best conventional pollutant control technology (BCT), or best practicable technology (BPT);

G. Requirements to implement best management practices (BMP) to prevent pollution or minimize waste discharge;

H. Any other conditions as may be deemed necessary by the Manager.

Section 5.05 Notices to Employees. In order that employees of users be informed of District requirements, users shall make available to their employees copies of this Ordinance together with such other wastewater information and notices which may be furnished by the District from time to time directed toward more effective water pollution control. A notice shall be furnished and permanently posted on the user's

bulletin board advising employees whom to call in case of an accidental discharge in violation of this Ordinance.

Section 5.06 Duration of Permits. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period of less than five years, or may be stated to expire on a specific date. If the user is not notified by the District thirty (30) days prior to the expiration of the permit, the permit shall automatically be extended for three (3) months. The terms and conditions of the permit may be subject to modification and change by the District during the life of the permit, as limitations or requirements as identified in Chapter II are modified and changed. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. Failure of the District to act upon a valid permit application or renewal application shall allow for automatic extension of operations under existing permit conditions.

Section 5.07 Transfer of a Permit. A Nonresidential Wastewater Discharge Permit is issued to a specific user for a specific operation. The permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation. If a Non-residential Wastewater Discharge Permit is transferred in violation of this section, the Non-residential User shall pay a surcharge fee of twenty (20) percent of the aggregate amount discharged in the District's facilities. The District reserves the right to enforce any other penalties authorized under this Ordinance, including terminating service to the Non-residential user.

Section 5.07.010 Application to County for Zoning Amendment. All property owners whose property is zoned agriculture, industrial or commercial within the limits of the District shall notify the District when they file an application for a zoning change, conditional use permit or variance. A property owner or tenant who proposes to change the uses for the property, and for which a permit was issued by the District shall mail a copy of all the documents filed with the County in support of the property owner or tenant's request.

Section 5.07.020 Comments from District. Prior to the County of Kings taking any action on the application for a change of zoning, conditional use permit or a variance, the District shall have the opportunity to comment in writing.

Section 5.07.030 Permit Required. Before commencing any work pertaining to the erection, construction, reconstruction, moving, conversion or alteration of any building, or any addition to any building, a permit shall be secured from the District by any owner or his agent for said work, and it shall be unlawful to commence any work until and unless such permit shall have been obtained. Provided, further that no such building shall be occupied or used unless a permit is first obtained from the District.

Section 5.07.040 Procedure. Each application for a permit shall be made on a printed form to be obtained from the District and shall be accompanied by accurate information and dimensions as to the size and location of the lot; the size and location

of the buildings on the lot; the dimensions of all yards and open spaces; and such other information as may be necessary for the enforcement of those regulations. Where complete and accurate information is not readily available from existing records, the District may require the application to furnish a survey of the lot prepared by a licensed surveyor. A copy of the original of such application shall be kept in the office of the District.

Each application shall be reviewed for compliance with the requirements of the District. No permit shall be granted unless the proposal meets all the requirements of this Ordinance.

Before a permit shall be issued, all required on-site (outside of District right of way) and off-site (within District right of way) improvements shall have either been completed or, if not completed, the permittee shall have entered into an agreement with the District to complete said work within six (6) months from the date of the issuance of the permit. The District may extend the completion date for one additional six (6) month period upon written request of the permittee upon a showing of good cause therefore.

Section 5.08 Revocation of a Permit. Any user who violates the following conditions of his permit or of this Ordinance, or applicable State or Federal regulations, is subject to having the permit revoked. Violations subjecting a user to possible revocation of the permit include, but are not limited to, the following:

- (A) Failure of a user to accurately report the wastewater constituents and characteristics of his discharge.
- (B) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics.
- (C) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring.
- (D) Violation of conditions of the permit.

Section 5.09 Special Agreements. Special agreements and arrangements between the District and any persons or agencies may be established when, in the opinion of the District, unusual or extraordinary circumstances compel special terms and conditions, except that Federal or State standards shall not be waived in any case.

CHAPTER VI

ENFORCEMENT PROCEDURES

Section 6.01.010 Purpose and Scope. The Board finds that in order for the District to comply with the laws, regulations, and rules imposed upon it by Regulatory Agencies and to ensure that the District's sewerage facilities and treatment processes are protected and are able to operate with the highest degree of efficiency, and to protect the public health and environment, specific enforcement provisions must be adopted to govern the discharges to the District's system by industrial discharge permittees.

Section 6.01.020 Failure to File Application or Obtain Permit. All nonresidential users shall complete and file an application on the form prescribed by the Manager, accompanied by the application fee. Prior to discharging any industrial wastewater into the District's facilities the nonresidential user shall obtain a Nonresidential Wastewater Discharge Permit. Nonresidential users who are discharging into the District's wastewater facilities on the effective date of this Ordinance and have not applied for a Nonresidential Wastewater Discharge Permit as required under Section 5.01, shall have fifteen (15) days from the effective date of notification to complete and file with the District the application required by Section 5.02. If a nonresidential user fails to complete and file with the District an application on the form prescribed by the Manager within fifteen (15) days from the effective date of notification, the Nonresidential User shall be subject to a fine of \$150.00 per calendar day for each day that the Nonresidential User fails to comply with this provision or sections 5.01 or 5.02 of this Ordinance.

Section 6.01.030 Determination of Non-Compliance with Discharge Limits.

Non-Compliance with mass emission rate limits, concentration limits, permit discharge conditions, or any discharge provision of this Ordinance may be determined by an analysis of a grab or composite sample of the effluent of a user. Non-compliance with mass emission rate limits shall be determined by an analysis of composite sample of the user's effluent, except that a grab sample may be used to determine compliance with mass emission rate limits when the discharge is from a closed (batch) treatment system in which there is no wastewater flow into the system when the discharge is occurring, the volume of wastewater contained in the batch system is known, the time interval of discharge is known, and the grab sample is homogeneous and representative of the discharge. Any sample taken from a sample point is considered to be representative of the discharge to the public sewer.

Section 6.03 Enforcement Procedures and Applicable Fees.

6.03.010 Self-Monitoring Requirements as a Result of Non-compliance.

1. If an analysis of any sample obtained by the District or by a permittee

shows non-compliance with the applicable wastewater discharge limits set forth in the Ordinance or in the permittee's discharge permit, the District may impose self-monitoring requirements on the permittee.

2. A permittee shall perform required self-monitoring or constituents in a frequency, at the specified location, and in a manner directed by the District.
3. All analysis of self-monitoring samples shall be performed by an independent laboratory acceptable to the District and submitted to the District in a form and frequency determined by the District.
4. All analysis of self-monitoring costs shall be borne by the permittee.
5. Nothing in this section shall be deemed to limit the authority of the District to impose self-monitoring as a permit condition.

Section 6.03.020 – The purpose of the non-compliance sampling fee is to compensate the District for costs of additional sampling, monitoring, laboratory analysis, treatment, disposal, and administrative processing incurred as a result of the non-compliance, and shall be in addition to and not in lieu of any penalties as may be assessed pursuant to Chapter VII.

Section 6.03.030 Non-Compliance Sampling Fees for Composite Samples.

1. Each violation of a permittee's permit limit or condition is a violation of this Ordinance.
2. If any analysis of any composite sample of a permittee's discharge obtained by the District shows a major violation by the permittee of mass emission rates or concentration limits specified in the permittee's discharge permit or in this ordinance, then the permittee shall pay non-compliance sampling fees to the District pursuant to fee schedules adopted by the District's Board of Directors.
3. If analysis of any composite sample of a permittee's discharge obtained by the District shows a minor violation by the permittee of mass emission rates or concentration limits specified in the permittee's discharge permit or in this Ordinance, then the permittee shall pay non-compliance sampling fees to the District pursuant to fee schedules adopted by the District's Board of Director's.
4. The fees specified in section 6.030.030 and 6.30.040 herein shall be imposed for each date on which the District conducts sampling as a result of a violation by a permittee.

Section 6.03.040 Non-Compliance Sampling Fees for Grab Samples and Self-Monitoring Results.

1. If analysis of any grab sample analysis of a permittee's discharge shows non-compliance with any concentration limits as set forth in the user's permit or in this Ordinance, the District may impose non-compliance sampling fees, pursuant to fee schedules adopted by the District's Board of Directors, for sampling conducted by the District as a result of a violation by the permittee.
2. If any self-monitoring analysis of a permittee's discharge shows non-compliance with any concentration limits or mass emission rates as set forth in the user's permit or in this Ordinance, the District may impose non-compliance sampling fees, pursuant to fee schedules adopted by the District's Board of Directors, for sampling conducted by the District as a result of a violation by the permittee.

CHAPTER VII

PENALTIES AND COSTS

Section 7.01 Authority. All users of the District's system and facilities are subject to enforcement actions administratively or judicially by the District, United States Environmental Protection Agency, State of California Regional Water Quality Control Board, or the County of Kings District Attorney. Said actions may be taken pursuant to the authority and provisions of several laws, including but not limited to: (1) Federal Water Pollution Control Act, commonly known as the Clean Water Act (33 U.S.C.A Section 1251 et seq.); (2) California Porter-Cologne Water Quality Control Act (California Water Code Section 13000 et seq.); (3) California Hazardous Waste Control Law (California Health & Safety Code Sections 25100 to 25250); (4) Resource Conservation and Recovery Act of 1976 (42 U.S.C.A. Section 6901 et seq.); and (5) California Government Code, Sections 54739-54740.

Section 7.02 Recovery of Fines and Penalties: In the event the District is subject to the payment of fines or penalties pursuant to the legal authority and actions of other regulatory or enforcement agencies based on a violation of law or regulation or its permits, and said violation can be established by District, as caused by the discharge of any user of the District's system which is in violation of any provision of the District's Ordinance or the user's permit, District shall be entitled to recover from the user all costs and expenses, including, but not limited to, the full amount of said fines or penalties to which it has been subjected.

Section 7.03 Correction of Violations; Collection of Costs; Injunction. In order to enforce the provisions of this Ordinance, the District may correct any violation thereof, and the cost of such correction (including but not necessarily limited to costs of investigation, analysis, document review, administration, enforcement, treatment or any other associated costs incurred by the District or any fines or other costs imposed on the District by any Federal or State agency or court) may be added to any sewer service charge payable by the person violating this Ordinance or the owner or tenant of the property upon which the violation occurred, and the District shall have such remedies for the collection of such costs as it has for the collection of sewer service charges. The District may also petition the Superior Court of the State of California for the issuance of a preliminary or permanent injunction, or both, as may be appropriate, restraining any person from the continued violation of this Ordinance.

Section 7.04 Civil Penalties

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

such violation occurs. The General Counsel of the District, upon order of the General Manager or the Board of Directors, shall petition the Superior Court to impose, assess, and recover such penalties, or such other penalties as the District may impose, assess, and recover pursuant to Federal and/or State legislative authorization.

B) Pursuant to the authority of California Government Code Section 54740.5 and 54740.6, the District may issue an administrative complaint to any person who violates:

1. any provision of this Ordinance;
2. any permit condition, prohibition, or effluent limit; or
3. any suspension or revocation order.

Civil Penalties may be assessed as follows.

1. 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.
2. In an amount which shall not exceed three thousand dollars (\$3,000) for each day for failing or refusing to timely comply with any compliance schedule established by the District.
3. In an amount which shall not exceed five thousand dollars (\$5,000) per violation for each day for discharges in violation of any waste discharges in violation of any waste discharge limitation, permit condition, or requirement issued, reissued, or adopted by the District.
4. In an amount which does not exceed ten dollars (\$10) per gallon for discharges in violation of any suspension, cease and desist order or other orders, or prohibition issued, reissued, or adopted by the District.
5. The amount of civil penalties imposed under this section which have remained delinquent for a period of 60 days shall constitute a lien against the real property of the discharger from which the discharge originated resulting in the imposition of the civil penalty. The lien provided herein shall have no force and effect until recorded with the county recorder and when recorded shall have the force and effect and priority of a judgment lien and continue for ten (10) years from the time of recording unless sooner released, and shall be renewable in accordance with the provisions of Sections 683.110 to 683.220, inclusive, of the Code of Civil Procedure.
6. All monies collected under this section shall be deposited in a special account of the District, or otherwise monitored separately with generally accepted accounting practices, and shall be made available for the monitoring, treatment, and control of discharges into the District's wastewater facilities or for other mitigation measures.

These sums shall be recoverable by the District in accordance with District billing procedures.

CHAPTER VIII
SAVINGS CLAUSE

Section 8.01 Disclaimer. If any provision, paragraph, word, section, or article of this Ordinance is invalidated by any court of competent Jurisdiction, the remaining provisions, paragraphs, words, sections, and articles shall not be affected and shall continue in full force and effect.

CHAPTER IX

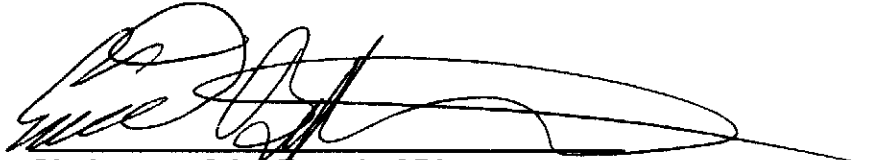
CONFLICT

Section 9.01 Supersedure. All existing District ordinances or parts of ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

CHAPTER X

EFFECTIVE DATE

Section 10.01 Operative Date. This Ordinance shall be operative and take effect thirty days after passage. The ordinance and the votes of the several members of the Board of Directors shall be entered into the minutes of the District.



Chairman of the Board of Directors

ATTEST,



Secretary to the Board

The foregoing ordinance was introduced by Director Maciel, who moved its adoption, seconded by Director Plooy, and adopted on ~~roll call~~ voice on September 10, 2003 by the following vote: Voice Vote

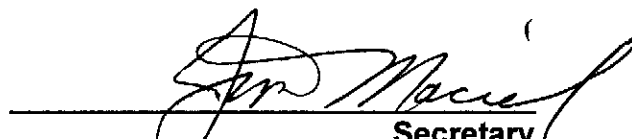
AYES: DIRECTORS: Schales, Bittner, Maciel, Plooy

NOES: DIRECTORS: None

ABSTAIN OR ABSENT: DIRECTORS: Danielson

AYES: 4 NOES: 0 ABSENT OR NOT VOTING: 1

WHEREUPON, the Chairman declared the foregoing ordinance adopted, and so ordered.



Secretary

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE
SEWER USE ORDINANCE

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I. SAMPLING, MONITORING AND REPORTING

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- I-F. Failure to return permit application or permit with required signatures and signatory certification by deadline required
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- III-B. Ordinance or permit violation - discharge parameters other than pH or EC, including categorical pollutants
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- V-B. No response to follow-up letter or District meeting by deadline specified
- V-C. Failure to respond to Notice of Violation by deadline
- V-D. Failure to resolve Notice of Violation by deadline

NOTES:

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF
DISTRICT SEWER USE ORDINANCE

SAMPLING, MONITORING AND REPORTING

I-A.1

Non-Compliance

Failure to sample, monitor
or report (routine reports)

Range of Response

Phone call from Sewer Plant
Operator with offer of help
or meeting

Circumstances

Isolated (once in 3 months)

Penalties

I-A.2

Non-Compliance

Failure to sample, monitor
or report (routine reports)

Range of Response

Phone call Sewer Plant
Operator with offer of help
or meeting and follow-up
letter

Circumstances

Infrequent (second time in
3 months)

Penalties

I-A.3

Non-Compliance

Failure to sample, monitor
or report (routine reports)

Range of Response

Notice of Violation from
Sewer Plant Operator

Circumstances

Frequent (third in 3 months)
- Significant Non-Compliance

Penalties

If no action resolving
Notice of Violation in 45
days - publication in
newspaper

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE
DISTRICT SEWER USE ORDINANCE

SAMPLING, MONITORING AND REPORTING

I-B.1

Non-Compliance

Failure to notify of
Industrial User known
effluent limit violation
or slug discharge

Circumstances

Isolated or Infrequent 1 or
2 in 6 months. No pass
through, interference,
incompatibility, damage or
personnel endangerment
caused

Range of Response

Notice of Violation from
Sewer Plant Operator

Penalties

I-B.2

Non-Compliance

Failure to notify of
Industrial User known
effluent limit violation
or slug discharge

Circumstances

Frequent or continuous 3 or
more in 6 months -
Significant Non-Compliance
No pass through, interfer-
ence, incompatibility,
damage or personnel
endangerment caused.

Range of Response

Administrative Hearing
before General Manager

Penalties

If no action resolving
Notice of Violation in 45
days - publication in
newspaper

I-B.3

Non-Compliance

Failure to notify of
Industrial User known
effluent limit violation
or slug discharge

Circumstances

Resulted in pass through
interference, incompat-
ibility, damage or
personnel endangerment -
first time

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE
DISTRICT SEWER USE ORDINANCE

SAMPLING, MONITORING AND REPORTING

I-B.4

Non-Compliance

Failure to notify of
Industrial User known
effluent limit violation
or slug discharge

Circumstances

Resulted in pass through,
interference, incompatibility,
damage or personnel endanger-
ment - first time Industrial
User not satisfied with
results of Administrative
Hearing or if General Manager
recommends fine

Range of Response

Case brought before District
Board

Penalties

Fine of 5% of the total of the
prior 12 months flow portion
of the sewer service charges
or \$1,000. whichever is
greater

I-B.5

Non-Compliance

Failure to notify of
Industrial User known
effluent limit violation
or slug discharge

Circumstances

Resulted in pass through,
interference, incompatibility,
damage or personnel endanger-
ment - second time

Range of Response

Administrative Hearing
before General Manager

Penalties

Recoup regulatory agency
fines, damage and operating
costs plus possible
recommendation for fine

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE
SEWER USE ORDINANCE

SAMPLING, MONITORING AND REPORTING

I-B.6

Non-Compliance

Failure to notify of
Industrial User known
effluent limit violation
of slug discharge

Circumstances

Resulted in pass through,
interference, incompatibility,
damage or personnel endanger-
ment - second time.
Industrial User not satisfied
with results of Administrative
Hearing or if General Manager
recommends fine

Range of Response

Case brought before District
Board

Penalties

Fine of 10% of the total prior
12 month's flow portion of the
sewer service charges or
\$2,500. whichever is greater

I-B.7

Non-Compliance

Failure to notify of
Industrial User known
effluent limit violation
or slug discharge

Circumstances

Resulted in pass through,
interference, incompatibility,
damage or personnel endanger-
ment - third time or
intentional

Range of Response

Administrative Hearing
before General Manager

Penalties

Recoup regulatory agency
fines, damage and operating
costs plus possible
recommendation for fine

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE
DISTRICT SEWER USE ORDINANCE

I-B.8

Non-Compliance

Failure to notify of
Industrial User known
effluent limit violation
or slug discharge

Circumstances

Resulted in pass through.
interference, incompatibility,
damage or personnel endanger-
ment - third time or
intentional.
Industrial User not satisfied
with results of Administrative
Hearing or if General Manager
recommends fine

Range of Response

Case brought before District
Board

Penalties

Fine of 20% or the total prior
12 months's flow portion of
the sewer service charges or
\$5,000. whichever is greater

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE
DISTRICT SEWER USE ORDINANCE

SAMPLING, MONITORING AND REPORTING

I-C.1

Non-Compliance

Failure to make samples
available to District
staff within 15 minutes

Range of Response

Phone call from Sewer Plant
Operator with offer of help
or meeting

Circumstances

Once in 6 months

Penalties

I-C.2

Non-Compliance

Failure to make samples
available to District
staff within 15 minutes

Range of Response

Phone call from Sewer Plant
Operator with offer of help or
meeting and follow-up letter

Circumstances

Twice in 6 months

Penalties

I-C.3

Non-Compliance

Failure to make samples
available to District
staff within 15 minutes

Range of Response

Notice of Violation from
Sewer Plant Operator

Circumstances

Three times or more in 6
months

Penalties

If no action resolving Notice
of Violation in 45 days -
publication in newspaper

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE
DISTRICT SEWER USE ORDINANCE

SAMPLING, MONITORING AND REPORTING

I-D.1

Non-Compliance

Tampering with District
samplers, flow meters or
monitoring equipment

Range of Response

Administrative Hearing:
before General Manager

Circumstances

First time

Penalties

Re-assessment of service
charges and effluent limit
violation in light of
tampering

I-D.2

Non-Compliance

Tampering with District
samplers, flow meters or
monitoring equipment

Range of Response

Case brought before the
District Board

Circumstances

Second time or first time
if Industrial User not
satisfied with results of
Administrative Hearing or if
first time General Manager
recommends fine

Penalties

Fine of 10% of the total
prior 12 month's flow
portion of the sewer
service charges or \$2,500.
whichever is greater

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE
DISTRICT SEWER USE ORDINANCE

SAMPLING, MONITORING AND REPORTING

I-E.1

Non-Compliance

Failure to notify of season
beginning, shut-downs or
cleanup activities as
required

Circumstances

Isolated - One season

Range of Response

Phone call from Sewer Plant
Operator with offer of help
or meeting

Penalties

I-E.2

Non-Compliance

Failure to notify of season
beginning, shut-downs or
cleanup activities as
required

Circumstances

Two seasons

Range of Response

Notice of Violation from
Sewer Plant Operator and
Administrative Hearing
before General Manager

Penalties

If no action resolving Notice
of Violation in 45 days -
publication in newspaper

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE
DISTRICT SEWER USE ORDINANCE

SAMPLING, MONITORING AND REPORTING

I-E.3

Non-Compliance

Failure to notify of season beginning, shut-downs or cleanup activities as required

Circumstances

Three seasons or two seasons if Industrial User not satisfied with results of Administrative Hearing or if General Manager recommends fine

Range of Response

2nd Notice of Violation from General Manager and case brought before the District Board

Penalties

5% of the total prior 12 month's flow portion of the sewer service charges or \$1,000. whichever is greater

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE
DISTRICT SEWER USE ORDINANCE

SAMPLING, MONITORING AND REPORTING

I-F.1

Non-Compliance

Failure to return permit application or permit with required signatures and signatory certification by deadline required

Circumstances

First week

Range of Response

Phone call from Sewer Plant Operator with offer of help or meeting

Penalties

I-F.2

Non-Compliance

Failure to return permit application or permit with required signatures and signatory certification by deadline required

Circumstances

Third week

Range of Response

Phone call from Sewer Plant Operator with offer of help or meeting and follow-up letter

Penalties

I-F.3

Non-Compliance

Failure to return permit application or permit with required signatures and signatory certification by deadline required

Circumstances

No response to follow-up

Range of Response

Notice of Violation from Sewer Plant Operator

Penalties

If no action resolving Notice of Violation in 45 days - publication in newspaper

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE
DISTRICT SEWER USE ORDINANCE

SAMPLING, MONITORING AND REPORTING

I-G.1

Non-Compliance

Failure to sample
representatively and/or
handle samples properly

Range of Response

Phone call from Sewer Plant
Operator with offer of help or
meeting and follow-up letter
explaining proper techniques

Circumstances

Isolated - once or twice
in 6 months

Penalties

I-G.2

Non-Compliance

Failure to sample
representatively and/or
handle samples properly

Range of Response

Notice of Violation from
Sewer Plant Operator and
meeting with industry by
Sewer Plant Operator

Circumstances

Frequent - three times or
more in 6 months

Penalties

If no action resolving Notice
of Violation in 45 days -
publication in newspaper

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE
DISTRICT SEWER USE ORDINANCE

SAMPLING, MONITORING AND REPORTING

I-H.1

Non-Compliance

Ordinance or Permit violation
- administrative (non-effluent
limit violation)

Range of Response

Phone call from Sewer Plant
Operator with offer of help
or meeting and follow-up
letter

Circumstances

Isolated - once or twice in
6 months

Penalties

I-H.2

Non-Compliance

Ordinance or Permit Violation
- administrative (Non-effluent
limit violation)

Range of Response

Notice of Violation from
Sewer Plant Operator

Circumstances

Frequent - three times or
more in 6 months

Penalties

If no action resolving Notice
of Violation in 45 days -
publication in newspaper

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE
DISTRICT SEWER USE ORDINANCE

SAMPLING, MONITORING AND REPORTING

I-I.1

Non-Compliance

Minor sampling, monitoring
or reporting deficiencies
(computational or
typographical errors)

Range of Response

Phone call from Sewer Plant
Operator requiring corrections
be made and/or submitted

Circumstances

Infrequent - one to two in
three months

Penalties

I-I.2

Non-Compliance

Minor sampling, monitoring
or reporting deficiencies
(computational or
typographical errors)

Range of Response

Phone call from Sewer
Plant Operator with offer
of help or meeting and
follow-up letter

Circumstances

Frequent - 3 or more in
three months

Penalties

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE
DISTRICT SEWER USE ORDINANCE

SAMPLING, MONITORING AND REPORTING

I-J.1

Non-Compliance

Major or gross sampling,
monitoring or reporting
deficiencies (missing
information, late reports)

Range of Response

Phone call from Sewer Plant
Operator with offer of help
or meeting and follow-up
letter

Circumstances

Isolated or infrequent -
one or two within 3 months

Penalties

I-J.2

Non-Compliance

Major or gross sampling,
monitoring or reporting
deficiencies (missing

Range of Response

Notice of Violation from
Sewer Plant Operator

Circumstances

Continued. Remains
uncorrected 30 days or more -
Significant Non-Compliance

Penalties

Publication in newspaper

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE
DISTRICT SEWER USE ORDINANCE

SAMPLING, MONITORING AND REPORTING

I-K.1

Non-Compliance

Reporting false information

Circumstances

Isolated - once in 3 years
Significant Non-Compliance

Range of Response

Notice of Violation from
Sewer Plant Operator and
Administrative Hearing
before General Manager

Penalties

Publication in Newspaper,
plus possible recommendation
for fine

I-K.2

Non-Compliance

Reporting false information

Circumstance

More than once in 3 years
or once in 3 years if no
action resolving Notice of
Violation within 45 days or
if Industrial User not
satisfied with results of
Administrative Hearing
Significant Non-Compliance
or if General Manager
recommends fine

Range of Response

Case brought before the
District Board

Penalties

Fine of 10% of the total
prior 12 month's flow portion
of the sewer service charges
or \$2,500. whichever is
greater

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE
DISTRICT SEWER USE ORDINANCE

COMPLIANCE SCHEDULES (Construction Phases or Planning)

II-A.1

Non-Compliance

Failure to submit complaints

Range of Response

Notice of Violation from
Sewer Plant Operator

Circumstances

Anytime required

Penalties

If no action resolving Notice
of Violation in 45 days -
Publication in newspaper

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE
DISTRICT SEWER USE ORDINANCE

COMPLIANCE SCHEDULES (Construction Phases or Planning)

II-B.1

Non-Compliance

Missed compliance schedule
milestone

Circumstances

Will not cause late final
date or other milestone
dates

Range of Response

Phone call from Sewer Plant
Operator to determine progress,
require progress report with
explanation

Penalties

II-B.2

Non-Compliance

Missed compliance schedule
milestone

Circumstances

Will result in other missed
milestones. Violation for
good and valid cause.

Range of Response

Phone call from Sewer Plant
Operator to determine progress,
require progress report with
explanation

Penalties

II-B.3

Non-Compliance

Missed compliance schedule
milestone

Circumstances

Will result in other missed
milestones. No good or valid
cause - Significant Non-
Compliance. 1st time in one
compliance schedule

Range of Response

Notice of Violation from Sewer
Plant Operator and meeting with
General Manager. Reschedule
compliance milestone.

Penalties

If no action resolving Notice
of Violation in 45 days -
publication in newspaper

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE
DISTRICT SEWER USE ORDINANCE

COMPLIANCE SCHEDULES (Construction Phases or Planning)

II-B.4

Non-Compliance

Missed compliance schedule
milestone

Circumstances

Will result in other missed
milestones. No good or valid
cause - Significant Non-
Compliance. 1st time in one
compliance schedule

Range of Response

2nd Notice of Violation from
Sewer Plant Operator -
Administrative Hearing before
General Manager. Reschedule
compliance milestones

Penalties

If no action resolving
2nd Notice of Violation in
45 days - publication in
newspaper plus possible
recommendation for fine

II-B.5

Non-Compliance

Missed compliance schedule
milestone

Circumstances

Will result in other missed
milestones. No good or valid
cause - Significant Non-
Compliance
3rd time in one compliance
schedule or 2nd time if
Industrial User not satisfied
with results of administrative
hearing or if General Manager
recommends fine

Range of Response

Case brought before the
District Board

Penalties

5% of the total prior 12
month's flow portion of the
sewer service charges or
\$1,000. whichever is greater

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE
DISTRICT SEWER USE ORDINANCE

COMPLIANCE SCHEDULES (Construction Phases or Planning)

II-C.1

Non-Compliance

Missed completion date

Circumstances

Violation due to force majeure (strike, act of God, etc.)

Range of Response

Administrative Hearing before General Manager. Require new completion date as soon as possible. If necessary set new accelerated milestones. Notice of Violation from General Manager

Penalties

II-C.2

Non-Compliance

Missed completion date

Circumstances

Up to 30 days outstanding
Failure or refusal to comply without good or valid cause

Range of Response

2nd Notice of Violation from General Manager and case brought before the District Board. Publication in newspaper

Penalties

5% of the total prior 12 month's sewer service charges of \$1,000. whichever is greater.

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE
DISTRICT SEWER USE ORDINANCE

COMPLIANCE SCHEDULES (Construction Phases or Planning)

II-C.3

Non-Compliance

Missed completion date

Range of Response

Case brought before the
District Board

Circumstances

31 - 60 days outstanding.
Failure or refusal to comply
without good or valid cause

Penalties

10% of the total prior 12
month's sewer service charges
or \$2,500. whichever is
greater

II-C.4

Non-Compliance

Missed completion date

Range of Response

Case brought before the
District Board

Circumstances

61 - 90 days outstanding.
Failure or refusal to comply
without good or valid cause

Penalties

20% of the total prior 12
month's sewer service charges
or \$5,000. whichever is
greater

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE
DISTRICT SEWER USE ORDINANCE

COMPLIANCE SCHEDULES (Construction Phases or Planning)

II-D.1

Non-Compliance

Failure to install
monitoring or pretreatment
equipment

Circumstances

Continued - Significant
Non-Compliance
More than 90 days outstanding
- Failure or refusal to
comply without good or
valid cause.

Range of Response

Case brought before the
District Board

Penalties

50% of the total prior 12
month's sewer service charges
or \$10,000. whichever is
greater. Suspension of
permit until schedule
completed.

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE
DISTRICT SEWER USE ORDINANCE

COMPLIANCE SCHEDULES (Construction Phases or Planning)

II-E.1

Non-Compliance

Failure to submit progress
or completion reports

Range of Response

Phone call from Sewer Plant
Operator with offer of help
or meeting

Circumstances

Once per compliance schedule

Penalties

II-E.2

Non-Compliance

Failure to submit progress
or completion reports

Range of Response

Phone call from Sewer Plant
Operator with offer of help
and follow-up letter

Circumstances

Infrequent - Twice per
compliance schedule

Penalties

II-E.3

Non-Compliance

Failure to submit progress
or completion reports

Range of Response

Notice of Violation from
Sewer Plant Operator

Circumstances

Three times or more in one
compliance schedule

Penalties

If no action resolving
Notice of Violation in 30
days - publication in
newspaper

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE
DISTRICT SEWER USE ORDINANCE

EFFLUENT LIMITS

III-A.1

Non-Compliance

Ordinance or Permit Violation
- discharge pH or EC

Range of Response

Phone call from Sewer Plant
Operator with offer of help or
meeting on each incident.
Increased monitoring frequency

Circumstances

Infrequent - (any sample)

Penalties

III-A.2

Non-Compliance

Ordinance or Permit Violation
- discharge pH or EC

Range of Response

Notice of Violation from
Sewer Plant Operator requiring
compliance schedule

Circumstances

Frequent - second sample in
any 3-month period

Penalties

If no action resolving Notice
of Violation in 45 days -
publication in newspaper

III-A.3

Non-Compliance

Ordinance or Permit Violation
- discharge pH or EC

Range of Response

Second Notice of Violation
Notice of Administrative
Hearing before General
Manager

Circumstances

Repeated - four samples in
any 6-month period

Penalties

Possible recommendation for
fine

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE
DISTRICT SEWER USE ORDINANCE

EFFLUENT LIMITS

III-B.1

Non-Compliance

Ordinance of Permit Violation
- discharge parameters other
than pH or EC, including
categorical pollutants

Range of Response

Notice of Violation from Sewer
Plant Operator requiring
compliance schedule allowing
housekeeping measures
Increased monitoring frequency

Circumstances

Isolated - once or twice in 6
months on same parameter. No
immediate threat to Publicly
owned Treatment Works

Penalties

If no action resolving Notice
of Violation in 45 days -
publication in newspaper

III-B.2

Non-Compliance

Ordinance of Permit Violation
- discharge parameters other
than pH or EC, including
categorical pollutants

Range of Response

Notice of Violation from
Sewer Plant Operator requiring
compliance schedule requiring
equipment installation

Circumstances

Three times or more in 6
months on same parameter. No
immediate threat to Publicly
owned Treatment Works

Penalties

If no action resolving Notice
of Violation in 45 days -
publication in newspaper

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE
DISTRICT SEWER USE ORDINANCE

EFFLUENT LIMITS

III-B.3

Non-Compliance

Ordinance or Permit Violation
- discharge parameters other
than pH or EC, including
pH or EC, including
categorical limits

Range of Response

Cease and Desist Order from
General Manager.
Administrative Hearing before
General Manager. Increased
monitoring frequency

Circumstances

Isolated
Immediate threat to
Publicly Owned Treatment
Works.

Penalties

Recoup the costs of damages
and alternative. Publicly
Owned Treatment Works
operation plus possible
recommendation for fine

III-B.4

Non-Compliance

Ordinance or Permit Violation
- discharge parameters other
than pH or EC, including
categorical limits

Range of Response

Cease and Desist Order from
General Manager. Case
brought before District
Board.

Circumstances

Second time, immediate threat
to Publicly Owned Treatment
Works or first time if
Industrial User not satisfied
with results of Administrative
Hearing or if General Manager
recommends fine.

Penalties

Fine of 10% of the total prior
12 months's flow portion of
the sewer service charges or
\$2,500. whichever is greater.
Recoup the costs of damages
and alternative Publicly
Owned Treatment Works
operation.

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE
DISTRICT SEWER USE ORDINANCE

EFFLUENT LIMITS

III-C.1

Non-Compliance

Failure to operate
pretreatment equipment

Circumstances

Isolated - once in 6-month
period

Range of Response

Phone call with offer of help
or meeting and follow-up
letter

Penalties

III-C.2

Non-Compliance

Failure to operate
pretreatment equipment

Circumstances

Frequent - twice or more in
6-month period

Range of Response

Notice of Violation from
Sewer Plant Operator

Penalties

If no action resolving Notice
of Violation in 45 days -
publication in newspaper

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE
DISTRICT SEWER USE ORDINANCE

EFFLUENT LIMITS

III-D.1

Non-Compliance

Discharge of prohibited
pollutant or pollutants with
no numerical limits

Range of Response

Cease and Desist order
from General Manager.
Administrative Hearing
before General Manager

Circumstances

In concentrations with a
potential for causing pass-
through, interference,
incompatibility, damage or
personnel endangerment

Penalties

Publication in newspaper plus
possible recommendation
for fine

III-D.2

Non-Compliance

Discharge of prohibited
pollutant or pollutants with
no numerical limits

Range of Response

Cease and Desist Order from
General Manager. Recoup the
costs of regulatory agency
fines and damages and
alternate Publicly Owned
Treatment Works operation.
Case brought before the
District Board.

Circumstances

In concentrations causing
pass-through, interference,
incompatibility, damage or
personnel endangerment

Penalties

10% of the total prior 12-
months's flow portion of the
sewer service charges or
\$2,500. whichever is greater

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE
DISTRICT SEWER USE ORDINANCE

EFFLUENT LIMITS

III-D.3

Non-Compliance

Discharge of prohibited
pollutant or pollutants with
no numerical limits

Range of Response

Notice of Violation from
Sewer Plant Operator

Circumstances

Continuing discharge in
concentrations higher than
clarified when first
recognized. No immediate
threat to Publicly Owned
Treatment Works.

Penalties

If no action resolving Notice
of Violation in 45 days -
publication in newspaper

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE
DISTRICT SEWER USE ORDINANCE

EFFLUENT LIMITS

III-E.1

Non-Compliance

Slug load

Circumstances

Isolated without known damage

Range of Response

Notice of Violation from Sewer Plant Operater requiring preventive measures to keep from recurring

Penalties

If no action resolving Notice of Violation in 45 days - publication in newspaper

III-E.2

Non-Compliance

Slug load

Circumstances

Isolated resulting in pass-through, interference, incompatibility, damage or personnel endangerment - Significant Non-Compliance

Range of Response

Administrative Hearing before General Manager. Recoup agency fines and alternative Publicly Owned Treatment Works operation. Case brought before District Board.

Penalties

20% of the total prior 12-month's flow portion of the sewer service charges or \$5,000. whichever is greater.

III-E.3

Non-Compliance

Slug load

Circumstances

Recurring - Significant Non-Compliance

Range of Response

Case brought before the District Board

Penalties

50% of the total prior 12-month's flow portion of the sewer service charges or \$10,000. whichever is greater. Permit suspension

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE
DISTRICT SEWER USE ORDINANCE

EFFLUENT LIMITS

III-F.1

Non-Compliance

Discharge without a permit
or approval

Range of Response

Notice of Violation and
Administrative Hearing
before General Manager to
approve disconnection or gain
appropriate approval

Circumstances

One time without known
environmental or Publicly
Owned Treatment Works damage

Penalties

If no action resolving Notice
of Violation in 45 days -
publication in newspaper plus
possible recommendation for
fine

III-F.2

Non-Compliance

Discharge without a permit
or approval

Range of Response

Case brought before the
District Board

Circumstances

Continuing

Penalties

\$1,000 fine; possible physical
disconnection. Collection of
treatment costs. Criminal
charges if illegal connection

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE
DISTRICT SEWER USE ORDINANCE

EFFLUENT LIMITS

III-F.3

Non-Compliance

Discharge without a permit
or approval

Circumstances

One time resulting in pass-
through, interference,
incompatibility, damage or
personnel endangerment -
Significant Non-Compliance

Range of Response

Administrative Hearing before
General Manager. Recoup
costs of regulatory agency
fines, damages and alternative
Publicly Owned Treatment Works
operation. Case brought

Penalties

\$2,500 fine; possible
physical disconnection.
Collection of treatment
costs. Criminal charges if
illegal connection. Recoup
damages, excess operational
costs regulatory agency fines.

III-F.4

Non-Compliance

Discharge without a permit
or approval

Circumstances

More than once resulting in
pass through, interference,
incompatibility, damage or
personnel endangerment

Range of Response

Case brought before the
District Board

Penalties

Minimum \$10,000 fine; request
for criminal investigation.
Disconnection.
Recoup damages, excess
operational costs and
regulatory agency fines.

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE
DISTRICT SEWER USE ORDINANCE

NON-COMPLIANCE DETECTED THROUGH INSPECTIONS OR FIELD
INVESTIGATIONS

IV-A.1

Non-Compliance

Failure to maintain sand
interceptors

Range of Response

Immediate notification or
Telephone call from Sewer Plant
Operator

Circumstances

Isolated - any instance

Penalties

IV-A.2

Non-Compliance

Failure to maintain sand
interceptors

Range of Response

Notice of Violation by Sewer
Plant Operator requiring
immediate compliance

Circumstances

Frequent - 3 or more
instances in one month, or
4 or more instances in any
3 month period

Penalties

IV-A.3

Non-Compliance

Failure to maintain sand
interceptors

Range of Response

Notice of Violation
Administrative hearing
before General Manager

Circumstances

Continued - 6 or more
instances in any 3 month
period

Penalties

Possible recommendation for
fine

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE
DISTRICT SEWER USE ORDINANCE

NON-COMPLIANCE DETECTED THROUGH INSPECTIONS OR FIELD
INVESTIGATIONS

IV-B.1

Non-Compliance

Minor violation noted during inspections

Range of Response

Discuss at time of inspections by Sewer Plant Operator and visually reinspect within 1 month

Circumstances

Isolated - One or two during single inspection

Penalties

IV-B.2

Non-Compliance

Minor violation noted during inspections

Range of Response

Discuss at time of inspections by Sewer Plant Operator and formal follow-up letter. Re-inspect within 1 month

Circumstances

Three or more during single inspection

Penalties

IV-B.3

Non-Compliance

Minor violation of permit condition

Range of Response

Notice of Violation by Sewer Plant Operator and Administrative Hearing before General Manager

Circumstances

Evidence of negligence or intent - Significant Non-Compliance

Penalties

Publication in newspaper and possible recommendation for fine

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE
DISTRICT SEWER USE ORDINANCE

NON-COMPLIANCE DETECTED THROUGH INSPECTIONS OR FIELD
INVESTIGATIONS

IV-C.1

Non-Compliance

Major violation of permit
condition

Range of Response

Discuss at time of inspection
by Sewer Plant Operator.
Notice of Violation from
Sewer Plant Operator

Circumstances

Isolated - One instance
during one inspection

Permits

If no action resolving Notice
of Violation in 45 days -
publication in newspaper

IV-C.2

Non-Compliance

Major violation of permit
condition

Range of Response

Meeting with General Manager
2nd Notice of Violation from
General Manager

Circumstances

Evidence of negligence or
intent or more than once -
Significant Non-Compliance

Permits

Publication in newspaper and
possible recommendation for
fine

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE
DISTRICT SEWER USE ORDINANCE

ENFORCEMENT ESCALATION

V-A.1

Non-Compliance

No follow-up by user to
phone call

Range of Response

Phone call from Sewer Plant
Operator with offer of help or
meeting and follow-up letter

Circumstances

Isolated - once or twice in
three months

Penalties

V-A.2

Non-Compliance

No follow-up by user to
phone call

Range of Response

Follow-up letter from Sewer
Plant Operator and offer meeting
with District staff

Circumstances

Three or more in three months

Penalties

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE
DISTRICT SEWER USE ORDINANCE

ENFORCEMENT ESCALATION

V-B.1

Non-Compliance

No response to follow-up letter
or District meeting by deadline
specified

Range of Response

2nd follow-up letter from Sewer
Plant Operator and/or offer of
meeting

Circumstances

One or two in three months

Penalties

V-B.2

Non-Compliance

No response to follow-up letter
or District meeting by deadline
specified

Range of Response

Notice of Violation from Sewer
Plant Operator and Administra-
tive Hearing before General
Manager

Circumstances

Three times or more in
three months

Penalties

If no action resolving Notice
of Violation in 45 days -
publication in newspaper

V-B.3

Non-Compliance

No response to second follow-
up letter within 15 days

Range of Response

Notice of Violation from Sewer
Plant Operator and Administra-
tive Hearing before General
Manager

Circumstances

Anytime

Penalties

If no action resolving Notice
of Violation in 45 days -
publication in newspaper

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE
DISTRICT SEWER USE ORDINANCE

ENFORCEMENT ESCALATION

V-C.1

Non-Compliance

Failure to respond to Notice
of Violation by deadline

Range of Response

2nd Notice of Violation from
Sewer Plant Operator and
Administrative Hearing before
General Manager

Circumstances

Isolated - once in 6 months

Penalties

If no action resolving Notice
of Violation in 45 days -
publication in newspaper

V-C.2

Non-Compliance

Failure to respond to Notice
of Violation by deadline

Range of Response

Case brought before the
District Board

Circumstances

Twice in 6 months

Penalties

5% of the total prior 12-
month's flow portion of the
sewer service charges of
\$1,000. whichever is greater

V-C.3

Non-Compliance

Failure to respond to Notice
of Violation by deadline

Range of Response

Case brought before the
District Board

Circumstances

Three times in 6 months
(Different Notices of
Violation)

Penalties

10% of the total prior 12-
month's flow portion of the
sewer service charges or
\$2,500. whichever is greater

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE
DISTRICT SEWER USE ORDINANCE

ENFORCEMENT ESCALATION

V-D.1

Non-Compliance

Failure to ^{resolve} respond to Notice
of Violation by deadline

Circumstances

Up to 30 days outstanding

Range of Response

2nd Notice of Violation and
Administrative Hearing before
General Manager. Case
brought before the District
Board

Penalties

10% of the total prior 12-
month's flow portion of the
sewer service charges or
\$2,500. whichever is greater

V-D.2

Non-Compliance

Failure to resolve Notice
of Violation by deadline

Circumstances

31 - 60 days outstanding

Range of Response

Case brought before the
District Board

Penalties

20% of the total prior 12-
month's flow portion of the
sewer service charges or
\$5,000. whichever is greater

V-D.3

Non-Compliance

Failure to resolve Notice
of Violation by deadline

Circumstances

61 - 90 days outstanding

Range of Response

Case brought before the
District Board

Penalties

50% of the total prior 12-
month's flow portion of the
sewer service charges or
\$10,000. whichever is greater.
Permit suspension

NOTES:

- 1) For any violation causing damage to the District sewerage system, causing harm to personnel or causing the District to incur excess operational, legal, laboratory, maintenance or administration costs, those costs shall be recoverable from the violator.
- 2) Violation, during compliance schedule progress of the same para-meter limit covered by the compliance schedule, are not subject to further enforcement action unless they are so extreme as to cause pass through, interference, incompatibility, damage or personnel endangerment.
- 3) Frequency of non-compliance may be based on the same infraction in multiples or on different occurrences of the same type of violation.
- 4) Any circumstance warranting more immediate action than stated here to prevent pass through, interference, sludge contamination, structural damage, or worker injury will be dealt with accordingly.
- 5) Continuing or excessive NOV's may result in the case being brought before the Board for possible permit revocation.
- 6) Continuing or excessive requirement for phone calls or letters may result in a NOV.
- 7) All regulatory agency fines or penalties imposed on the District that are shown to be caused in full or in part by a violator shall be recovered from such violator.