

VALLEY SANITARY DISTRICT
SEWER CONSTRUCTION AND USE ORDINANCE



VSD

ORDINANCE NO. 2022-121

Adopted: September 27, 2022

VALLEY SANITARY DISTRICT
SEWER CONSTRUCTION AND USE ORDINANCE

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VALLEY SANITARY DISTRICT

SEWER CONSTRUCTION AND USE ORDINANCE

INTRODUCTION AND SUMMARY

Valley Sanitary District was formed in 1925 and now provides for collection, treatment and disposal of wastewater generated by the City of Indio, a portion of the City of Coachella, some unincorporated areas of Indio and the adjacent Cabazon Band of Mission Indians. Recognizing the need to control the quantity and quality of wastewaters discharged to the sewerage facilities and establish standards for public sewers, the District's Board of Directors adopted ordinances regulating the construction and use of the sewerage systems. This Ordinance sets forth uniform requirements for Users of the District's sewerage facilities and enables the District to comply with all applicable state and Federal laws including the Clean Water Act (33 U.S.C. 1251, et. seq.), and many of the requirements of the General Pretreatment Regulations (40 CFR 403). The objectives of this Ordinance are:

- To ensure that sewerage facilities connected to, and a part of the District's sewerage system provide for the maximum public benefit by meeting the District's standards.
- To ensure the District's compliance with the requirements of Federal, state, and local regulatory agencies and the National Pollutant Discharge Elimination System (NPDES).
- To prevent the introduction of pollutants into the District's sewerage facilities that may interfere with District operations, including but not limited to blockages caused by solids or fats, oils, and grease (FOG) or pollutants that contaminate the resulting sludge.
- To prevent the introduction of pollutants into the District's sewerage facilities that may pass through the District's sewerage facilities, inadequately treated, into receiving waters or otherwise be incompatible with the sewerage facilities.
- To ensure that the quality of the biosolids generated during treatment is maintained at a level that allows their use and disposal in compliance with applicable statutes and regulations.
- To improve the opportunity to recycle, reuse, and conserve non-renewable resources.
- To require waste minimization and material substitution by Industrial Users.
- To prevent exposure of the District's employees to chemical hazards created by industrial discharges.
- To establish an effective permitting, monitoring, and enforcement program for the control of industrial wastewaters.
- To equitably allocate treatment costs.

This Ordinance shall apply to all Users of the District's sewerage facilities. The Ordinance authorizes the issuance of Wastewater Connection Permits and Wastewater Discharge Permits; authorizes monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires Industrial User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

Discharge to the sewer is a privilege and not a right. The privilege to discharge is controlled by this Ordinance. Individual control of a discharge is through the issuance of a permit. Issuance of a permit must be followed by enforcement of its provisions. Therefore, if a permit is issued, then the District is committed to make sure that the User follows the permit conditions or after working with the User to come into compliance, revoking the privilege and disconnecting sewer services.

Users of the District's sewerage facilities include a wide range of commercial and industrial facilities. While all Users are subject to the regulations contained herein and required to have a connection permit, only a few types of facilities require discharge permits. Of the five types of permits, two will be the most common. Class I Permittees are those whose discharge is likely to have an adverse effect on the District's sewerage system if not properly controlled. These dischargers may be federally regulated industries such as metal finishers, a discharge greater than 25,000 gallons per day such as a bottling plant, or they may discharge a regulated constituent in a quantity that may cause a problem in the District's collection or treatment facilities such as a grease recycling facility. Among other conditions, the permit may require the user to meet certain discharge limits and perform monitoring of its own discharge to establish that it is in compliance with applicable discharge limits.

Other commercial or industrial facilities such as food service establishments, radiator shops, and laundromats may be required to obtain a General Discharge Permit or a Class II discharge permit. These types of facilities will only be required to obtain a permit if the District suspects or knows that the discharge from a certain class of business is adversely affecting the District's sewerage facility. For example, if grease from food service establishments is causing a problem in the collection or treatment system, the District may decide to require all food service establishments to obtain permits. The permit may require proof of a properly sized and periodic maintenance of the grease interceptor. If the problem is not mitigated, the District may require discharge testing to prove compliance with a discharge limit.

Enforcement of the Ordinance is designed to allow those industries willing to comply to do so with an understanding from the District. Normally, if the User is cooperative, the District will work with the User to bring it into compliance with permit conditions taking the User through a series of stepped-up enforcement. However, the Ordinance is also flexible so that when extreme or hazardous conditions exist, the District can immediately stop the discharge from causing damage to the District's facilities.

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF
VALLEY SANITARY DISTRICT
ESTABLISHING WASTEWATER DISCHARGE
REGULATIONS ORDINANCE # 2022-121**

The Board of Directors of Valley Sanitary District, California do hereby ORDAIN:

Section I: Wastewater Discharge Regulations governing the use of District sewerage facilities are hereby enacted to provide:

ARTICLE 1

GENERAL PROVISIONS

101. AUTHORIZATION

This Ordinance is enacted pursuant to authority contained in the Sanitary District Act of 1923, California Health and Safety Code, Sections 6400 et seq. and exercises authority conferred by law including, but not limited to, Health and Safety Code Sections 5400 through 5474, and California Government Code, Sections 54725 through 54740.6

102. PURPOSE AND POLICY

- A. The purpose of this Ordinance is to provide for the maximum public benefit from the use of District's facilities. This shall be accomplished by regulating sewer use and wastewater discharges, by providing equitable distribution of costs in compliance with applicable Federal, State, and local Regulations, and by providing procedures that will allow the District to comply with requirements placed upon the District by other regulatory agencies.
- B. This Ordinance shall be interpreted in accordance with the definitions set forth in Section 103. The provisions of the Ordinance shall apply to the direct or indirect discharge of all liquid wastes carried to facilities of the District.
- C. To comply with Federal, State, and local policies and to allow the District to meet applicable standards of treatment plant effluent quality, biosolids quality, and air quality, provisions are made in this Ordinance for the regulation of wastewater discharges to the public sewer. This Ordinance establishes quantity and quality limits on all wastewater discharges that may adversely affect the District's sewerage systems, processes, effluent quality, biosolids quality, air emission characteristics, or inhibit the District's ability to beneficially reuse or dispose of its biosolids or meet biosolids discharge criteria. It is the intent of these limits to improve the quality of wastewater being received for treatment and to encourage water conservation and waste minimization by all users connected to a public sewer. It is the District's intent to limit future increases in the quantity (mass emission) of waste constituents being discharged. This Ordinance also provides for regulation of the degree of waste pretreatment required, the issuance of permits for wastewater discharge and connections and other miscellaneous permits and establishes penalties for violation of the Ordinance.
- D. Since the District is committed to a policy of wastewater reclamation and reuse as an

alternate source of water supply, the implementation of programs for reclamation through wastewater treatment processes may necessitate more stringent quality requirements on wastewater discharges. In the event that more stringent quality requirements are necessary, the applicable Ordinance will be amended to reflect those changes.

- E. Since the District is committed to a policy for the beneficial use of biosolids, the implementation of programs to land-apply or provide for the marketing and distribution of biosolids may necessitate more stringent quality requirements on wastewater discharges.
- F. Since the District is also committed to meet applicable air quality goals established by the South Coast Air Quality Management District, more stringent quality requirements on wastewater discharges may be required to meet such goals.

103. DEFINITIONS

- A. Unless otherwise defined herein, the testing procedures for waste constituents and characteristics shall be as provided in 40 CFR Part 136 (Code of Federal Regulations; Title 40; Protection of Environment; Chapter I, Environmental Protection Agency; Part 136, Test Procedures for the Analyses of Pollutants), or as specified.

Other terms not herein defined are defined as being the same as set forth in the current editions of the California Building Code and California Plumbing Code.

- 1. Applicant shall mean the person making application for a connection permit for a sewer or plumbing installation and shall be the owner, or authorized agent of premises to be served by the sewer for which a permit is requested.
- 2. Authorized or Duly Authorized Representative of the User:
 - a) If the User is a corporation:
 - 1) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - 2) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to ensure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit or general discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - b) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
 - c) If the User is a Federal, State, or local governmental facility: a director or

highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

- d) The individuals described in paragraphs 1 through 3 above may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the District.
3. Best Management Practices (BMPs) shall mean the schedule of activities, prohibition of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5 (a)(1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage of raw materials storage.
 4. Biochemical Oxygen Demand (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).
 5. Biosolids shall mean a primarily organic solid product, produced by wastewater treatment process that can be beneficially recycled.
 6. Board shall mean the Board of Directors of Valley Sanitary District.
 7. Building shall mean any structure used for human habitation or a place of business, recreation, or other purpose.
 8. Building Drain shall mean the part of the lowest piping of a drainage system that receives the discharge of sanitary waste from drainage pipe inside the walls of the building and conveys it to the private sewer lateral beginning two feet outside the building wall.
 9. Building Sewer See Private Sewer Lateral.
 10. Bypass shall mean the intentional diversion of wastestreams from any portion of an industrial user's treatment facility.
 11. Categorical Pretreatment Standards or Categorical Standard shall mean any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307(b) and (c) of the Clean Water Act (33 U.S.C. 1317) that apply to a specific category of industrial users and appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
 12. Chemical Oxygen Demand (COD) shall mean the measure of chemically oxidizable material in domestic or other wastewaters as determined by appropriate testing procedure and expressed in terms of milligrams per liter.
 13. City shall mean the cities of Indio or Coachella, California, as served by the District.
 14. Code of Federal Regulations (CFR) shall mean the codification of the general and permanent regulations published in the Federal Register by the executive departments and agencies of the Federal Government.

15. Composite Sample shall mean a collection of individual samples obtained at selected intervals based on an increment of either flow or time. The resulting mixture (composite sample) forms a representative sample of the wastestream discharged during the sample period. Samples will be collected when manufacturing, processing, or other industrial wastewater discharge occurs.
16. Connection Permit shall mean a permit issued by the District, upon payment of a capital facilities connection charge, authorizing the Permittee to connect directly to a District sewerage facility or to a sewer that ultimately discharges into a District sewerage facility.
17. 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 connection permit.
18. County shall mean County of Riverside, California, and the unincorporated areas of Riverside County within the District's service boundary.
19. Development shall mean parcel of land on which dwelling units, commercial or industrial buildings or other improvements are built.
20. Discharge or Indirect Discharge shall mean the introduction of pollutants into the District's facilities from any non-domestic source.
21. Discharger shall mean any person who discharges or causes a discharge of non-domestic wastewater directly or indirectly to a public sewer. Discharger shall mean the same as User.
22. District Sewerage Facility or System shall mean any property belonging to the District used in the treatment, reclamation, reuse, transportation, or disposal of wastewater, or biosolids.
23. District shall mean Valley Sanitary District.
24. Domestic Wastewater shall mean the liquid and solid waterborne wastes derived from the ordinary living processes of humans of such character as to permit satisfactory disposal, without special treatment, into the public sewer or by means of a private disposal system.
25. Dwelling Unit shall mean a single unit providing complete, independent living facilities for one or more persons, which may include permanent provisions for living, sleeping, eating, cooking and sanitation. For the purpose of this Ordinance, a mobile home shall be considered as a Dwelling Unit. More than one Dwelling Unit per structure and/or lot shall be deemed Multiple Dwelling Units.
26. Enforcement Compliance Schedule Agreement (ECSA) shall mean a mutual agreement between the District and Permittee amending the permit to require implementation of necessary pollution prevention or pretreatment practices and/or installation of equipment to ensure permit compliance.
27. Fats, Oils, and Grease (FOG) shall mean organic polar compound derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended.

28. Federal Regulations shall mean any applicable provision of the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, Title 33, United States Code, Section 1251 and following, and any regulation promulgated by the US EPA under Title 40 CFR implementing that act.
29. Floor Area shall mean the area included within the surrounding exterior walls of a building or portion thereof, exclusive of ramps, docks, vent shafts, and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.
30. Flow Monitoring Facilities shall mean equipment and structures provided at the user's expense to measure, totalize, and/or record, the incoming water to the facility or the wastewater discharged to the sewer.
31. Food Service Establishment (FSE) includes, but is not limited to, any facility preparing and/or serving food for commercial use or sale. This includes restaurants, cafes, lunch counters, cafeterias, hotels, hospitals, convalescent homes, factory or school kitchens, catering kitchens, bakeries, grocery stores with food preparation, meat cutting and preparation, and other food handling facilities not listed above where fats, oils, and grease may be introduced into the sanitary sewers.
32. General Manager shall mean the General Manager of Valley Sanitary District, or the authorized representative of the General Manager of Valley Sanitary District.
33. Grab Sample shall mean a sample taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.
34. Illicit Connection shall mean any man-made conveyance or drainage system, pipeline, conduit, inlet, or outlet through which the discharge of any Pollutant, Waste, Wastewater, or other material to the Public Sewer occurs or may occur, either directly or indirectly, other than discharges that comply with the requirements of this Ordinance.
35. Industrial User shall mean any user that discharges non-domestic wastewater.
36. Industrial Wastewater shall mean all liquid-carried wastes and wastewater of the community, excluding domestic wastewater, and shall include all wastewater from any producing, manufacturing, processing, agricultural, or other operation. These may also include wastes of human origin similar to domestic wastewaters.
37. Infectious Waste shall mean materials which are likely to transmit etiologic agents that cause, or significantly contribute to the cause of, increased morbidity or mortality of human beings, as more specifically set forth in Health and Safety Code Section 25117.5.
38. Inspector shall mean any person authorized by the General Manager to inspect any existing or proposed wastewater generation, conveyance, processing, and disposal facilities.
39. Interference shall mean any discharge which, alone or in conjunction with discharges from other sources, inhibits or disrupts the District's treatment

processes or operations, or its biosolids processes, use, or disposal; or is a cause of violation of the District's NPDES permit or prevents lawful biosolids use or disposal.

40. Intercepting Sewer shall mean a large sewer or conduit which receives the discharges from many smaller tributary sewers. Sometimes referred to as a trunk sewer.
41. Lateral Sewer see Private Sewer Lateral.
42. LEL (Lower Explosive Limit) shall mean the minimum concentration of combustible gas or vapor in air (usually expressed in percent by volume at sea level) that will ignite if an ignition source (sufficient ignition energy) is present.
43. Medical Waste shall mean isolated wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, formites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, dialysis wastes, hypodermic needles, syringes, instruments, utensils or any other paper or plastic items of disposable nature used for medically related purposes. The term "Medical Waste" shall exclude de minimis amounts of wastes, human blood and paper items of a disposable nature associated with domestic wastewater discharges.
44. Multiple Dwelling shall mean a building for residential purposes having facilities for the occupancy of more than one person or family, including, but not limited to, the following: hotels, motels, auto courts, trailer courts, apartment houses, duplex, rooming house, boarding house, and dormitories.
45. 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 Clean Water Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5.
46. New Construction shall mean any structure planned or under construction for which a connection permit has not been issued.
47. New Source shall mean those sources that are new as defined by 40 CFR 403.3(m) as revised.
48. Oil and Grease shall mean hexane extractable material that is polar and non-polar organic substances of animal, vegetable, and mineral nature. These substances are detectable and measurable using analytical test procedures established in 40 CFR Part 136, as may be amended.
49. Pass Through shall mean discharge through the District's sewerage facilities to waters of the state or U.S. which, alone or in conjunction with discharges from other sources, is a cause of a violation of the District' NPDES permit or other waste discharge requirements applicable to the District.
50. Permittee shall mean a person who has received a permit to discharge wastewater into the District's sewerage facilities subject to the requirements and conditions established by the District.
51. Person shall mean any human being, individual, firm, company, partnership, association, private corporations, and governmental entities.

52. pH shall mean a measure of the acidity or alkalinity of a solution, expressed in standard units.
53. Pollutant shall mean dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural, and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
54. Program Manager shall mean that person duly designated by the General Manager to implement the District's Pretreatment Program and perform the duties as specified in this Ordinance.
55. Pretreatment shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a level authorized by the District prior to discharge of the wastewater into the District's sewerage system. The reduction or alteration can be obtained by physical, chemical, or biological processes or process changes by other means, except as prohibited by 40 CFR 403.6(d).
56. Pretreatment Requirement shall mean any substantive or procedural pretreatment requirement, other than a Pretreatment Standard, imposed on an Industrial User.
57. Pretreatment Standard shall mean any regulation containing pollutant discharge limits or prohibitions promulgated by EPA, the State of California, or the District, including but not limited to promulgated categorical standards; national prohibited discharge standards; general discharge prohibitions; and any specific local discharge limits established by the District.
58. Private Disposal System shall mean a septic tank with the effluent discharging into a subsurface disposal field or into one or more seepage pits.
59. Private Sewer Line shall mean a sewer that receives discharge from more than one building drain and extends to and includes the connection to the public sewer main.
60. Private Sewer Lateral (aka Lateral Sewer or Building Sewer) shall mean the portion of sewer system, beginning at the building drain, and extending to and including the connection to the public sewer. This includes a sewer that receives discharge from more than one building drain and extends to and includes the connection to the public sewer main, which may also be referred to as a Private Sewer Line.
61. Public Sewer shall mean a sewer owned and maintained by the District. Public sewer includes a factory formed stub that is an integral part of the public sewer mainline, but expressly does not include any portion of a building sewer, private sewer lateral or private sewer line which may lie within any public street or right of way.
62. Publicly Owned Treatment Works (POTW) shall mean Valley Sanitary District's Wastewater Treatment Plant and any other devices or systems used by the District in the collection, storage, conveyance (including all sewers, pipes, lift stations, and other conveyances which convey wastewater to the wastewater

treatment plant), treatment, recycling, and reclamation of municipal sewage.

63. RCRA shall mean Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901, et seq.) and as amended.
64. Regulatory Agencies shall mean those agencies having jurisdiction over the operation of the District including, but not limited to, the following:
 - a) United States Environmental Protection Agency, Region IX, San Francisco and Washington, DC (EPA).
 - b) California State Water Resources Control Board (SWRCB).
 - c) California Regional Water Quality Control Board, Colorado River Basin Region (RWQCB).
 - d) South Coast Air Quality Management District (SCAQMD).
 - e) California Department of Health Services (DOHS).
65. Sample Point shall mean a location approved by the District, from which wastewater can be collected that is representative in content and consistency of the entire flow of wastewater being discharged.
66. Sampling Facilities shall mean structure(s) or equipment provided at the user's expense for the District or user to measure and record wastewater constituent mass, concentrations, collect a representative sample, or provide access to plug or terminate the discharge.
67. Sanitary Waste shall mean domestic wastewater, human excrement, and gray water (household showers, dish washing operations, etc.).
68. Septic Waste shall mean any sewerage from holding tanks such as chemical toilets, and septic tanks.
69. Sewage shall mean liquid and water carried wastes of the community from residences, business buildings, institutions and industrial establishments or permitted into a public sewer.
70. Sewer shall mean a conduit that carries sewage and to which storm, surface and ground waters are not intentionally admitted, which is intended to flow to the District's treatment works.
71. Significant Industrial User shall mean
 - a) An Industrial User subject to Categorical Pretreatment Standards, or
 - b) An Industrial User that
 - 1) Discharges 25,000 gallons per day or more of process wastewater to the sewer (excluding sanitary, non-contact cooling, and boiler blowdown);
 - 2) Contributes a process wastestream that makes up five percent or more of the District's dry weather hydraulic loading or organic

capacity at the POTW; or

- 3) Is designated as such by the Control Authority 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 (in accordance with 40 CFR 403.8(f)(6)).

72. Significant Non-compliance (SNC) shall mean a violation by any Significant Industrial User which meets one or more of the following criteria or any Industrial User which meets criteria in (c), (d), or (e):

Violations of wastewater discharge limits:

- a) Chronic Violations. Sixty-six percent or more of all the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric limit, requirement, instantaneous limit, or Pretreatment Standard, as defined by 40 CFR 403.3(l).
- b) Technical Review Criteria (TRC) Violations. Thirty-three percent or more of all the measurements for the same pollutant parameters during a six-month period exceed a numeric limit, requirement, instantaneous limit, or Pretreatment Standard as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, oil, and grease, and 1.2 for all other pollutants except pH).
- c) Any other violation of a standard, requirement or Pretreatment Standard as defined by 40 CFR 403.3(l) (daily maximum or long-term average, instantaneous limit, or narrative standard) that caused, alone or in combination with other discharges, interference or pass through (including endangering the health of the POTW personnel or the public).
- d) Any discharge of a pollutant that has caused imminent endangerment to human health or welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.
- e) Failure to meet, within ninety days after the schedule date, a compliance milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, achieving final compliance.
- f) Failure to provide, within 45 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 non-compliance.
- h) Any other violation or group of violations, which may include a violation of Best Management Practices, which the General Manager determines will adversely affect the wastewater operation or implementation of the Pretreatment Program.

73. Single Family Dwelling shall mean a single house that provides complete, independent living facilities for one single family, which may include permanent

provisions for living, sleeping, eating, cooking and sanitation. For the purpose of this Ordinance, recreational vehicle or park model shall not be considered as a single-family dwelling.

74. Slug Load or Slug Discharge shall mean any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards of this Ordinance. A Slug Discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.
75. Solid Wastes shall mean the non-liquid carried wastes normally considered to be suitable for disposal with refuse at sanitary landfill refuse disposal sites.
76. Spent Solutions shall mean any concentrated non-domestic wastewater i.e. (Static Rinse, Plating Solutions).
77. Spill Containment shall mean a protection system installed by the Permittee to prohibit the discharge to the sewer of slug discharges.
78. Standard Industrial Classification (S.I.C.) shall mean a system of classifying industries as identified in the S.I.C. Manual, 1987, or subsequent edition, as prepared by the United States Office of Management and Budget.
79. Standard Methods shall mean procedures described in the current edition of Standard Methods for the Examination of Water and Wastewater, as published by the American Public Health Association, the American Water Works Association and Water Environment Federation.
80. Standard Specifications shall mean design and construction standards for sewerage works which conform to the District's Standard Specifications for Construction.
81. Storm Sewer or Storm Drain shall mean a sewer which carries storm and surface or ground waters and drainage but excludes sewage and industrial wastewater.
82. Street shall mean any public highway, road, avenue, alley, or similar roadway.
83. Suspended Solids shall mean the insoluble solid matter suspended in wastewater that is separable from the liquid portion of the waste by laboratory filtration in accordance with the procedure described in Standard Methods.
84. Tributary Sewer shall mean a waste carrying conduit which empties directly or indirectly into an intercepting sewer.
85. Uncontaminated Water shall mean the same as unpolluted which is water of the community to which no pollutant has been added intentionally or accidentally. Examples include, but are not limited to, non-contact single pass cooling water, rainwater, and uncontaminated groundwater.
86. User shall mean any person who discharges or causes a discharge of wastewater directly or indirectly to a public sewer.

87. Waste shall mean sewage and any and all other waste substances, liquid, solid, gaseous or radioactive, associated with human activity or of human or animal nature, including such wastes placed within containers of whatever nature prior to and for the purpose of disposal.
88. Waste Manifest shall mean that receipt which is retained by the generator of hazardous wastes as required by the State of California or the United States Government pursuant to RCRA, or the California Hazardous Materials Act, or that receipt which is retained by the generator for recyclable wastes or liquid non- hazardous wastes as required by the District.
89. Wastewater Constituents and Characteristics shall mean the individual chemical, physical, bacteriological, and radiological parameters, including volume and flow rate and such other parameters that serve to define, classify, or measure the quality and quantity of wastewater.
- B. Words used in this Ordinance in the singular may include the plural and the plural the singular. Use of masculine shall mean feminine and use of feminine shall mean masculine. Shall is mandatory; may is permissive or discretionary.

104. CONFIDENTIAL INFORMATION

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

105. TRANSFER OF PERMITS

- A. Permits issued under this Ordinance are for a specific user, for a specific operation at a specific location or for a specific waste hauler and create no vested rights.
1. No permit may be transferred to allow a discharge to a public sewer from a point other than the location for which the permit was originally issued.
 2. Except as expressly set forth herein, no permit for an existing facility may be transferred to a new owner and/or operator of that facility.
- B. At least thirty (30) days prior to the sale or transfer of ownership of any business operating under a permit issued by the District, the Permittee shall notify the District in writing of the proposed sale or transfer. The successor owner shall apply to the District for a new permit at least fifteen (15) days prior to the sale or transfer of ownership in accordance with the provisions of this Ordinance. A successor owner shall not discharge any wastewater for which a permit is required by this Ordinance until a permit is issued by the District to the successor owner.
- C. Notwithstanding the foregoing, the District may, in its discretion, allow the transfer of a permit to a new owner and/or operator, at the same location for which the permit was originally issued, if:

1. The existing Permittee and the proposed new owner and/or operator provide the District with written notification of the intended transfer at least thirty (30) days in advance of the transfer date; and
 2. The District approves, in writing, the permit transfer prior to commencement of operations by the new owner and/or operator.
- D. The written notification of intended transfer shall be in a form approved by the District and shall include a written certification by the new owner and/or operator which:
1. States that the new owner or operator has no immediate intent to modify the facility's operations and/or processes;
 2. Identifies the specific date on which the transfer is to occur; and
 3. Acknowledges that the new owner or operator is fully responsible for complying with the terms and conditions of the existing permit and all provisions of this Ordinance.
- E. Except as expressly set forth in Section 105.C, any permit that is transferred to a new owner and/or operator or to a new facility is void.

106. AUTHORITY

The District is regulated by several agencies of the United States Government and the State of California, pursuant to the provisions of Federal and State Law. Federal and State Laws grant the District the authority to regulate and/or prohibit, by the adoption of ordinances or resolutions, and by issuance of construction and discharge permits, the discharge of any waste, directly or indirectly, to the District's sewerage facilities. This authority includes the right to establish limits, conditions, and prohibitions; to establish flow rates or prohibit flows discharged to the District's sewerage facilities; to require the development of compliance schedules for the installation of equipment systems and use of materials by all users; and to take all actions necessary to enforce its authority, whether within or outside the District's boundaries, including those users that are tributary to the District or within areas that the District has contracted to provide sewerage services.

The District also owns, maintains, and operates collection, treatment, recycle and disposal facilities. As authorized by State law, the District regulates the connections to its facilities through ordinances and resolutions and by issuance of connection permits.

The District has the authority pursuant to California Health and Safety Codes 5471 and 5474 to prescribe, revise, and collect all fees and charge for services and facilities furnished by the District either within or without its territorial limits.

107. DELEGATION OF AUTHORITY

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

108. SIGNATORY REQUIREMENTS

Reports and permit applications required by this Ordinance shall contain the following certification 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 is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.” The statement shall be signed by an authorized representative of the industrial user as defined in Section 103(A)(2) of this Ordinance.

109. POWERS

The General Manager or designee is authorized to:

- A. Issue Connection Permits;
- B. Issue Waste Discharge Permits;
- C. Enter into Agreements;
- D. Require the installation and maintenance of pretreatment and/or monitoring facilities and equipment;
- E. Conduct inspections of facilities, including, but not limited to, inspecting and copying records;
- F. Require monitoring and reporting of discharges to the public sewer system;
- G. Monitor the quality of wastewater entering the sewer system;
- H. Require the development of spill containment plans; slug load control plans and reporting of accidental discharges;
- I. Require the development of a Slug Control Plan (per Title 40 of the Code of Federal Regulations (40 CFR) 403.8(f) (2) (vi).
- J. Deny, approve or approve with conditions, new or increased discharges or change in the quantity or characteristics of discharges, when such discharges do not meet applicable pretreatment requirements as specified in 40 CFR 403.8(f)(1)(i);
- K. Take enforcement actions against those who violate or cause violation of this Ordinance or discharge permit conditions. These actions may include, but are not limited to the following:
 - 1. Issuing written warnings;
 - 2. Issuing Notices of Violation;
 - 3. Issuing Administrative Orders;
 - 4. Issuing Cease and Desist Orders;
 - 5. Initiating and conducting non-compliance meetings;
 - 6. Initiating and conducting administrative hearings;

7. Petitioning the courts for injunctions or civil penalties;
8. Signing criminal complaints;
9. Terminating services;
10. Requiring payment of violation charges;
11. Revoking and/or suspending the discharge permit; and
12. Collecting the administrative and legal costs of enforcement from the violator.

110. PUBLIC PARTICIPATION

In accordance with the public participation requirements of 40 CFR part 25 in the enforcement of National Pretreatment Standards, the District shall include provision for at least annual public notification in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the District of Industrial Users which, at any time during the previous 12 months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements.

ARTICLE 2

PROHIBITIONS AND LIMITS ON DISCHARGES

201. GENERAL PROHIBITIONS

- A. No person shall construct or maintain any privy, privy vault, septic tank, cesspool, seepage pit or other facility intended or used for the disposal of sewage within the jurisdiction of the District, unless approved by the Board of Directors subject to criteria as detailed in Article 3, 301D.
- B. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which cause pass through or interference.
- C. Illicit Connections: No person shall construct or maintain an illicit connection to the public sewer.

202. SPECIFIC PROHIBITIONS

- A. No person shall discharge or cause to be introduced a quantity or quality of wastewater directly or indirectly to sewerage facilities owned by or tributary to the District's sewerage facilities which causes, or is capable of causing, either alone or by interaction with other substances:
 - 1. Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Centigrade) using the test methods specified in 40 CFR part 261.21;
 - 2. Pollutants which will cause corrosion or structural damage to the POTW, but in no case with a pH lower than 5.5 or more than 11.0, or otherwise causing corrosive structural damage to the POTW or equipment;
 - 3. Solid or viscous pollutants which will cause obstruction to the flow in the sewer system resulting in interference or damage to the sewerage facilities;
 - 4. Danger to life or safety of any person;
 - 5. Impairment of the effective maintenance or operation of the sewerage system;
 - 6. Toxic gases, vapors, or fumes within the sewerage facilities in a quantity that may cause acute worker health and safety problems;
 - 7. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;
 - 8. The District's effluent to fail a toxicity test;
 - 9. Discoloration, pass through, or any other condition that affects the quality of the District's influent or effluent in such a manner that inhibits the District's ability to meet receiving water quality, biosolids quality, or air quality requirements established by Regulatory Agencies;
 - 10. Excessive foaming in the sewerage facilities; or

11. Conditions that violate any statute, regulation, or ordinance of any public agency or Regulatory Agency having jurisdiction over the operation of or discharge of wastewater through the sewerage facilities.
 12. Having a temperature higher than 140 degrees Fahrenheit, (60 degrees Centigrade), or which will inhibit biological activity in the treatment plant resulting in Interference, but in case wastewater which causes the temperature at the treatment plant to exceed 104 degrees Fahrenheit (40 degrees Centigrade).
 13. Containing oil, petroleum oil, non-biodegradable cutting or mineral oils or products of mineral oil origin in amounts that will cause interference or pass through.
 14. Containing excessive animal or vegetable oils in amounts that may cause interference, pass through or excessive maintenance to the operation of District's facilities.
- B. No person shall discharge wastewater, delivered by vehicular transport, rail car, or dedicated pipeline, directly or indirectly to the District's sewerage facilities which wastewater contains any substance that is defined as a hazardous waste by the Regulatory Agencies.
 - C. No person shall transport waste from one location or facility to another for the purpose of treating or discharging it directly or indirectly to the District's sewerage system without written permission from the District.
 - D. No user shall increase the contribution of flow, pollutants, or change the nature of pollutants where such contribution or change does not meet applicable standards and requirements or where such contribution would cause the District to violate any Federal, State, or local regulatory permit.
 - E. No User shall introduce or cause to be introduced into the POTW trucked or hauled pollutants, except at discharge points designated by the General Manager in accordance with Section 401.1 of this Ordinance.

203. PROHIBITION OF DILUTION

No user shall increase the use of water or in any other manner attempt to dilute a discharge as a partial or complete substitute for treatment to achieve compliance with this Ordinance and the user's permit or to establish an artificially high flow rate for permit mass emission rates.

204. PROHIBITION OF SURFACE RUNOFF, GROUNDWATER, AND UNPOLLUTED WATER

- A. No person shall discharge groundwater, surface runoff, subsurface drainage, or uncontaminated water such as single pass cooling water from air conditioning units directly or indirectly to the District's sewerage facilities except as provided herein. Pursuant to Section 404, et seq., the District may approve the discharge of such water only when no alternate method of disposal is reasonably available or to mitigate an environmental risk or health hazard.
- B. If a Special Purpose Discharge Permit is issued, pursuant to Section 404, for the discharge of such water into a public sewer, the user shall pay the applicable District charges relating to the treatment and disposal of such wastes and shall meet such other conditions as required by the District to further the purposes of this Ordinance.

205. PROHIBITION OF RADIOACTIVE WASTES

No person shall discharge radioactive waste unless:

- A. The person is authorized to use radioactive materials by the State Department of Health or other governmental agency empowered to regulate the use of radioactive materials; and the waste is discharged in strict conformity with current California Radiation Control Regulations (California Code of Regulations, Title 17) for safe disposal; and
- B. The person is in compliance with all rules and regulations of all other applicable regulatory agencies.

206. LIMITS ON THE USE OF GRINDERS

Waste discharged into a public sewer from industrial or commercial grinders shall be allowed as long as they do not restrict sewer flow and have been approved by the General Manager. Such grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the public sewer, with no particle greater than one-half inch in any dimension.

207. PROHIBITION ON POINT OF DISCHARGE

No person, except the District involved in maintenance functions of sanitary sewer facilities, shall discharge any wastewater directly into a manhole or other opening in a sewer other than through an approved private sewer lateral, unless approved by the District upon written application by the user and payment of the applicable fees and charges established herein.

208. LIMITS ON WASTEWATER STRENGTH AND CHARACTERISTICS

- A. No person shall discharge wastewater in excess of the District's Local Limits, as adopted and amended from time to time by District Resolution, limiting the concentrations of wastes discharged by a user or any limit listed in the User's discharge permit. Further, no person shall discharge wastewater in violation of any applicable Federal or State discharge regulations.
- B. No user shall discharge or cause to be discharged wastewater to the sewerage system:
 - 1. Having a pH at a volume and concentration that causes the pH of the influent to the treatment plant to be less than 6.0 or greater than 9.0.
 - 2. Containing flow or pollutants, including, but not limited to, ammonia, chemical oxygen demand, total organic carbon, suspended solids, oil and grease of animal or vegetable origin, total dissolved solids, and phenolic compounds released in a discharge at a flow rate and/or pollutant concentration that, either singly or by interaction with other pollutants, will cause pass through or interference with the POTW.
 - 3. Producing a gaseous mixture that is 10% or greater of the lower explosive limit (LEL) or having a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.
 - 4. Containing petroleum oil, non-biodegradable cutting or mineral oils or products of mineral oil origin in amounts that will cause interference or pass through.
 - 5. Containing excessive oil and grease animal or vegetable oils in amounts that may cause interference, pass through or excessive maintenance to the

operation of District's facilities.

6. Containing material that will readily settle or cause an obstruction to flow in the sewer resulting in interference, such as, but not limited to, sand, mud, glass, metal filings, diatomaceous earth, cat litter, asphalt, pool plaster, dead animals, wood, bones, hair, and fleshings.
7. In violation of any applicable Federal Categorical Pretreatment Standards, State standards or other local regulations covering wastewater disposal or operations.

C. Water Softener Policy

1. No Industrial User shall install, replace, enlarge, or use any apparatus Water Conditioning Device for softening all or any part of the water supply to any premises when such apparatus is an ion-exchange softener or demineralizer of the type that is regenerated at the site of use with the regeneration wastes being discharged to the POTW unless the Water Conditioning Device apparatus is in compliance with the following conditions:
 - a. The wastewater discharge from device complies with all applicable local wastewater discharge limitations;
 - b. The wastewater discharge is monitored for TDS with the results provided to the District; and
 - c. The Industrial User shall maintain an electrical conductivity-controlled discharge valve in proper operating condition at all times. The industrial user shall notify the General Manager within twenty-four (24) hours in the event of a valve failure and immediately cease the discharge of all wastewaters to the POTW associated with the soft water regenerating processes. A written report documenting the cause of the failure and the corrective actions taken shall be submitted to the District, within five calendar days after discovery of the electrical conductivity valve failure.
2. Residential Water Softening shall be regulated in accordance with California Health and Safety Code Sections 116775-116795 and amendments thereto, which are hereby incorporated by reference.
3. Any person installing or operating a Water Conditioning Device apparatus of any kind shall make such apparatus device accessible for inspection at reasonable times.
4. The District may limit the availability, or prohibit the installation, of any residential Water Conditioning Device water softening or conditioning appliances that discharge to the POTW if the General Manager makes all of the following findings:
 - a. The POTW is not in compliance with the discharge or water reclamation requirements specified in the Waste Discharge Requirements issued by the Regional Water Quality Control Board;
 - b. Limiting the availability, or prohibiting the installation, of the Water Conditioning Device appliances is the only available means of achieving compliance with Waste Discharge Requirements issued by the Regional Board; and
 - c. All nonresidential sources are limited to the volumes and concentrations

of saline discharges to the POTW to the extent technologically and economically feasible.

D. Swimming Pool Policy

1. Discharges from non-saltwater swimming pools, wading pools, spas, whirlpools, and therapeutic pools may be discharged to the District's sewer system on a case-by-case basis as determined by the District. Each person who desires to drain a swimming pool, wading pool, spa, whirlpool, or therapeutic pool shall first obtain permission from the District prior to discharging any of these waters. Permission may be granted by the District if the discharge will:
 - a. Not cause hydraulic overload conditions in any of the District's sewer lines;
 - b. Meets all applicable specific limitations for wastewater quality as established by the District, including but not limited to pH, TDS, chloride, sodium, BOD, and TSS; and
 - c. Commence at a time of day and rate of flow that minimizes the impact of the wastewater system.
2. The discharge of saltwater pools to the District's Sewer System is prohibited without prior review and is subject to approval on a case-by-case basis. Written approval may contain specific conditions and must be received prior to initiating any discharge to the District's sewer.

E. Specific Local Limits

1. Except as specifically allowed by the General Manager on a temporary basis or as provided herein, no Class I or Class II User shall discharge or cause to be discharged to the POTW any wastewater unless it conforms to all applicable local discharge limits as set forth by Resolution of the District's Board of Directors. Said discharge limits are amended from time to time as needed to protect the POTW and comply with current and future state and federal regulatory requirements.
2. Local discharge limits apply at the point where the wastewater is discharged to the POTW. The General Manager may impose average daily, monthly and/or mass limits in addition to the concentration-based limits set forth by Resolution of the District.
3. The General Manager may authorize the discharge of non-domestic wastewater to the POTW which contains pollutants in concentrations exceeding the specific local pollutant concentration limits adopted by Resolution, when said concentration, in combination with a measured discharge flow rate, do not exceed specific local mass emission rate limits which are computed for the individual discharger on the basis of the local pollutant concentration limits and the discharger's permitted discharge flow rate limit, and which are issued to the discharger as part of the discharger's permit.

F. Categorical Pretreatment Standards

1. Promulgated National Categorical Pretreatment Standards in 40 CFR Chapter I, Subchapter N, Parts 405-471, are incorporated into this Ordinance. Upon promulgation of new or revised Categorical Pretreatment Standards, the new or

revised Categorical Pretreatment Standards shall be immediately deemed incorporated herein. The General Manager shall notify affected users of applicable reporting requirements under 40 CFR, Chapter I, subchapter N, Parts 401, et seq.

2. No user subject to Categorical Pretreatment Standards shall discharge or cause to be discharged to the POTW any wastewater which is not in conformance with the discharge limits set forth in the Categorical Pretreatment Standards, including any revision thereof. Notwithstanding the foregoing, a user may obtain a variance from a Categorical Pretreatment Standard in accordance with the provisions of 40 CFR 403.13 and by establishing to the satisfaction of the General Manager, that the discharge will not adversely affect POTW operations and maintenance.
3. In the event that a Categorical Pretreatment Standard establishes a discharge limit which conflicts with a local discharge limit, the more stringent discharge limit shall apply.

209. PROHIBITION ON MEDICAL WASTE

No person shall discharge to the POTW medical wastes from hospitals, clinics, offices of medical doctors, convalescent homes, medical laboratories, other medical facilities, or any other locations except where prior written authorization for such discharges is given by the General Manager following the General Manager's determination that the discharge will not alone or in conjunction with other discharges, adversely affect the operation and maintenance of the POTW. If written authorization for such a discharge is given, the General Manager shall have the authority to require that any discharge of an infectious waste to the sewer be rendered non-infectious prior to discharge if the infectious waste is deemed to pose a threat to the public health and safety or will result in any violation of applicable waste discharge requirements.

210. PROHIBITION ON DISPOSAL OF SPENT SOLUTIONS AND SLUDGES

Spent solutions, sludges, and materials of quantity or quality in violation of, or prohibited by this Ordinance, or any permit issued under this Ordinance must be disposed of in a legal manner at a legally acceptable point of disposal as defined by the District or appropriate regulatory agency. All waste manifests shall be retained for a minimum of three years and made available to the District upon request.

211. MASS EMISSION RATE DETERMINATION

- A. Mass emission rates for pollutants that are present or anticipated in the user's wastewater discharge may be set for each user and made an applicable part of each user's permit. These rates shall be based on the District's Local Discharge Limits, or Federal Categorical Pretreatment Standards, and the user's average daily wastewater discharge for the past three years, the most recent representative data, or other data acceptable to the General Manager.
- B. To verify the user's operating data, the District may require a user to submit an inventory of all wastewater streams and/or records indicating production rates, water uses and water evaporation rates.
- C. The District may revise limits or mass emission rates previously established in the discharger's permit at any time, based on: current or anticipated operating data of the discharger or the District; the District's ability to meet NPDES limits; or changes in the requirements of Regulatory Agencies.

- D. The excess use of water to establish an artificially high flow rate for mass emission rate determination is prohibited.

212. RIGHT OF REVISION

The District reserves the right to establish by Ordinance, Resolution, or in wastewater discharge permits, more stringent standards, or requirements on discharges to the District's POTW.

ARTICLE 3

SEWER CONSTRUCTION

301. INTRODUCTION

- A. To provide for maximum public benefit, written authorization for connection to and construction of the District's collection and conveyance systems is required. Standards and regulations established herein and by other District Ordinances provide performance requirements for connecting private sewer laterals, public sewers, and sewers from outside the District.
- B. No building, industrial facility or other structure shall be occupied until the owner of the premises has complied with all rules and regulations of District and applicable regulations of the County, or city in which the property is located.
- C. Any user located within the District shall at the user's expense and in accordance with this Ordinance, connect the discharge from the building directly to the public sewer within ninety (90) days after the date of official notice to do so. Notice will be given in the event the user has received more than one notice in a 365-day period from a regulatory agency responsible for protecting the public health, the environment, or as determined by the District to protect the public's or the District's interests.

- D. Criteria for a variance:
A developer within the District may apply for a variance from immediate connection to District sewer upon application to the General Manager. The Board may approve a variance subject to the following findings and conditions.

Exceptions, connections to the public sewer will be required: A variance for a building and or project that is located within 1,000 feet of an existing District trunkline, or that has potentially more than five units of service may not be considered.

Required finding: The variance will not create a threat to health and safety or the welfare of the immediate property or to the adjoining properties by having a septic system. A favorable recommendation to the District from the Riverside County Environmental Health Department, the Regional Quality Control Board and the City Building Department shall be required before a finding can be made in favor of a variance.

- E. Conditions of an agreement for conditional variance shall include, but may not be limited to the following:
 - 1. That a recorded agreement shall be entered into that requires connection to the public sewer when the project exceeds ten units of service due to any future expansion.
 - 2. The "project" may be one or more lots, or one or more buildings. "Project" shall be defined in the agreement.
 - 3. The agreement shall require the installation of a "dry sewer" to the public street as a means to connect to future public sewer. Single family projects with lots of 2 ½ net acres shall not have to comply.
 - 4. The agreement shall also require all future owners to connect to the public sewer when it becomes available. That they pay connection capacity fees as required at the time of connection. That they will pay a pro-rata charge set by

the District for the public sewer that is installed to provide their service.

5. Failure of the septic system shall be cause for an order to connect to the public sewer.
6. And other conditions that the District may consider necessary to protect the health and safety and welfare of the public.

302. BUILDING SEWERS, LATERALS, AND CONNECTIONS

- A. No person shall construct a private sewer lateral, also referred to as a building sewer, connecting with any public sewer without first obtaining a written permit from the District and paying all required fees and connection charges.
- B. Design and construction of private sewer laterals and their connection to the public sewer shall be in accordance with the requirements of the District, the District's Standard Specifications and at the expense of the applicant.
- C. Cleanouts in private sewer laterals shall be provided in accordance with the California Plumbing Code and the District's Standard Specifications. Cleanouts shall be maintained watertight by the user.
- D. All private sewer laterals shall be tested by the applicant or duly appointed representative during construction in accordance with the District's Standard Specifications. At any time when a private sewer lateral is found not to meet the District's Standard Specifications or more stringent requirements as determined by the District's General Manager to protect the District's facilities and public health, the District may require the user to modify, repair or replace the sewers to bring them into compliance with the District's requirements.
- E. Connection to the public sewer involving an existing private sewer lateral shall be inspected, tested, and approved by the District's Inspector prior to final approval of construction. Any damage to the public sewer shall be repaired in conformance with District's Standard Specifications at the cost of the applicant.
- F. Any private sewer lateral that is too low to permit gravity flow to the public sewer shall be lifted by artificial means approved by the General Manager and discharged to the public sewer at the expense of the owner.
- G. Private sewer laterals and private sewers are owned by the owner of the property receiving service through said lines. The property owner shall be responsible for all cost related to the installation, connection, maintenance, repair, construction, abandonment or removal of private sewer laterals and private sewers. If a "common" private sewer lateral serves more than one property, the properties served by the common lateral own the lateral and are responsible for its maintenance and upkeep.
- H. Upon approval of the District, existing buildings located on property belonging to the same owner may be served with the same tributary sewer lateral during the period of said ownership. However, upon subsequent subdivision or sale of a portion of said property, the owner of said portion not directly connected to a public sewer shall apply for a connection permit and construct a separate private sewer lateral to the public sewer in accordance with District's standards. If said property includes a tenant that is a Class I Permittee (see Article 4), the District may require a separate connection to accurately ascertain the tenant's compliance with discharge standards or assess surcharge fees for use of the sewer.

- I. Any new or existing building with fixtures installed on any floor level that is lower than the ground surface of the next upstream public sewer manhole, the property owner shall have and maintain a backwater valve (sewage backflow prevention device).
- J. Failure of the property owner to install and maintain a Backwater Valve for any of the required conditions, including I of this Section, shall relieve the District of any and all responsibilities for any and all damage caused by sanitary sewer flooding.
- K. Should the District become aware of a sewage discharge from a leak, rupture, or other breach in the integrity of the conveyance system from private property to a public right-of-way that, in the District's opinion, may endanger human health or the environment, the District may take the actions necessary to clean-up the sewage spill, take other necessary steps to stop the discharge, and remediate the area to prevent an immediate endangerment. District will assess a fee to the private property owner to recover the costs of the clean-up and remediation in accordance with the District's fee schedule for such services.

303. PUBLIC SEWER CONSTRUCTION

All public sewers shall be permitted, design and constructed in accordance with the District's standards and in accordance with the provisions of this article.

- A. No person shall construct, alter, extend, or connect to any public sewer without first obtaining a written permit from the District and paying all fees and connection charges and furnishing bonds, as required. The provision of this Section requiring permits shall not be construed to apply to contractors constructing sewers and appurtenances under contracts awarded and entered into with the District.
- B. Minimum standards for the design and construction of sewers within the District shall be in accordance with the District's Standard Specifications adopted by the Board. Copies will be on file at the District's office. The General Manager may permit modifications or may require higher standards where unusual conditions are encountered or when necessary to protect the District's facilities.
- C. The Plans, Profiles and Specifications required shall be in accordance with the District's Standard Specifications for Construction.
- D. The requirements of Section 303 A and B of this Ordinance shall be fully complied with before any final subdivision map shall be approved by the General Manager. The final subdivision map shall provide for the dedication for public use of streets, easements, or rights of way in which public sewer lines are constructed.
- E. In the event that an easement is required for the extension of the public sewer or the making of connections, the applicant shall procure and obtain Board acceptance of a proper easement or grant of right of way having a minimum width of twenty (20) feet and being sufficient in law to allow the laying and maintenance of such extension or connection.
- F. Only properly licensed contractors shall be authorized to perform the work of public sewer construction within the District. All terms and conditions of the permit issued by the District to the applicant shall be binding on the contractor.
- G. Any person constructing a sewer within a street shall comply with all Federal, State, City and County laws, ordinances, rules, and regulations pertaining to the curing of pavement; opening, barricading, lighting, and protecting of trenches; backfilling, and repaving thereof and shall obtain all permits and pay all fees required prior to the

issuance of a permit by the District.

- H. The District shall require that before final acceptance of any public sewer and before commencement of any waste discharge from a structure to the sewerage system:
 - 1. The applicant or the contractor on the applicant's behalf, file with the District, "record" drawings showing the actual location of all mains, structures, wyes, laterals, manholes and other changes to the construction drawings; and
 - 2. The sewerage works shall be tested and shall be complete in full compliance with all requirements of the District's Standard Specifications, including final clean-up and removal of all construction debris, to the satisfaction of the General Manager.

304. OUT OF DISTRICT SEWERS

- A. The District may grant permission to connect any lot or parcel of land outside the District to any public sewer in or under the jurisdiction of the District. The granting of permission for outside areas to connect to District sewers shall be at the option of the Board, subject to state and federal law.
- B. In no event shall such permission be granted unless the applicant shall first enter into a written contract whereby binding self, successors and assignees to abide by all ordinances, rules and regulations in regard to the manner in which such the sewer shall be used and the manner of connection therewith, and also shall agree to pay all fees required for securing the permit and an annual fee in the amount set by District for the privilege of using such sewer.
- C. By entering into a contract with the District, all users connected to the District's facilities agree to the jurisdiction and authority of the District. The authority includes the right to establish limits, conditions, and prohibitions; to establish flow rates or prohibit flows discharged to the District's sewerage facilities; to require the development of compliance schedules for the installation of equipment systems and materials by all users; and to take all actions necessary to enforce its authority. By a separate Agreement or within the Contract to connect, the District may establish a program such that an entity regulating the use of the sewers within the lot or parcel of land outside the District can cooperatively and/or jointly administer a program to ensure compliance with the District's regulations. The Agreement or Contract shall not prevent the District from enforcing its authority on users in non-compliance with this Ordinance.

ARTICLE 4

PRETREATMENT DISCHARGE PERMITS FOR NON-DOMESTIC SEWAGE DISCHARGE

401. INTRODUCTION

- A. The wastewater discharge permit shall be in one of five forms and is dependent upon the type of discharger, volume, and characteristics of discharge. The four discharge permit types are:
1. **Class I Wastewater Discharge Permit.** Class I Permits are issued to all users meeting the criteria established for Class I Users as defined in this Ordinance.
 2. **Class II Wastewater Discharge Permit.** Class II Users as defined in this Ordinance will be issued a Class II Permit. If any Class II User or group of Users is determined by the General Manager to individually or as a group, cause or contribute to pass through or interference with, the District's facilities, said user(s) will be issued a Class I Permit.
 3. **Special Purpose Discharge Permit.** Special Purpose Discharge Permits are issued for short time durations and are generally for ground water clean-up projects, nuisance waters, and other waters that are determined to be suitable for discharge to the sanitary sewer system.
 4. **General Wastewater Discharge Permit.** When it has been established that a group of similar type businesses (i.e., food service establishments, photo processing, car washes, dental offices, and automotive repair, etc.) are better regulated using Best Management Practices (BMPs), a general wastewater discharge permit may be issued with conditions and BMP requirements that have been established for a specified business group.
- B. All discharge permits shall contain at a minimum the following:
1. Duration of the permit as defined by each permit type.
 2. Prohibition of transferability.
 3. Effluent limits including Best Management Practices.
 4. Permit application and reapplication due dates as defined by each permit type.
 5. Permit modification as defined by 402.4.
 6. Self-monitoring requirements.
 7. Reporting and notification requirements.
 8. Recordkeeping requirements.
 9. Statement of applicable civil and criminal penalties for violation of permit and/or ordinance requirements and standards.

401.1 Hauled Wastewater

- A. Septic tank waste may be introduced into the POTW only at locations designated by the

General Manager, and at such times as are established by the General Manager. Such waste shall not violate Article 2 of this Ordinance, or any other requirements established by the District. The General Manager may require septic tank waste haulers to obtain individual wastewater discharge permits or general permits.

- B. The General Manager may require haulers of industrial waste to obtain individual wastewater discharge permits or general permits. The General Manager may require generators of hauled industrial waste to obtain individual wastewater discharge permits or general permits. The General Manager also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this Ordinance.
- C. Industrial waste haulers may discharge loads only at locations designated by the General Manager. No load may be discharged without prior consent of the General Manager. The General Manager may collect samples of each hauled load to ensure compliance with applicable Standards. The General Manager may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- D. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

402. CLASS I WASTEWATER DISCHARGE PERMITS

- A. No user requiring a Class I permit shall discharge wastewater without obtaining a Class I Wastewater Discharge Permit.
- B. Class I Wastewater Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other regulations, charges for use, and fees established by the District. The conditions of wastewater discharge permits shall be enforced by the District in accordance with this Ordinance and applicable State and Federal Regulations.
- C. All Class I users proposing to discharge directly or indirectly into the District's sewerage facilities shall obtain a wastewater discharge permit by filing an application pursuant to Section 402.1 and paying the applicable fees pursuant to Section 402.3. For purposes of this Ordinance, a Class I user is any user:
 - 1. Meeting the Significant Industrial User definition; or
 - 2. Discharging five percent or more of the District's current effluent mass loading of any regulated constituent.
 - 3. Has in its wastes toxic pollutants as defined pursuant to Section 307 of the Clean Water Act; or Discharging wastewater which may cause, as determined by the General Manager, pass through or interference with the District's sewerage system.

402.1 Class I Wastewater Discharge Permit Application

- A. Any person required to obtain a Class I Wastewater Discharge Permit shall complete and file with the District, at least ninety (90) prior to commencing discharge, an application on the form prescribed by the District. The discharger shall submit, in units and terms appropriate for evaluation, the following information.

1. Name, address, assessor's parcel number(s), S.I.C. number(s), description of the manufacturing process or service activity.
2. (Whichever is applicable) name, address of any and all principals/ owners/major shareholders of company; Articles of Incorporation; most recent Report of the Secretary of State; Business License.
3. Volume of wastewater to be discharged.
4. Name of individual who can be served with notices other than officers of corporation.
5. Name and address of property owner, landlord and/or manager of the property.
6. Water supplier and water account numbers.
7. Measurement of Pollutants.
 - a. The Categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for existing sources.
 - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the District, of regulated pollutants in the discharge from each regulated process. The constituents and characteristics shall be determined by a laboratory selected by the discharger and acceptable to the District.
 - c. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.
 - d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 103.A of this Ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the District or the applicable Standards to determine compliance with the Standard.
 - e. Sampling must be performed in accordance with procedures set out in Section 601.1 of this Ordinance.
8. Time and duration of discharge.
9. Number of employees and average hours of work per employee per day.
10. Waste minimization and water conservation practices.
11. Brief description of the nature of operations and average rate of production (including each product produced by type, amount, processes, and rate of production). This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
12. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the PTOW.

13. Type and amount of raw materials processed (average and maximum per day).
 14. Landscaped area in square feet, if applicable.
 15. Tons of cooling tower capacity, if applicable.
 16. EPA Hazardous Waste Generator Number, if applicable.
 17. Slug Load Control Plan (SLCP), which at a minimum, lists the chemicals used or stored on-site, spill prevention, notification procedures, and response procedures necessary to prevent slug discharges or excess flow volumes from entering the District's sewer system.
 18. A list of any environmental control permits held by or for the facility that will be covered by the permit.
 19. Any other information as may be deemed necessary by the District to evaluate the permit application.
- B. Dischargers may be required to submit site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, spill containment, clarifiers, pretreatment equipment, and appurtenances by size, location, and elevation and all points of discharge.
- C. Dischargers may also be required to submit information related to the discharger's business operations, processes, and potential discharge as may be requested by the District to properly evaluate the permit application.
- D. After evaluation of the data, the District may issue a wastewater discharge permit, subject to terms and conditions set forth in this Ordinance and as otherwise determined by the General Manager to be appropriate to protect the District's sewerage facilities.
- E. The permit application may be denied if the discharger fails to establish to the District's satisfaction that adequate pretreatment equipment is included within the discharger's plans to ensure that the discharge limits will be met or if the discharger has, in the past, demonstrated an inability to comply with applicable discharge limits.

402.2 Class I Permit Conditions and Limits

- A. A Class I permit shall contain the following conditions or limits:
1. Mass emission rates and concentration limits, including Best Management Practices, regulating pollutants in accordance with Federal, State and District discharge limits.
 2. Requirements to notify the District in writing prior to modification to processes or operations through which industrial wastewater may be produced or when there may be any substantial change in the volume or character of pollutants in their discharge including but not limited to the potential for a slug discharge or the discharge of hazardous waste as per 403.12(p) and as revised.
 3. Location of the user's on-site sampling point.
 4. Requirements to self-monitor the discharge and submit technical reports, production data, discharge reports, documentation associated with Best Management Practices and/or waste manifests, including but not limited to the

requirements set forth in 40 CFR section 403.12(o) and as revised.

5. Requirements for maintaining, for a minimum of three years, plant records relating to wastewater discharge, documentation associated with Best Management Practice, and waste manifests as specified by District.
 6. Requirements to submit copies of tax and water bills.
 7. A requirement that all new source dischargers install and start up any necessary pollution control equipment before beginning discharge and comply with applicable Federal Categorical Pretreatment Standards within (30) days of the commencement of the discharge.
 8. A requirement that all new source dischargers submit monitoring information that meets the requirements of 40 C.F.R section 403.12(d) within ninety (90) days of commencement of the discharge.
 9. A requirement that the Permittee notify the District immediately of all discharges that could cause problems to the District's operations, including any slug loadings, as defined by 40 C.F.R. section 403.5(b).
 10. A requirement to notify the District in the event of any discharge that may cause a problem to the District's facilities.
 11. A requirement to report all monitoring results from the designated sampling and monitoring location(s).
 12. Requirements and conditions in Section 401.B of this Ordinance.
- B. A Class I permit may contain any of the following conditions or limits:
1. Requirements for the user to construct and maintain, at the user's own expense, appropriate pretreatment equipment, pH control, flow monitoring facilities, and sampling facilities.
 2. Limits on rate and time of discharge or requirements for flow regulation and equalization.
 3. Requirements to self-monitor.
 4. Assumed values for COD and suspended solids characteristics that typify the discharger's effluent for determination of the charge for use.
 5. Requirements to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges.
 6. Other terms and conditions that may be appropriate to ensure compliance with this Ordinance.
 7. Other terms and conditions determined by the General Manager to be appropriate to protect the sewerage system.

402.3 Class I Permit Fee

- A. The Class I permit fee shall be in an amount adopted by resolution or Ordinance, as appropriate, of the Board of Directors. The permit fee shall be payable at the time a

permit application is submitted for the issuance of a new permit or a renewed permit. Payment of permit must be received by the District prior to issuance of either a new permit or a renewed permit. Permittee shall also pay any delinquent invoices in full prior to permit renewal.

- B. Any permit issued for a location wherein the Permittee is not the property owner may be conditioned upon depositing financial security to guarantee payment of all annual fees and charges to be incurred, in accordance with the provisions of the current District's resolution or Ordinance for fees and charges.
- C. Class I Permit Charge for Use. The purpose of a charge for use is to ensure that each recipient of sewerage service from the District pays its reasonably proportionate share of all the costs of providing that sewerage service. Fees and charges for use shall be in accordance with the current District's resolution or Ordinance, as appropriate, for fees and charges.

402.4 Class I Permit Modification of Terms and Conditions

- A. The terms and conditions of an issued permit may be subject to modification and change in the sole determination by the General Manager during the life of the permit based on:
 - 1. The discharger's current or anticipated operating data;
 - 2. The District's current or anticipated operating data;
 - 3. Changes in the requirements of Regulatory Agencies that affect the District; or
 - 4. A determination by the General Manager that such modification is appropriate to further the objectives of this Ordinance.
- B. New source indirect dischargers shall be required to install and start up any necessary pollution control equipment before beginning discharge and comply with applicable Federal Categorical Pretreatment Standards not to exceed thirty (30) days after the commencement of discharge.
- C. Permittee may request a modification to the terms and conditions of an issued permit. The request shall be in writing stating the requested change, and the reasons for the change. The District shall review the request, make a determination on the request, and respond in writing.
- D. Permittee shall be informed of any change in the permit limitations, conditions, or requirements at least forty-five (45) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

402.5 Class I Permit Duration and Renewal

Class I permits shall normally be issued for a period not to exceed two (2) years but in no case for a period of greater than 5-years. At least 45 days prior to the expiration of the permit, the user shall apply for renewal of the permit in accordance with the provisions of this Article 4.

403. CLASS II WASTEWATER DISCHARGE PERMITS

- A. No user requiring a Class II permit shall discharge wastewater without obtaining a wastewater discharge permit.

- B. Class II Wastewater Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other regulations, charges for use and fees established by the District. The conditions of wastewater discharge permits shall be enforced by the District in accordance with this Ordinance and applicable State and Federal Regulations.
- C. All Class II users proposing to discharge directly or indirectly into the District sewerage facilities shall obtain a wastewater discharge permit by filing an application pursuant to Section 403.1 and paying the applicable fees pursuant to Section 403.3. For purposes of this Ordinance, a Class II user is any user:
 - 1. Discharging waste other than sanitary; and
 - 2. Not otherwise required to obtain a Class I permit.
- D. EXEMPTIONS: A discharger may qualify for an exemption from the requirement to obtain a Class II Discharge Permit by obtaining the General Manager's approval of a "Best Management Practices Plan of Action". An exemption shall be valid for 5 years. To qualify for an exemption the discharger shall:
 - 1. Not discharge in excess of any discharge limit as set forth in Section 208 of this Ordinance or of any wastewater limitation established by Resolution of the District's Board of Directors.
 - 2. Shall segregate concentrated and dilute waste streams.
 - 3. Use "Dry" versus "Wet" clean-up methods.
 - 4. Use water conservation methods.
 - 5. Maintain all records of waste disposal.
 - 6. Allow District reasonable access to facilities and records for inspection.
 - 7. Implement an approved "Best Management Practices Plan of Action".
 - 8. Upon a determination by the General Manager that the user has failed to comply with the forgoing criteria, the exemption shall be invalid, and the user shall obtain a Class II Discharge Permit.

403.1 Class II Wastewater Discharge Permit Application

- A. Any person required to obtain a Class II Wastewater Discharge Permit shall complete and file with the District, prior to commencing discharge, an application on the form prescribed by the District. The discharger shall submit, in units and terms appropriate for evaluation, all necessary information as described in Section 402.1.A. (1-18).
- B. Dischargers may be required to submit site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, spill containment, clarifiers, pretreatment facilities, and appurtenances by size, location, and elevation for evaluation.
- C. Dischargers may also be required to submit other information related to the discharger's business operations, processes, and potential discharge as may be requested to properly evaluate the permit application.
- D. After evaluation of the data furnished, the District may issue a wastewater discharge permit, subject to terms and conditions set forth in this Ordinance and as otherwise

determined by the General Manager to be appropriate to protect the District's system.

- E. The permit application may be denied if the discharger fails to establish to the District's satisfaction that adequate pretreatment equipment is included within the discharger's plans to ensure that the discharge limits will be met or if the discharger has, in the past, demonstrated an inability to comply with applicable discharge limits.

403.2 Class II Permit Conditions and Limits

- A. A Class II permit shall contain all of the following conditions or limits:
 - 1. Requirements to notify the District in writing prior to modification to processes or operations through which industrial wastewater may be produced.
 - 2. Location of the user's on-site sample point.
 - 3. Requirements for submission of technical reports, production data, discharge reports, and/or waste manifests pursuant to Section 402.2. A.4.
 - 4. Requirements to submit copies of tax and waterbills.
 - 5. Requirements and conditions in Section 401.B of this Ordinance.
- B. A Class II permit may contain any of the following conditions or limits:
 - 1. Requirements for the user to construct and maintain, at the user's own expense, appropriate pretreatment equipment, pH control, flow monitoring and/or sampling facilities.
 - 2. Limits on rate and time of discharge or requirements for flow regulation and equalization.
 - 3. Assumed values for COD and suspended solids characteristics that typify the discharger's effluent for determination of the charge for use.
 - 4. Requirements to self-monitor.
 - 5. Requirements for maintaining, for a minimum of three years, plant records relating to wastewater discharge, and waste manifests as specified by District.
 - 6. Other provisions that may be appropriate to ensure compliance with this Ordinance.
 - 7. Other terms and conditions determined by the General Manager to be appropriate to protect the District's sewerage system.

403.3 Class II Permit Fee

- A. The Class II permit fee shall be in an amount adopted by resolution or Ordinance, as appropriate, of the Board of Directors. The permit fee shall be payable at the time a permit application is submitted for the issuance of a new permit or a renewed permit. Payment of permit must be received by the District prior to issuance of either a new permit or a renewed permit. Permittee shall also pay any delinquent invoices in full prior to permit renewal.
- B. Any permit issued for a location wherein the Permittee is not the property owner may be

conditioned upon depositing financial security to guarantee payment of all annual fees and charges to be incurred, in accordance with the current District's resolution or Ordinance, as appropriate, for fees and charges.

- C. Class II Permit Charge for Use. The purpose of a charge for use is to ensure that each recipient of sewerage service from the District pays its reasonably proportionate share of all the costs of providing that sewerage service. Fees and charges for use shall be in accordance with the current District's resolution or Ordinance, as appropriate, for fees and charges.

403.4 Class II Permit Modification of Terms and Conditions

- A. The terms and conditions of an issued permit may be subject to modification and change in the sole determination by the General Manager during the life of the permit based on:
 - 1. The discharger's current or anticipated operating data;
 - 2. The District's current or anticipated operating data;
 - 3. Changes in the requirements of Regulatory Agencies that affect the District; or
 - 4. A determination by the General Manager that such modification is appropriate to further the objectives of this Ordinance.
- B. The Permittee shall request a modification to the terms and conditions of an issued permit prior to increasing the contribution of flow, pollutants, or changing the nature of pollutants where such contribution or change will cause the Permittee to be in violation of their permit or this Ordinance. The request shall be in writing stating the requested change, and the reasons for the change. The District shall review the request, make a determination on the request, and respond in writing. The District's approval may be granted or denied.
- C. Permittee shall be informed of any change in the permit limitations, conditions, or requirements at least forty-five (45) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

403.5 Class II Permit Duration and Renewal

Class II permits shall be issued for a period not to exceed five (5) years. At least 45 days prior to the expiration of the permit, the user shall apply for renewal of the permit in accordance with the provisions of this Article 4.

404. SPECIAL PURPOSE DISCHARGE PERMITS

- A. No user requiring a Special Purpose Discharge Permit shall discharge wastewater without obtaining a Special Purpose Discharge Permit.
- B. Special Purpose Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other regulations, charges for use, and fees established by the District. The conditions of wastewater discharge permits shall be enforced by the District in accordance with this Ordinance and applicable State and Federal Regulations.
- C. All Special Purpose Discharge Permit users proposing to discharge directly or indirectly into the Districts' sewerage facilities shall obtain a wastewater discharge permit by filing an application pursuant to Section 404.1 and paying the applicable fees pursuant to

Section 404.3. This discharge permit may be granted when no alternative method of disposal is reasonably available, or to mitigate an environmental risk or health hazard.

404.1 Special Purpose Discharge Permit Application

- A. Dischargers seeking a Special Purpose Discharge Permit shall complete and file with the District, prior to commencing discharge, an application in the form prescribed by the District. This application shall be accompanied by the applicable fees, plumbing plans, a detailed analysis of the alternatives for water disposal, or other data as needed by the District for review.
- B. The permit application may be denied if the discharger fails to establish to the District's satisfaction that adequate pretreatment equipment is included within the discharger's plans to ensure that the discharge limits will be met if the discharger has, in the past, demonstrated an inability to comply with applicable discharge limits.

404.2 Special Purpose Discharge Permit Conditions and Limits

- A. If monitoring is required because the discharge may impact the District's facilities, the monitoring requirements for the discharge shall be for those pollutants known or suspected to exist in the discharge.
- B. The District may specify and make part of each Special Purpose Discharge Permit specific pretreatment requirements or other terms and conditions determined by the General Manager to be appropriate to protect the District's sewerage facilities, to comply with Regulatory Agencies' requirements, to ensure compliance with this Ordinance, and to assess user charges.
- C. Requirements and conditions in Section 401.B of this Ordinance.

404.3 Special Purpose Discharge Permit Fee

The special purpose discharge permit fee shall be paid by the discharger in an amount adopted by resolution or Ordinance, as appropriate, of the Board of Directors. Payment of permit fees must be received by the District prior to issuance of either a new permit or a renewed permit. Each Permittee shall also pay delinquent invoices in full prior to permit renewal.

A charge for use to cover all costs of the District for providing sewerage service and monitoring shall be established by the General Manager. A deposit determined by the General Manager to be sufficient to pay the estimated charges for use shall accompany the Special Purpose Discharge Permit application and said deposit shall be applied to the charges for use.

404.4 Special Purpose Discharge Permit Modification of Terms and Conditions

- A. The terms and conditions of an issued permit may be subject to modification and change in the sole determination by the District during the life of the permit based on:
 - 1. The discharger's current or anticipated operating data;
 - 2. The District's current or anticipated operating data;
 - 3. Changes in the requirements of Regulatory Agencies that affect the District; or
 - 4. A determination by the General Manager that such modification is appropriate to further the objectives of this Ordinance.

- B. A Permittee may request a modification to the terms and conditions of an issued permit. The request shall be in writing stating the requested change, and the reasons for the change. The District shall review the request, make a determination on the request, and respond in writing.
- C. A Permittee shall be informed of any changes in the permit at least forty-five (45) days prior to the effective date of the change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

404.5 Special Purpose Discharge Permit Duration And Renewal

Special purpose discharge permits shall be issued for a period not to exceed three (3) years but may be renewed as determined by the General Manager. Users seeking permit renewal shall comply with all provisions of this Article 4.

405. GENERAL DISCHARGE PERMIT

The General Discharge Permit contains standard conditions and requirements that are the same for all Users with a specific business classification that are determined by the District to have similar process wastewater producing streams and can be regulated using a common permit. The District may issue a General Discharge Permit when:

- A. The General Discharge Permit will regulate the same or substantially similar types of operations;
- B. The Permittees will discharge the same type of wastes;
- C. The discharges require the same effluent limitations, including Best Management Practices;
- D. The discharges require the same or similar monitoring and reporting requirements; and
- E. In the opinion of the District, the Permittees are more appropriately controlled under a general control mechanism than under individual control mechanisms.

Typical business operations that may fall into a General Discharge Permit category include, but are not limited to, food service establishments; automotive repair shops; car washes; dental offices; and film photo-processing operations. Facilities with a General Discharge Permit will typically be regulated using Best Management Practices that are established for each specific business type.

405.1 General Discharge Permit Application

- A. Any person required to be covered under a General Discharge Permit shall complete and file with the District prior to commencing discharge, an application in a form prescribed by the District.
- B. Dischargers may be required to submit mechanical and plumbing plans, and details to show all spill containment internal baffles and valving, clarifiers and appurtenances by size, location, and elevation for evaluation.
- C. Dischargers may be required to submit other information related to the discharger's business operations and potential discharge as may be requested to properly evaluate the permit application.
- D. After evaluation of data furnished, the District may issue a General Wastewater permit,

subject to terms and conditions set forth in this Ordinance and as otherwise determined by the General Manager to be appropriate to protect the District's sewerage system.

- E. The permit application may be denied if the discharger fails to establish to the District's satisfaction that adequate pretreatment equipment is included within the discharger's plans to ensure that the discharge limits will be met or if the discharger has, in the past, demonstrated an inability to comply with applicable discharge limits.

405.2 General Discharge Permit Conditions and Limits

The issuance of a General Discharge Permit may include any of the following conditions or limits:

- A. Requirements to develop and implement Best Management Practices as determined by the General Manager to be appropriate to protect the District's sewerage system.
- B. Requirements to develop, submit for approval, and implement such a plan or take such action that may be necessary to control slug discharges.
- C. Requirements for the User to construct and maintain, at the user's own expense, appropriate pretreatment equipment, pH control, flow monitoring facilities and sampling facilities.
- D. Other terms and conditions which may be applicable to ensure compliance with this Ordinance.
- E. Other terms and conditions determined by the General Manager to be appropriate to protect the District's sewerage system.
- F. Requirements and conditions in Section 401.B of this Ordinance.

405.3 General Discharge Permit Fee

- A. The General Discharge Permit fee shall be in an amount adopted by resolution, or Ordinance, as appropriate, of the Board. The permit fee shall be payable within forty-five (45) days of invoicing by the District. Payment of permit fees must be received by the District prior to issuance of either a new permit or a renewed permit. Permittee shall also pay any delinquent invoices in full prior to permit renewal.
- B. Any permit issued may be conditioned upon depositing financial security to guarantee payment of all annual fees and charges to be incurred, in accordance with the provisions of Section 717 of this Ordinance.
- C. General Discharge Permit Charge for Use. A charge for use to cover all costs of the District for providing sewerage service and monitoring shall be established by the General Manager and the board of directors through the most current fee resolution named 'A Resolution of the Board of Directors of Valley Sanitary District Amending Fees and Charges For District Services'. A deposit determined by the General Manager to be sufficient to pay the estimated charges for use shall accompany the General Discharge Permit application and said deposit shall be applied to the charges for use.

405.4 General Discharge Permit Modifications of Terms and Conditions

- A. The terms and conditions of an issued permit may be subject to modification and change in the sole determination by the General Manager during the life of the permit based on:
 - 1. The discharger's current or anticipated operating data;

2. The District's current or anticipated operating data;
 3. Changes in the requirements of Regulatory Agencies that affect the District; or
 4. A determination by the General Manager that such modification is appropriate to further the objectives of this Ordinance.
- B. The Permittee shall request a modification to the terms and conditions of an issued permit prior to increasing the contribution of flow, pollutants, or changing the nature of pollutants where such contribution or change will cause the Permittee to be in violation of their permit or this Ordinance. The request shall be in writing stating the requested change, and the reasons for the change. The District shall review the request, make a determination on the request, and respond in writing. The District's approval may be granted or denied.
- C. Permittee shall be informed of any change in the permit limits, conditions, or requirements at least forty-five (45) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

405.5 General Discharge Permit Duration and Renewal

General Discharge Permit shall be issued for a period not to exceed five (5) years but may be renewed as determined by the General Manager. Users seeking permit renewal shall comply with all provisions of this Article 4.

ARTICLE 5

FACILITIES REQUIREMENTS

501. DRAWING SUBMITTAL REQUIREMENTS

- A. Persons wishing to construct a public sewer as defined by Section 303 shall submit to the District, the Plans, Profiles and Specifications in accordance with District Standard Specifications for Construction.
- B. Applicants or users discharging non-domestic wastewater may be required to submit three copies of detailed facility plans. The submittal shall be in a form and content acceptable to the District for review of existing or proposed pretreatment facilities, spill containment facilities, monitoring facilities, metering facilities, and operating procedures. The review of the plans and procedures shall in no way relieve the user of the responsibility of modifying the facilities or procedures in the future, as necessary to produce an acceptable discharge, and to meet the requirements of this Ordinance or any requirements of other Regulatory Agencies.
- C. As a minimum, the drawings shall depict the manufacturing process (waste generating sources), spill containment, monitoring or metering facilities, and pretreatment facilities.
- D. The applicant or user shall submit a schematic drawing of the pretreatment facilities, piping and instrumentation diagram, and wastewater characterization report or equivalent as determined by the General Manager.
- E. Users and applicants may also be required to submit for review, site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, spill containment, clarifiers, and appurtenances by size, location, and elevation for evaluation.
- F. The District may require the drawings be prepared by a California Registered Architect, Chemical, Mechanical, or Civil Engineer.

502. PRETREATMENT FACILITIES

- A. All users shall provide wastewater treatment as necessary to comply with this Ordinance and shall achieve compliance with Local Limits and all Categorical Pretreatment Standards within the time limitations specified by EPA, the State, or District, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the District for review and shall be acceptable to the District before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the District under the provisions of this Ordinance.
- B. Any user required to treat or transport wastewater shall ensure that pretreatment facilities are maintained by a qualified operator and in proper operating condition at the user's expense.
- C. All users may also be required by the District to submit waste analysis plans, contingency plans, and meet other necessary requirements to ensure proper operation of the pretreatment facilities and compliance with permit limits and this Ordinance.
- D. No user shall increase the use of water or in any other manner attempt to dilute a discharge as a partial or complete substitute for treatment to achieve compliance with

this Ordinance and the user's Permit.

503. SPILL CONTAINMENT FACILITIES/ACCIDENTAL SLUG CONTROL PLANS

- A. All users shall provide spill containment for protection against discharge of prohibited materials or other wastes regulated by this Ordinance. Such protection shall be designed to secure the discharges and to prevent them from entering into the system in accordance with reasonable engineering standards. Such facilities shall be provided and maintained at the user's expense.
- B. The General Manager may require any industrial user to develop and implement an accidental discharge/slug control plan.
- C. The General Manager shall evaluate whether each SIU needs an accidental discharge/slug control plan or other action to control slug discharges. An accidental discharge/slug control plan shall address, at a minimum, the following:
 - 1. Description of discharge practices, including nonroutine batch discharges;
 - 2. Description of stored chemicals;
 - 3. Procedures for immediately notifying the General Manager of any accidental or slug discharge; and
 - 4. Procedures to prevent adverse impact from any accidental or sludge discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling, and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

504. MONITORING/METERING FACILITIES

- A. The District may require the user to construct and maintain in proper operating condition at the user's sole expense, flow monitoring, constituent monitoring and/or sampling facilities.
- B. The monitoring or metering facilities may be required to include a security closure that can be locked with a District provided hasp lock or the equivalent, during sampling or upon termination of service.
- C. The location of the monitoring or metering facilities shall be subject to approval by the District.
- D. The user shall provide immediate, clear, safe, and uninterrupted access to the District to the user's monitoring and metering facilities.
- E. The District may at its sole discretion, install its own monitoring or metering facilities. The cost of constructing and maintaining the facilities shall be borne by the user.

505. WASTE MINIMIZATION REQUIREMENTS

The District may require the user to provide waste minimization plans to conserve water, investigate product substitution, provide inventory control, implement employee education, and other steps as necessary to minimize waste produced.

506. GREASE INTERCEPTOR

In accordance with Section 502, a User may be required to install pretreatment facilities to assure that the wastewater is acceptable to the District. Grease Interceptors may be required to remove solids and floating grease that may interfere with the District's facilities. Grease Interceptors are defined as a structural chamber approved by the local authorities and the District to remove fats, oils, and grease (FOG) and solids from wastewater prior to discharge to the District's sewer collection system.

- A. Grease Interceptors are typically required for food service establishments. Discharges from new facilities must have their plumbing plans reviewed and approved by the appropriate plumbing official and reviewed by the District to determine if a grease interceptor is required and if it is appropriately sized for the flow and loading generated by the User's discharge.
- B. Sanitary wastewater shall not be allowed to pass- through the grease interceptor.
- C. Grease Interceptors shall be operated and maintained in a satisfactory manner which includes cleaning to remove all solids and floatable FOG once every three months, when 25% or more of the volumetric capacity of the chamber is occupied by settled or floatable materials, or when determined by the District, whichever occurs first. Users are required to maintain cleaning records for three years.
- D. District may reduce the cleaning requirements only after the User demonstrates to the satisfaction of the General Manager that the grease interceptor can operate at a different cleaning frequency. The User shall submit a demonstration plan for District's approval that includes effluent testing to demonstrate that the grease interceptor cleaning frequency can be changed. The User shall execute the plan and submit the results for District's review and approval prior to changing the cleaning frequency.
- E. All chambers of the grease interceptor shall be immediately accessible at all times for the purpose of inspection and cleaning. At no time shall any material, debris, obstacles, or obstructions be placed in such a manner so as to prevent immediate access to the interceptor.
- F. All interceptors shall be equipped with a sample chamber located downstream of the interceptor and the sample chamber shall conform to approved District standards.
- G. If the General Manager finds that a grease interceptor is inadequate for removing floatable or settleable material or is structurally incomplete, the General Manager shall notify the User that the grease interceptor does not meet the requirements of this section and shall require the User to install, at the user's expense, an acceptable interceptor.
- H. The use of chemicals, enzymes, or mechanical means to dissolve or emulsify grease is specifically prohibited.

Accumulated sediment and floating material from the grease interceptor shall be removed and legally disposed of and shall not be discharged to the sewer.

ARTICLE 6

MONITORING, REPORTING, NOTIFICATION, AND INSPECTION REQUIREMENTS

601. MONITORING AND REPORTING CONDITIONS

A. Monitoring for Annual Charge for Use

The wastewater constituents and characteristics of a discharger needed for determining the annual charge for use shall be submitted in the form of self-monitoring reports by the user to the District, if requested and as set forth in their permit. The frequency of analyses and reporting shall be set forth in the user's permit. The analyses of these constituents and characteristics shall be by a laboratory acceptable to the District, and at the sole expense of the permittee. Analyses performed by District's personnel may be used in the determination of the annual charge for use.

B. Monitoring for Compliance with Permit Conditions or Reporting Requirements

The District may require reports for self-monitoring of wastewater constituents and characteristics of the discharger needed for determining compliance with any limit or requirements as specified in the user's permit, Federal or State Regulations, or this Ordinance. These reports include:

1. Baseline Monitoring Reports as defined by 40 CFR 403.12(b).
2. Compliance Schedule Progress Reports as defined by 40 CFR 403.12(c).
3. 90-Day Compliance Reports as defined by 40 CFR 403.12(d).
4. Periodic Reports on continued compliance, including but not limited to report(s) of continued compliance with categorical standards in accordance with 40 CFR 403.12(e) and other specified limitations (e.g. local limits) in accordance with 40 CFR 403.12 (h).
5. Notification of the Discharge of Hazardous Waste as per 40 CFR 403.12(p) and as revised.
6. Other reports as required by the District, including but not limited to a report of compliance with any categorical deadline(s) in accordance with 40 CFR 403.12(d).

Monitoring reports of the analyses of wastewater constituents and characteristics shall be in a manner and form approved by the District and shall be submitted upon request of the District. When applicable, the self-monitoring requirement and frequency of reporting may be set forth in the user's permit as directed by the District. The analyses of wastewater constituents and characteristics and the preparation of the monitoring report shall be done at the sole expense of the user.

Failure by the user to perform any required monitoring, or to submit monitoring reports required by the District constitutes a violation and may result in determining whether the permittee is in significant non-compliance, as defined in this Ordinance. Any and all expenses incurred by the District to determine compliance with any limits and requirements specified in the user's permit or in this Ordinance shall be the responsibility of said user.

601.1 Inspection and Sampling Conditions

- A. The District may inspect and sample the wastewater generating and disposal facilities of any user to ascertain whether the intent of this Ordinance is being met and the user is complying with all requirements.
- B. The District shall have the right to place on the user's property or other locations as determined by the District, such devices as are necessary to conduct sampling or metering operations. Where a user has security measures in force, the user shall make necessary arrangements so that personnel from the District shall be permitted to enter without delay for the purpose of performing their specific responsibilities.
- C. In order for the District to determine the wastewater characteristics of the discharger for purposes of determining the annual use charge and for compliance with permit requirements, the user shall make available for inspection and copying by the District all notices, self-monitoring reports, waste manifests and records including, but not limited to, those related to production, wastewater generation, wastewater disposal, and those required in the Federal Pretreatment Requirements without restriction, but subject to the confidentiality provision set forth in Section 104 herein. All such records shall be kept by the user a minimum of three (3) years.
- D. The user is responsible for maintaining all user required flow and sampling equipment and maintaining the designated sampling location free from debris. Debris removed from the sampling location is considered waste and shall be pretreated and disposed of properly.
- E. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that are representative of conditions occurring during the reporting period.
- F. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
- G. If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the General Manager or designated representative, using the procedures prescribed in this section of this Ordinance, the results of this monitoring shall be included in the report.
- H. Except as indicated in Section I and J below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the General Manager. Where time-proportional composite sampling or grab sampling is authorized by the District, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be analyzed individually or composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease the samples may be composited in the laboratory. In addition, grab samples may be required to show compliance with instantaneous limits.
- I. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

- J. For sampling required in support of baseline monitoring and 90-day compliance reports, a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. The General Manager may authorize a lower minimum for facilities for which historical sampling data are available.

601.2 Right of Entry

Persons or occupants of premises where wastewater is created or discharged shall allow the District, or its representatives, reasonable access to all parts of the wastewater generating and disposal facilities for the purposes of inspection and sampling during all times the discharger's facility is open, operating, or any other reasonable time. No person shall interfere with, delay, resist, or refuse entrance to authorized District's personnel attempting to inspect any facility involved directly or indirectly with a discharge of wastewater to the District's sewerage system

601.3 Notification of Spill or Slug Loading

- A. In the event the discharger is unable to comply with any permit condition due to a breakdown of equipment, accidents, or human error, or the discharger has reasonable opportunity to know that the discharge will exceed the discharge provisions of the user's permit, Section 208, or any local wastewater discharge limitations adopted by the District, the discharger shall immediately notify the District by telephone. If the material discharged to the sewer has the potential to cause or result in a fire or explosion hazard, the discharger shall immediately notify the local fire department and the District.
- B. Confirmation of this notification shall be made in writing no later than five (5) working days from the date of the incident. The written notification shall state the date of the incident, the reasons for the discharge or spill, what steps were taken to immediately correct the problem, and what steps are being taken to prevent the problem from recurring.
- C. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage or loss to the District or any other damage or loss to person or property; nor shall such notification relieve the user of any fees or other liability which may be imposed by this Ordinance or other applicable law.

601.4 Notification of Bypass

- A. Bypass of industrial wastewater to the sewerage system is prohibited. The District may take enforcement action against the user, unless:
 - 1. Bypass was unavoidable because it was done to prevent loss of life, personal injury, or severe property damage;
 - 2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, elective slow-down or shut-down of production units or maintenance during periods of production downtime. This condition is not satisfied if adequate backup equipment could have been feasibly installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventative maintenance; and
 - 3. The permittee submitted notices as required under Article 601.4 (B).
- B. If a permittee knows in advance of the need for a bypass, it shall submit a written request to allow the bypass to the District, if possible, at least ten (10) days before the date of the bypass.

- C. The District may approve an anticipated bypass at its sole discretion after considering its adverse effects, and the District determines that the conditions listed in 601.4 (A) (1-3) are met.

- D. A permittee shall provide telephone notification to the District of an unanticipated bypass that exceeds its permitted discharge limits within four (4) hours from the time the permittee becomes aware of the bypass. A written report shall also be provided within five (5) days of the time the permittee becomes aware or could reasonably have been aware of the bypass. The report shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass. Failure to submit oral notice or written report may be grounds for permit revocation.

ARTICLE 7

ENFORCEMENT

701. PURPOSE AND SCOPE

- A. 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 sewerage system.
- B. To ensure that all interested parties are afforded due process of law and that non-compliance and violations are resolved as soon as possible, the general policy of the District is that:
 - 1. Any determination relating to a permit application, permit violation, Probation Order, or Enforcement Compliance Schedule Agreement (ECSA) will be made by the Program Manager, with a right of appeal by the permittee to the General Manager pursuant to the procedures set forth in Section 713.
 - 2. A user, permittee, or applicant for a permit may request the Board to hear an appeal of the General Manager's decision pursuant to Section 715, except as set forth in Section 715.B. Such request may be granted or denied by the Board except where civil penalties have been awarded.
 - 3. Actions and decisions by the Program Manager are made pursuant to a delegation of authority by the General Manager as authorized by Section 107 of this Ordinance.
- C. The District, at its discretion, may utilize any one, combination, or all enforcement remedies in accordance with the District's enforcement response plan to any permit or Ordinance violation. However, the District may take other action against any User when the circumstances warrant. Further, the District is empowered to take more than one enforcement action against any noncompliant user.

702. DETERMINATION OF NON-COMPLIANCE

- A. Sampling Procedures
 - 1. Sampling of all permittees shall be conducted in the time, place, manner, and frequency determined at the sole discretion of the District.
 - 2. 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 a 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.

3. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

703. ENFORCEMENT PROCEDURES AND APPLICABLE FEES

A. Self-Monitoring Requirements as a Result of Non-Compliance

1. If analysis of any sample obtained by the District or by a permittee or user 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 or user.
2. A user shall perform required self-monitoring of constituents in a frequency, at the specific location, and in a manner directed by the District.
3. All analyses 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 self-monitoring costs shall be borne by the user.
5. Nothing in this section shall be deemed to limit the authority of the District to impose self-monitoring as a permit condition.

B. Purpose of Non-Compliance Sampling Fees

The purpose of the non-compliance sampling fee is to compensate the District for costs of additional sampling; monitoring, laboratory analysis, sample 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 Sections 711 and 712. Non-compliance fees are established by Resolution and are amended from time to time to reflect the cost of providing additional oversight to remedy non-compliance with the provisions of this Ordinance or wastewater discharge permit.

C. Non-Compliance Sampling Fees for Composite Samples

1. Each violation of a permittee's permit discharge limit or condition is a violation of this Ordinance. If analysis of any composite sample of a permittee's discharge obtained by the District shows a violation by the permittee of the mass emission rates or concentration limits specified in the permittee's discharge permit or in this Ordinance, then the District may impose non-compliance sampling fees pursuant to fee schedules adopted by the District's Board of Directors.
2. The fees specified in District's resolution for fees and charges 2021-1143, or as superseded, shall be imposed for each date on which the District conducts sampling as a result of a violation by a permittee.

D. 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 Section 208, the District may impose non-compliance sampling fees, pursuant

to fee schedules adopted by the District's Board, 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.

E. Requirement to Resample

In accordance with 40 CFR 403.12(g)(2), if sampling performed by a User indicates a violation, the User shall notify the District within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the District within 30 days after becoming aware of the violation. Where the District has performed the sampling and analysis in lieu of the User, the District must perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat analysis.

703.1 Administrative Orders

A. Cease and Desist Orders

Whenever the General Manager finds that a violation of this Ordinance, or the provisions of any discharge permit issued pursuant to this Ordinance has occurred, the General Manager may issue a Cease-and-Desist Order and direct that those persons not complying with such prohibitions, limitations, requirements or provisions:

1. Cease discharge immediately; or
2. Comply immediately; or
3. Comply in accordance with a time schedule set forth by the District.

703.2 Probation Order

A. Grounds

In the event the General Manager determines that a User has violated any provisions of this Ordinance, or the terms, conditions, and limits of its discharge permit, or has not made payment of all amounts owed to the District for user charges, non-compliance fees or any other fees, the General Manager may issue a Probation Order, whereby the user must comply with all directives, conditions, and requirements therein within the time prescribed.

B. Provisions

The issuance of a Probation Order may contain terms and conditions including but not limited to, installation of pretreatment equipment and facilities, requirements for self-monitoring, submittal of drawings or technical reports, operator certification, audit of waste minimization practices, payment of fees, limits on rate and time of discharge, or other provisions to ensure compliance with this Ordinance.

C. Probation Order-Expiration

A Probation Order issued by the General Manager shall be in effect for a period not to

exceed ninety (90) days.

703.3 Enforcement Compliance Schedule Agreement (ECSA)

A. Grounds

Upon determination that a User is in non-compliance with the terms, conditions or limits specified in its permit or any provision of this Ordinance, and needs to modify, construct and/or acquire and install equipment and/or facilities, the General Manager may require the User to enter into an ECSA. An ECSA will, upon the effective date of the ECSA, amend a permittee's permit. The ECSA shall contain terms and conditions by which a User must operate during its term and shall provide specific dates for achieving compliance with each term and condition for construction, modification and/or acquisition and installation of required equipment.

B. Provisions

The issuance of an ECSA may contain terms and conditions including but not limited to requirements for self-monitoring, modification and/or installation of equipment and/or facilities, submittal of drawings or reports, operator certification, audit of waste minimization practices, payment of fees, limits on rate and time of discharge, deposit of performance guarantee, or other provisions to ensure compliance with this Ordinance.

C. ECSA - Payment of Amounts Owed

The District shall not enter into an ECSA until such time as all amounts owed to the District, including user fees, non-compliance sampling fees, deposits, or other amounts due are paid in full, or an agreement for deferred payment secured by collateral or a third party, is approved by the General Manager. Failure to pay all amounts owed to the District shall be grounds for enforcement action to include but not limited to permit suspension or permit revocation as set forth in Section 704 and 705.

D. ECSA - Discharge Suspension/Revocation

If compliance is not achieved in accordance with the terms and conditions of an ECSA during its term, the General Manager may issue an order suspending or revoking discharge privileges and/or a user's discharge permit pursuant to Section 704 and 705 of this Ordinance.

704. SUSPENSION OF DISCHARGE

A. Grounds

The General Manger may suspend any discharge and/or permit when it is determined that a user:

1. Fails to comply with the terms and conditions of an Enforcement Compliance Schedule Agreement (ECSA.)
2. Knowingly provides a false statement, representation, record, report, or other document to the District.
3. Refuses to provide records, reports, plans, or other documents required by the District to determine permit terms, conditions or limits, discharge compliance, or compliance with this Ordinance.

4. Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or sample collection method.
5. Fails to report significant changes in operations or wastewater constituents and characteristics.
6. Violates a Probation Order.
7. Refuses reasonable access to the user's premises for the purpose of inspection and monitoring.
8. Does not make timely payment of all amounts owed to the District for user charges, non-compliance sampling fees, permit fees, or any other fees imposed pursuant to this Ordinance.
9. Violates any provision of the District's Ordinance or any condition or limit of the user's discharge permit.

B. Notice/Hearing

When the General Manager has reason to believe that grounds exist for discharge suspension, the General Manager shall give written notice thereof by personal service or certified mail to the user setting forth a statement of the facts and grounds deemed to exist, together with the time and place where the charges shall be heard by the General Manager's designee. The hearing date shall be not less than fifteen (15) calendar days nor more than forty-five (45) calendar days after the mailing of such notice.

1. At the suspension hearing, the user shall have an opportunity to respond to the allegations set forth in the notice by presenting written or oral evidence. The hearing shall be conducted in accordance with procedures established by the General Manager and approved by the District's General Counsel.
2. After the conclusion of the hearing, the General Manager's designee shall submit a written report to the General Manager setting forth a brief statement of facts found to be true, a determination of the issues presented, conclusions, and a recommendation.

Upon receipt of the written report, the General Manager shall make the determination, and should the General Manager find that grounds exist for suspension of the discharge shall issue a decision and order in writing within thirty (30) calendar days after the conclusion of the hearing by the designee. The written decision and order of the General Manager shall be personally served or sent by certified mail to the user or its legal counsel/representative at the user's address. In the event that the General Manager determines not to suspend the discharge, the General Manager may order other enforcement actions as appropriate to prevent non-compliance with Ordinance or the user's discharge permit.

C. Effect

1. Upon an order of suspension by the General Manager becoming final, the user shall immediately cease and desist its discharge and shall have no right to discharge any wastewater, directly or indirectly to the District's sewerage system for the duration of the suspension. All costs for physically terminating and reinstating service shall be paid by the user.

2. Any owner or responsible management employee of a business entity or permittee shall be bound by the order of suspension.
3. An order of discharge suspension issued by the General Manager shall be final in all respects on the sixteenth (16th) day after it is personally served or mailed to the user unless a request for hearing is filed with the Board pursuant to Section 715 no later than 4:00 p.m. on the fifteenth (15th) day following such personal service or mailing.

705. PERMIT REVOCATION

A. Grounds

The General Manager may revoke any permit when it is determined that a permittee:

1. Knowingly provides a false statement, representation, record, report, or other document to the District.
2. Refuses to provide records, reports, plans, or other documents required by the District to determine permit terms, conditions, or limits, discharge compliance, or compliance with this Ordinance.
3. Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or sample collection method.
4. Fails to report significant changes in operations or wastewater constituents and characteristics.
5. Fails to comply with the terms and conditions of an ECSA, permit suspension or probation order.
6. Discharges effluent to the District's sewerage system while its permit is suspended.
7. Refuses reasonable access to the permittee's premises for the purpose of inspection and monitoring.
8. Does not make timely payment of all amounts owed to the District for user charges, non-compliance sampling fees, permit fees, or any other fees imposed pursuant to this Ordinance.
9. Causes interference with the District's collection, treatment, or disposal system.
10. Fails to submit oral notice or written report of bypass occurrence.
11. Violates any condition or limit of its discharge permit or any provision of the District's Ordinance.

B. Notice/Hearing

When the General Manager has reason to believe that grounds exist for the revocation of a permit, the General Manager shall give written notice by personal service or certified mail thereof to the permittee setting forth a statement of the facts and grounds deemed to exist together with the time and place where the charges shall be heard by the General Manager's designee. The hearing date shall be not less than fifteen (15) calendar days nor more than sixty (60) calendar days after the personal service or

mailing of such notice.

1. At the hearing, the permittee shall have an opportunity to respond to the allegations set forth in the notice by presenting written or oral evidence. The revocation hearing shall be conducted in accordance with the procedures established by the General Manager and approved by the District's General Counsel.
2. After the conclusion of the hearing, the General Manager's designee shall submit a written report to the General Manager setting forth a brief statement of facts found to be true, a determination of the issues presented, conclusions, and a recommendation.
3. Upon receipt of the written report, the General Manager shall make the determination, and should the General Manager find that grounds exist for permanent revocation of the permit, shall issue a decision and order in writing within thirty (30) calendar days after the conclusion of the hearing by the designee. The written decision and order of the General Manager shall be personally served or sent by certified mail to the permittee or its legal counsel/representative at the permittee's business address.
4. In the event the General Manager determines to not revoke the permit the General Manager may order other enforcement actions, including, but not limited to, a temporary suspension of the permit, under terms and conditions that are deemed appropriate.

C. Effect

1. Upon an order of revocation by the General Manger becoming final, the permittee shall permanently lose all rights to discharge any industrial wastewater directly or indirectly to the District's system. All costs for physical termination shall be paid by the permittee.
2. Any owner or responsible management employee of the permittee shall be bound by the order of revocation.
3. Any future application for a permit at any location within the District by any person subject to an order of revocation will be considered by the District after fully reviewing the records of the revoked permit, which records may be the basis for denial of a new permit.
4. An order of permit revocation issued by the General Manger shall be final in all respects on the sixteenth (16th) day after it is personally served or mailed to the permittee unless a request for hearing is filed with the Board pursuant to Section 715 no later than 4:00 p.m. on the fifteenth (15th) day following such personal service or mailing.

706. DAMAGE TO FACILITIES OR INTERRUPTION OF NORMAL OPERATIONS

- A. Any person who discharges any waste which causes or contributes to any obstruction, interference, damage, or any other impairment to the District's sewerage facilities or to the operation of those facilities shall be liable for all costs required to clean or repair the facilities together with expenses incurred by the District to resume normal operations. Such discharge shall be grounds for suspension of discharge or permit revocation. A service charge of twenty-five percent (25%) of District's costs shall be added to the costs and charges to reimburse the District for miscellaneous overhead, including

administrative personnel and record keeping. The total amount shall be payable within forty-five (45) days of invoicing by the District.

- B. Any person who discharges waste which causes or contributes to the District,
 - 1. violating its discharge requirements established by any Regulatory Agency; or
 - 2. incurring additional expenses or suffering losses or damage to the facilities,shall be liable for any costs or expenses incurred by the District, including regulatory fines, penalties, and assessments made by other agencies or a court.

707. INDUSTRIAL WASTE PASS THROUGH

Any person whose discharge results in a pass-through event affecting the District or its sewerage facilities shall be liable for all costs associated with the event, including treatment costs, regulatory fines, penalties, assessments, and other indirect costs. The discharger shall submit to the District plans to prevent future recurrences to the satisfaction of the District.

708. TERMINATION OF SERVICE

- A. The District, by order of the General Manager, may physically terminate sewerage service to any property as follows:
 - 1. On a term of any order of emergency suspension or revocation of a permit; or
 - 2. Upon the failure of a person not holding a valid discharge permit to immediately cease discharge, whether direct or indirect, to the District's sewerage facilities.
- B. All costs for physical termination shall be paid by the user as well as all costs for reinstating service.

709. EMERGENCY SUSPENSION ORDER

- A. The District may, by order of the General Manager, suspend sewerage service when the General Manager determines that such suspension is necessary in order to stop an actual or impending discharge which presents or may present an imminent or substantial endangerment to the health and welfare of persons, or to the environment, or may cause interference to the District's sewerage facilities, or may cause the District to violate any State or Federal Law or Regulation. Any discharger notified of and subject to an Emergency Suspension Order shall immediately cease and desist the discharge of all industrial wastewater to the sewerage system.
- B. As soon as reasonably practicable following the issuance of an Emergency Suspension Order, but in no event more than five (5) days following the issuance of such order, the General Manager shall hold a hearing to provide the user the opportunity to present information in opposition to the issuance of the Emergency Suspension Order. Such a hearing shall not stay the effect of the Emergency Suspension Order. The hearing shall be conducted in accordance with procedures established by the General Manager and approved by the District's General Counsel. The General Manager shall issue a written decision and order within two (2) business days following the hearing, which decision shall be personally served or sent by certified mail to the user or its legal counsel/representative at that user's business address. The decision of the General Manager following the hearing shall be final and not subject to appeal.

710. INJUNCTION

Whenever a discharger of wastewater is in violation of or has the reasonable potential to violate any provision of this Ordinance, permit condition, or any Federal Pretreatment Standard or requirement as set forth in 40 CFR Section 403.8 et seq., fails to submit required reports, or refuses to allow the District entry to inspect or monitor the user's discharge, the District may petition the appropriate court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate to restrain the continued violation or to prevent threatened violations by the discharger.

711. CIVIL PENALTIES

A. Authority

All users of the District's sewerage system and facilities are subject to enforcement actions administratively or judicially by the District, U.S. EPA, State of California Regional Water Quality Control Board, or the County of Riverside 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. Section 1251 et seq.);
2. California Porter-Cologne Water Quality 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. Section 6901 et seq.); and
5. California Government Code, Sections 54739-54740.6.

B. Recovery of Fines or 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 sewerage 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.

C. Ordinance

Pursuant to the authority of California Government Code Sections 54739-54740.6, 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, shall petition the appropriate 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.

D. Administrative Civil Penalties

1. Pursuant to the authority of California Government Code Sections 54740.5 and 54740.6, the District may issue an administrative complaint to any person who violates:
 - a) any provision of this Ordinance;
 - b) any permit condition, prohibition, or effluent limit; or
 - c) any suspension or revocation order.
2. The administrative complaint shall be served by personal delivery or certified mail on the person and shall inform the person that a hearing will be conducted and shall specify a hearing date within sixty (60) days following service. The administrative complaint will allege the act or failure to act that constitutes the violation of the District's requirements, the provisions of law authorizing civil liability to be imposed, and the proposed civil penalty. The matter shall be heard by the General Manager or designee. The person to whom an administrative complaint has been issued may waive the right to a hearing, in which case a hearing will not be conducted.
3. At the hearing, the person shall have an opportunity to respond to the allegations set forth in the administrative complaint by presenting written or oral evidence. The hearing shall be conducted in accordance with the procedures established by the General Manager and approved by the District's General Counsel.
4. After the conclusion of the hearing, the General Manager's designee shall submit a written report to the General Manager setting forth a brief statement of the facts found to be true, a determination of the issues presented, conclusions, and a recommendation.
5. Upon receipt of the written report, the General Manager shall make a determination, and should the General Manager find that grounds exist for assessment of a civil penalty against the person, shall issue a decision and order in writing within thirty (30) calendar days after the conclusion of the hearing by the designee.
6. If, after the hearing or appeal, if any, it is found that the person has violated reporting or discharge requirements, the General Manager or Board may assess a civil penalty against that person. In determining the amount of the civil penalty, the General Manager or Board may take into consideration all relevant circumstances, including but not limited to the extent of harm caused by the violation, the economic benefit derived through any non-compliance, the nature and persistence of the violation, the length of time over which the violation occurs, and corrective action, if any, attempted or taken by the person involved.
7. Civil penalties may be assessed as follows:
 - a) In an amount which shall not exceed two thousand dollars (\$2,000.00) for each day for failing or refusing to furnish technical or monitoring reports;

- b) In an amount which shall not exceed three thousand dollars (\$3,000.00) for each day for failing or refusing to timely comply with any compliance schedules established by the District;
 - c) In an amount which shall not exceed five thousand dollars (\$5,000.00) per violation for each day of discharge in violation of any waste discharge limit, permit condition, or requirement issued, reissued, or adopted by the District;
 - d) In any amount which does not exceed ten dollars (\$10.00) per gallon for discharges in violation of any suspension, revocation, cease and desist order or other orders, or prohibition issued, reissued, or adopted by the District.
8. An order assessing administrative civil penalties issued by the General Manager shall be final in all respects on the thirty-first (31st) day after it is served on the person unless an appeal and request for hearing is filed with the Board pursuant to Section 715 no later than the thirtieth (30th) day following such personal service or mailing. An order assessing administrative civil penalties issued by the Board shall be final upon issuance.
 9. Copies of the administrative order shall be served on the party served with the administrative complaint, either by personal service or by registered mail to the person at the business or residence address, and upon other persons who appeared at the hearing and requested a copy of the order.
 10. Any person aggrieved by a final order issued by the Board, after granting review of the order of the General Manager, may obtain review of the order of the Board in the Superior Court, pursuant to Government Code Section 54740.6, by filing in the court a petition for writ of mandate within thirty (30) days following the service of a copy of the decision or order issued by the Board.
 11. Payment of any order setting administrative civil penalties shall be made within thirty (30) days of the date the order becomes final. The amount of any administrative civil penalties imposed which have remained delinquent for a period of sixty (60) days shall constitute a lien against the real property of the discharger from which the discharge resulting in the imposition of the civil penalty originated. The lien shall have no effect until recorded with the county recorder. The District may record the lien for any unpaid administrative civil penalties on the ninety-first (91st) day following the date the order becomes final.
 12. No administrative civil penalties shall be recoverable under Section 711.D for any violation for which the District has recovered civil penalties through a judicial proceeding filed pursuant to Government Code Section 54740.

712. CRIMINAL PENALTIES

Any person who violates any provision of this Ordinance is guilty of a misdemeanor, which upon conviction is punishable by a fine not to exceed \$1,000.00, or imprisonment for not more than thirty (30) days, or both pursuant to Health and Safety Code Section 6523. Each violation and each day in which a violation occurs may constitute a new and separate violation of this Ordinance and shall be subject to the penalties contained herein.

713. APPEALS TO GENERAL MANAGER

A. General

Any user, permit applicant or permittee affected by any decision, action or determination made by the General Manager's authorized representative may file with the General Manager a written request for an appeal hearing. The request must be sent by certified mail or hand delivered to be received by the District within thirty (30) days of mailing of notice of the decision, action, or determination of the District to the appellant. The request for hearing shall set forth in detail all facts supporting the appellant's request.

B. Notice

The General Manager shall, within fifteen (15) days of receiving the request for appeal, and pursuant to Section 713.A, provide written notice to the appellant of the hearing date, time, and place. The hearing date shall not be more than thirty (30) days from the mailing of such notice by certified mail to the appellant unless a later date is agreed to by the appellant. If the hearing is not held within said time due to actions or inactions of the appellant, then the staff decision shall be deemed final.

C. Hearing

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

D. Written Determination

After the conclusion of the hearing, the General Manager (or other designee) shall prepare a report setting forth a brief statement of facts found to be true, a determination of the issues presented, conclusions, and a recommendation whether to uphold, modify or reverse the staff's original decision, action, or determination. The General Manager shall make a determination and shall issue a decision and order within thirty (30) calendar days of the hearing by the designee. The written decision and order of the General Manager shall be personally served or sent by certified mail to the appellant or its legal counsel/representative at the appellant's business address.

The order of the General Manager shall be final in all respects on the thirty-first (31st) day after it is mailed to the appellant unless a request for hearing is filed with the Board pursuant to Section 715, no later than 5:00 p.m. on the thirtieth (30th) day following such mailing.

714. PAYMENT OF CHARGES

A. Except as otherwise provided, all fees, charges and penalties established by this Ordinance are due and payable upon receipt of notice thereof. All such amounts are delinquent if unpaid forty-five (45) days after date of invoice.

B. Any charge that becomes delinquent shall have added to it a penalty in accordance with the following:

1. Forty-six (46) days after date of invoice, a basic penalty of ten percent (10%) of the base invoice amount, not to exceed a maximum of \$1,000.00; and
2. A penalty of one and one-half percent (1.5%) per month of the base invoice

amount and basic penalty shall accrue from and after the forty sixth (46th) day after date of invoice.

- C. Any invoice outstanding and unpaid after ninety (90) days shall be cause for immediate initiation of permit suspension or revocation proceedings.
- D. Penalties charged under this Section shall not accrue to those invoices successfully appealed, provided the District receives written notification of said appeal prior to the payment due date.
- E. Payment of disputed charges is still required by the due date during District review of any appeal submitted by permittees.

715. APPEALS TO THE BOARD

A. General

Any user, permit applicant, or permittee adversely affected by a decision, action, or determination made by the General Manager may, prior to the date that the General Manager's order becomes final, file a written request for hearing before the Board accompanied by an appeal fee in the amount established by a separate resolution of the District's Board. The request for hearing shall set forth in detail all the issues in dispute for which the appellant seeks determination and all facts supporting appellant's request.

No later than sixty (60) days after receipt of the request for hearing, the Board shall either set the matter for a hearing or deny the request for a hearing.

A hearing shall be held by the Board within sixty-five (65) days from the date of determination granting a hearing unless a later date is agreed to by the appellant and the Board. If the matter is not heard within the required time, due to actions or inactions of the appellant, the General Manager's order shall be deemed final.

B. Granting Request for a Civil Hearing.

The Board shall grant all requests for a hearing on appeals concerning permit suspension, revocation, or denial, and civil administrative penalty awards. Whether to grant or deny the request for a hearing on appeals of other decisions of the General Manager shall be within the sole discretion of the Board.

C. Appeal Fee Refund

The appeal fee shall be refunded if the Board denies a hearing or reverses or modifies, in favor of the appellant, the order of the General Manager. The fee shall not be refunded if the Board denies the appeal.

D. Written Determination

After the hearing, the Board shall make a determination whether to uphold, modify, or reverse the decision, action, or determination made by the General Manager.

The decision of the Board shall be set forth in writing within sixty-five (65) days after the close of the hearing and shall contain a finding of the facts found to be true, the determination of the issues presented, and the conclusions. The written decision and order of the Board shall be personally served or sent by certified mail to the appellant or its legal counsel/representative at the appellant's business address.

The order of the Board shall be final upon its adoption. In the event the Board fails to reverse or modify the General Manager's order, it shall be deemed affirmed.

715.1 Appeals of Charges and Fees

Any user, permit applicant, or permittee affected by any decision, action, or determination by the District, relating to fiscal issues of the District in which the user, applicant, or permittee is located, including but not limited to the imposition and collection of fees, such as connection charges, sewer use charges, and special purpose discharge use charges, may request that the District reconsider imposition of such fees or charges. Following review of such a request, the District shall notify the user, permit applicant, or permittee by personal service or certified mail of the District's decision on the reconsideration request. Any user, permit applicant, or permittee adversely affected by the District's decision on the reconsideration request may file an appeal which shall be heard by the Board. The notice of appeal must be received by the District within thirty (30) days of the personal service or mailing of the District's decision on the reconsideration request.

Notwithstanding the foregoing, appeals of non-compliance sampling fees shall be made pursuant to the appeal procedures set forth in Sections 713 and 715.

716. RECOVERY OF COSTS INCURRED BY DISTRICT

In the event any person violates any of the terms and conditions of this Ordinance, or any order, permit, or agreement issued pursuant to this Ordinance, the District shall be entitled to all costs incurred correcting the violation, including but not limited to all construction spill response costs, and reasonable attorney's fees and costs which may be incurred in order to enforce any of said terms and conditions, with or without filing proceedings in court.

717. FINANCIAL SECURITY/AMENDMENTS TO PERMIT

A. Compliance Deposit

Users that have been subject to enforcement and/or collection proceedings may be required to deposit with the District an amount determined by the General Manager as necessary to guarantee payment to District of all charges, fees, penalties, costs, and expenses that may be incurred in the future, before permission is granted for further discharge to the sewer.

B. Delinquent Accounts

The District may require an amendment to the permit of any permittee who fails to make payment in full of all fees and charges assessed by the District, including reconciliation amounts, delinquency penalties, and other costs or fees incurred by Permittee.

C. Bankruptcy

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

D. Permit Amendments

The District shall review and examine Permittee's account to determine whether previously incurred fees and charges have been paid in accordance with time

requirements prescribed by this Ordinance. The District may thereafter issue an amendment to the User's permit in accordance with the provision of Article 4 and Section 717 (E) of this Ordinance.

E. Security

An amendment to a waste discharge permit issued pursuant to Sections 717 (B), (C), and (D), may be conditioned upon the Permittee depositing financial security in an amount equal to the average total fees and charges for two (2) calendar quarters during the preceding year. Said deposit shall be used to guarantee payment of all fees and charges incurred for future services and facilities furnished by District and shall not be used by the District to recover outstanding fees and charges incurred prior to the Permittee filing and receiving protection from creditors in the United States Bankruptcy Court.

F. Return of Security

In the Event the Permittee makes payment in full within the time prescribed by this Ordinance of all fees and charges incurred over a period of two (2) years following the issuance of an amendment to the permit pursuant to Sections 717 (B), (C), and (D), the District shall either return the security deposit posted by the Permittee or credit it's account.

718. JUDICIAL REVIEW

A. Purpose and Effect

Pursuant to Section 1094.6 of the California Code of Civil procedure, the District hereby enacts this section to limit to ninety (90) days following final decisions in adjudicatory administrative hearings the time within which an action can be brought to review such decisions by means of administrative mandamus.

B. Definitions

As used in this Section, the following terms and words shall have the following meanings:

1. Decision shall mean and include adjudicatory administrative decisions that are made after hearing, after an award of civil penalties pursuant to Section 711.D, after revoking, suspending, or denying an application for a permit or a license, or after other administrative hearings required to enforce this chapter.
2. Complete Record shall mean and include the transcript, if any exists, of the proceedings, all pleadings, all notices and orders, any proposed decision by the General Manager, the final decision, all admitted exhibits, all rejected exhibits in the possession of the District or its offices or agents, all written evidence, and any other papers in the case.

C. Time Limit for Judicial Review

Judicial review of any decision of the District or its officer or agent may be made pursuant to Section 1094.5 of the Code of Civil Procedure only if the petition for writ of mandate is filed not later than the ninetieth (90th) day following the date on which the decision becomes final. If there is no provision for reconsideration in the procedures governing the proceedings or if the date is not otherwise specified, the decision is final on the date it is made. If there is provision for reconsideration, the decision is final upon

the expiration of the period during which such reconsideration can be sought; provided that if reconsideration is sought pursuant to such provision the decision is final for the purposes of this Section on the date that reconsideration is rejected.

D. Preparation of the Record

The complete record of the proceedings shall be prepared by the District officer or agent who made the decision and shall be delivered to the petitioner within ninety (90) days after the petitioner has filed written request, therefore. The District may recover from the petitioner its actual costs for transcribing or otherwise preparing the record.

E. Extension

If the petitioner files a request for the record within ten (10) days after the date the decision becomes final, the time within which a petition, pursuant to Section 1094.5 of the Code of Civil Procedure, may be filed shall be extended to not later than the thirtieth (30th) day following the date on which the record is either personally delivered or mailed to the petitioner or the petitioner's attorney of record, if appropriate.

F. Notice

In making a final decision, the District shall provide notice to the person (s) subject to the administrative decision, that the time within which judicial review must be sought is governed by Section 1094.6 of the Code of Civil Procedure.

G. Administrative Civil Penalties

Notwithstanding the foregoing in Section 718, and pursuant to Government Code Section 54740.6, judicial review of an order of the Board imposing administrative civil penalties pursuant to Section 711.D may be made only if the petition for writ of mandate is filed not later than the thirtieth (30th) day following the day on which the order of the Board becomes final.

ARTICLE 8
SEVERABILITY

801. SEVERABILITY

If any provision of this Ordinance or the application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of such provision to other persons or other circumstances shall not be affected.

ARTICLE 9

REPEAL

901. REPEAL

Ordinance No. 2010-118 is hereby superseded in its entirety on the effective date hereof and shall be of no further force or effect. All Ordinances, resolutions, policies, rules, and regulations which are inconsistent with this Ordinance are hereby superseded to the extent that they are inconsistent with the provisions of this Ordinance.

ARTICLE 10
EFFECTIVE DATE

1001 EFFECTIVE DATE

The effective date of this Ordinance shall be September 27, 2022.

ADOPTED this 27th day of September, 2022



Scott A. Sear
President of the Board

September 27, 2022

I HEREBY CERTIFY that the foregoing is a full, true, and correct copy of Ordinance No 2022-121 adopted by the Board of Directors of Valley Sanitary District of Riverside County at its Regular Meeting held September 27, 2022.



Debra A. Canero
Vice President of the Board

ATTEST:



Dennis M. Coleman
Secretary/Treasurer