



Yucaipa Valley Water District

12770 Second Street, Yucaipa, California 92399

Ordinance No. 54-2009

Regulations for Wastewater Discharge and Sewer Use

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Board of Directors

Ian Cuthbertson
Division 1

Bruce Granlund
Divisions 2

Jay Bogh
Division 3

Lonni Granlund
Division 4

Hank Wochholz
Division 5

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ORDINANCE NO. 54-2009

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE YUCAIPA VALLEY WATER DISTRICT ESTABLISHING RULES & REGULATIONS RELATING TO THE DISCHARGE OF WASTEWATER TO THE PUBLIC SEWER SYSTEM

WHEREAS, on February 9, 1998, the District adopted Ordinance No. 49-1998 regarding the use of public sewer within the Yucaipa Valley Water District (hereinafter the "DISTRICT"; and

WHEREAS, on January 3, 2001, the District adopted Ordinance No. 50-2001 establishing regulations relating to the discharge of nondomestic wastewater in the public sewer system regulating wastewater discharges to the District's sewer system; and

WHEREAS, the District owns and operates the Henry N. Wochholz Regional Water Recycling Facility (WRWRF), which accepts wastewater from residential, commercial, and industrial users; and

WHEREAS, the District by adoption of this Ordinance intends to consolidate all rules and regulations pertaining to the connection to and the use of the District's wastewater system currently found in existing District Ordinances No. 49-1998 and 50-2001 and to include updated rules and regulations for wastewater discharges to the Henry N. Wochholz RWRF; and

WHEREAS, all dischargers of nondomestic wastewater and public-owned treatment works must comply with the General Pretreatment Regulations (40 CFR Part 403); and

WHEREAS, the Board of Directors of the Yucaipa Valley Water District may, by Ordinance, establish regulations governing the discharge of wastewater to the District's Sewerage System;

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE YUCAIPA VALLEY WATER DISTRICT DOES HEREBY ORDAIN AS FOLLOWS:

ARTICLE 1 – GENERAL PROVISIONS

1.01 PURPOSE AND POLICY

This Ordinance shall be known as the “REGULATIONS FOR WASTEWATER DISCHARGE AND SEWER USE ORDINANCE OF THE YUCAIPA VALLEY WATER DISTRICT”. This Ordinance sets forth uniform requirements for all Users of the District’s wastewater collection and treatment system. This Ordinance enables the District to comply with all applicable State and Federal laws required by the Clean Water Act of 1977, the General Pretreatment Regulations (40 CFR Part 403), and other waste discharge requirements and permits issued to the District.

1.01.1 Purpose. The Purpose of this Ordinance is:

- A. To regulate the use and construction of public wastewater facilities, the installation and connection of building sewers, the discharge of wastes into the public wastewater systems, the establishment of fees and service charges, and providing penalties for violation thereof, as ordained and enacted by the Board;
- B. To prevent the introduction of pollutants into the District's publicly-owned treatment works (POTW) that will pass through the POTW, inadequately treated, into surface waters, ground waters, the atmosphere, or otherwise be incompatible with the system;
- C. To prevent the introduction of pollutants into the POTW that will pass through the POTW and result in violations of the District's NPDES Permit;
- D. To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW or contaminate the resulting sludge;
- E. To protect the ability of the POTW to recycle and reclaim wastewaters and sludges from the system;
- F. To protect and preserve the health and safety of the general public and personnel of the District;
- G. To implement Pollution Prevention Plan in accordance with Section 13263.3 of the California Water Code;
- H. To prevent the introduction of fats, oils, and grease (FOG) in quantities that contribute to or cause sanitary sewer overflows (SSOs) through the development and implementation of a FOG Control Program; and

- I. To require best management practices for reducing the amount of pollutants entering the District's sewer system.

1.01.2 Policy. It is the policy of the District that:

- A. This Ordinance shall be interpreted in accordance with the definitions set forth in Article 2;
- B. The District shall seek the cooperation of the users of the collection system to ensure compliance with this Ordinance. Reasonable approaches shall be utilized to correct non-compliance when applying applicable regulations without compromising the intent, purpose and policies of this Ordinance;
- C. The District shall adopt and implement an approved Sewer System Management Plan (SSMP) to control and reduce the occurrence and impact of Sanitary Sewer Overflows (SSOs);
- D. The District shall adopt more stringent quality requirements on wastewater discharges regulated by 40 CFR, Chapter I, Subchapter N, Parts 405-471, in the event that more stringent quality requirements are necessary to protect beneficial use of reclaimed water and municipal sludge or to meet other waste discharge requirements and/or NPDES Limits;
- E. The District shall encourage conservation and pollution prevention through source control strategies, which reduce the amount of pollutants entering the environment, prior to recycling, pretreatment, or disposal;
- F. The District shall use the revenues derived from the application of this Ordinance to defray the cost of regulating sewer usage to include, but not be limited to, administration, monitoring, permitting, reporting, and enforcement;
- G. All fees associated with the implementation of this Ordinance and provisions of the Pretreatment Program shall be in amounts adopted by Resolution of the District's Board of Directors, and any amendments thereto;
- H. The District shall adopt an Enforcement Response Plan (ERP) that utilizes progressive responses that escalate the level of enforcement for chronic and more severe violations of this Ordinance. The enforcement remedies provided in Article 10 herein represent the types of enforcement



actions that may be taken in response to violations. A Resolution of the District's Board shall be used to adopt the ERP; and

- I. The District requires all agencies requesting to discharge wastewater to a District Wastewater Treatment Facility from outside the established District jurisdictional boundaries to enter into an interjurisdictional pretreatment agreement prior to accepting wastewater from said areas.

1.02 AUTHORITY

- A. The District is regulated by several agencies of the United States government and State of California pursuant to the provisions of State and Federal Law. This Ordinance provides the required legal authority to meet the purposes, and policies set forth herein. The District is granted the authority to adopt this Ordinance pursuant to the authorization of Municipal Water District Law of 1911, California Water Code Sections 71000, et seq., California Government Code, Sections 54739-54740, et seq., The Clean Water Act (33 USC §§ et seq.) and the General Pretreatment Regulations (40 CFR 403).
- B. The District's authority includes, but is not limited to, the right to establish limitations, conditions, and prohibitions; to establish flow rates or prohibit flows discharged to the District 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, whether within or outside the District boundaries, including those users that are tributary to the District or within areas which the District has contracted to provide sewerage services.
- C. To achieve these objectives, this Ordinance provides for regulation through issuance of Wastewater Discharge Permits to Industrial Users; authorizes inspection, monitoring and enforcement activities; provides for User reporting; and provides for the setting of fees for the equitable distribution of costs for implementing the various provisions of this Ordinance.

1.03 DELEGATION OF AUTHORITY

Except as otherwise provided, the District's General Manager, or his designee, shall administer, implement and enforce the provisions of this Ordinance. Any powers granted to, or imposed upon, the General Manager may be delegated by the General Manager to other persons or authorized agents acting in beneficial interest of or in the employ of the District.



ARTICLE 2 - DEFINITIONS AND ABBREVIATIONS

2.01 DEFINITIONS

For the purposes of this Ordinance, the following words and phrases are defined and shall be construed as hereinafter set out unless it shall be apparent from the context that they have a different meaning. Terms related to water quality shall be as adopted in the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, the American Water Works Association, and the Water Environment Federation. The testing procedures for waste constituents and characteristics shall be as provided in 40 CFR 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 used in this Ordinance shall be as defined in the latest edition of the International Association of Plumbing and Mechanical Officials, Uniform Plumbing Code or the International Conference of Building Officials, Uniform Building Code, except as specifically modified herein, or if inconsistent with the definitions contained herein or with the context thereof, or omitted there from, the following definitions shall prevail. 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.

- 2.01.1 Act shall mean the Federal Water Pollution Control Act of 1972, also known as the Clean Water Act, as amended, 33 USC 1251, et. seq. This Act has been incorporated by reference into California Law in the Water Code, Section 13370, et seq.
- 2.01.2 Applicant shall mean any person or persons making application hereunder, who shall be the owner of the premises involved or the owner's agent authorized as such in writing, who have applied for permission to use the POTW.
- 2.01.3 Approved Analytical Methods shall mean the sampling referred to in 40 CFR Part 403, Appendix E and analysis of these samples performed in accordance with the techniques prescribed in 40 CFR Part 136 and 40 CFR 403.12(g) and amendments thereto. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed using other applicable sampling and analytical procedures approved by the District and the EPA.

2.01.4 Authorized Representative of Industrial User shall mean:

- A. A responsible corporate officer, if the User submitting required reports is a corporation, of the level of president, secretary, treasurer, or vice president in charge of a principal business function, or any other person, if the authority to sign documents has been assigned or delegated in accordance with corporate procedures.
- B. A general partner or proprietor if the User submitting the required reports is a partnership or sole proprietorship respectively;
- C. The responsible person in charge, if the User is a governmental agency;
- D. An individual with the same authority as stated in A, B, and C if the individual is responsible for the overall operation of the facility from which the discharge originates and such authorization is confirmed in writing to the General Manager or designee by the individual described in A, B, and C.

If authorization under item D of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of item D of this definition must be submitted to the District prior to or together with any reports to be signed by an authorized representative.

2.01.5 Average Daily Flow shall mean the arithmetic average value for the number of gallons of wastewater discharged into the sewer system during a 24-hour period.

2.01.6 Backwater Valve shall mean a device installed to prevent reverse flow.

2.01.7 Best Management Practices (BMPs) shall mean the schedule of activities, prohibition of practices, maintenance procedures, and other management practices to prevent or reduce the introduction of FOG to the sewer system and those which 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

2.01.8 Biochemical Oxygen Demand (BOD) shall mean the quantity of dissolved oxygen required to biochemically oxidize the organic matter in a wastewater

sample in five (5) days at 20°C expressed in terms of milligrams per liter (mg/l) and analyzed in accordance with Approved Analytical Methods.

- 2.01.9 Board shall mean the Board of Directors of the District, acting in its capacity as the governing body of the District.
- 2.01.10 Building shall mean any structure used for human habitation, place of business, recreation, or other purpose of whatever nature.
- 2.01.11 Building Sewer shall mean the portion of the sewer system extending from the building to the Public Sewer, including the sewer lateral and the cleanout.
- 2.01.12 Categorical Industrial User shall mean an Industrial User who is subject to Categorical Standards.
- 2.01.13 Categorical Standards shall mean the Federal Categorical Pretreatment Standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced into the POTW by existing or new Industrial Users in specific industrial categories established as separate regulations under the appropriate subpart of 40 CFR Chapter I, Subchapter N, Parts 405-471, and as it may be amended.
- 2.01.14 Chemical Oxygen Demand shall mean the quantity of oxygen required to chemically oxidize the contents of a waste sample under specific conditions of oxidizing agent, temperature, and time, expressed in terms of milligrams per liter (mg/l) and analyzed in accordance with Approved Analytical Methods.
- 2.01.15 Class I User shall mean a Significant Industrial User.
- 2.01.16 Class II User shall mean a Non-Significant Categorical Industrial User.
- 2.01.17 Class III User shall mean a Non-Significant Industrial User.
- 2.01.18 Class IV User shall mean a Temporary Industrial User.
- 2.01.19 Class V User shall mean a discharger of trucked or hauled wastewater to the POTW Treatment Plant.
- 2.01.20 Coliform Bacteria shall mean any of a number of species of bacterial organisms common to the intestinal tracts of man and animals whose presence in sewerage is an indicator of the potential presence of pathogens.
- 2.01.21 Collector Sewer shall mean a Public Sewer designed to accommodate more than one lateral sewer.
- 2.01.22 Compliance Time Schedule shall mean a formal timetable for achieving compliance required of Industrial Users in violation of the provisions of this Ordinance. Each Compliance Time Schedule shall contain milestone dates as

well as a final compliance date, and shall be approved by the General Manager.

- 2.01.23 Composite Sample shall mean a collection of individual samples obtained at selected time or flow based increments from a wastewater discharge. A composite sample may be collected using automatic continuous or discrete sampling equipment, or by manually collecting a minimum of four grab samples. Where specified by the General Manager, composite samples shall be collected in a manner that is proportional to the flow rate of the discharge.
- 2.01.24 Constituent shall mean any physical, chemical, or microbiological component or parameter of water or wastewater which can be quantified using Approved Analytical Methods.
- 2.01.25 Construction Drainage shall mean water accumulated in excavations; water taken from the ground through a well-point, underdrain or other dewatering systems; water accumulated as a result of grading; and other drainage associated with construction operations.
- 2.01.26 Contractor shall mean an individual, firm, corporation, partnership or other entity currently licensed by the State of California to perform the type of work to be done under a permit, contract or agreement, with appropriate worker's compensation insurance.
- 2.01.27 Control Mechanism shall mean wastewater discharge permit and may be either a site specific (individual control mechanism) or a group (general control mechanism) that applies to all users with similar wastewater producing processes.
- 2.01.28 Control Structure shall mean a manhole, vault, or other chamber specially constructed for the purpose of sampling and measuring the flow of a nondomestic wastewater discharge to the POTW.
- 2.01.29 Conventional Pollutant shall mean any pollutant or combination of pollutants listed as conventional in 40 CFR 401.16.
- 2.01.30 County shall mean the County of San Bernardino or the Board of Supervisors of the County of San Bernardino, California, or the County of Riverside or the Board of Supervisors of the County of Riverside, California, depending on the specific location in question within the service area of the District.
- 2.01.31 Cost shall mean the cost of labor, material, transportation, supervision, engineering and all other necessary overhead expenses.

- 2.01.32 Customer shall mean the property owner in whose name the sewer service is listed and who has made application for sewer service with the District. The Customer listed for a multiple dwelling unit shall be the Owner of the Building Sewer that connects to the Public Sewer.
- 2.01.33 Developments shall mean parcels of land on which dwelling units, commercial, or industrial buildings, or improvements are built.
- 2.01.34 Discharge to the Ground shall mean the discharge of wastewater to or into the soil and not contained in a facility approved by the General Manager as being impermeable.
- 2.01.35 Discharger shall mean any person who causes or contributes a discharge into the POTW as defined in 40 CFR 403.3(i).
- 2.01.36 Dissolved Organic Halides (DOX) shall mean the measure of dissolved halogenated organic material in domestic or other wastewater analyzed in accordance with Approved Analytical Methods.
- 2.01.37 Dissolved Solids shall mean the residues of the dissolved constituents in water.
- 2.01.38 District shall mean the Yucaipa Valley Water District, a County Water District formed under Water Code 30000 et. seq., within San Bernardino and Riverside Counties, California.
- 2.01.39 District Engineer shall mean a person or firm appointed by the Board to act as engineer for the District, and who must be registered as a Civil Engineer by the State of California.
- 2.01.40 Domestic Wastewater (Domestic Sewage) shall mean water carrying wastes produced from non-commercial or non-industrial activities and which derived from normal human living processes and of such character as to permit satisfactory disposal, without special treatment.
- 2.01.41 Easement shall mean an acquired legal right for the specific use of land owned by others.
- 2.01.42 Equivalent Dwelling Units (EDUs) shall mean the number of Equivalent Dwelling Units fixed and established for all the various classifications of types and uses of property by the Rules and Regulations of the District.
- 2.01.43 Effluent shall mean the liquid outflow from any POTW facility or the nondomestic wastewater discharged by an Industrial User to the POTW.

- 2.01.44 Electrical Conductivity shall mean the ability of an aqueous solution to carry an electrical current, expressed in terms of micromhos per centimeter (µmhos/cm) at 25°C, and analyzed in accordance with Approved Analytical Methods.
- 2.01.45 Environmental Protection Agency (EPA) shall mean the United States Environmental Protection Agency, its administrator, or its authorized representative.
- 2.01.46 Exchange-Type Water Conditioning Device shall mean a water conditioning device that is removed to a commercial regeneration facility for regeneration from the premises at which it is normally operated.
- 2.01.47 Fats, Oils, And Grease Shall mean fats, oils, and grease. Any substance such as a vegetable oil or animal product that is in, or is a byproduct of, cooking or food preparation process, and that turns or may turn viscous or solidifies with a change in temperature or other condition is included in this definition.
- 2.01.48 Fixture Unit Equivalents shall mean the fixture unit equivalent prescribed by the Uniform Plumbing Code or by provisions adopted by the Board.
- 2.01.49 Floatable Oil shall mean oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pre-treatment facility.
- 2.01.50 Food Processing Facility shall mean a wholesale or retail facility which handles, processes, or prepares foodstuffs intended for human and/or animal consumption.
- 2.01.51 Force Main shall mean a pipe in which wastewater is carried under pressure.
- 2.01.52 Garbage shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage, and sale of food; and from solid waste recycling and separation facilities.
- 2.01.53 General Manager shall mean the person employed or appointed by the Board to act as manager for the District.
- 2.01.54 Grab Sample shall mean a sample which is collected from a wastewater discharge over a period of time not exceeding fifteen (15) minutes.
- 2.01.55 Gravity Separation Interceptor shall mean a device designed and installed so as to separate and retain deleterious, hazardous, or undesirable matter from normal wastes and permit normal sewage or liquid wastes to discharge into the disposal terminal in a manner approved by the District.

- 2.01.56 Hazardous Substance shall mean any substance which is toxic, explosive, corrosive, flammable or an irritant, or which generates pressure through heat or decomposition including, but not limited to, any substance determined to be a toxic or hazardous substance pursuant to Section 307 and 311(b)(2) of the Clean Water Act, 33 USC, Section 1251, et. seq., or its implementing regulations at 40 CFR Section 307 and 311 or any substance classified as a hazardous substance pursuant to California Water Code Section 13050(p) and any imminently hazardous chemical substance subject to regulation under the Toxic Mixtures or Substances Control Act, 15 USC, Section 2601, et seq.
- 2.01.57 Hazardous Waste shall mean any hazardous substance that is either the resultant and/or intermediate or final by-product of any process.
- 2.01.58 Holding Tank Waste shall mean any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- 2.01.59 Industrial User shall mean any User, whether permitted or not, who discharges nondomestic wastewater into the POTW. Households and Private residences shall not be considered as Industrial Users.
- 2.01.60 Industrial Wastewater shall mean any and all liquid or water borne waste from industrial or commercial processes of whatever nature, except domestic sewage.
- 2.01.61 Industry shall mean an establishment as listed, but not limited to, the North American Industry Classification System, 2007 Edition or the Standard Industrial Classification Manual, 1972 Edition, or revision thereof, which is categorized in Divisions A, B, D, E, or I.
- 2.01.62 Infiltration shall mean the water unintentionally entering the public sewer system, including sanitary building drains and sewers, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls.
- 2.01.63 Infiltration/Inflow shall mean the total quantity of water from both infiltration and inflow without distinguishing the source.
- 2.01.64 Inflow shall mean the water discharge into a sanitary sewer system, including building drains and sewers, from such sources as, but not limited to, roof leaders, cellar, yard, and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and/or combined sewers, catch basins,

storm waters, surface runoff, street wash waters or drainage. (Inflow does not include, and is distinguished from, infiltration.)

- 2.01.65 Inspector shall mean a District representative who is authorized to perform inspections to determine compliance with the provisions of this Ordinance.
- 2.01.66 Interceptor shall mean a gravity separation interceptor.
- 2.01.67 Interceptor Sewer shall mean a collecting sewer that intercepts and collects the sewage from a number of lateral or local public sewers.
- 2.01.68 Interference shall mean a discharge which alone or in conjunction with a discharge or discharges from other sources, both:
- A. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
 - B. Causes a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the use or disposal in compliance with the following statutory provisions and regulations or permits issued there under (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act, and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.
- 2.01.69 Lower Explosive Limit shall mean the minimum concentration of a combustible gas or vapor in the air which will ignite if an ignition source is present.
- 2.01.70 Maintenance shall mean keeping the sewer lines, sewer systems, sewer facilities or sewage works and structures in satisfactory working condition and good state of repair (including, but not limited to, preventing any obstructions or extraneous materials or flows from entering said facilities, protecting said facilities from any damage, and keeping same free from defects or malfunctions), and making necessary provisions and taking necessary precautions to assure that said sewer facilities are at all times capable of satisfactorily performing the services, and adequately discharging the functions

and producing the final results and purposes said facilities are intended to perform, discharge, or produce.

- 2.01.71 Mass Emission Rate shall mean the mass of material discharged to the POTW during a given time interval. Unless otherwise specified, the mass emission rate shall be expressed in pounds per day of a particular constituent or combination of constituents.
- 2.01.72 May is permissive.
- 2.01.73 Metal Finishing and Manufacturing Facilities shall mean those facilities covered by Categorical Standards set forth in 40 CFR 413, 420, 421, 424, 433, 464, 466, 467, 468, 469, or 471.
- 2.01.74 Milligrams Per Liter (mg/l) shall mean a unit of the concentration of water or wastewater constituent. It is 0.001 g of the constituent in 1,000 ml of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent in reporting the results of water and wastewater analysis.
- 2.01.75 Multiple Dwelling shall mean a building for residential purposes having independent living facilities for more than one person or family, including but not limited to, the following: hotels, motels, auto courts, trailer courts, mobile home parks, apartment houses, duplexes, rooming houses, boarding houses and dormitories.
- 2.01.76 National Pollution Discharge Elimination System (NPDES) shall mean the Federal pollution regulation system as detailed in Public Law 92-500, Section 402.
- 2.01.77 National Pollutant Discharge Elimination System Permit (NPDES Permit) shall mean the permit issued to the POTW by the California Regional Water Quality Control Board, Santa Ana Region pursuant to Section 402 of the Act (33 USC 1342).
- 2.01.78 National Prohibitive Discharge Standard or Prohibitive Discharge Standard shall mean any regulation developed under the authority of Section 307(b) of the Act and 40 CFR 403.5.
- 2.01.79 Natural Outlet shall mean any outlet, including storm sewers and combined sewer overflows, into a water course; pond, ditch, lake or other body of surface or ground water.

- 2.01.80 New Development shall mean a building or building addition will be considered as a new development if it will result in additional wastewater flows to the sewer system. Commercial and/or industrial developments will be considered as new development if any additions to the existing structures are proposed which will result in additional wastewater flows to the sewer system.
- 2.01.81 New Source shall mean any building, structure, facility, or installation from which there is or may be a discharge of pollutants to the POTW, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Federal Clean Water Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section.
- 2.01.82 Non-Contact Cooling or Heating Water shall mean water which is used solely for the purpose of cooling or heating, and which has no direct contact with any raw material, intermediate, or final product.
- 2.01.83 Nondomestic Wastewater shall mean all wastewater except domestic wastewater and unpolluted water as defined herein. Nondomestic wastewater shall include, but not be limited to, wastewater resulting from industrial, commercial, producing, manufacturing, processing, institutional, governmental, and agricultural operations, and brine wastewater resulting from the regeneration of water conditioning devices. All liquid wastewater hauled by truck, rail, or another means shall also be considered as nondomestic wastewater, regardless of the original source of the wastes. Hauled domestic wastewater is included in the category of nondomestic wastewater.
- 2.01.84 Nondomestic Wastewater Discharge Permit shall mean the regulatory procedure established and enforced by the General Manager pursuant to Article 5 herein, to control the flow and quality of wastes discharged into the POTW.
- 2.01.85 Non-Significant Categorical Industrial User shall mean an Industrial User subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N but discharges less than 100 gallons per day of total categorical wastewater and meets other required conditions as contained in 40 CFR 403.3(v)(2) and (v)(3).
- 2.01.86 Non-Significant Industrial User shall mean any Industrial User which is not a Significant Industrial User.

- 2.01.87 Normal Working Day shall mean the period of time during one day during which production and/or operation is taking place.
- 2.01.88 Oil and Grease shall mean any of the following in part or in combination:
- A. Petroleum derived products, e.g., oils, fuels, lubricants, solvents;
 - B. Vegetable derived products, e.g., oils, shortenings, soluble cutting oils; and
 - C. Animal derived products, e.g., fats, greases, oils, lard.
- 2.01.89 Owner shall mean the individual, firm, company, association, society, corporation or group discharging any wastewater to the wastewater treatment facility and whose name the legal title to property appears by deed duly recorded in the County Recorder's Office. Also, a person holding property pursuant to a permit issued by a governmental entity.
- 2.01.90 Pass-Through shall mean any discharge which passes through the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with other discharges, causes a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).
- 2.01.91 Pathogen shall mean any bacterial, viral, protozoan or other microbial organism which has the ability to cause disease in man.
- 2.01.92 Permit shall mean any written authorization required pursuant to this Ordinance or any other Rule or Regulation of the District. Permit (also referred to as "control mechanism") may be either site specific (individual permit) or process specific control mechanism (general or group permit).
- 2.01.93 Permittee shall mean any User who is issued a Nondomestic Wastewater Discharge Permit pursuant to Article 5 herein.
- 2.01.94 Person shall mean any individual, family, household, partnership, co-partnership, firm, industry, company, corporation, association, society, joint stock company, trust, estate, governmental entity, or group, or any other legal entity or their legal representatives, agents, or assigns. The masculine gender shall include the feminine; the singular shall include the plural where indicated by the context.
- 2.01.95 pH shall mean the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions, as analyzed in accordance with Approved Analytical Methods.

- 2.01.96 Pollutant shall mean any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.
- 2.01.97 Pollution shall mean the man-made or man-induced adverse alteration of the chemical, physical, biological, and radiological integrity of water.
- 2.01.98 Population Equivalent shall mean a term used to evaluate the impact of industrial or other waste on a treatment works or stream. One population equivalent of normal domestic sewage is 70 gallons of sewage per day, or 0.12 pounds of BOD or 0.15 pounds of suspended solids.
- 2.01.99 POTW Treatment Plant shall mean the Henry N. Wochholz Regional Water Recycling Facility, which is the portion of the POTW designed to provide treatment to wastewater.
- 2.01.100 Pretreatment or Treatment 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 less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. The reduction or alteration may be obtained by physical, chemical, or biological processes, process changes, or other means, except as prohibited by 40 CFR 403.6 (d).
- 2.01.101 Pretreatment Requirement shall mean any substantive or procedural requirement related to pretreatment, other than a Pretreatment Standard, imposed on an Industrial User.
- 2.01.102 Pretreatment Standard shall mean any regulation containing pollutant discharge limits or prohibitions promulgated by EPA or the District, applicable to Industrial Users, including promulgated Categorical Standards, National Prohibitive Discharge Standards, General Discharge Prohibitions contained in Section 4.02 and 4.03 herein, and specific local discharge limitations contained in or pursuant to Article 5 herein.
- 2.01.103 Pretreatment Wastes shall mean all wastes, liquid or solid, removed from nondomestic wastewater by physical, chemical, or biological means.
- 2.01.104 Private Sewage Disposal System shall mean a sewage treatment and disposal facility located on a single parcel and intended to serve that parcel, and not

connected to the Public Sewer. This shall include, but not be limited to, septic tanks, cesspools, leachfields, seepage pits, drain fields, or other such devices intended for on-site disposal of wastewater generated on the property.

- 2.01.105 Process Wastewater shall mean nondomestic wastewater, excluding boiler blowdown and non-contact cooling water cooling tower discharges.
- 2.01.106 Public Agency shall mean the Federal Government, the State, or any City, County, District, JPA, or other public agency or body duly organized under the laws of the State of California or of the USA.
- 2.01.107 Publicly Owned Treatment Works (POTW) shall mean the District's treatment works as defined by Section 212 of the Act, (33 USC 1292). This definition includes any devices or systems owned and operated by the District, which are used in the storage, treatment, recycling and reclamation of municipal sewage (i.e., the Henry N. Wochholz Regional Water Recycling Facility). It also includes the District's Interceptors, Tributary Sewerage Systems, and any other sewers, pipes, lift stations, and other conveyances which convey wastewater to the wastewater treatment facilities.
- 2.01.108 Public Sewer shall mean any sewer located in, owned and maintained by the District which is tributary to the POTW. The term as used here does not include storm drains or channels for conveyance of natural surface waters.
- 2.01.109 Radioactive Material shall mean material containing chemical elements that spontaneously change their atomic structure by emitting any particles, rays, or energy forms.
- 2.01.110 Regional Board shall mean the California Regional Water Quality Control Board, Santa Ana Region.
- 2.01.111 Regulatory Agencies shall mean those public agencies legally constituted in the State of California to protect the public health and water quality, such as the U.S. Environmental Protection Agency, the California Environmental Protection Agency; the California Department of Health Services, the State Water Resources Control Board, the California Regional Water Quality Control Board, Santa Ana Region, and the County Department of Environmental Health Services.
- 2.01.112 Responsible Corporate Officer shall mean:

- A. A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy - or decision-making functions for the corporation, or
 - B. The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the General Manager in accordance with corporate procedures.
- 2.01.113 Restaurant shall mean any retail establishment which prepares and sells foods and drinks on the premises for consumption on or off the premises.
- 2.01.114 Sand Interceptor See Gravity Separation Interceptor.
- 2.01.115 Sanitary Sewage shall mean domestic wastewater.
- 2.01.116 Sanitary Sewer shall mean a sewer which carries sanitary and industrial wastes, and to which storm, surface, and ground water are not intentionally admitted.
- 2.01.117 Sanitary Sewer Overflow shall mean any overflow, spill, release, discharge or diversion of untreated or partially treated wastewater from a sanitary sewer system. SSOs include:
- A. Overflows or releases of untreated or partially treated wastewater that reaches waters of the United States;
 - B. Overflows or releases of untreated or partially treated wastewater that does not reach waters of the United States; and
 - C. Wastewater backups into buildings and on private property that are caused by blockages or flow conditions within the publicly owned portion of the sanitary sewer system.
- 2.01.118 Septage shall mean any wastewater or sludge removed from a cesspool, septic tank, holding tank, or chemical toilet, and which is trucked or hauled to the point of discharge.
- 2.01.119 Sewage shall mean any liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution.
- 2.01.120 Sewage Lift Station shall mean a station positioned in a sewer system at which wastewater is pumped to a higher level.
- 2.01.121 Sewer shall mean a pipe or conduit that carries wastewater or drainage water.

- 2.01.122 Sewer System shall mean integrated facilities for collecting, transporting, pumping, treating and disposing of sewage, which are owned or directly controlled by the District.
- 2.01.123 Sewer System Management Plan (SSMP) shall mean an approved plan adopted by the District's Board of Directors to control and reduce the occurrence and impact of sanitary sewer overflows.
- 2.01.124 Sewer Interceptor shall mean any sewer, 10" or larger, used to collect and convey sewage from collector sewers to the wastewater treatment plant.
- 2.01.125 Sewer Lateral shall mean that portion of a Building Sewer extending from the Public Sewer to the property line or easement limit.
- 2.01.126 Shall is mandatory.
- 2.01.127 Significant Industrial User shall mean any Industrial User of the POTW who:
- A. is subject to Categorical Standards;
 - B. has an average daily discharge of 25,000 gallons or more of process wastewater (as defined herein);
 - C. has a discharge which makes up five percent (5%) or more of the average dry-weather hydraulic or organic capacity of the Wastewater Treatment Facilities receiving the wastewater; or
 - D. is designated by the General Manager to have a reasonable potential for adversely affecting the POTW's operation or violating any applicable pretreatment standard or requirement.
- 2.01.128 Significant Noncompliance shall mean any Significant Industrial User violation(s), which meet any of the criteria below, or any Industrial User violation that violates C., D., or H. below.
- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements for each pollutant taken during a consecutive six month period exceed (by any magnitude) a numeric pretreatment standard or requirement including instantaneous limits, as defined by 40 CFR 403.3 (I);
 - B. Technical review criteria violations, defined as those in which thirty-three percent or more of all of the measurements taken for the same pollutant during a consecutive six month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by 40 CFR 403.3 (I) multiplied by the applicable TRC

(TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);

- C. Any other violation of a Pretreatment effluent limit (daily maximum or long-term average, instantaneous limit or narrative standard) that the District determines has caused, alone or in combination with other discharges, Interference or Pass Through (including endangering the health of POTW or District personnel or the general public);
- D. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the District's exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule milestone contained in a local control mechanism or enforcement order, for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide, within forty-five (45) days of the due date, any 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 report accurately non-compliance; or
- H. Any other violations or group of violations, which may include a violation of Best Management Practices, which the District believes will adversely affect the operation and implementation of the District's pretreatment program or the District's Sewer System.

2.01.129 Single Pass, Non-Contact Cooling or Heating Water shall mean non-contact cooling or heating water that is used only once and then discarded.

2.01.130 Slug Discharge shall mean any discharge to the sanitary sewer of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.

2.01.131 Slug Discharge Control Plan shall mean a plan submitted to the District by a User pursuant to Section 7.06.2 herein, which specifies to the General Manager's satisfaction the potential pollutants used and/or stored at the User's facility; potential pathways of entry of said potential pollutants into the POTW;

and facilities and procedures for preventing or controlling the occurrence of slug loading.

- 2.01.132 Slug Loading shall mean the discharge of any pollutant including oxygen demanding pollutants (BOD, etc.) that are released at a flow rate and/or pollutant concentration that causes interference with the POTW.
- 2.01.133 Solid Waste shall mean the non-liquid carried wastes normally considered to be suitable for disposal with refuse at sanitary landfill refuse disposal sites.
- 2.01.134 Solvent Management Plan Toxic Organic Management Plan shall mean a plan submitted to the District by an Industrial User pursuant to Section 6.06(a) herein, which specifies to the General Manager's satisfaction the solvents and other toxic organic compounds used, the methods of disposal used, and procedures for assuring that solvents and other toxic organics do not routinely spill or leak into the wastewater.
- 2.01.135 Specific Compliance Plan shall mean a plan submitted to the District by an Industrial User pursuant to Section 9.02 herein, which specifies to the General Manager's satisfaction the cause of noncompliance, the corrective actions which will be taken to prevent recurrence of said noncompliance, and, if required by the General Manager, a proposed Compliance Time Schedule.
- 2.01.136 Specific Local Discharge Limitations (Local Limits) shall mean limitations adopted from time-to-time by resolution of the Board in accordance with 40 CFR 403.5(c) restricting quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced into the POTW by permitted Industrial Users.
- 2.01.137 Standard Industrial Classification shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987.
- 2.01.138 "Standard Methods" shall mean "Standard Methods for the Examination of Water and Wastewater", latest edition, prepared and published by the American Public Health Association, American Water Works Association, and Water Environment Federation, which specifies accepted procedures used to assess the quality of water and wastewater.
- 2.01.139 State shall mean the State of California.
- 2.01.140 State Water Board shall mean the State of California Water Resources Control Board.

- 2.01.141 Street shall mean any public highway, road, street, avenue, alleyway, public place, public easement or right-of-way.
- 2.01.142 Storm Water shall mean any flow of water resulting from natural precipitation.
- 2.01.143 Storm Water System shall mean all storm water conveyance and treatment facilities located within the District, including, but not limited to, storm drains, catch basins, storm drain manholes and manways, and storm water pumping facilities.
- 2.01.144 Surcharge shall mean an assessment, in addition to the service charge, which may be levied on those Users whose wastes are greater in strength than surcharge threshold concentration values established by the General Manager.
- 2.01.145 Suspended Solids (SS) shall mean the insoluble solid matter suspended in wastewater that is separable by laboratory filtration.
- 2.01.146 Temporary Industrial User shall mean any Industrial User who is granted temporary permission by the District to discharge unpolluted water or wastewater to the public sewer and controlled by a wastewater discharge permit. Such temporary permission shall not be granted to Industrial Users subject to Categorical Standards.
- 2.01.147 Total Dissolved Solids shall mean the quantity of non-volatile substances remaining after filtration through a standard filter and drying to constant weight at 180°C, expressed in terms of milligrams per liter (mg/l) and analyzed in accordance with Approved Analytical Methods. TDS is synonymous with Total Filterable Residue.
- 2.01.148 Total Organic Carbon shall mean the measure of total organic carbon in domestic or other wastewater as determined by the appropriate testing procedure.
- 2.01.149 Total Solids shall mean the sum of suspended and dissolved solids.
- 2.01.150 Total Toxic Organics shall mean the sum of the concentrations for each of the toxic organic compounds regulated by applicable Categorical Standards which are found in the User's discharge at a concentration greater than ten micrograms per liter, and analyzed in accordance with Approved Analytical Methods.
- 2.01.151 Toxic Amount shall mean concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism which will cause adverse effects, such as cancer, genetic mutations and physiological

manifestations, as defined in standards issued pursuant to Section 307(a) of Public Law 92-500.

- 2.01.152 Toxic Pollutant shall mean any pollutant or combination of pollutants listed as toxic in 40 CFR 401.15 or 40 CFR 403, Appendix B.
- 2.01.153 Trade Secrets shall include, but not be limited to, any formula, plan pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value, and which gives its User an opportunity to obtain a business advantage over competitors who do not know or use it.
- 2.01.154 Uniform Building Code shall mean the latest edition of the Uniform Building Code as published by the International Conference of Building Officials which has been adopted by the County as its building code.
- 2.01.155 Uniform Plumbing Code shall mean the latest edition of the Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials which has been adopted by the County as its plumbing code.
- 2.01.156 Unpolluted Water shall mean non-contact cooling or heating water; air conditioner, condenser or chiller condensate, ice melt; or uncontaminated ground water, surface water, or storm water.
- 2.01.157 User shall mean any person who contributes, causes, or permits the contribution of wastewater into the POTW, including, without limitations, Households, Private Residences, Industrial Users and Nonresidential Users.
- 2.01.158 Waste shall mean sewage and any and all other waste substances, liquid, solids, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing or processing operation of whatever nature, including such wastes placed within containers of whatever nature, prior to and for the purpose of disposal.
- 2.01.159 Wastewater shall mean water bearing waste.
- 2.01.160 Wastewater Constituents and Characteristics shall mean the individual chemical, physical, bacteriological, and radiological parameters, including volume, flow rate, concentration, and such other parameters that serve to define, classify, or measure the quality and quantity of wastewater.

- 2.01.161 Wastewater Discharge Permit shall mean a Nondomestic Wastewater Discharge Permit.
- 2.01.162 Wastewater Treatment Facilities shall mean the structures, equipment, and processes maintained by the District which accept untreated wastewater from the public sewer and are required to treat and dispose of domestic and nondomestic wastewater.
- 2.01.163 Wastewater Treatment Plant shall mean the POTW Treatment Plant, the Wochholz Regional Water Recycling Facility.
- 2.01.164 Water Conditioning Device shall mean any device used to soften or otherwise condition water, including zeolite or resinous anion or cation exchange softeners, demineralizers, and any other like device.
- 2.01.165 Waters of the State shall mean all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.
- 2.01.166 Water Supply shall mean the water supply serving the area tributary to the POTW.
- 2.01.167 Wye shall mean a plumbing configuration that serves as a sewer line cleanout point or in the case of a sampling wye, a point where a representative wastewater sample can be collected.

ARTICLE 3 - USE OF PUBLIC SEWERS

3.01 SEWER CONNECTION

- 3.01.1 Sewer Connection Required: The Owner of each house, building or property within the District in which plumbing fixtures are installed and which abuts a street or easement in which there is located a Public Sewer, is required at the Owner's expense to connect said house, building or property with said sewer, in accordance with the provisions of this Ordinance and within the time specified in an official notice to connect, which is served on or provided to the Owner by the District. This provision shall apply unless the nearest building on the affected property in which plumbing fixtures are installed is more than two hundred (200) feet from said sewer which is intended to serve the property, and the property parcel size is greater than one-half acre, and an exemption from such connection and continued discharge from an individual sewage disposal system has been granted by the Regional Board pursuant to applicable law.
- 3.01.2 Allowable Time to Connect: When the Owner of each house, building or property has been duly notified to connect in an official notice by mail, the Owner shall comply with the notice to connect within 24 months of receiving said notice, unless said property has been granted an exemption from such connection by the Regional Board, in which instance the Owner is required to provide evidence of such exemption to the District. All fees for frontage charges, laterals, permit and inspection charges shall be outlined for the property owner in the notice to connect.
- 3.01.3 Connection Permit:
- A. No person shall make a connection to any Public Sewer without first obtaining a written Sewer Connection Permit from the District. No Sewer Connection Permit will be issued by the District until all fees related thereto have been paid in accordance with the requirements of the Ordinances, Rules and Regulations of the District. A Sewer Connection Permit is an authorization only to uncover and connect to the Sewer Lateral or to the "wye" installed by the District. It is not an authorization to uncover, disturb, or otherwise alter any portion of the Public Sewer.

- B. Application for a Permit shall be made on a form furnished by the District. The Permit application shall be accompanied or supplemented by such plans, specifications, and other pertinent information as may be required by the District.
- C. The Applicant shall agree on the permit application to indemnify and hold harmless the District, its officers, agents and employees against any and all liability in connection with the work requested in the permit to the extent permitted by law.
- D. Permits issued pursuant to this Section shall expire at the time set by the Rules and Regulations of the District, not to exceed six (6) months, and shall then be of no further force or effect. Fees paid under any permit are not subject to refund or credit in the event that a permit expires without completion of its entitlement.

3.01.4 Connection to the Public Sewer:

- A. Connection of a Building Sewer to the Public Sewer shall conform to the Rules and Regulations of the District, and shall be made only at a Sewer Lateral or at a "wye" in the Public Sewer.
- B. The District shall install a "wye" and a Sewer Lateral in the Public Sewer if a Sewer Lateral is not available. The District may charge a fee for the installation of the "wye" or Sewer Lateral.
- C. All costs and expenses incident to the installation and connection of the Building Sewer shall be borne by the Owner.

3.01.5 Independent System: The sewage drainage system of each new building and of new work installed in any existing building shall be separate and independent from that of any other building and when feasible, every building shall have an independent connection with a Public Sewer, unless part of a planned unit development, community apartment or mobile home park.

3.01.6 Existing Building Sewers:

- A. Existing Building Sewers may be used to connect new developments to the Public Sewer when after inspection and testing satisfactory to the District that they meet the then current specifications and construction methods of the District.
- B. If an existing Building Sewer is not to be used after demolition of the building, the Building Sewer must be disconnected from the Public Sewer at

the property line and capped. Disconnection and capping after demolition must be inspected and approved by the District.

- 3.01.7 Street Excavation Permit: A separate permit must be secured from the agency having jurisdiction over any public street or right-of-way in which an Owner or Contractor intends to make an alteration or excavation in carrying out any work authorized or required by the District.
- 3.01.8 Protection of Excavation: All excavations for a sewer installation shall be adequately guarded with barricades and lights to protect the public from hazard. Streets, sidewalks, parkways and other property disturbed in the course of the work shall be restored in a manner satisfactory to the District and any other person having jurisdiction there over at the sole expense of the Owner or his duly authorized agent.
- 3.01.9 Backwater Valve Required: The District may require the installation of an approved backwater valve as specified in the Uniform Plumbing Code or as deemed necessary by the District to protect the Owner's Property.
- 3.01.10 Cleanouts: Cleanouts in Building Sewers shall be provided where the Building Sewer joins the building outlet and in accordance with the Ordinances, Rules, Regulations and Resolutions of the District. All cleanouts shall be maintained watertight.
- 3.01.11 Gravity Flow Not Possible: In all buildings in which any building drain is too low to permit gravity flow to the Public Sewer, sewage carried by such building drain shall be discharged to the Public Sewer only by means approved by the District at the Owner's expense.
- 3.01.12 Building Sewer Maintenance: The User shall bear the burden and all expenses related to maintenance and repair or replacement of the Building Sewer, including any backwater valve or other appurtenance installed in compliance with this Ordinance or the Rules and Regulations.
- 3.01.13 Inspection: No sewer shall be connected to the Public Sewer until the work covered by the permit has been completed, inspected and approved by an Inspector acting for the District to insure compliance with all requirements of the District. If the work proves satisfactory the Inspector may affix an approval tag to the connection. Inspections will only be made during regular working hours and regular working days with no weekend, evening or holiday inspections made unless prior approval is received from the General Manager and a sum equal to

two and one-half (2-1/2) times the hourly rate of the Inspector times the total hours to be worked, portal to portal, is deposited with the District.

- 3.01.14 Notification: The applicant for the connection of a Building Sewer to the Public Sewer shall notify the District twenty-four (24) hours in advance, Saturdays, Sundays, and Holidays excluded when the Building Sewer is ready for inspection.
- 3.01.15 Condemned Work: When any work has been inspected and the work is not in satisfactory compliance, the work shall be considered condemned, a written notice to that effect shall be given, instructing the Owner, or the agent of such Owner, to repair the sewer or other work authorized by the permit in accordance with the Ordinances, Rules and Regulations of the District.

3.02 PUBLIC SEWER CONSTRUCTION

- 3.02.1 Feasibility of Service: An Applicant wishing to determine if sewer service is available and feasible for a subdivision or other project within the District shall furnish to the District tentative maps showing lot sizes, street layout, elevations, proposed points of connection to the District's sewers, proposed pump stations and flow data based upon the design criteria of the District. Upon receipt of an appropriate fee as prescribed by the District, the General Manager and staff will review the information and inform the applicant by letter if sewer service is available and feasible and under what conditions, such as, but not limited to, over sizing, buy-in costs or modification of the District's facilities.
- 3.02.2 Public Sewer Extension Required: Any division of land or development involving five (5) or more EDUs and within the sewerage jurisdiction of the District, which has any of its property lines within 1,000 feet of any existing or previously agreed upon sewage collection facility, must extend the Public Sewer line to serve said development. The Public Sewer line shall be extended across the full property frontage to the furthest most property line of the property being served as determined by the District. Sewer main sizes shall be in accordance with existing District Sewer Master Plan recommendations or, in the absence of such, in accordance with the recommendations of the General Manager or his designee.
- 3.02.3 Approval to Extend the Public Sewer:
 - A. No person shall construct or extend a Public Sewer without first obtaining written approval of plans from the District and paying all fees connected therewith. This provision does not apply to the construction of sewers and

appurtenances under contracts entered into with the District and on its account.

- B. Design and construction of a Public Sewer system or any portion thereof shall be in accordance with Design and Construction Standards adopted by the District. Whenever the standards for sewer construction of any public entity do not meet the minimum standards of the District, the standards of the District shall prevail.

3.02.4 Indemnification of the District: As a condition of approval for the Applicant to extend the Public Sewer, the Applicant shall indemnify and hold the District and its officers, agents, independent contractors, consultants, and employees harmless from any liability imposed by law upon the District or its officers, agents, independent contractors, consultants, or employees, including all costs, expenses, attorney's fees, and interest incurred in defending same, or in seeking to enforce this provision. The Applicant shall be solely liable for any defects in the performance of his work, or any failure or damage which may arise there from. The District and its officers, agents, independent contractors, consultants, and employees shall not be answerable for any liability or injury or death to any person, or damage to any property arising during, or growing out of the performance of any work or construction by any Applicant or Owner, or their contractors.

3.02.5 Plans and Specifications: The Applicant, his engineer or other person proposing the construction of a Public Sewer within the District will prepare and submit plans and specifications for the construction of said Sewer, in accordance with District Standards. Plans shall be signed by a Registered Engineer, licensed to do business in the State of California. This submittal will not relieve the applicant or other person constructing the Public Sewer facilities from compliance with all requirements imposed by the District or by Federal, State, County or Local agencies.

3.02.6 Plan Check: The District's Staff will review the sewer plans and specifications for compliance with the District's requirements. The District will approve such plans provided the following conditions have been met:

- A. The plans comply with District Design and Construction Standards and are in conformance with the Master Sewerage Plans for the area.

- B. Sufficient capacity exists in the District's Sewer System to accommodate sewage from the proposed project.
 - C. The Applicant has paid the appropriate plan checking and inspection fee prescribed by the District.
 - D. The Applicant has executed a Transfer of Title Agreement.
- 3.02.7 Construction: The applicant will construct Public Sewer facilities in accordance with the approved plans and specifications and construction methods as set forth by the District. After approval by the District of the construction plans and specifications, a five (5) working day advance notice to the District is required prior to the start of construction. All construction shall be performed by a licensed contractor only, licensed to do business in the State of California and licensed to construct public sewer facilities. Prior to receiving authorization to construct improvements, the Owner, Applicant and contractor shall execute an indemnification agreement holding the District harmless for any and all claims for any liability arising out of the work.
- 3.02.8 Bond Requirements: The District requires that all developers performing Public Sewer improvements in accordance with approved plans and specifications furnish appropriate guarantees ensuring the completion of the work, extended maintenance, warranty work and payment for all labor and materials. Such guarantees shall be in the form of payment and performance bonds issued by sureties licensed and admitted to do business in the State of California. Coverage amounts, where bonds are furnished shall be in accordance with the 'Agreement for Installation and Transfer of Title of Wastewater System Facilities' on file with the District.
- 3.02.9 Inspection: All construction work shall be inspected by an Inspector acting for the District to ensure compliance with all District requirements. No construction shall be backfilled until it has been inspected and accepted by the District Engineer. The costs of such inspection shall be prepaid to the District by the applicant in the form of inspection fees, the amount of which shall be prescribed by current Resolution of the Board. Inspections will only be made during regular working hours and regular working days with no weekend, evening or holiday inspections made unless prior approval is received from the General Manager and a sum equal to two and one-half (2-1/2) times the hourly rate of the Inspector times the total hours to be worked, portal to portal, is deposited with the District.

- 3.02.10 Prior Extension Contribution: When an Owner makes an application for sewer service to a lot, parcel, tract, or subdivision to which Public Sewers are already available, he shall pay to the District his proportionate share of the cost of said Public Sewer, to the extent that such payment has not already been made. The proportionate share shall be computed by the District on the basis of front footage benefit accruing to the newly served property, prior assessments, acreage or other basis, including interest and legal fees paid.
- 3.02.11 Cost of Oversized Mains: The Applicant shall bear the cost of any oversizing of the main sewer lines for his property which may be deemed necessary by the District to serve present and/or future developments.
- 3.02.12 Refunds: When Public Sewer extensions are made and paid for by an Applicant and such sewer extension may be of benefit to another person in the future, said Applicant may enter into a refund agreement with the District. Said refund agreement shall provide for refund payment from Public Sewer connection charges collected by the District from a new developer or Applicant, less a 10% administrative fee. The refund shall be computed on the basis of per front foot benefit or equivalent assessment as determined by the District. All refund agreements shall expire and become null and void ten (10) years from the date first written.
- 3.02.13 Public Sewer Extensions: Public Sewer extensions to serve one or more parcels of land shall be made by and at the expense of the Owner of said land. The Applicant shall follow the same procedures for Public Sewer Extensions as are provided in this Article 3.
- 3.02.14 Easements: 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 have accepted by the Board, such an easement or grant of right-of-way satisfactory to the District to allow for the construction, operations and maintenance of such extension or connection. All District sewer easements shall be at least fifteen (15) feet in width unless otherwise approved by the District.
- 3.02.15 Request for Easement Vacation: The District may agree to vacate existing sewer facility easements at the request of the owner, provided the Owner fulfills the requirements of the District as follows:
- A. Acceptable design of an alternate sewer facility is submitted to the District for approval; and

- B. Said alternative sewer facility is constructed by owner according to District approved plans; and
- C. Final acceptance by District of all newly constructed alternative sewer facilities is provided to the owner by District in writing; and
- D. Owner agrees in writing to pay all costs associated with the District retaining a qualified appraiser to determine a current value of the easement to be vacated; and
- E. Owner pays to the District the fair market value as established by said appraiser for said easement.

Upon Owner fulfillment of all of the above conditions, to the satisfaction of the District, the District will then record a quitclaim deed with the office of the County Recorder relinquishing all rights to said easement.

3.02.16 Acceptance of Facilities: Before the District will accept Public Sewer facilities and appurtenances into its Sewer System, the Applicant shall provide to the District, at the Applicant's expense, the following documents:

- A. Recorded Notice of Completion and evidence that the sewer work has been paid for, completed and operational.
- B. One (1) set of reproducible "as-built" plans (mylar or linen), plus five (5) sets of prints, which show exact locations, depths and descriptions of all facilities, including any changes to the construction drawings.
- C. Original recorded easement documents for Public Sewers not in public property, public right-of-way, or not dedicated to appropriate public use by a recorded subdivision or tract map.
- D. Original Grant Deed transferring to the District title to those facilities which are to become part of the Public Sewer.
- E. Applicant's Engineer's signature on the "as-builts" certifying that facilities were installed according to the plans and specifications.
- F. Two operation and maintenance manuals for each pump station and/or unit of mechanical equipment.
- G. A detailed breakdown of the costs of all facilities installed as follows:
 - (1) Sewer main (with manholes) cost per foot by size of main;
 - (2) Average lateral cost (main to property line); and
 - (3) Pump station costs.

3.03 PRIVATE SEWAGE DISPOSAL FACILITY

- 3.03.1 Private Sewage Disposal Systems: Where a Public Sewer is not available, or where connection to a Public Sewer is not required under the provisions of Section 3.01 herein, the Building Sewer of each house, building, or property in which plumbing fixtures are installed shall be connected to a Private Sewage Disposal System.
- 3.03.2 Compliance with Applicable Regulations: Any Private Sewage Disposal System discharging waste within the boundary of the District, as provided in Section 3.03.1, shall comply with the design policies and codes of the applicable County Health Department, the provisions of the Uniform Plumbing Code, and where applicable have an exemption from the Regional Water Quality Control Board for the discharge of waste from the system.
- 3.03.3 Cost of Maintenance by Owner: The Owner of a Private Sewage Disposal System shall operate and maintain the facilities in a sanitary manner at all times, at no expense to the District.
- 3.03.4 Dry Sewers Required: Any portion of property within 500 feet from the sewer system shall be required to connect to the sewer system. The installation of dry sewer shall be installed across the entire length of the property and downstream of the subject property a distance of 100 feet per Equivalent Dwelling Unit (EDU) after the first EDU.
- A. A "dry" sewer collection line is installed in the public right-of-way to the Standards and Specifications of the District with the capacity for all sewage generated by the subdivision, and
 - B. The "dry" sewer includes lateral lines from the collector line to the property line for each parcel affected by the collector, and
 - C. Plugs and seals are placed on the "dry" sewers to prevent unauthorized connection.
- 3.03.5 Payment of Sewer Treatment Plant Expansion Fees: The Owner shall pay to the District the appropriate Sewer Treatment Plant Expansion Fees and Connection Permit Fees prior to receiving a building permit. These sewer capacity related fees and charges are non-refundable.
- 3.03.6 Dedication of Dry Sewers to District: The Private Sewage Disposal Systems facilities installed in the public right-of-way shall be dedicated by the Owner to the

District as provided in Section 3.02.16 herein, following inspection and acceptance by the District Engineer.

- 3.03.7 Dedication of Right of Access: The Owner shall grant to the District a right of access to the Private Sewage Disposal System on each lot which shall be recorded as part of the final tract map or other instrument, and provide written notification to the purchaser of each unit of the development.
- 3.03.8 Connection to Sewer System: When Sewer System facilities are available to the development, the District shall have the right to declare the use of the Private Sewage Disposal System a public nuisance and issue an official notice for the purpose of connecting the premises to the Sewer System and properly abandoning the Private Sewage Disposal System in accordance with Section 3.01.2.
- 3.03.9 Permit to Connect: The District shall require the Owner or occupant of the building to be connected to obtain a permit from the District for such connection. No fees shall be charged for such permit if they have been paid pursuant to Section 3.03.5 herein.
- 3.03.10 Minimum Private Sewage Systems Required: Whenever the use of Private Sewage Disposal Systems are installed in connection with "dry" sewers, the District will not agree that any such system be installed which is less than the minimum requirements for the type of system which is designed for use in the development.

3.04 SEWER SERVICE BILLING AND COLLECTION

- 3.04.1 Pretreatment Program Fees and Charges: The Board of Directors shall, from time to time, adopt by resolution fees and charges to implement this Ordinance.
- 3.04.2 Payment of Fees: Unless specified otherwise, all fees, charges and penalties imposed pursuant to this Ordinance are due and payable upon receipt of the billing invoice.
- 3.04.3 Authority: The Board shall, from time to time, prescribe and modify fees and charges for permits, construction inspection, plan checking, sewer connection, sewer service and such other services as may be provided by the District. All annexations or new developments within the District shall pay all applicable fees as determined and prescribed by this Ordinance.

- 3.04.4 Service Connection: The sewer service charge shall commence when the Building Sewer is connected to the Public Sewer. The regular billing period for sewer service charges will be for each calendar month billed to the Customer on a monthly basis.
- 3.04.5 Billing Time: Bills for sewer service shall be rendered at the end of each billing period and are payable upon presentation.
- 3.04.6 Opening and Closing Bills: Opening and closing bills for a period of service less than one (1) month shall be based upon the number of days in which service was furnished as it relates to the monthly minimum for the service in question.
- 3.04.7 Vacancy: No credit, adjustment or refund will be made to any Customer because the premises or any part thereof are vacant unless and until after the premises are disconnected from the Public Sewer.
- 3.04.8 Billing Errors: When any refund or additional charge becomes due and owing by virtue of action of the Board or by virtue of any error made in ascertaining the charge(s) applicable to any Customer, the General Manager is authorized to correct the error by providing an appropriate refund or assessing an additional charge.
- A. If the District determines that a refund is due to a customer, the District shall calculate the refund based on the correction of the error.
 - B. The District will then credit the customer's account reflecting the corrected amount for the actual period of time that the error existed which shall not exceed a time period of more than the prior twelve (12) months.
 - C. If the District determines that an additional charge is due from a customer, the District shall calculate the charge based on the correction of the error.
 - D. The District will then charge the customer the corrected amount for the actual period of time that the error existed which shall not exceed a time period of more than the prior twelve (12) months.
- 3.04.9 Delinquent Accounts: Sewer accounts remaining unpaid at the next billing date are delinquent and subject to a late charge in accordance with Section 3.04.10 hereof. Accounts billed with past due amounts and late charges shown on the bill are subject to disconnection if not paid within fifteen (15) days of the mailing or presentation of the bill.

- 3.04.10 Late Charge: A late charge shall be added to each delinquent account at the time the account becomes delinquent, and shall become an inseparable part of the amount due as of that time.
- 3.04.11 Partial Payment of Delinquent Account: The General Manager may enter into agreements for the payment of delinquent accounts, and may accept and credit a partial payment to the delinquent account, but such partial payment shall not be cause for removing the account from delinquent status. No enforcement action against the delinquent account shall be taken as long as there is compliance with the agreement to the satisfaction of the General Manager. If the agreement is breached by the Customer, enforcement action may be taken as hereinafter provided.
- 3.04.12 Enforcement: In the event of the failure by any Customer to pay the amount of Sewer Service Charge and related charges when due, the District may enforce payments of such delinquent charges as follows:
- A. A Final Payment Notice shall be mailed to the Customer, whose account is delinquent by more than fifteen (15) days, warning that the service will be disconnected unless payment is made.
 - B. The notice shall indicate the amount due, including the late charges, and the total amount must be paid within five (5) calendar days from the date of mailing or presentation to the Customer.
 - C. The notice shall state the following: "IF PAYMENT IS NOT RECEIVED BY (FIFTH CALENDAR DAY), THE SEWER SERVICE TO THE PREMISES WILL BE DISCONNECTED BY THE DISTRICT. ADDITIONAL CHARGES FOR DISCONNECTION, RECONNECTION AND DEPOSITS WILL BE ASSESSED BY THE DISTRICT. ANY PREMISES DISCONNECTED FROM THE PUBLIC SEWER IS A PUBLIC NUISANCE."
 - D. The General Manager may have such premises disconnected from the Sewer System. In the event such disconnection should create a public hazard or nuisance, the General Manager, or his representative may enter upon the premises for the purpose of doing such things as may be reasonably necessary to alleviate or remove such hazard or nuisance. All costs incurred by the District shall be reimbursed by the Customer.
 - E. The General Manager is authorized to institute an action in any court of competent jurisdiction to collect any charges which may be due and payable

in the same manner as any other debts owing to the District may be collected, including court costs and reasonable attorney's fees.

F. The General Manager is authorized to prepare a statement of the amount of delinquent charges and late charges accrued on the premises and record the statement as a lien upon the real property receiving the sewer services.

(1) Contents of Statement: The statement shall contain a description of the property served, the period of the service, the amount of charges and penalties, and a reference to this Ordinance by number and date of adoption.

(2) Execution, Acknowledgment and Filing: The statement shall be executed by the General Manager and the signature be acknowledged. It shall be filed with the County Recorder in the appropriate County at least once each year, including a "Request for Notice of Default and Sale".

(3) Duration of Lien: Such lien shall continue until all charges thereon have been fully paid or the property subject thereto has been sold to satisfy the lien.

(4) Effect and Enforcement of Lien: Such lien shall have the force, effect, priority and duration of an abstract of a judgment against the owner of real property and may be enforced in like manner.

3.04.13 DELINQUENCY CHARGES AND PENALTIES: The District shall require all delinquent charges and late charges to be paid in full before any reconnection of the Building Sewer is made. The District shall levy a fee for the cost of Disconnection of a Building Sewer from the Public Sewer and a separate fee for the cost of Reconnection to the Public Sewer. In addition, the District may require a deposit of four (4) months of user charges, which deposit will be held for eighteen (18) months and be used to cover any further delinquencies. If no delinquencies occur within eighteen (18) months, the deposit will be returned or credited towards the user charges. Furthermore, the District reserves the right to place sewer future sewer related charges on the property tax bill for collection purposes.

3.05 WATER BILL COLLECTION

- 3.05.1 Collection with Water Bills: Where the User is also a Customer of the District receiving water service from the District, billing of Sewer Service Charges may be made together with and not separately from the charges for the water service. They will be billed upon the same bill and collected as one item.
- 3.05.2 Discontinuance of Service upon Delinquency: Upon delinquency, as provided in Section 3.04.9, service may be discontinued until full payment of all charges and penalties thereon, including payments and deposits as provided in Section 3.04.13 have been made.

3.06 RATES, FEES, AND CHARGES

All rates, fees and charges applicable to the operation of the District's Sewer System are described herein and collectable by the District.

- 3.06.1 Plan Check Fees: Plan checking fees are due and payable to the District at the time that plans are submitted for review or approval.
- 3.06.2 Inspection Fees: Inspection fees are due and payable to the District as a condition to obtaining signed approval of final sewer plans.
- 3.06.3 Sewer Lateral Installation Charge: A charge collectible when an owner requests the District to install a sewer lateral from the sewer main line to his property.
- 3.06.4 Sewer Permit Fee: The Sewer Permit Fee is charged to the property owner for each new sewer connection to the District sewer system.
- 3.06.5 Disconnect/Reconnect Fee: As described in Article 3.04.13 herein, the charge to disconnect or reconnect sewer service.
- 3.06.6 Residential Sewer Use Charge: The Residential daily sewer use charge for each dwelling unit.
- 3.06.7 Multiple Residential Sewer Use Charge: Multiple Residential Sewer Use Charges shall be applicable to apartments and mobile home parks.
- 3.06.8 Commercial, Industrial Sewer Use Charge: The EDUs are determined on the basis of the following formula, which takes into account the water consumption, Biochemical Oxygen Demand and Suspended Solids of the sewer user. A chart of characteristic strengths of sewage for various commercial/industrial users is attached and incorporated as part of the Sewer Rate. The District will determine water use by a percentage of the amount of water supplied to the user.

- 3.06.9 School Sewer Use Charge: The EDUs for schools are determined on the basis of student enrollments and staffing numbers in September of each school year and prorated over the following twelve (12) months. Gallons per class day (gpcd) are assigned as follows:

SERVICE UNIT ASSIGNMENT FOR SCHOOLS

Elementary (Grades K-7)	10 gpcd for students and employees 30 students and employees = 1 EDU
Secondary (Grades 8-12)	20 gpcd for students and employees 15 students and employees = 1 EDU

- 3.06.10 Septic Tank Pumpers:

- A. Deposit and Annual Permit Fee: Septic tank pumpers shall post with the District a deposit and will be charged an annual permit fee.
- B. Sewage Disposal Fee: Septic tank pumpers will be charged for septage originating from within the Yucaipa Valley Water District's Sewer District boundaries. For septage pumping originating outside the District's sewer boundary, a different rate shall apply. In all cases, the minimum charge shall be the total rated tank capacity of the truck.
- C. All pumpers, prior to dumping, shall submit satisfactory evidence, on a form provided by the District, that the waste to be dumped contains no known chemicals capable of upsetting the plant processes. Said form shall be signed by the property owner where the waste originated, that such waste pumping contains normal household wastewater and not industrial waste containing toxics, heavy metals, or other deleterious materials which would upset the normal operating processes of the plant. Failure of the pumper to provide the above form shall be cause by the District to deny acceptance of such waste.

- 3.06.11 Wastewater Treatment Plant Expansion Fee: The Wastewater Treatment Plant Expansion Fee is based on an engineering study of all factors associated with the establishment of the wastewater treatment plant. Such factors include all District incurred costs associated with construction of the expansion of the wastewater treatment plant, including all engineering and finance costs. Effective February 9, 1998, the Wastewater Treatment Plant Expansion Fee will be that Fee in effect at the date the developer/owner is issued a building permit from the agency with jurisdiction over the new construction of buildings.

In the event that the developer/owner has previously paid the Wastewater Treatment Plant Expansion Fee, then the developer/owner shall pay the difference between the previously paid Fee and the Fee in effect at the time the building permit is issued. This paragraph shall not apply to Wastewater Treatment Plant Expansion Fee paid prior to the effective date of February 9, 1998.

Areas outside the boundaries of Assessment District No. 20 (Sewer District Boundary) are subject to Interceptor Capacity Charges (sewer lift stations, waste treatment plant property and sewage interceptor capacity) which are payable to the District. The boundaries of the Sewer District were modified by the court (Whittier, et al vs. Yucaipa Valley County Water District) and certain properties were excluded from paying the assessments levied on all properties remaining in the District. The District has determined that it is equitable that those properties previously excluded from Assessment District No. 20 as a result of court action which now seek sewer service pay a pro rata share of the additional expenses caused by litigation which were paid by property owners within the boundaries of the Sewer District.

Additionally, interceptor capacity charges are due from those lands not originally included in the Assessment District No. 20 boundary nor participants as plaintiffs in the court action (Whittier, et al vs. Yucaipa Valley County Water District) when such properties request annexation to the District.

- 3.06.12 Sewer Line Reimbursement: Where offsite public sewer improvements are required by the District for new development under Article 3.02.13 hereof, a frontage charge is collectible from all properties connecting to said sewer.
- 3.06.13 Returned Check Charge (Insufficient Funds): The charge for checks returned unpaid.

ARTICLE 4 - GENERAL AND SPECIFIC PROHIBITIONS

4.01 NEW OR INCREASED POLLUTANT DISCHARGES

Use of the Sewer System of the District shall be a privilege subject to the Rules and Regulations of the District, and the privilege may be revoked for non-compliance with this Ordinance and the Rules and Regulations. No right, title or interest to continue to use the Sewer System shall exist or accrue by reason of existing discharge, permit or authorization of the District.

4.02 GENERAL DISCHARGE PROHIBITIONS

No person shall discharge or cause to be discharged any pollutant or wastewater to the District's wastewater system if it appears likely in the opinion of the General Manager or District Engineer that such wastes may cause or contribute to pass-through or interference.

4.03 SPECIFIC PROHIBITIONS

No person shall introduce or cause to be introduced into the District's sewer system the following:

- A. Pollutants which create a fire or explosive hazard in the District's sewer system, including but not limited to, waste streams with a closed cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21 or which result in conditions where two successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system), are more than 5%, or any single reading is over 10%, of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylenes, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides; as discharged in such quantities as to potentially result in any of the hazards noted above;
- B. Any solid, semi-solid or viscous substances which may obstruct the flow of sewage, cause clogging of or adversely affect sewage pumping equipment, or sewage sludge pumping equipment, or the community sewer system, or interfere with the operation of the POTW, such as, but not limited to, grease, garbage with particles greater than 3/8" in any dimension, dead animals, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, excessive

quantities of whole blood, feathers, ashes, cinders, earth, sand, mud, gravel, rocks, plaster, concrete, spent lime, stone or marble dust, metal, metal filings or shavings, wood, wood shavings, straw, grass clippings, spent grains, spent hops, waste paper, paper containers or other paper products, rags, plastics, tar, asphalt, asphalt residues, residues from refining or processing of fuel or lubricating oil, glass, or glass grinding or polishing wastes;

- C. Any discharge which may, alone or in combination with other waste substances, result in the presence of solids, liquids, gases, vapors, or fumes in the POTW in such quantities that would create a hazard, public nuisance, or acute worker health and safety problems;
- D. Any unpolluted water, including but not limited to, storm water, rainwater, ground water, street drainage, subsurface drainage, roof drainage, yard drainage, water from yard fountains, ponds, lawn sprays or any other type of surface water, or single pass, non-contact cooling or heating water. The General Manager may approve, on a temporary basis, the discharge of such waters to the POTW when no reasonable alternative method of disposal is available, subject to the payment of all applicable User charges and fees by the Discharger;
- E. Corrosive wastewater having a pH less than 5.0 or more than 11.0, or which will cause the pH of the influent to the POTW to drop below 6.5 or rise above 8.0, or otherwise causing corrosive structural damage to the District's wastewater treatment plant, collection system or equipment;
- F. The discharge of any substance, which, if otherwise disposed of, would be classified as a hazardous waste pursuant to 40 CFR 261 or as a toxic waste as defined Title 22 of the California Code of Regulations, Section 66261.24;
- G. Any noxious or malodorous liquids, gases, or solids that either singly or by interaction with other wastes are sufficient to create a public nuisance or are sufficient to impair personnel access to the POTW for maintenance and repair;
- H. Any substance which may cause the POTW's effluent, or any other product of the POTW, such as residues, sludges, or scums, to be unsuitable for reclamation and reuse. In no case shall a substance discharged to the POTW cause the POTW to violate applicable sludge use or disposal regulations established in 40 CFR 503 or any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act (CAA), Toxic Substances Control Act (TSCA), the Resource Conservation

and Recovery Act (RCRA), the Marine Protection, Research and Sanctuaries Act (MPRSA), or pursuant to the provisions of the California Code of Regulations, all as they may now exist or hereafter may be amended;

- I. Any wastewater with objectionable color not removed in the treatment process such as, but not limited to, dye wastes and vegetable tanning solutions;
- J. Any trucked or hauled pollutants or wastewater, except at such place and in such manner as prescribed by the General Manager;
- K. Pesticides or Fertilizers, including any quantity of DDT (both isomers), DDD, DDE, Aldrin, Chlordane, Dieldrin, Endosulfan (alpha, beta, and sulfate), Endrin, Endrin Aldehyde, Heptachlor, Heptachlor Epoxide, Lindane, Disulfoton, Phorate, and/or Toxaphene;
- L. Any petroleum oil, refined petroleum products, or products of mineral oil origin in amounts which could cause Interference or Pass-Through;
- M. Any non-biodegradable cutting oils, commonly called soluble oils, which form persistent water emulsions;
- N. Any liquid or other waste containing fats, wax, grease, or oils, which may solidify or become viscous at temperatures between 32°F (0°C) and 150°F (65°C).
- O. Any wastewater having a temperature which will inhibit biological activity at the POTW Treatment Plant resulting in Interference, but in no case wastewater with a temperature higher than 140°F (60°C) or which causes the temperature at the POTW Treatment Plant to exceed 104°F (40°C);
- P. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may cause Interference, Pass-Through, or violation of applicable State or Federal regulations;
- Q. Waste recovered from pretreatment equipment, systems, or devices;
- R. Any PCBs and Dioxins, including, but not limited to, the following compounds: Arochlors 1221, 1228, 1232, 1242, 1254, 1260, 1262, and TCDD equivalents.
- S. Any pollutant, including, but not limited to, oxygen demanding pollutants (BOD, etc.) released in a Discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW.
- T. Any wastewater that has been intentionally diverted (bypassed) from any portion of the Industrial User's treatment equipment unless the bypass meets the following provisions:

- (i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- (ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
- (iii) The Industrial User notifies the District prior to bypassing the treatment equipment.

4.04 DISCHARGING POLLUTANTS TO THE ENVIRONMENT

No person shall circumvent the intent or purpose of this Ordinance by discharging, or by causing to be discharged, into any storm drain, channel, natural water course or public street, or onto the ground, or into a well, or into any sump or pit that is not impermeable, material or waste prohibited or restricted as to its discharge into a sewer system.

4.05 POINT OF DISCHARGE PROHIBITION

No person, except authorized District personnel involved in maintenance functions of sanitary sewer facilities, shall discharge or cause to be discharged any solid or liquid substance directly into a manhole or other opening of the POTW other than through an approved building sewer, unless the User first obtains a Class IV Permit and the discharge otherwise complies with this Ordinance.

4.06 PROHIBITION AGAINST DILUTION

No person shall increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with Categorical Standards

4.07 INTERFERENCE WITH DISTRICT EQUIPMENT OR FACILITIES

No person shall enter, break, damage, destroy, uncover, deface, or tamper with any temporary or permanent structure, equipment or appurtenance which is part of the POTW or is required or authorized by the provisions of this Ordinance.

ARTICLE 5 - SPECIFIC POLLUTANT LIMITATIONS

5.01 SPECIFIC LOCAL DISCHARGE LIMITATIONS (LOCAL LIMITS).

No permitted Industrial User shall, except as hereinafter provided, discharge or cause to be discharged to the Sewer System any wastewater unless it conforms to the requirements of this Ordinance and all applicable Local Limits as may, from time to time, be established by resolution of the Board of Directors.

5.02 CATEGORICAL STANDARDS.

Categorical Standards, as they now exist or may hereafter be amended, are hereby incorporated into this Ordinance. In the event new or amended Categorical Standards include limitations more stringent than limitations incorporated into this Ordinance, the more stringent limitation shall automatically be incorporated herein by this reference.

5.03 LIMITATIONS OF WATER SOFTENERS

5.03.1 Industrial User Water Softener Policy

- A. No Industrial User shall install, replace, enlarge, or use any 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 ground, storm drain or the POTW unless the Water Conditioning Device is in compliance with the following conditions:
1. The brine solutions generated during the backwash cycles of the Water Conditioning Device shall be segregated from the fresh water rinses for disposal to a legal brine disposal site;
 2. The backwash equipment shall be equipped with an electrical conductivity controlled discharge valve that controls the wastewater discharged to the POTW. The electrical conductivity valve shall be calibrated at a minimum annually or as often as necessary to control and prevent any wastewater from being discharged to the POTW that exceeds the maximum electrical conductivity, total dissolved solids, or associated sodium and

chloride concentrations established in the local discharge limitations; and

3. The Industrial User shall maintain the 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 wastewater 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.

5.03.2 Residential User Water Softener Policy

Residential Water Softening shall be regulated in accordance with, but not limited to, California Health and Safety Code Sections 116775-116795 and amendments thereto, which are hereby incorporated by reference. Residential water softening shall also be regulated by such other laws that may be subsequently adopted by the State of California or the federal government.

5.03.3 General Water Softener Policy

- A. Any person installing or operating a Water Conditioning Device of any kind shall make such device accessible to the General Manager for inspection at reasonable times.
- B. The District may limit the availability, or prohibit the installation, of any residential Water Conditioning Device that discharge to the POTW if the General Manager makes all of the following findings:
 1. 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;
 2. Limiting the availability, or prohibiting the installation, of the Water Conditioning Device is the only available means of achieving compliance with Waste Discharge Requirements issued by the Regional Board; and
 3. All nonresidential sources are limited to the volumes and

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

5.04 SWIMMING POOL POLICY

- A. Discharges from non-saltwater swimming pools, wading pools, spas, whirlpools, and therapeutic pools may be permitted to the Public Sewer on a case-by-case basis as determined by the General Manager. Each person who desires to drain a swimming pool, wading pool, spa, whirlpool, or therapeutic pool shall first obtain permission from the General Manager to discharging any of these waters. Permission may be granted by the General Manager if the discharge will:
 - 1. Not cause hydraulic overload conditions in any of the District's sewer lines;
 - 2. 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
 - 3. Commence at a time of day and rate of flow that minimizes the impact of the wastewater system
- B. The discharge of salt water pools to the Sewer System is specifically prohibited.

ARTICLE 6 - INDUSTRIAL WASTEWATER DISCHARGE PERMITS

6.01 APPLICATION

Any person desiring to discharge industrial wastewater into the Public Sewer shall be required to submit an application to the General Manager presenting information as to the characteristics and amount of industrial wastewater to be so discharged. No industrial wastewater shall be discharged into the Public Sewer which will cause the effluent discharged from the sewage treatment facilities to violate any discharge requirement set by the California Regional Water Quality Control Board. All Significant Industrial Users, and all haulers of wastewater, shall apply for an Industrial Wastewater Discharge Permit (Permit) by completing and submitting to the District a Wastewater Discharge Permit Application, on a form provided by the District. Non-Significant Industrial Users shall, at the discretion of the District's General Manager, apply for an Industrial Wastewater Discharge Permit. The District will determine which type of permit (either individual control mechanism or group (general) permit is best suited to control the discharge. The District will also determine the appropriate Permit Classification as listed in Section 6.02.

6.02 PERMIT CLASSIFICATIONS

Industrial Users shall apply for, and obtain, the appropriate class of Permit as indicated below:

Permit Class	Industrial User
I	Significant Industrial Users as defined herein
II	Non- Significant Categorical Industrial Users as defined herein
III	Non-Significant Industrial Users as defined herein
IV	Temporary Industrial Users as defined herein
V	Dischargers of Trucked or Hauled Wastewater to the POTW

6.02.1 When to Apply

- A. Significant Industrial Users, who propose to connect or discharge to the POTW in the future shall apply for a Permit at least 90 days prior to commencing discharge.

- B. Non-Significant Industrial Users, required to obtain a Permit, who propose to connect or discharge to the POTW in the future shall apply for a Permit at least 60 days prior to commencing discharge.
- C. Temporary Industrial Users, required to obtain a Permit, who propose to connect or discharge to the POTW in the future shall apply for a Permit at least 30 days prior to commencing discharge.
- D. Dischargers of Trucked or Hauled Wastewater shall apply for a Permit prior to commencing discharge.
- E. Any Industrial User who is required to have a Permit but whose discharge commenced prior to the date of adoption of this Ordinance shall apply for a Permit within 60 days after adoption of this Ordinance.
- F. Applications for re-issuance of Permits shall be submitted at least 90 days prior to the expiration of the Permit.

6.03 CONTENTS OF PERMIT APPLICATION

Permit applications shall, at a minimum, contain the following information:

- A. Name and address of applicant and location of place of discharge;
- B. SIC number according to the Standard Industrial Classification Manual, U.S. Office of Management and Budget, 1987, as amended or NAICS number;
- C. A list of wastewater discharge constituents and characteristics, as determined by a State certified analytical laboratory using Analytical Methods as defined herein and sampling procedures in accordance with 40 CFR 136 and 40 CFR 403.12(b)(5), including but not limited to, those subject to Specific Local Discharge Limitations and Categorical Standards;
- D. Time and duration of discharge(s);
- E. Average daily, peak daily, and 15-minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;
- F. Site plans, floor plans, mechanical and plumbing plans, including details showing all sewers, sewer connections, treatment facilities and appurtenances by the size, location and elevation;
- G. An 8-1/2" X 11" process flow schematic diagram;
- H. Descriptions of activities, facilities and plant processes on the premises;
- I. Descriptions of all solid and liquid substances used or stored on the premises that are or could be discharged to the POTW;

- J. Number and type of employees and hours of plant operation, and proposed or actual hours of pretreatment system operation;
- K. A time schedule for compliance with any provisions of the Ordinance or Categorical Standard for which immediate compliance is not possible;
- L. A list of any environmental control permits held by or for the User's facility, and a copy of the County "Business Emergency Plan" which addresses the location, type and quantity of hazardous materials handled by the User;
- M. All applicable Best Management Practices;
- N. Initial applications for a Class I Permit (Categorical Industrial User) shall include a Baseline Monitoring Report as described in Section 8.03.1(a);
- O. Signature and certification in accordance with Section 8.04; and
- P. Any other information necessary to evaluate the permit application.

6.04 PERMIT EVALUATION

- A. The General Manager will evaluate the data furnished by the User and may require additional information, such as critical parameter reporting. After evaluation of the data furnished, the General Manager may issue a wastewater discharge permit subject to the terms and conditions provided herein.
- B. If the General Manager determines that the proposed discharge will not be acceptable he shall disapprove the application and shall notify the applicant in writing, specifying the reason(s) for denial and the applicable appeals process. The applicant may submit a revised permit application for the evaluation of the General Manager.

6.05 PERMIT CONTENTS

Permits, whether individual (site specific) or general (group), shall contain at least the following:

- A. Statement of permit duration.
- B. Statement of permit non-transferability.
- C. Statement of prohibited discharges and other applicable effluent limitations including Best Management Practices.
- D. Statement of applicable administrative, civil, and criminal penalties for violation of Pretreatment Standards and Requirements.
- E. A schedule of Pretreatment Program fees and charges.

- F. Limitations on the average and/or maximum wastewater constituents and characteristics.
- G. Specifications for self-monitoring, which may include: pollutants to be monitored; sampling location(s); frequency of sampling; sample type(s); number, types, and standards for tests; and reporting schedule; and may include total Toxic Organic monitoring.
- H. Compliance Time Schedule(s) where required.
- I. Depending on the specific nature of the permitted facility and discharge, a permit may also contain the following:
 - J. Limitations on average and/or maximum flow rates.
 - K. Requirements for installation and maintenance of inspection and sampling facilities.
 - L. Requirements for installation and maintenance of spill containment systems.
 - M. Requirements for submission of technical or discharge reports.
 - N. Requirements for maintaining and retaining plant records relating to the wastewater discharge.
 - O. Requirements for notification of slug or accidental discharges, and/or discharges of hazardous waste.
 - P. Requirements for submittal of slug discharge control plans and/or solvent management plans.
 - Q. Other conditions as deemed appropriate by the District to ensure compliance with this Ordinance.

6.06 PERMIT MODIFICATIONS

6.06.1 General: The limitations or requirements of the permit shall be deemed automatically modified if limitations or requirements are modified by operation of law or just cause exists. The User shall be informed of any such modifications and shall be given a reasonable time schedule for compliance.

6.06.2 Promulgation of Categorical Standards

- A. Affected Users shall apply for modification of their Permits upon promulgation of a new or revised Categorical Standard, and shall comply with such Standard within the time frame prescribed therein. Within 180 days after the promulgation of new or revised the Categorical Standard,

they shall submit to the District a time schedule for compliance with the Categorical Standard.

- B. Where an affected User has not previously submitted an application for a permit as required by Section 6.01, the User shall submit a completed application to the District within 180 days after the promulgation of the applicable Categorical Standard.
- C. Changes in Operation. Industrial Users shall apply for and obtain necessary and appropriate Permit modifications prior to initiating any changes in the User's operation that may cause a change in quantity or quality of the User's discharge. For the purposes of this section "changes" shall mean the following: An increase of 25% or more in the quantity of industrial wastes discharged, the addition of new waste-generating processes, the addition of different waste-generating equipment, or the addition of process equipment that results in an increase in production capacity.

6.07 PERMIT TRANSFERABILITY

Nondomestic Wastewater Discharge Permits are issued to specific Users for specific operations. A Nondomestic Wastewater Discharge Permit shall not be transferred, either from one location to another or from one User to another. Concurrently with a change in ownership, the new owner shall apply for a new Nondomestic Wastewater Discharge Permit.

6.08 DURATION OF PERMIT

Permits shall be issued for a term not to exceed three (3) years.

6.09 ON SITE ACCESSIBILITY

The permitted Industrial User shall maintain a copy of the current Permit readily accessible at the site of nondomestic wastewater discharge at all times.

6.10 AUTHORITY

Permits shall be expressly subject to all provisions of this Ordinance and all other applicable regulations, charges and fees established by District resolution or ordinance.

The General Manager may include some or all of the following as conditions in any Industrial Waste Permit:

6.11 PRETREATMENT OF INDUSTRIAL WASTE

The General Manager may require pretreatment of the industrial waste to an acceptable condition prior to discharge to the Public Sewer. The design and installation of any pretreatment plants and equipment shall be subject to the review and approval of the General Manager and the requirements of all applicable codes, ordinances, laws, and regulations.

6.12 QUANTITIES AND RATES

The permit may require that the Owner exercise specific control over the quantities and rates of discharge. If necessary the Owner shall install an approved flume and automatic recording device for the purpose of measuring flow and flow rates.

6.13 GRAVITY SEPARATION INTERCEPTORS

The Owner may be required to install, maintain and use Grease and/or Sand Gravity Separation Interceptor as specified in the Uniform Plumbing Code, or as specified, modified or superseded by the District Ordinances, Rules and Regulations.

6.14 COSTS FOR ADDITIONAL TREATMENT

If in the opinion of the General Manager, the Industrial Waste will require additional handling and treatment by the District, the Industrial Waste Permit shall include a special agreement or arrangement between the District and the Permittee whereby an industrial waste may be accepted by the District for treatment, subject to payment of the added cost for this handling and treatment as established by the Board.

6.15 CONTROL MANHOLES

When required by the General Manager, the Owner of any property served by the Building Sewer carrying industrial wastes shall install a suitable control manhole in the Building Sewer to facilitate observation, sampling and measurement of waste. Such manhole shall be installed by the owner at his expense, and shall be maintained so as to be safe and accessible at all times.

6.16 MEASUREMENTS AND TESTS

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with the latest edition of "Standard Methods", and shall be determined at said Control Manhole. In the event that no Control Manhole has been required, the Control Manhole shall be considered to be the nearest downstream manhole in the Public Sewer to the point at which the Building Sewer is connected.

6.17 MAINTENANCE OF EQUIPMENT

All pre-treatment system, flow measuring equipment, flow equalization device, grease or sand interceptor or separator, or other equipment or device required by the Industrial Waste Permit shall be continuously maintained in satisfactory and effective operation at the Owner's expense.

ARTICLE 7 - PRETREATMENT FACILITY REQUIREMENTS

7.01 PRETREATMENT OF NONDOMESTIC WASTEWATERS

- A. Users shall provide, at their sole cost and expense, all wastewater pretreatment needed to comply with this Ordinance and all applicable Categorical Standards within the time limitations specified therein.
- B. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted, reviewed and approved by the District before construction of the facilities. The District's approval of such plans and operating procedures shall not relieve the User from the responsibility of modifying the facilities as necessary to produce an effluent which complies with all provisions of this Ordinance, applicable Categorical Standards and State and Federal laws, rules, and regulations.

7.02 MONITORING FACILITIES

- A. The District may require, at the User's expense, the installation and operation of monitoring facilities to allow inspection and sampling of discharges to the sewerage system. The monitoring facilities shall include a suitably-designed control structure and such other sampling, monitoring, and flow-metering equipment as are necessary to facilitate safe inspection and sampling and accurate monitoring. The control structure shall be watertight, structurally sound, and durable. The monitoring facilities, including sampling, monitoring, and flow measuring equipment, shall be maintained at all times in a safe and proper operating condition at the expense of the User.
- B. Monitoring facilities shall normally be situated on the User's premises, but when such a location would be impractical or cause undue hardship on the User, the District may permit the facilities to be located within District-owned or controlled right-of-way.
- C. If the control structure is inside the discharger's fence or other secure location, there shall be accommodations to allow access for District personnel, such as a gate secured with a lock, with key provided to the District.
- D. There shall be ample room and a 120 V power outlet in or near monitoring facility to allow installation of portable sampling and monitoring equipment by District personnel.

- E. Whether located on public or private property, the sampling and monitoring facilities shall be constructed in accordance with the District's requirements and all applicable local construction standards and specifications. Construction Drawings for proposed monitoring facilities shall be approved by the District prior to construction. Construction shall be completed within 90 days following written approval by the District, unless the District grants a time extension.
- 7.02.1 Monitoring Requirements. Industrial Users may be required by the District to collect representative samples and have them analyzed for the purpose of determining compliance with established waste water discharge limitations. Permits will contain specified times for said monitoring.
- 7.02.2 Automatic Re-sampling Requirement. In the event that sample data indicates non-compliance with any District standard or limitation, said user will be required to resample for those pollutant parameters that indicate non-compliance and submit new analytical results within 30-days of receiving the initial sample results which indicated non-compliance.
- 7.02.3 Additional Monitoring. If the Industrial User monitors at the approved sample point(s) more often than required by the District, using approved sample collection methods and analytical procedures, then the results must be reported to the District within 30-days of receiving the results. The automatic re-sampling requirement also applies to any additional sampling that indicates non-compliance.

7.03 FLOW MEASURING EQUIPMENT

A Significant Industrial User with an average daily discharge flow of more than 10,000 gallons per day shall install and operate a continuous monitoring flow meter capable of measuring the User's discharge to the District's sewerage system as part of its Monitoring Facilities. The flow measuring device shall be of a type appropriate to the quantity and characteristics of the discharge, and shall be equipped with a flow indicator reading in gallons per minute (gpm) and a flow totalizer reading in gallons. If installation of a wastewater discharge flow meter is not practical, the General Manager may permit the User to install an approved water meter on the water line or lines supplying the process(es) that generate(s) the discharge.

7.04 GRAVITY SEPARATION INTERCEPTOR

- 7.04.1 General. Each Industrial User discharging wastewater containing quantities of Oil and Grease and/or Suspended Solids that could exceed District standards set forth in Articles 4 and 5 herein shall install and maintain a gravity separation interceptor (interceptor) designed to retain all Oil and Grease that will float and any Suspended Solids that will settle.
- 7.04.2 Vehicle and Equipment Servicing and Washing Facilities. Any facility maintained for the servicing, washing, cleaning, or repair of vehicles, roadway machinery, construction equipment, industrial transportation or power equipment, and which discharges nondomestic wastewater to the public sewer, shall install and maintain a gravity separation interceptor. The interceptor shall have no less than two compartments, and shall have no less than three compartments if its operational fluid capacity is 100 gallons or greater.
- 7.04.3 Food Processing Facilities. All food processing facilities, including restaurants, which discharge food processing wastes to the POTW, shall direct all wastewater that may contain grease, including, but not limited to, wastewater from scullery sinks, pot and pan sinks, dishwashing machines, soup kettles, and floor drains in areas where grease-containing materials may exist through a two-compartment gravity separation interceptor designed in accordance with the Uniform Plumbing Code, latest edition.
- 7.04.4 Interceptor Requirements.
- A. Sanitary wastewater shall not be allowed to pass through the interceptor.
 - B. The interceptor shall have an operational fluid capacity that is not less than 100 gallons and is large enough to retain four (4) times the quantity of a seven-day accumulation of combined Oil and Grease and settled Suspended Solids.
 - C. The interceptor shall be watertight, structurally sound, durable and conform to District approved standards.
 - D. All interceptor chambers 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.
 - E. All interceptors of 750 gallons capacity or larger shall be equipped with a sample chamber located at the downstream end of the interceptor and

accessible at all times to District personnel for inspection and sampling. The sample chamber shall have a minimum 18-inch square opening.

- F. Any interceptor legally and properly installed before the effective date of this Ordinance shall be acceptable as an alternative to the interceptor specified herein, provided such interceptor is effective in removing and retaining any Oil and Grease that will float and any Suspended Solids that will settle and is so designed and installed that it can be inspected and properly maintained.
- G. If an interceptor is not effective in removing and retaining floatable Oil and Grease and settleable Suspended Solids, or is so designed and installed that it cannot be properly inspected or maintained, the User shall install, at the User's expense, an interceptor that complies with this Ordinance.
- H. Interceptor Maintenance. Any person who owns, operates, or maintains a gravity separation interceptor shall maintain it properly. It shall be cleaned as often as is necessary to ensure that sediment and floating materials do not accumulate to impair the efficiency of the interceptor. The use of chemicals to dissolve grease is specifically prohibited. When an interceptor is cleaned, the accumulated sediment and floating material shall be removed and legally disposed of otherwise than to the sewer. An interceptor is not properly maintained if for any reason it is not in good working condition or if the operational fluid capacity has been reduced by more than 25% by the accumulation of floating and settled solids, oils and grease. The owner, lessee, or sub-lessee, of any facility required to install an interceptor, and any proprietor, operator or superintendent of such facility are individually and severally liable for any failure of proper maintenance of such interceptor. Failure to maintain an interceptor or grease trap device is a violation of this Ordinance and subjects the User to progressive enforcement actions in accordance with the approved Enforcement Response Plan.

7.05 SPILL CONTAINMENT SYSTEMS

- A. A spill containment system is a system of dikes, walls, barriers, berms, secondary vessels, or other devices designed to contain spillage of the liquid contents of containers, in order to prevent such liquids from entering the Sewer

System. Any person who uses or stores such liquids, other than pure water, in the vicinity of a floor drain or other opening to the Sewer System, such that spilled liquids might enter the Sewer System, shall install a spill containment system.

- B. Spill containment systems shall be constructed of impermeable and non-reactive materials with respect to the liquids being contained. Spill containment systems shall be designed to prevent the hazardous mixture of incompatible liquids in the event of failure of one or more containers. Spill containment systems shall conform to all State and County regulations and policies as to percent containment, container type, and size.

7.06 INDUSTRIAL USER COMPLIANCE PLANS

7.06.1 Solvent Management Plans. Each permitted Industrial User who uses or stores significant quantities of chlorinated organic solvents onsite, and each Industrial User subject to promulgated Categorical Standards which include a Total Toxic Organic limitation, shall file a Solvent Management Plan with the District. A Solvent Management Plan shall demonstrate proper containment and disposal of solvents in order to assure compliance with the provisions of this Ordinance and applicable Categorical Standards.

7.06.2 Slug Discharge Control Plans. Each permitted Industrial User who stores significant quantities of liquids in the vicinity of floor drains or other openings to the Sewer System such that spillage of stored liquids could result in Slug Loading (as defined herein) or in any violation of the provisions of this Ordinance shall file a Slug Discharge Control Plan with the District. All Significant Industrial Users shall be evaluated for the need to develop a Slug Discharge Control Plan in accordance with 40 CFR 403.8(f)(2)(vi). The Plan shall contain at a minimum, the following elements:

- A. Description of discharge practices, including non-routine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5(b) of spills that enter the Sewer System, and procedures for follow-up written notification to the District within 24 hours;

- D. Procedures to prevent adverse impacts from Slug Discharges, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response; and
- E. If requested by the General Manager, follow-up practices to limit the damage suffered by the POTW Treatment Plant or the environment by Slug Discharges.



ARTICLE 8 - RECORD KEEPING & REPORTING REQUIREMENTS

8.01 INDUSTRIAL USER RECORD KEEPING

All Industrial Users shall keep records of waste hauling, reclamation activities, monitoring, pH and flow measuring device calibration reports, sample analysis data, flow and pH meter chart recordings, records of pretreatment equipment maintenance, best management practices including but not limited to interceptor and clarifier maintenance and cleaning, correspondence with the District, and such other records as the District may reasonably require, on the site of wastewater discharge. All such records shall be available for inspection and copying by District personnel. All records must be kept for a minimum of three years or longer in the event a criminal or civil action is commenced.

8.02 INDUSTRIAL USER REPORTING REQUIREMENTS

Industrial Users are required to submit the following types of reports:

- 8.02.1 Report of Potential Problems. If, for any reason, pollutants are discharged at a flow rate or concentration that might cause Interference or Pass-Through, as defined herein, or which might result in a violation of NPDES Permit requirements or requirements of this Ordinance, or create a hazard to District personnel, the Sewer System and/or the Public, the Industrial User shall orally notify the District immediately. The oral report shall be followed by a written report submitted to the District within five days. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the District within 30 days.
- 8.02.2 Notification of Changed Discharge. Each Industrial User shall promptly notify the District in advance of their termination of discharge, or of any increase in the volume of their discharge beyond flow limits specified in their permit, or of any significant change in the character of pollutants in their discharge. Significant Industrial Users shall immediately notify the District of any changes at its facility that affect the potential for a slug discharge.
- 8.02.3 Notification of Hazardous Waste Discharge. Discharge of hazardous wastes is prohibited under Section 4.03(F). However, should any discharge of hazardous wastes occur, the discharger shall observe the following notification procedures:

- A. All Industrial Users shall notify the District, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be classified a hazardous waste pursuant to 40 CFR Part 261.
- B. Such notification shall include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other).
- C. The notification shall also contain the following information to the extent such information is known and readily available to the Industrial User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, an estimation of the mass of such constituents in the waste stream expected to be discharged during the following 12 months, and a compliance plan with time schedule for ceasing discharge of all hazardous constituents.
- D. The Industrial User shall provide the above-required notifications to the District no later than five days, and to the other agencies specified no later than 180 days, after the discharge of the hazardous waste.
- E. In the case of new Federal regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the Industrial User shall notify the District, the EPA Regional Waste Management Division Director, and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.
- F. In the case of any notification made under these requirements, the Industrial User shall certify that it has a program in place to eliminate all hazardous waste discharges.
- G. Dischargers of hazardous waste shall also comply with the reporting requirements specified in Division 20, Chapter 6.95 of the California Health and Safety Code.

8.02.4 Self-Monitoring Reports. Significant Industrial Users are required to submit Self-Monitoring Reports at least once every six months, which shall contain a description of the nature, concentration, and flow of pollutants required to be

reported by the District, and the time, date, and place of sampling and methods of analysis. Sampling for Self-Monitoring Reports shall be performed during the period covered by the report. Significant Industrial Users are required to report all monitoring results in accordance with 40 CFR 403.12 (g). All required analyses shall be performed by a State Certified Laboratory using Approved Analytical Methods as defined herein.

8.02.5 Other Reports. Any other reports required by California State Law or by the General Manager.

8.03 CATEGORICAL INDUSTRIAL USER REPORTING REQUIREMENTS

Categorical Industrial Users shall comply with the reporting requirements set forth in Section 7.02 and shall also submit Initial Baseline Monitoring Reports (BMRs) and Periodic Compliance Reports, and, if necessary for compliance with the provisions of the applicable Categorical Standard, Schedule Compliance Reports, And Final Compliance Reports.

8.03.1 Baseline Monitoring Report (BMR). A Baseline Monitoring Report shall be submitted as part of any initial application for a Class I Permit to facilitate evaluation of initial compliance status with respect to Categorical Standards, and any modifications or conditions necessary to achieve full compliance with categorical standards. A Class I Permit Application and BMR shall constitute a Baseline Report as defined in 40 CFR 403.12(b)

- A. Each Class I Permit Application and BMR submitted by a facility in operation prior to the effective date of this Ordinance shall include analysis reports of samples collected to demonstrate compliance with applicable Categorical Standards. The samples shall be collected in accordance with 40 CFR 136 and 40 CFR 403.12(b)(5), and shall also include a statement, signed by an authorized representative of the Industrial User, and certified as to accuracy by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the Industrial User to meet the Pretreatment Standards and requirements.
- B. If immediate compliance with applicable Categorical Standards is not possible and additional pretreatment or operation and maintenance is

necessary, the Class I Permit Application and BMR shall include a time schedule specifying the shortest time necessary to achieve full compliance. The full compliance date shall not be later than that specified in the applicable Categorical Standard. The time schedule shall contain dates for pretreatment equipment design completion, building permit submittal date, construction commencement date, construction updates, construction completion date, employee training completion date, and date of achieving full compliance. In no case shall the period between compliance milestones in the Compliance Time Schedule exceed nine months. New Sources (as defined herein) shall achieve compliance with all applicable Pretreatment Standards within 90 days of commencing discharge.

8.03.2 Schedule Compliance Reports. When the Class I Permit Application and BMR included a time schedule for achieving full compliance with Categorical Standards by a certain date, the applicant shall periodically submit Schedule Compliance Reports to demonstrate compliance with milestone dates specified in the time schedule.

- A. Schedule Compliance Reports shall include, where applicable, analysis reports of samples collected to demonstrate compliance.
- B. The samples shall be collected in accordance with 40 CFR 136 and 40 CFR 403.12(b)(5).
- C. Schedule Compliance Reports shall be submitted at the completion of all major events necessary to achieve full compliance with Categorical Standards, but not less frequently than every 30 days.
- D. Schedule Compliance Reports must be submitted within 14 days of a milestone date.

8.03.3 Final Compliance Report. The applicant shall submit a Final Compliance Report, if necessary, to demonstrate that full compliance with Categorical Standards has been achieved.

- A. A Final Compliance Report shall include all information contained in a Class I Permit Application and BMR.
- B. Final Compliance Reports shall be submitted within 90 days of achieving compliance with Categorical Standards.

- C. Final Compliance Reports from New Sources (as defined herein) must be submitted within 90 days after the facility commences discharge.

8.03.4 Periodic Compliance Reports. Periodic Compliance Reports shall be submitted to demonstrate continued compliance with Categorical Standards.

- A. Periodic Compliance Reports shall include all monitoring data specified in the applicable Categorical Standard and any additional monitoring data obtained by the User.
- B. Sampling for Periodic Compliance Reports shall be performed during the period covered by the Report.
- C. Analyses shall be performed by a State certified laboratory using Approved Analytical Methods as defined herein.
- D. Sampling shall be performed in accordance with 40 CFR 136 and 40 CFR 403.12(b)(5).
- E. Periodic Compliance Reports shall be submitted every six months in June and December of each year, along with the Self-Monitoring Report pursuant to Section 8.02.4 herein with the exception of the annual certification requirement by non-significant categorical industrial users which must comply with 40 CFR 403.123(q).

8.04 SIGNATORY AND CERTIFICATION REQUIREMENT

- A. All reports and plans submitted to the District by Industrial Users pursuant to a permit condition or any section of this Ordinance shall be signed and dated by an authorized representative of the Industrial User. The signature shall accompany 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".

- B. Analytical reports submitted directly to the District by a certified analytical laboratory at the request of the Industrial User for samples of wastewater collected at Industrial User facilities may be signed, dated, and certified by the laboratory manager in lieu of an authorized representative of the Industrial User. However, such reports shall be accompanied by a statement, signed, dated, and certified by an authorized representative of the Industrial User, as above, which verifies that the sample identified in the analytical report was collected on the date and time indicated at the location indicated, and using the method indicated on the analytical report. Said signed, dated, and certified statement may be included as part of the chain-of-custody form for the sample.

8.05 PUBLIC ACCESS TO INFORMATION

- A. Except for data determined to be confidential under 40 CFR Part 2, all reports, data, and information submitted by Industrial Users to the District in accordance with the terms of this Ordinance shall be available for public inspection.
- B. All reports, data, and information submitted by Industrial Users to the District in accordance with the terms of this Ordinance shall be available without restriction to the EPA, the State Water Board, and the Regional Board.
- C. Any person requesting this information from the District shall be required, prior to receipt of the information, to pay the reasonable costs of reproduction incurred by the District.

8.06 CONFIDENTIALITY

- A. All information provided by a User or obtained by the District through monitoring and/or inspection shall be made available for public inspection, unless the User specifically requests confidentiality and can demonstrate to the General Manager that release of such information will violate the User's right to protection of trade secrets under applicable State law.
- B. Permits, permit applications; and data pertaining to wastewater discharge quality and quantity shall not be treated as confidential information.

- C. Requests for confidentiality must be submitted at the time of submission of the information or data to the District. If a request for confidentiality is granted by the General Manager, the information will be treated in accordance with the procedure in 40 CFR Part 2 (Public Information).
- D. If a request for confidentiality is rejected by the General Manager, the information will be made available for public inspection.
- E. Information released to the EPA shall be governed by confidentiality requirements as stated in 40 CFR 403.13.



ARTICLE 9 - INSPECTION

9.01 ENTRY AND INSPECTION

- A. The General Manager may enter upon the premises of any User during reasonable hours for the purpose of inspecting the facilities to ensure compliance with this Ordinance.
- B. The General Manager may inspect facilities of any User who may be a generator of nondomestic wastewater or a discharger of commercial or industrial water softener brines, storm water, or other prohibited wastes to the POTW, to determine compliance with this Ordinance.
- C. Persons or occupants of premises where nondomestic wastewater is, or may be, created or discharged, shall promptly allow the General Manager ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, examination and copying of records, taking photographs, and performance of any of his duties.
- D. Users shall permit the General Manager to place on the Industrial User's property such devices as are necessary to conduct sampling, inspection, compliance monitoring, and/or metering operations.
- E. Where a User has security measures in force that would require proper identification and clearance before entry into the User's premises, the User shall make all necessary arrangements so that upon presentation of suitable identification, the General Manager will be permitted to enter, without delay, for the purpose of performing inspection and sampling.
- F. Delays in allowing the District access to the User's premises shall be a violation of this Ordinance.

9.02 INSPECTION WARRANTS

In the event the District has been refused access to a building, structure, or property, or any part thereof, the General Manager is hereby authorized to obtain inspection warrant from a court of competent jurisdiction.

ARTICLE 10 - ENFORCEMENT

10.01 RESPONSES TO VIOLATION

- A. Whenever the General Manager finds that any person has violated or is violating this Ordinance, Pretreatment Standards, Categorical Standards or the Permit, the District will pursue enforcement actions in accordance with this Ordinance and the Enforcement Response Plan (ERP) adopted by the District's Board of Directors. To the extent that the ERP is inconsistent with this Ordinance, then this Ordinance will take precedence.
- B. The General Manager, upon finding a violation, may employ any of the remedies set forth in this Article, subject to due consideration of the following:
 - 1. The magnitude of the violation;
 - 2. The duration of the violation;
 - 3. The effect of the violation on the POTW's compliance with any Waste Discharge Order, Permit, or other requirements;
 - 4. The effect of the violation on the operation of the POTW;
 - 5. The compliance history of the user; and
 - 6. The good faith of the user.
- C. The General Manager may issue any of the following after consideration of the criteria listed in Section 10.01(B) and the District's ERP.
 - 1. Notice of Violation;
 - 2. Order to prepare a Specific Compliance Plan
 - 3. Order to comply with a Compliance Time Schedule
 - 4. An Administrative Order, including:
 - (i) Order to Stop Work
 - (ii) Cease and Desist Order
 - (iii) Order to Implement Noncompliance Monitoring Program
 - (iv) Permit Suspension Order
 - (v) Permit Termination Order
 - (vi) Administrative Complaint

10.02 ADMINISTRATIVE COMPLAINT

- A. The General Manager may issue an Administrative Complaint to any person who violates this Ordinance, Categorical Standards, a Permit requirement, or an order issued pursuant to a Notice of Violation.
- B. The Administrative Complaint shall allege the act or failure to act that constitutes the violation, the provisions of law authorizing civil liability to be imposed, and the proposed civil penalty. The Administrative Complaint shall be served by personal delivery or certified mail, and shall inform the person served that a hearing shall be conducted within 60 days after the person has been served.
- C. The hearing shall be before the General Manager. The person who has been issued an Administrative Complaint may waive the right to a hearing, in which case the District shall not conduct a hearing. A person dissatisfied with the decision of the General Manager may appeal to the District's Board within 30 days of notice of the hearing officer's decision. Failure to appeal within such 30 day period shall be deemed a waiver of such appeal right, and the judicial review rights set forth in Section 10.02.2.

10.02.1 Civil Penalties: If after a hearing, or appeal, if any, it is found that the person has violated this Ordinance, Categorical Standards, a Permit Requirement or an order issued pursuant to a Notice of Violation, the hearing officer or the Board of Directors may assess a civil penalty against that person. In determining the amount of a civil penalty, the hearing officer or the Board of Directors shall take into consideration all relevant circumstances including, but not limited to, the extent of harm caused by the violation, the economic benefit derived by the person causing the violation, 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 causing the violation.

- A. Civil penalties may be imposed as follows:
 - 1. In an amount which shall not exceed \$2,000.00 for each day for failing or refusing to furnish technical or monitoring reports [Government Code, Section 54740.5(d)(1)];
 - 2. In an amount which shall not exceed \$3,000.00 for each day for failing or refusing to timely comply with any compliance schedule

established by the General Manager [Government Code, Section 54740.5(d)(2)];

3. In an amount which shall not exceed \$5,000.00 per violation for each day for discharges in violation of any waste discharge limitation, permit condition, or requirement issued, reissued or adopted by the District [Government Code, Section 54740.5(d)(3)];
 4. In an amount which does not exceed \$10.00 per gallon for discharges in violation of any suspension, cease and desist order or other orders, or prohibition issued, reissued or adopted by the General Manager [Government Code, Section 54740.5(d)(4)].
- B. Unless appealed to the Board, orders setting administrative civil penalties shall become effective and final upon issuance thereof, and payment shall be made within 30 days. Copies of these orders shall be served by personal service or by registered mail upon the parties served with the administrative complaint and upon other persons who appeared at the hearing and requested a copy.
- C. All monies collected under this Section shall be deposited in a special account of the District and shall be made available for the monitoring, treatment and control of discharges into the Sewerage System or for other mitigation measures.
- D. The amount of any civil penalties imposed under this Section which have remained delinquent for a period of 60 days shall constitute a lien against the real property of the discharger from which the discharge originated resulting in the imposition of the civil penalty. The lien shall be recorded with the County Recorder and when recorded shall have the force and effect and priority of a judgment lien and continue for 10 years from the time of recording unless sooner released, and shall be renewable in accordance with the provisions of Sections 683.110 to 683.220, inclusive, of the Code of Civil Procedure.
- E. No penalties shall be recoverable under this Section for any violation for which civil liability is recovered under Section 10.03

10.02.2 Judicial Review:



- A. Any party aggrieved by a final order issued by the District's Board under Section 10.02.1, may obtain review of the order of the Board in the Superior Court by filing in the Court a petition for writ of mandate within 30 days following the service of a copy of a decision and order issued by the Board.
- B. Any party aggrieved by a final order of a hearing officer issued under Section 10.02.1 for which the Board denies review, may obtain review of the order of the hearing officer in the Superior Court by filing in the Court a petition for writ of mandate within 30 days following service of a copy of a decision and order denying review by the Board.
- C. If no aggrieved party petitions for writ of mandate within the time allowed, an order of the Board shall not be subject to review by any Court or agency.
- D. The evidence before the Court shall consist of the record before the Board, including the hearing officer's record, and any other relevant evidence which, in the judgment of the Court, should be considered to effectuate and implement policies of this Ordinance. In every such case, the Court shall exercise its independent judgment of the evidence.
- E. Except as otherwise provided in this Section 10.02.2, subdivisions (e) and (f) of Section 1094.5 of the Code of Civil Procedure shall govern judicial review proceedings.

10.03 CIVIL LIABILITY FOR VIOLATION

- A. Any person who violates this Ordinance, Categorical Standards, a requirement of the Discharge Permit, or a Notice of Violation issued pursuant to Article 10, may be civilly liable to the District in a sum not to exceed \$25,000.00 a day for each violation.
- B. The District's Legal Counsel is hereby authorized to petition the Superior Court to impose, assess, and recovery the sums provided for in Section 10.03(A). In determining the amount, the Court shall 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 any corrective action, if any, attempted or taken by the discharger.

- C. Notwithstanding any other provision of law, all civil penalties imposed by the Court for a violation of this Section shall be distributed to the District.
- D. Remedies under this Section are in addition to and do not supersede or limit any and all other remedies, civil or criminal, including injunctive relief, but no liability shall be recoverable under this Section for any violation for which liability is recovered under Section 10.02.

10.04 EMERGENCY TERMINATION OF SERVICE

- A. Notwithstanding any provision to the contrary, and without prior notice, the General Manager may immediately terminate Sewer Service when such termination is necessary to stop an actual or threatened discharge which presents or may present an imminent endangerment to the health or welfare of persons, the environment, or causes Interference or Pass-Through as defined herein.
- B. Any Industrial User notified that Sewer Service has been terminated shall immediately stop and eliminate the discharge to the POTW. In the event of failure to comply voluntarily with the notice of termination, the General Manager shall take steps as deemed necessary including immediate severance or blockage of the sewer connection.
- C. The Industrial User shall pay all costs incurred by the District in terminating sewer service.
- D. Sewer service may be re-instituted by the General Manager after the actual or threatened discharge has been eliminated.
- E. A detailed written statement, submitted by the Industrial User, describing the causes of the discharge and the measures taken to prevent future occurrence shall be submitted to the District within 15 days of the date of sewer service termination.
- F. The Industrial User shall pay all costs incurred by the District in re-instituting sewer service.

10.05 ANNUAL PUBLIC NOTICE OF SIGNIFICANT NONCOMPLIANCE

The names of all Industrial Users which are found be in significant noncompliance with this Ordinance shall be published at least annually in the largest daily circulating newspaper within the jurisdiction of the District in which the Industrial User is located in accordance with 40 CFR 403.8(f)(2)(vii).

10.06 SUPPLEMENTAL ENFORCEMENT ACTIONS

- 10.06.1 Performance Bonds. The General Manager may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this Ordinance, Categorical Standards, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the District, in a sum not to exceed a value determined by the General Manager to be necessary to achieve consistent compliance.
- 10.06.2 Liability Insurance. The General Manager may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this Ordinance, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained liability insurance sufficient to restore or repair damage to the POTW caused by its discharge.
- 10.06.3 Water Supply Severance. Whenever a user has violated or continues to violate any provision of this Ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.
- 10.06.4 Public Nuisance. A violation of any provision of this Ordinance, Categorical Standards, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the General Manager. Any such violation shall be subject to preliminary or permanent injunctive relief. Any person creating a public nuisance shall be required to reimburse the District for any attorneys' fees and costs incurred in removing, abating, or remedying such nuisance.

The continued habitation of any building, the continued operation of any industrial facility or the discharges of wastewater in any manner in violation of the Ordinance, Rules and Regulations, or of any cease and desist order, is hereby declared as a public nuisance and shall be corrected or abated as directed by the General Manager. Any person creating a public nuisance is guilty of a misdemeanor and is subject to the remedies and penalties as provided herein by law.

- 10.06.5 Informant Rewards. The General Manager may pay up to \$500.00 for information leading to the discovery of non-compliance by a user. In the event the information provided results in a civil penalty or an administrative fine levied against the User, the General Manager may disburse up to 10% of the collected fine or penalty to the informant. However, a single reward payment may not exceed \$2,500.00.
- 10.06.6 Remedies Non-Exclusive. The remedies provided for in this Ordinance are not exclusive. The General Manager may take any, all, or any combination of these actions against the non-compliant User. Enforcement of pretreatment violations will generally be in accordance with the District's enforcement response plan. However, the General Manager may take other action against any User when the circumstances warrant. Further, the General Manager is empowered to take more than one enforcement action against any non-compliance User.
- 10.06.7 Illegal Connection: Any connections made to the Sewer System without complying with the Ordinances, Rules and Regulation and paying all fees and charges required is illegal and a public nuisance.
- A. The District may enter property and disconnect any illegal connection from the Public Sewer. Should disconnection be necessary all cost incurred by the District including reasonable attorney's fees shall be recovered by the District.
 - B. At the discretion of the Board, after application for a permit is made, connection may be allowed to continue by first determining that no harm has been done by the connection, or if the connection was properly made.
 - C. Any repairs must be fully effected at the sole expense of the User and a penalty of double the permit, inspection, and connection fees as established by this Ordinance be paid.

- D. In addition all unpaid sewer service charges, assessments or other charges shall be computed from the date the illegal connection was made, and shall be paid by the User.

10.07 PROTECTION FROM DAMAGE

- A. No unauthorized person shall intentionally or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the Sewer System.
- B. Any person violating this provision shall be guilty of a misdemeanor and subject to the penalties provided by law.

10.08 FALSIFYING INFORMATION

Any User who knowingly makes any false statements, representation, record, report, plan or other document filed with the District or who falsifies, tampers with, or knowingly renders inaccurate any monitoring devise or method required under this Ordinance shall be guilty of a misdemeanor and subject to the penalties provided by law.

10.09 ISSUANCE OF CEASE AND DESIST ORDERS

When the District finds that the provisions of this Ordinance or the Rules and Regulation of the District have been violated, or are threatened to be violated, the General Manager, or his designated agent, may issue an order to cease and desist, and direct that those person not complying with the Ordinance or the Rules and Regulations to:

- A. Comply with a time schedule set forth by the District; or
- B. In the event of a threatened violation, take appropriate remedial or preventive action.

10.10 CRIMINAL PENALTIES

- A. Any User who willfully or knowingly violates any provision of this Ordinance, or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor for each separate violation per day, punishable by a fine not to exceed One Thousand Dollars (\$1,000.00) or imprisonment for not more than six months, or both for each violation per day. This penalty is to be consistent with the Federal Clean Water Act, 33 U.S.C. 1251, et seq. and amendments thereto, and shall apply to the exclusion of any other Ordinance provision more

lenient. Each such User shall be deemed guilty of a separate violation for each day any violation of any provision of this Ordinance or wastewater discharge permit is committed or continued by such User.

- B. Any User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance or the User's wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance shall, upon conviction, be punished by a fine of not more than One Thousand Dollars (\$1,000.00) per violation per day or imprisonment for not more than six months, or both for each violation. This penalty shall be consistent with the Federal Clean Water Act, 33 U.S.C. 1252, et seq., and shall apply to the exclusion of any other Ordinance provisions more lenient.

10.11 TERMINATION OF SERVICE

The District, after a hearing by the Sewer Committee or the Board of Directors, may revoke any wastewater discharge permit, or terminate or cause to be terminated wastewater service to any building if a violation of any provision of this Ordinance causes or threatens to cause a condition of contamination, pollution, or nuisance as defined in the Water Code. This provision is in addition to other statutes, rules, or regulations, authorizing termination of service for delinquency in payment.

10.12 ENFORCEMENT ACTIONS

In the event that any enforcement action is brought by the District, the Owner or User shall pay to the District reasonable attorney's fees and all costs associated with said actions.

10.13 PAYMENT OF FEES, CHARGES AND PENALTIES

- A. Unless otherwise specified, all penalties imposed pursuant to this Ordinance are due and payable within thirty calendar days of receipt of notice or invoicing by the District.
- B. Any invoice outstanding and unpaid after ninety days shall be cause for immediate suspension of the wastewater discharge permit. In addition, interest shall accrue on any unpaid penalties at ten percent (10%) per annum from the due date until paid.

- C. Payment of disputed charges is still required by the due date during the General Manager's review of any appeal submitted by the User.

10.14 DAMAGE TO FACILITIES OR INTERRUPTION OF NORMAL OPERATIONS

- A. Any User who discharges any waste which causes or contributes to any obstruction, interference, damage, or any other impairment to the District's Sewer System or tributaries thereto 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 discharges shall be grounds for permit revocation. A service charge of twenty-five percent (25%) of the 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 thirty (30) days of invoicing by the District.
- B. Any User who discharges a waste which causes or contributes to the District violating its discharge requirements established by any Regulatory Agency and causing the District to incur additional expenses or suffer losses or damage to its 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.

ARTICLE 11 – MISCELLANEOUS PROVISIONS

11.01 SALE OF BY-PRODUCTS

The District may sell or otherwise dispose of water, treated or reclaimed wastewater or any other by-product of District operations to private individuals, corporations, or public entities upon terms approved by the Board.

11.02 AMENDMENTS

The District may, from time to time, in its discretion, by Resolution or Ordinance, amend the rules and regulations governing the discharge of nondomestic wastes so as to keep the District in compliance with evolving State and Federal Law.

11.03 SEVERABILITY

If any provision, paragraph, word, section or Article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

11.04 CONFLICT

Any Ordinances or Resolutions inconsistent or conflicting with any part of this Ordinance shall be subordinate to this Ordinance and this Ordinance shall take precedence to the extent of such inconsistency or conflict.

11.05 VARIANCES

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

11.06 POWERS AND AUTHORITIES OF INSPECTORS

Any duly authorized employee of the District as determined by the General Manager shall carry evidence establishing the position as an authorized representative of the District and upon exhibiting the proper credentials and identification shall be permitted to enter in and upon any and all buildings, industrial facilities and properties for the purposes of inspection, reinspection, observation, measurement, sampling, testing and otherwise performing such

duties as may be necessary in the enforcement of the provisions of the Ordinance, Rules and Regulations of the District.

11.07 INSPECTION AND SAMPLING

The District may inspect the facilities of any User to ascertain whether the requirements of this Ordinance are being complied with by such User. Persons or occupants of buildings where wastewater is created or discharged shall allow the District or its representatives ready access at all reasonable times to all parts of the premises for the purposes of inspection and/or sampling or otherwise in the performance of any of their duties. The District shall have the right to install at the User's property such devices as are necessary to conduct sampling or metering operations. Where a User has security measures in force which would require proper identification and clearance before entry into their premises, the User shall make necessary arrangements with their security measures so that upon presentation of suitable identification, employees of the District shall be permitted to enter without delay for the purposes of performing their specific responsibilities.

11.08 EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption, and Ordinance Nos. 49-1998 and 50-2001, and any amendments thereto, are hereby repealed and superseded by this Ordinance.

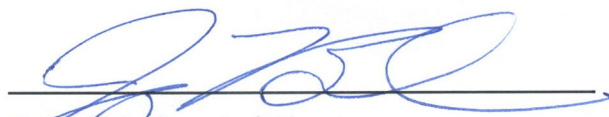
11.09 JUDICIAL REVIEW OF ORDINANCE

Pursuant to Section 1094.6 of the Code of Civil Procedure, the time within which judicial review shall be sought concerning the adoption of this Ordinance is 90 days following the date on which the decision adopting it is final. The decision adopting this Ordinance is final on the date it is adopted.

11.10 ADOPTION

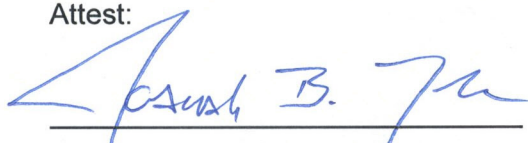
ADOPTED this 4th day of November, 2009.

YUCAIPA VALLEY WATER DISTRICT



President, Board of Directors

Attest:



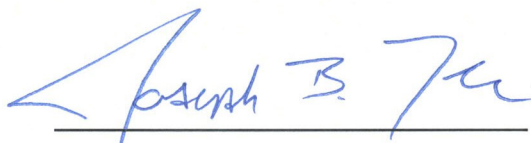
Secretary, Board of Directors

STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO

I, Joseph B. Zoba, Secretary of the Board of Directors of Yucaipa Valley Water District, State of California, hereby certify that at a regular meeting and public hearing of the Board of Directors of said District, held on the 4th of November, 2009, the foregoing Ordinance was passed and adopted by the following vote, to-wit:

AYES:	Directors Jay Bogh, Bruce Granlund, Ian Cuthbertson, Lonni Granlund and Hank Wochholz
NOES:	None
ABSTAIN:	None
ABSENT:	None

IN WITNESSES WHEREOF, I have hereunto set my hand affixed the official seal of the Board of Directors this 4th day of November, 2009.



Secretary

