



**Regulations
for
Waste Discharge
and
Sewer Use**

Ordinance 59.6

**ADOPTED BY THE BOARD OF DIRECTORS
OF EASTERN MUNICIPAL WATER DISTRICT**

January 16, 2013

ORDINANCE NO. 59.6

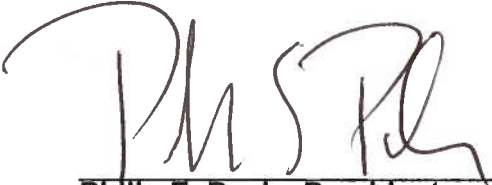
"REGULATIONS FOR WASTE DISCHARGE AND SEWER USE"

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE EASTERN MUNICIPAL WATER DISTRICT RESCINDING THE PROVISIONS OF ORDINANCE 59, "REGULATIONS FOR WASTE DISCHARGE AND SEWER USE", AS AMENDED BY ORDINANCE 59.6 OF SAID BOARD OF DIRECTORS

BE IT ORDAINED by the Board of Directors of the Eastern Municipal Water District in an adjourned Regular Session, assembled this 16th day of January, 2013, a majority of Directors being present and concurring, that the "Regulations for Waste Discharge and Sewer Use" Ordinance No. 59.6, which is attached hereto and made part of this Ordinance, be and the same are hereby approved and adopted.

BE IT FINALLY ORDAINED that the effective date of the Ordinance and its provisions is January 16, 2013.

ADOPTED this 16th day of January, 2013.


Philip E. Paule, President

ATTEST:


Rosemarie V. Howard, Secretary

(SEAL)



TABLE OF CONTENTS

<u>ARTICLE NO.</u>		<u>PAGE</u>
ARTICLE 1 – GENERAL PROVISIONS		
1.1	Intent.....	1
1.2	Purpose.....	1
1.3	Policy.....	1
1.4	Scope.....	2
1.5	Applicability.....	2
1.6	Powers.....	2
1.7	Access.....	3
1.8	Information Required.....	4
1.9	Authority.....	5
ARTICLE 2 – DEFINITIONS		
2.1	Definitions.....	6
2.2	Other Meanings.....	16
ARTICLE 3 – GENERAL SEWER USE REQUIREMENTS		
3.1	Prohibited Discharge Standards.....	17
3.2	Categorical Pretreatment Standards.....	18
3.3	Local Limits.....	19
3.4	Best Management Practices.....	19
3.5	Policies and Standards.....	19
3.6	Limitations of Total Dissolved Solids (TDS).....	19
3.7	Right of Revision.....	20
3.8	Dilution.....	20
3.9	Cesspool, Septic Tank, and Holding Tank Hauled Wastes.....	20
3.10	Access to District Facilities.....	20
ARTICLE 4 – WASTE DISCHARGE PERMIT & REPORTING REQUIREMENTS		
4.1	General Requirements.....	21
4.2	Waste Discharge Permit Issuance Process.....	23
4.3	Reporting Requirements.....	28
ARTICLE 5 – WASTE DISCHARGE AUTHORIZATIONS & SPECIAL AGREEMENTS		
5.1	General Requirements.....	35
5.2	Authorization / Special Agreement Issuance Process.....	37
5.3	Reporting Requirements.....	39
ARTICLE 6 – ENFORCEMENT		
6.1	Enforcement Actions.....	41
6.2	Published Notices for Significant Non-Compliance.....	44
6.3	Remedies Non-Exclusive.....	45
6.4	Appeals.....	45
ARTICLE 7 – SEVERABILITY		
7.1	Severability.....	47

ARTICLE NO.

PAGE

ARTICLE 8 – REPEAL

8.1 Repeal..... 48

ARTICLE 9 – EFFECTIVE DATE

9.1 Effective Date..... 49

ARTICLE 1

GENERAL PROVISIONS

1.1 INTENT

It is the intent of this Ordinance to protect from any actual or threatened discharge which reasonably appears to present an imminent or substantial danger to the health or welfare of any Person or to the environment, or which reasonably appears to present imminent or substantial interference with the Public Owned Treatment Works (POTW), or which reasonably may cause Eastern Municipal Water District (District) to violate any condition of its regulatory permits.

1.2 PURPOSE

- A. The purpose of this Ordinance is to set forth:
1. Conditions and limitations on the use of the POTW;
 2. Specific enforcement provisions to resolve noncompliance with the District's Ordinance, thereby allowing the District to:
 - a. Comply with the laws, regulations, and rules imposed upon it by Regulatory Agencies; and
 - b. Ensure that the POTW is protected from pass-through and/or interference and is able to operate with the highest degree of efficiency; and
 - c. Protect the beneficial use of recycled water and municipal sludge; and
 - d. Protect the public health and environment.

1.3 POLICY

- A. This Ordinance shall be interpreted in accordance with the definitions set forth in Article 2. The provisions of this Ordinance shall apply to the direct and indirect discharge of all wastes to the POTW.
- B. The District shall seek the cooperation of the Users of the POTW to ensure compliance with this Ordinance. Reasonable approaches shall be utilized when applying applicable regulations without compromising the intent, purpose, and policies of this Ordinance.
- C. The District shall adopt more stringent quality requirements on wastewater discharges regulated by 40 Code of Federal Regulations (CFR), Chapter I, Subchapter N, Parts 405-471, in the event that more stringent quality requirements are necessary to protect beneficial use of recycled water and municipal sludge or meet additional requirements set in permits issued to the

District.

- D. 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.
- E. 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.
- F. All costs and expenses incurred by the plan check procedures of the District's Source Control Division shall be paid by the applicant. Plan check fees shall be in an amount adopted in Resolution No. 2963, and any amendments thereto.
- G. The District shall ensure that all parties are afforded due process of law. An applicant or User shall be given written notice of rejection of an application, or Violation of this Ordinance, or any enforcement action. Such notice shall include a statement of reasons in support thereof and proposed actions to be taken, if any. Affected applicants or Users shall have the right to a hearing. Decisions/determinations may be appealed as set forth in Article 6.
- H. The District, at its discretion, may utilize any one, combination, or all enforcement remedies provided in Section 1.6 in response to any Violation.

1.4 SCOPE

The provisions of these Regulations shall apply, but are not limited to sewer construction, use, maintenance, discharge, deposit, or disposal of Wastewater, both directly and indirectly, into the POTW.

1.5 APPLICABILITY

This "Regulations for Waste Discharge and Sewer Use" Ordinance applies to all Users who discharge or have the potential to discharge Non-Domestic Wastewater to the POTW and are subject to regulation and enforcement.

1.6 POWERS

- A. The General Manager is authorized to:
 - 1. Issue, modify, and reissue Waste Discharge Permits, Authorizations, and Special Agreements;
 - 2. Suspend, terminate and revoke Waste Discharge Permits, Authorizations, and Special Agreements;
 - 3. Require the installation and maintenance of Pretreatment Facilities and/or monitoring facilities and equipment;
 - 4. Require installation of equipment necessary to protect the POTW from possible discharges (*i.e.*, spill, rain);

5. Conduct inspections of facilities, including, but not limited to, inspecting and copying records;
 6. Require monitoring and reporting of discharges to the POTW;
 7. Monitor the quality of Wastewater entering the sewer system;
 8. Require the development of Spill Containment Plans and reporting of accidental discharges;
 9. Require the development of a Slug Control Plan (per 40 CFR 403.8);
 10. Deny, approve, or approve with conditions, new or increased discharges or change in the quantity or characteristics of discharges, when such discharges do not meet applicable pretreatment requirements as specified in 40 CFR 403.8.
 11. Take enforcement actions against those who violate or cause violation of this Ordinance or discharge permit conditions. These actions may include, but are not limited to the following:
 - a. Issuing letters;
 - b. Issuing Notices of Violation;
 - c. Issuing Administrative Orders;
 - d. Issuing Emergency Suspensions;
 - e. Initiating and conducting non-compliance meetings;
 - f. Initiating and conducting administrative hearings;
 - g. Petitioning the courts for injunctions or civil penalties;
 - h. Signing criminal complaints;
 - i. Terminating services;
 - j. Requiring payment of violation charges;
 - k. Revoking and/or suspending the Waste Discharge Permit, Authorization, or Special Agreement.
 - l. To hear and rule on appeals.
 12. Establish Policies and Standards applicable for discharges or potential discharges of Non-Domestic Wastewater.
 13. Establish Best Management Practices applicable as Local Limits.
- B. The General Manager is authorized to delegate authority to a designated representative any power granted to or the carrying out of any duty imposed upon the General Manager pursuant to this Ordinance.

1.7 ACCESS

The District shall be permitted to enter all properties from which wastes or wastewaters are being or are capable of being discharged into a POTW for purposes of inspecting, observing, measuring, sampling, and testing pertinent to the discharge of wastes or wastewaters to ascertain whether the intent of this Ordinance is being met and the User is complying with all requirements. The District shall have access at reasonable times to

all parts of the wastewater generating and disposal facilities for the purposes of inspection and sampling. The District shall have the right to set up on the User's property such devices as are necessary to conduct sampling or metering operations. Where a User has security measures in force, the User shall make necessary arrangements so that personnel from the District will be permitted to enter without delay for the purpose of performing their specific responsibilities.

1.8 INFORMATION REQUIRED

- A. To provide for fair and equitable use of POTW, the District shall have the unqualified right to require a User to provide information necessary to insure compliance with all rules, regulations, and provisions of this Ordinance.
- B. All information and data on a User shall be available to the public in accordance with Resolution No. 2846 of the Board unless the User specifically requests and is able to demonstrate to the satisfaction of the District that the release of such information would divulge information, processes, or methods which would be detrimental to the User's competitive position. The demonstration of the need for confidentiality made by the User must meet the burden necessary for holding such information from the general public under applicable State and Federal law.
- C. In any event, the District shall not limit Environmental Protection Agency (EPA) or the Regional Water Quality Control Board's (RWQCB) access to any information provided by the User.
- D. In any event, information concerning Wastewater quality and quantity will not be deemed confidential. Such information may include, but is not limited to:
 - 1. Wastewater discharge peak flow rates and volume over a specified time period;
 - 2. Physical, chemical, bacteriological, or radiological analysis of Wastewater;
 - 3. Site and process flow diagrams and information on raw materials, processes, and products;
 - 4. Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials;
 - 5. Details of Wastewater Pretreatment Facilities and their operation and maintenance;
 - 6. Details of systems to prevent and control the losses of materials through spills to the POTW;
 - 7. Detailed plumbing plans indicating all sources discharging to on and off-site Sewer Laterals;
 - 8. A Slug control program, per 40 CFR 403.8;

9. Notification of discharges of a listed hazardous waste (Section 3001 of Resource Conservation Recovery Act (RCRA)) to the sewer system per 40 CFR 403.12;
10. Baseline monitoring reports per 40 CFR 403.12;
11. Compliance progress reports in accordance with all provisions listed in 40 CFR 403.12;
12. Notification of potential problems, including Slugs in accordance with all provisions listed in 40 CFR 403.12;
13. Prompt notification of substantial changes in volume or character of Pollutants discharged in accordance with all provisions listed in 40 CFR 403.12;
14. Monitoring and analysis reports demonstrating continued compliance in accordance with all provisions listed in 40 CFR 403.12.

1.9 AUTHORITY

The District is regulated by several agencies of the United States Government and the State of California, pursuant to the provisions of Federal and State Law. Federal and State Laws (including, but not limited to: 1) Federal Water Pollution Control Act, commonly known as the Clean Water Act (33 U.S.C. § 1251 *et seq.*); 2) California Porter Cologne Water Quality Act (California Water Code § 13000 *et seq.*); 3) California Health & Safety Code sections 25100-25250; 4) Resource Conservation and Recovery Act of 1976 (42 U.S.C. § 6901 *et seq.*); and 5) California Government Code sections 54739-54740) grant to the District the authority to regulate and/or prohibit, by the adoption of an ordinance, and by issuance of permits, authorizations, and special agreements, the discharge of any waste, directly or indirectly, to the POTW. Said authority includes the right to establish limits, conditions, and prohibitions; to establish flow rates or prohibit flows discharged to the POTW; 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 for which the District has contracted to provide sewerage services.

ARTICLE 2
DEFINITIONS

2.1 DEFINITIONS

- A. Where definitions contained within this document, conflict with definitions found in other documents or regulations, the definitions found herein shall take precedence and apply to discharges to EMWD POTWs.
- B. The following abbreviations, when used in this Ordinance, shall have the designated meanings:
1. BMP - Best Management Practice
 2. BMR - Baseline Monitoring Report
 3. BOD - Biological Oxygen Demand
 4. CFR - Code of Federal Regulations
 5. EMWD - Eastern Municipal Water District
 6. EPA - Environmental Protection Agency
 7. GPD - Gallons Per Day
 8. LWH - Liquid Waste Hauler
 9. mg/L - Milligram Per Liter
 10. NAICS - North American Industry Classification System
 11. NPDES - National Pollutant Discharge Elimination System
 12. NSCIU - Non-significant Categorical Industrial User
 13. POTW - Public Owned Treatment Works
 14. RCRA - Resource Conservation Recovery Act
 15. RV - Recreational Vehicle
 16. RWRP - Regional Water Reclamation Facility
 17. SIC - Standard Industrial Classification
 18. SIU - Significant Industrial User
 19. SNC - Significant Non-Compliance
 20. TDS - Total Dissolved Solids
 21. TSS - Total Suspended Solids
- C. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings designated.
1. Applicant - Any Person(s) who has applied for permission to discharge to the POTW.
 2. Authorization - See Waste Discharge Authorization.
 3. Authorized Representative:
 - a. Responsible officer, if the User is a corporation or limited liability company, where that officer is the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including have the

explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for Control Mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- b. By a general partner or proprietor if the User is a partnership or sole proprietorship respectively.
 - c. If the User is a Federal, State, or local governmental entity or their agents, the principal executive officer or director having responsibility for the overall operation of the discharging facility.
 - d. By a duly authorized representative of the individual designated in paragraph (a), (b), or (c) of this definition if:
 - 1.) The authorization is made in writing by the individual described in paragraph (a), (b), or (c);
 - 2.) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility or having overall responsibility for environmental matters for the company.
4. Batch Discharge - EMWD approved intermittent discharge of Pollutants from sources such as, but not limited to, process tanks, holding tanks, rinse tanks, or treatment systems.
5. Best Management Practices (BMPs) - Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions in Article 3. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
6. Biochemical Oxygen Demand (BOD) - Quantity of oxygen, expressed in mg/L, required to biologically oxidize material in a waste or wastewater sample measured under approved laboratory methods for 5 days at 20°C.
7. Board - The Board of Directors of Eastern Municipal Water District.
8. Categorical Pretreatment Standards - The final regulations promulgated and adopted by EPA (as outlined in 40 CFR 403, and 40 CFR, Chapter I, Subchapter N, 405-471) for each standard industrial classification (SIC)

or subcategory containing pollutant discharge limits.

9. Categorical User - Any User whose process(es) are subject to Categorical Pretreatment Standards.
10. Categorical Wastewater – Wastewater subject to Categorical Pretreatment Standards.
11. Cesspool - A lined excavation in the ground which receives the discharge of a sewage drainage system, or part thereof, so designed as to retain the solids and organic matter, but permitting liquids to seep out.
12. Code of Federal Regulations (CFR) - The codification of the general and permanent rules published in the United States Federal Register by the Executive departments and agencies of the Federal Government to include but not limited to the Environmental Protection Agency.
13. Collection System - The combined pipes, conduits, manholes, pumping stations and other structures, above and below ground, whose purpose is to convey wastewater to a District RWRf.
14. Combined Wastestream Formula - Formula as outlined in the General Pretreatment Regulations of the Clean Water Act, Title 40 Code of Federal Regulations for determining wastewater discharge limitations for Categorical Users and Significant Industrial Users whose effluent is a mixture of regulated, unregulated and dilution wastewater as defined in the formula.
15. Compatible or Conventional Pollutant - A combination of BOD, Total Suspended Solids, pH, fecal coliform bacteria, plus other Pollutants that the District's RWRfs are designed to accept, treat, and/or remove. Some compatible pollutants may be considered incompatible when discharged in quantities that have an adverse effect on the collection, treatment, disposal systems and/or discharge permit regulating the RWRfs causing Interference or Pass Through.
16. Compliance Schedule – An enforceable time schedule containing increments of progress called milestones or deadlines. These milestones shall be for the commencement and/or completion of major actions leading to the construction and operation of additional pretreatment facilities or the implementation of policies, procedures, or operational management techniques required for the User to comply with all applicable Federal, State or local environmental regulations which may directly or indirectly affect the quality of the User's Wastewater effluent.
17. Composite Sample - A sample that is collected over time, either by continuous sampling or by mixing a minimum of four (4) discreet sample aliquots representative of the discharge during a twenty-four (24) hour period. The composite sample may be either as a time composite sample, composed of discreet sample aliquots collected in one (1) containment at constant time intervals, providing representative samples irrespective or

stream flow; or as a flow proportional composite sample collected as a constant sample volume at timed intervals proportional to stream flow.

18. Control Mechanism - Waste Discharge Permit, Water Discharge Authorization or Special Agreement.
19. Department Director - Person duly designated by the General Manager to direct the Source Control Division and perform the duties as specified in this Ordinance.
20. Dilution - Increase in use of process water, potable water or any other means to dilute a discharge as a partial or complete substitute for adequate treatment to achieve discharge requirements.
21. Direct User - Any User who discharges, causes a discharge, or has a potential to discharge a Non-Domestic Wastewater to the Collection System.
22. Discharge Requirements - The requirements of Federal (as listed in 40 CFR 403), State, or local public agencies having jurisdiction over the effluent discharges from District RWRFs.
23. District - Eastern Municipal Water District (EMWD).
24. Domestic Wastewater - The liquid and solid waterborne wastes derived from the ordinary living processes of humans of such character as to permit satisfactory disposal, without special treatment, into the public sewer or by means of a private disposal system.
25. Effluent - Treated wastewater flowing from a POTW or a User's Pretreatment Facilities.
26. General Manager - The General Manager of the Eastern Municipal Water District or his designee.
27. Grab Sample - A sample taken from a waste stream without regard to the flow of the waste stream and over a period of time not to exceed fifteen (15) minutes.
28. Hearing Officer - The Person designated by the General Manager to conduct an administrative hearing.
29. Incompatible or Non-Conventional Pollutant - Any Pollutant which is not a Compatible Pollutant as defined herein.
30. Indirect User - Any User who discharges or has a potential to discharge Wastewater to a Septic Tank, Cesspool, chemical toilet, or private sewer system which, from time to time, is serviced by a Liquid Waste Hauler permitted by the District to discharge to a designated POTW.

31. Infectious Agent – A type of microorganism, bacteria, mold, parasite, or virus, including, but not limited to, organisms managed as Biosafety Level II, III, or IV by the Federal Centers for Disease Control and Prevention, that normally cause, or significantly contributes to the cause of, increased morbidity or mortality of human being. (California Health and Safety Code, Section 117675)
32. Inspector – Any representative of the District authorized by the General Manager to inspect any establishment directly or indirectly discharging or anticipating discharge to the POTW.
33. Interceptor - EMWD approved equipment to remove floatable and settleable material from Wastewater prior to discharge.
34. Interference - A discharge by a User which, alone or in conjunction with discharges by other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and which is a cause of a violation of any requirement of the RWRF's discharge order and/or 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 applicable Federal, State, and local regulations (per 40 CFR 403.3 (I)).
35. Liquid Waste Hauler (LWH) - Any pumper that is permitted by the County of Riverside as a Non-Hazardous Liquid Waste Hauler, discharging domestic and sanitary wastewater only. This may also mean septic tank pumper.
36. Local Limits - A set of technically based, enforceable, discharge limits implemented by the District for Pollutants that may cause Interference, Pass Through, sludge contamination, or worker health and public safety problems if discharged in excess to a POTW.
37. Mass Emission Rate - The weight of material discharged to the sewer system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of particular constituent or combination of constituents.
38. Milestone – Deadline established in a Compliance Schedule for specified increments. No increment shall exceed nine (9) months.
39. Monitoring Facilities - Structure(s) and equipment approved by EMWD and provided at the User's expense for EMWD or the User to measure and record Wastewater Pollutant levels, flow and collect representative Wastewater samples.
40. NAICS - North American Industry Classification System published by the Executive Office of the President of the United States, Office of Management and Budget.

41. New Source - Any building, structure, facility, or installation from which there is or may be a discharge of Pollutants, the construction of which commenced after the publication of proposed Categorical Pretreatment Standards under section 307c of the Act. (40 CFR 403.3K Definitions)
42. Non-Domestic Wastewater - All Wastewater other than Domestic Wastewater.
43. Non-Significant Categorical Industrial User (NSCIU) – Categorical Users who discharge less than 100 gallons day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Categorical Pretreatment Standard), including zero discharging Categorical Users.
44. Oil and Grease - Any petroleum derived products (e.g., oils, fuels, lubricants, solvents, cutting oils, mineral oils), any vegetable derived products (e.g., oils, shortenings, water soluble cutting oils, etc.) or any animal derived products (e.g., fats, greases, oils, etc.) in part or in combination.
45. Pass Through - The discharge of pollutants through the RWRf in quantities or concentrations which are a cause in whole or in part of a violation of any requirement of the RWRf's discharge order including an increase in the magnitude or duration of a violation (40 CFR 403.3).
46. Permitted User - User regulated by a permit.
47. Permittee - A User who has applied for and received a permit to discharge into a POTW and is subject to the requirements and conditions established by the District.
48. Person - Any individual, partnership, firm, association, corporation, tribe, or public agency, including the State of California and the United States of America.
49. Pollutant - Any constituent or characteristic of Wastewater on which a discharge limitation or prohibition may be imposed either by the District or the regulatory agencies empowered to regulate the District.
50. Publicly Owned Treatment Works (POTW) - Means the treatment works owned by EMWD and all pumping stations, sewers, pipes, and other conveyances owned by public entities, including but not limited to cities, other agencies, and tribes connected to the treatment works.
51. Pretreatment - The reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutant properties in Wastewater prior to, or in lieu of, introducing such Pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the Pollutants unless allowed by an applicable Categorical Pretreatment Standard.

52. Pretreatment Facilities – Any works or devices for the treatment or flow control of Wastewater prior to discharge.
53. Pretreatment Requirements - Any requirement related to Pretreatment imposed on a User, other than a Pretreatment Standard.
54. Pretreatment Standard or Standards - Prohibited discharge standards, Categorical Pretreatment Standards, and local limits.
55. Priority Pollutants - The listing of toxic pollutants as identified in 40 CFR 401.15.
56. Public Agency – Any Federal, State or local authority.
57. Public Nuisance - Anything which: (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, and (2) affects at the same time an entire community or neighborhood, or any number of Persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and (3) occurs during or as a result of the treatment or disposal of waste to the POTW.
58. Qualified Professional - Any Person who by virtue of education, training, or experience is qualified to evaluate and assess Pollutant discharges and violations of this Ordinance.
59. RCRA - Resource Conservation and Recovery Act of 1976, and its regulations as found in 40 CFR Parts 260-266 and Part 270 as amended.
60. Recreational Vehicle (RV) – Recreational Vehicle as defined in Health and Safety Code section 18010.
61. Regional Water Quality Control Boards (RWQCBs) – Develop and enforce water quality objectives and implementation plans that will best protect the beneficial uses of the State's waters. The RWQCB issue EMWD a Reclamation Master Permit which includes pretreatment program requirements. The Santa Ana RWQCB and San Diego RWQCB regulate the pretreatment program administered by EMWD.
62. Regional Water Reclamation Facility (RWRF) - The District sewage treatment plant designed to serve a specific area of the District.
63. Regeneration Cycle - Liquid used to exchange the chemistry in an ion exchange unit.
64. Regulatory Agencies - Those agencies having oversight of the operation of the District, including but not limited to the following:
 - a. United States Environmental Protection Agency (EPA);
 - b. California Environmental Protection Agency (Cal-EPA);
 - c. California State Water Resources Control Board (SWRCB);
 - d. California Regional Water Quality Control Board, Santa Ana

- e. Region (CRWQCB,SAR);
California Regional Water Quality Control Board, San Diego Region (CRWQCB,SDR);
 - f. California Department of Public Health (CDPH)
 - g. Riverside County Department of Environmental Health
65. RV Holding Tanks - A RV tank designed to hold Domestic Wastewater.
66. Sample Aliquot – A portion of a total amount of a solution or media used for analytical testing.
67. Sanitary Wastewater - Domestic Wastewater from other than a dwelling unit.
68. Self Monitoring - Wastewater samples taken by a User or User's contracted laboratory, consultant, engineer, or similar entity.
69. Septic Tank - A watertight receptacle which receives the discharge from a sewer system and is designed and constructed to retain solids, digest organic matter through a period of detention, and allows the liquids to discharge for disposal.
70. Sewer Lateral - POTW owned piping and appurtenances extending from the sewer pipeline to the private sewer system at the boundary line of the User's property or POTW's easement.
71. Significant Industrial User (SIU):
- a. A User subject to Categorical Pretreatment Standards; or;
 - b. A User that:
 - 1.) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blowdown wastewater);
 - 2.) Contributes a process wastewater which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the RWRf; or
 - 3.) Is designated as such by the District on the basis that it has a reasonable potential for adversely affecting the RWRf's operation or for violating any Pretreatment Standard or Pretreatment Requirement.
 - c. Upon a finding that a User meeting the criteria in subsection b.3. has no reasonable potential for adversely affecting the RWRf's operation or for violating any Pretreatment Standard or Pretreatment Requirement, the District may at any time, on its own initiative or in response to a petition received from a User,

and in accordance with procedures in 40 CFR 403.8, determine that such User should not be considered a Significant Industrial User.

72. Significant Non-Compliance (SNC) - Any SIU with compliance violations which meet one or more of the following criteria:
- a. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant parameter during a six-month (6) period exceed (by any magnitude) a numeric Pretreatment Standard or Pretreatment Requirement, including instantaneous limits, as defined by 40 CFR 403.3;
 - b. Technical review criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements taken for the same pollutant parameter during a six-month (6) period equal or exceed the product of the numeric Pretreatment Standard or Pretreatment Requirement, including instantaneous limits, as defined by 40 CFR 403.3, 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 Standard or Pretreatment Requirement as defined by 40 CFR 403.3 (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the General Manager determines has caused, alone or in combination with other discharges, Interference or Pass Through (including endangering the health of District personnel or the general public);
 - d. Any discharge of a Pollutant that has caused imminent endangerment to human health or welfare or to the environment or has resulted in the District's exercise of its emergency authority to halt or prevent such a discharge;
 - e. Failure to meet, by ninety (90) days or more after the schedule date, a 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 after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with Compliance Schedules;
 - g. Failure to accurately report non-compliance;
 - h. Any other Violation or group of Violations, which may include violation of BMPs, which the General Manager determines will adversely affect the operation or implementation of the local Pretreatment program.

73. Single Pass Cooling Water - Water that is used solely for the purpose of cooling and is used only once before being discharged.
74. Slug - Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way contribute to the POTW violating any requirements.
75. Source Control Manager – The Person duly designated by the General Manager to develop and implement the District's Source Control Program and performs the duties as specified in this Ordinance and the Enforcement Response Plan for this Ordinance.
76. Special Agreement(s) - A short term revocable permission to discharge Wastewater to the POTW, subject to Ordinance 59 and policies and standards established by the Source Control Division.
77. Spill Containment - A protection system installed by the User to prohibit the accidental discharge of Pollutants to the sewer.
78. Standard Industrial Classification (SIC) - The system of classifying industries issued by the U.S. Office of Management and Budget.
79. Total Dissolved Solids (TDS) - The unfilterable residue of the combined content of all inorganic and organic substances contained in a liquid.
80. Total Inorganic Nitrogen (TIN) – The summation of inorganic nitrogen including ammonia nitrogen, nitrate nitrogen, and nitrite nitrogen.
81. Total Suspended Solids (TSS) - The total amount of residue retained by laboratory filtration and dried at 103-105° C.
82. Toxic Pollutants - Those Pollutants, or combinations of Pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will, on the basis of information available to the General Manager, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction), or physical deformations, in such organisms or their offspring.
83. User - Any Person who discharges or has a potential to discharge Non-Domestic Wastewater directly or indirectly to a POTW.
84. Violation - Failure by a User to comply with this Ordinance or any Waste Discharge Permit, Waste Discharge Authorization, Special Agreement, and/or policies and standards established by the Source Control Division.
85. Waste(s) - Any discarded solid, semi-solid, liquid or gaseous material.

86. Waste Discharge Authorization (WDA) - The revocable permission to discharge Wastewater to the POTW, subject to this Ordinance and policies and standards established by the Source Control Division.
87. Waste Discharge Permit (WDP) - The periodically renewable, revocable permission to discharge Wastewater to the POTW, subject to technically based limits on wastewater constituents and characteristics.
88. Wastewater - Liquid and water-carried wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

2.2 OTHER MEANINGS

Words used in this Ordinance in the singular shall include the plural and the plural the singular. Use of masculine shall also mean feminine and use of feminine shall also mean masculine. Shall is mandatory; may is permissive or discretionary.

ARTICLE 3

GENERAL SEWER USE REQUIREMENTS

3.1 PROHIBITED DISCHARGE STANDARDS

A. General Prohibitions

No User shall introduce or cause to be introduced into the POTW any Pollutant or Wastewater, which, alone or in conjunction with other substances, causes Interference or Pass Through. These general prohibitions apply to all Users whether or not they are subject to Categorical Pretreatment Standards or any other Federal, State or local Pretreatment Standards or Pretreatment Requirements.

B. Specific Prohibitions

No User shall introduce or cause to be introduced into the POTW the following Pollutants, substances or Wastewater:

1. Pollutants which create a fire or explosive hazard in the POTW including, but not limited to Wastewater with a closed-cup flashpoint of less than 140° F (60° C) using the test methods specified in 40 CFR 261.21;
2. Wastewater having a pH less than 5.0 or more than 11.0 or otherwise causing corrosive structural damage to the POTW;
3. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in blockage or Interference, but in no case solids greater than 3/8 inches in any dimension; (e.g. construction debris, corn meal, dirt, sand, gravel, oil, grease, etc.)
4. Pollutants, including oxygen-demanding Pollutants (BOD, etc.), released in a discharge at a flow rate and/or Pollutant concentration which, either singly or by interaction with other Pollutants, will cause Interference with the POTW;
5. Wastewater having a temperature greater than 140° F (60° C), or which will inhibit biological activity in the RWRF resulting in Interference, but in no case Wastewater which causes the temperature at the introduction into the RWRF to exceed 104° F (40° C);
6. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;
7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

8. Noxious or malodorous liquids, gases, solids, or other Wastewater which, either singly or by interaction with other wastes, are sufficient to create a Public Nuisance or a hazard to life or to prevent entry into the sewers for maintenance or repair;
9. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the RWRF's effluent;
10. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
11. Sludge's, screening, or other residues from the Pretreatment of industrial wastes;
12. Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
13. Wastewater required to be manifested under RCRA.
14. Infectious agents as defined in the California Health and Safety Code.

C. Other Prohibitions

1. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, deionized water, Single Pass Cooling Water and Wastewater free of Pollutants, unless specifically authorized by the General Manager.
2. Pollutants, substances, or Wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.
3. Trucked or hauled Pollutants except at discharge points designated by the General Manager; provided, however, RV wastes may be discharged to User-owned sewer facilities.
4. Any procedure, chemical addition, or physical modification that will result in bypass or pass-through of required pretreatment equipment.

3.2 CATEGORICAL PRETREATMENT STANDARDS

- A. The Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.
- B. Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a Pollutant in Wastewater, the General Manager may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6.

- C. When Wastewater subject to a Categorical Pretreatment Standard is mixed with Wastewater not regulated by the same standard, the General Manager shall impose an alternate limit using the combined waste stream formula, and requirements in 40 CFR 403.6.
- D. A User may obtain a variance from a Categorical Pretreatment Standard if the User can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the Categorical Pretreatment Standard.
- E. A User may obtain a net gross adjustment to a Categorical Pretreatment Standard in accordance with 40 CFR 403.15.

3.3 LOCAL LIMITS

- A. No Permitted User shall discharge or cause to be introduced directly or indirectly into the District's or contributing agency's collection system, a quantity or quality of Wastewater which exceeds the Local Limits on discharges to the POTW established by the District. The Local Limits are set forth in Resolution No. 3003 as amended.
- B. Local Limits apply at the point where the Wastewater is discharged to the POTW, except for BMPs, which are applied at the end of the process and any subsequent treatment. The General Manager may impose limitations based on concentrations of Pollutants in milligrams per liter or as an amount of Pollutants in pounds per day.

3.4 BEST MANAGEMENT PRACTICES

No User shall discharge wastewater to the POTW contrary to the BMPs established by the District.

3.5 POLICIES AND STANDARDS

No User shall discharge Wastewater to the POTW contrary to the policies and standards established by the District.

3.6 LIMITATIONS OF TOTAL DISSOLVED SOLIDS (TDS)

- A. The General Manager may limit the total loading of TDS to preserve the beneficial use of recycled water or to comply with environmental or regulatory requirements issued to the District by:
 1. Prohibiting Users from discharging the regeneration cycle from any water-conditioning appliance, including but not limited to water softeners or conditioners, to the POTW;
 2. Regulating the residential use of water softeners or water conditioners in accordance with California law, including California Health and Safety Code sections 116775-116795; and

3. Issuing permits, applying BMPs, or implementing policies and standards for any Wastewater discharges regulated by this Ordinance.

3.7 RIGHT OF REVISION

The District reserves the right to establish, by ordinance or in Waste Discharge Permits, Waste Discharge Authorizations, and Special Agreements, more stringent requirements on discharges to the POTW.

3.8 DILUTION

No User shall ever increase the use of process water or, in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Pretreatment Requirement. The General Manager may impose mass limitations on the amount, in pounds per day, of pollutants discharged by Users who are using dilution to meet applicable Pretreatment Standards or Pretreatment Requirements, or in other cases when the imposition of mass limitations is appropriate.

3.9 CESSPOOL, SEPTIC TANK, HOLDING TANK AND, HAULED WASTES

- A. Hauled waste from Cesspools, Septic Tanks, portable toilets, and holding tanks (excluding RV's containing only domestic and/or sanitary wastes) will be accepted only at District-designated locations.
- B. The General Manager may accept other hauled waste at District-designated locations.
- C. No Liquid Waste Hauler discharging septic waste or sanitary waste shall discharge constituents in excess of the limits specified in the respective Waste Discharge Permit based on the limits for Liquid Waste Haulers discharging domestic waste as set forth in Resolution No. 3003 as amended.

3.10 ACCESS TO DISTRICT FACILITIES

No Person shall access, enter, break, damage, destroy, uncover, deface, tamper with, or discharge to any temporary or permanent structure, equipment, or appurtenance, which is part of the POTW without prior approval by the General Manager.

ARTICLE 4

WASTE DISCHARGE PERMIT AND PERMIT REPORTING REQUIREMENTS

4.1 GENERAL REQUIREMENTS

A. Wastewater Analysis

When requested by the General Manager, a User shall submit information on the nature and characteristics of its Wastewater and other associated and pertinent information within sixty (60) days of the request. The General Manager is authorized to require Users to update this information periodically.

B. Waste Discharge Permit Requirements

1. No Significant Industrial User shall discharge Wastewater into the POTW without first obtaining a Waste Discharge Permit.
2. A Significant Industrial User that has filed a timely application pursuant to Section 4.1.D of this Ordinance may continue to discharge for the time period specified therein.
3. The General Manager may require other Users to obtain a Waste Discharge Permit as necessary to carry out the purposes of this Ordinance.
4. Any violation of the terms and conditions of a Waste Discharge Permit shall be deemed a violation of this Ordinance and subject the User to the sanctions set out in Article 6 of this Ordinance. Obtaining a Waste Discharge Permit does not relieve the User of its obligation to comply with all Federal and State Pretreatment Standards or Pretreatment Requirements or with any other requirements of Federal, State and local law.
5. The District may determine that a User subject to Categorical Pretreatment Standards is a Non-Significant Categorical Industrial User (NSCIU) rather than a Significant Industrial User on a finding that the User never discharges more than 100 gpd of total Categorical Wastewater (excluding sanitary, non-contact cooling and boiler blow down, unless specifically included in the Pretreatment Standards) and the following conditions are met:
 - a. The User, prior to POTW finding, has consistently complied with all applicable Categorical Pretreatment Standards and Pretreatment Requirements; and
 - b. The User annually submits the certification statement required in Section 4.3.J together with any additional information necessary to support the certification statement; and

- c. The User never discharges any untreated concentrated Wastewater.
6. Upon a finding that a User meeting the criteria above has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Pretreatment Requirement, the District may at any time, on its own initiative or in response to a petition received from a User, and in accordance with procedures in 40 CFR 403.8, determine that such User should not be considered a Significant Industrial User.

C. Issuing Waste Discharge Permits: New Connections

Users who propose to begin or restart a discharge to the POTW must apply for a Waste Discharge Permit at least sixty (60) days prior to any discharge.

D. Issuing Waste Discharge Permits: Existing Connections

Any User required to obtain a Waste Discharge Permit due to requirements in this Ordinance who was discharging Wastewater into the POTW prior to the effective date of the requirements and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply for a Waste Discharge Permit in accordance with Section 4.1.E of this Ordinance, and shall not cause or allow discharges to the POTW to continue after one hundred twenty (120) days of the effective date of the Ordinance except in accordance with a Waste Discharge Permit issued by the General Manager.

E. Waste Discharge Application Contents

1. All Users required to obtain a Waste Discharge Permit must submit a Waste Discharge Application. The General Manager may require any User to submit as a part of an application the following information:
 - a. All information required in Section 4.3.A.2 of this Ordinance;
 - b. Physical, chemical, bacteriological, radiological analysis of Wastewater;
 - c. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are or could accidentally or intentionally be discharged to the POTW;
 - d. Number and type of employees, hours of operation, and proposed or actual hours of operation;
 - e. Each product produced by type, amount, process or processes, and rate of production;
 - f. (1) Type and amount of raw materials processed (average and maximum per day); (2) quantity, disposition, and method of disposal of specific liquid, sludge, oil, solvent, or other material;

- g. (1) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge; (2) details of Wastewater; (3) details of Pretreatment Facilities and their operation and maintenance; (4) details of systems to prevent and control the losses of materials through spills to the POTW;
 - h. (1) Time and duration of discharges; (2) detailed plumbing plans indicating all sources discharging to the on or off-site Sewer Lateral;
 - i. Any other information as may be deemed necessary by the General Manager to evaluate the Waste Discharge Application.
- 2. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

F. Signatories and Certification

All Waste Discharge Applications, BMRs, NSCIU Reports, and Categorical Standard Compliance Deadline Reports must be signed by an Authorized Representative of the User and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, the information submitted is, to the best of 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."

G. Waste Discharge Permit Decisions

The General Manager will evaluate the data furnished by the User and may require additional information. Within thirty (30) days of receipt of a complete Waste Discharge Application, the General Manager will determine whether or not to issue a Waste Discharge Permit. The General Manager may deny any application for a Waste Discharge Permit.

4.2 WASTE DISCHARGE PERMIT ISSUANCE PROCESS

A. Waste Discharge Permit Duration

A Waste Discharge Permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the Waste Discharge Permit. A Waste Discharge Permit may be issued for a period less than five (5) years, at the discretion of the General Manager. Each Waste Discharge Permit will indicate a specific date upon which it will expire.

B. Waste Discharge Permit Contents

1. Waste Discharge Permits shall contain:
 - a. A statement that indicates Waste Discharge Permit duration, which in no event shall exceed five (5) years;
 - b. A statement that the Waste Discharge Permit is non-transferable without prior notification to the District in accordance with Section 4.2.E of this Ordinance, and provisions for furnishing the new owner or operator with a copy of the existing Waste Discharge Permit;
 - c. Effluent limits, including BMPs, based on applicable general Pretreatment Standards in 40 CFR 403, Categorical Pretreatment Standards, Local Limits, and State and local law;
 - d. Self-monitoring, sampling, reporting, notification, record keeping requirements, an identification of the Pollutants to be monitored (including the process for seeking a waiver for a Pollutant neither present nor expected to be present in the discharge in accordance with 40 CFR 403.12, or a specified waived Pollutant in the case of an individual Waste Discharge Permit), sampling location, sampling frequency, and sample type, based on the applicable general Pretreatment Standards in 40 CFR 403, Categorical Pretreatment Standards, Local Limits, and State and local law;
 - e. A statement of applicable civil and criminal penalties for Violations of Pretreatment Standards and Pretreatment Requirements, and any applicable Compliance Schedule. Such Compliance Schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law;
 - f. Requirements to control Slugs.
2. Waste Discharge Permits may contain, but need not be limited to, the following conditions:
 - a. Limits on the average and/or maximum rate of discharge, time of discharge, and /or requirements for flow regulation and equalization;
 - b. Requirements for the installation and maintenance of pretreatment technology, pollution control, or construction of appropriate containment devices designed to reduce, eliminate or prevent the introduction of Pollutants into the POTW;
 - c. Requirements for the development and implementation of spill control plans or other special conditions including management

practices necessary to adequately prevent accidental, unanticipated, or routine discharges;

- d. Development and implementation of waste minimization plans to reduce the amount of Pollutants discharged to the POTW;
- e. Requirements for installation and maintenance of inspection and monitoring facilities and equipment;
- f. A statement that compliance with the Waste Discharge Permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the Waste Discharge Permit; and
- g. Other conditions as deemed appropriate by the General Manager to ensure compliance with this Ordinance and Federal, State, and local laws, rules and regulations.

C. Waste Discharge Permit Appeals

- 1. Any Person, including the User, may petition the General Manager to reconsider the provisions of a Waste Discharge Permit within thirty (30) days of notice of its issuance.
 - a. In its petition, the appealing party shall indicate the Waste Discharge Permit provisions objected to, the reasons for objection, and the alternative provisions, if any, it seeks to place in the Waste Discharge Permit.
 - b. The effectiveness of the Waste Discharge Permit shall not be stayed pending the appeal.
- 2. Failure to submit timely a petition for reconsideration shall be deemed to be a waiver of the administrative appeal.
- 3. If the General Manager fails to act within thirty (30) days of the filing of a petition for reconsideration, the petition for reconsideration shall be deemed denied.
- 4. Any person, including the User, may petition the Board of Directors to reconsider the decision of the General Manager.
- 5. If the Board of Directors fails to act within thirty (30) days of the filing of a petition for reconsideration, the petition for reconsideration shall be deemed denied. Decisions not to issue a Waste Discharge Permit, not to reconsider the provisions of a Waste Discharge Permit, or not to modify the provisions of a Waste Discharge Permit shall be considered final administrative actions for the purposes of judicial review.

6. Any party aggrieved by a final Waste Discharge Permit action may obtain review of the action by filing in court a petition for writ of mandate within ninety (90) days following the effective date of the action. If no aggrieved party petitions for writ of mandate within the time provided by this section, a final Waste Discharge Permit administrative action shall not be subject to review by any court or agency. The evidence before the court shall consist of the record before the General Manager, and any other relevant evidence, which in the judgment of the court, should be considered to effectuate and implement the policies of this Ordinance. Except as otherwise provided in this section, subdivisions (e) and (f) of Code of Civil Procedure section 1094.5 shall govern proceedings pursuant to this section.

D. Waste Discharge Permit Modification

1. The General Manager may modify a Waste Discharge Permit for good cause including, but not limited to, the following reasons:
 - a. To incorporate any new or revised Federal, State or local Pretreatment Standards or Pretreatment Requirements;
 - b. To address significant alterations or additions to the User's operation processes, or Wastewater volume or character since the time of Waste Discharge Permit issuance;
 - c. A change in the POTW that requires either a temporary or permanent reduction or elimination of the permitted discharge;
 - d. Information indicating that the permitted discharge poses a threat to the POTW, POTW personnel, the receiving water, or the public;
 - e. Violation of any terms or conditions of the Waste Discharge Permit;
 - f. Misrepresentation or failure to fully disclose all relevant facts in the Waste Discharge Application or in any required reporting;
 - g. Revision of or a grant of variance from such Categorical Pretreatment Standards pursuant to 40 CFR 403.13;
 - h. Correction of typographical or other errors in the Waste Discharge Permit; or
 - i. To reflect a transfer of the facility ownership or operation to a new owner or operator.

E. Waste Discharge Permit Transfer

1. Waste Discharge Permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the General Manager and the General Manager approves the Waste

Discharge Permit transfer. The notice to the General Manager must include a written certification by the new owner or operator which:

- a. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
 - b. Identifies the specific date on which the transfer is to occur;
 - c. Acknowledges full responsibility for complying with the existing Waste Discharge Permit; and
 - d. States that the new owner and/or operator has obtained a copy of the existing Waste Discharge Permit.
2. Failure to provide advance notice of a transfer renders the Waste Discharge Permit void as of the date of facility transfer.

F. Waste Discharge Permit Revocation

1. A Waste Discharge Permit may be revoked for good cause including, but not limited to the following reasons:
 - a. Failure to notify the General Manager of significant changes to the Wastewater prior to the changed discharge;
 - b. Failure to provide prior notification to the General Manager of changed conditions pursuant to Section 4.3.E of this Ordinance;
 - c. Misrepresentation or failure to fully disclose all relevant facts in the Waste Discharge Application;
 - d. Falsifying self-monitoring reports;
 - e. Tampering with monitoring equipment;
 - f. Refusing to allow the General Manager timely access to the facility premises and records;
 - g. Failure to meet effluent limitations;
 - h. Failure to pay penalties;
 - i. Failure to pay sewer charges;
 - j. Failure to meet Compliance Schedules;
 - k. Failure to complete a Wastewater survey or the Waste Discharge Application;
 - l. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or

- m. Violation of any Pretreatment Standard or Pretreatment Requirement, or any terms of the Waste Discharge Permit or this Ordinance.
2. Waste Discharge Permits shall be voidable upon cessation of operations.
3. A Waste Discharge Permit issued to a particular User is void when the new Waste Discharge Permit to that User becomes effective.
4. Waste Discharge Permit revocation is subject to appeal as set forth in Section 6.4.

G. Waste Discharge Permit Reissuance

A User with an expiring Waste Discharge Permit shall apply for Waste Discharge Permit re-issuance by submitting a complete Waste Discharge Application (or a statement signed by the Authorized Representative that there are no changes to the application previously submitted), in accordance with Section 4.1.E of this Ordinance, at least sixty (60) days prior to the expiration of the User's existing Waste Discharge Permit.

4.3 REPORTING REQUIREMENTS

A. Baseline Monitoring Reports

1. Baseline Monitoring Requirements
 - a. Within the later of (1) one hundred eighty (180) days after the effective date of a Categorical Pretreatment Standard, or (2) the final administrative decision on a category determination under 40 CFR 403.6, existing Categorical Users currently discharging to or scheduled to discharge to the POTW shall submit to the General Manager a report which contains the information listed in Section 4.3.A.2. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Users subsequent to the promulgation of an applicable Categorical Pretreatment Standard, shall submit to the General Manager a report, which contains the information listed in Section 4.3.A.2. A New Source shall report the method of Pretreatment it intends to use to meet applicable Categorical Pretreatment Standards. A New Source shall also give estimates of its anticipated flow and quantity of Pollutants to be discharged.
 - b. The Baseline Monitoring Report shall indicate the time, date, and place of sampling and the methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected Pollutant discharges to the POTW.
 - c. The General Manager may allow the submission of a Baseline Monitoring Report, which utilizes only historical data so long as

the data provides information sufficient to determine the need for industrial pretreatment measures.

2. Users described above shall submit the information set forth below.
 - a. Identifying information - The name and address of the facility, including the name of the operator and owner.
 - b. Environmental Permits - A list of any environmental control permits held by or for the facility.
 - c. Description of Operations - A brief description of the nature, average rate of production, and SIC numbers or NAICS numbers of the operation(s) carried out by such User. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
 - d. Flow Measurement - Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6
 - e. Measurement of Pollutants
 1. The Categorical Pretreatment Standards applicable to each regulated process.
 2. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Categorical Pretreatment Standard or by the General Manager, of the regulated Pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 4.3.D of this Ordinance.
 3. Sampling shall be performed in accordance with procedures set out in Section 4.3.D of this Ordinance.
 - f. Certification - A statement, reviewed by the User's Authorized Representative and certified by a qualified professional, indicating whether Categorical Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional Pretreatment is required to meet the Pretreatment Standards and Pretreatment Requirements.

- g. Compliance Schedule - If additional Pretreatment and/or O&M will be required to meet the Pretreatment Standards, the Compliance Schedule is the shortest schedule by which the User will provide such additional Pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A Compliance Schedule pursuant to this section must meet the requirements set out in Section 4.3.B of this Ordinance.
- h. Signature and Certification - All Baseline Monitoring Reports must be signed and certified in accordance with Section 4.1.F of this Ordinance.

B. Compliance Schedule Progress Reports

The following conditions shall apply to the Compliance Schedule required by Section 4.3.A.2.g of this Ordinance:

1. The Compliance Schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional Pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
2. No increment referred to above shall exceed nine (9) months;
3. The User shall submit a progress report to the General Manager no later than fourteen (14) days following each date in the Compliance Schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established Compliance Schedule; and in no event shall more than nine (9) months elapse between such progress reports to the General Manager.

C. Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standards, or in case of a New Source following commencement of the introduction of Wastewater into the POTW, any User subject to such Pretreatment Standards and Pretreatment Requirements shall submit to the General Manager a report containing the information described in Section 4.3.A.2 of this Ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6, this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's

actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 4.1.F of this Ordinance.

D. Periodic Compliance Reports

1. If a Permitted User monitors any Pollutant using the procedures prescribed in Sections B and C of this Section, the results of this monitoring shall, at a frequency determined by the General Manager but in no case less than every six-months (6), be reported. The report shall indicate the nature and concentration of Pollutants in the discharge, which are limited, by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. All such reports must be signed and certified in accordance with Section 4.1.F of this Ordinance.
2. All Pollutant analyses, including sampling techniques, to be submitted as part of a Waste Discharge Application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable Categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, an analysis must be performed in accordance with procedures approved by the US EPA.
3. Users must show compliance with Federal, State, and local regulations using appropriate sampling methods, in which data coming from the collection methods are representative of conditions occurring during the reporting period. The User is required to monitor at a frequency allowing for assessment and assurance of full compliance with applicable Pretreatment Standards and Pretreatment Requirements. Twenty-four (24) hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the General Manager. Where time-proportional composite sampling or grab sampling is authorized by the General Manager, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24 hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil & grease the samples may be composites in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the General Manager.

E. Reports of Changed Conditions

1. Each User must notify the General Manager of any planned significant changes to the User's operations or system, which might alter the nature, quality, or volume of its Wastewater at least thirty (30) days before the change.

2. The General Manager may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a Waste Discharge Application under Section 4.1.E of this Ordinance.
3. The General Manager may issue a Waste Discharge Permit under Section 4.2.B of this Ordinance or modify an existing Waste Discharge Permit under Section 4.2.D of this Ordinance in response to changed conditions or anticipated changed conditions.
4. For purposes of this section, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported Pollutants.

F. Reports of Potential Problems

1. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a Slug, that may cause potential problems for the POTW, the User shall immediately notify the General Manager of the incident. This notification shall include the location of the discharge, type of waste, concentration, and volume, if known, and corrective actions taken by the User.
2. Within five (5) days following such discharge, the User shall, unless waived by the General Manager, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability, which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any penalties, or other liabilities, which may be imposed pursuant to this Ordinance.

G. Reports from Unpermitted Users

All Users not required to obtain a Waste Discharge Permit shall provide appropriate reports to the General Manager as the General Manager may require.

H. Maintenance Plan

Any User with an Interceptor discharging to the sewer shall complete an approved maintenance plan, which includes but is not limited to:

1. Procedures to adequately maintain the Interceptor using a licensed and permitted waste hauler.
2. Determination of User staff responsible for maintenance of the Interceptor.

3. Procedures for spill response.

I. Reports of Sampling Violations/Repeat Sampling

If sampling performed by a User indicates a Violation, the User shall notify the General Manager within twenty-four (24) hours of becoming aware of the Violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the General Manager within thirty (30) days after becoming aware of the Violation. The User is not required to resample if the District monitors at the User's facility at least once a month, or if the District samples between the User's initial sampling and when the User receives the results of this sampling.

J. Certification for Non-Significant Categorical Industrial Users

A facility determined to be a Non-Significant Categorical Industrial User by POTW must submit the following certification statement signed and certified in accordance with the signatory requirements in Section 4.1.F as required by 40 CFR 403;

"Based on my inquiry of the person or persons directly responsible for managing compliance with the Categorical Pretreatment Standards under 40 CFR ____, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ [months, days, year]:

1. The facility described as _____ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in Section 2.1.C.42;
2. The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and
3. The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information:

" _____ "

K. Timing

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

L. Record Keeping

Users subject to the reporting requirements of this Ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the District, or where the User has been specifically notified of a longer retention period by the General Manager.

ARTICLE 5

WASTE DISCHARGE AUTHORIZATIONS and SPECIAL AGREEMENTS

5.1 GENERAL REQUIREMENTS

A. Wastewater Information

When requested by the General Manager, a User shall submit information on the nature and characteristics of its Wastewater and other associated and pertinent information within sixty (60) days of the request. The General Manager is authorized to require Users to update this information periodically.

B. Authorization/Special Agreement Requirement

1. No User shall discharge Wastewater into the POTW without first obtaining a determination of need for an Authorization and/or Special Agreement except that a User that has filed a timely application pursuant to Section 5.1.C of this Ordinance may continue to discharge for the time period specified therein.
2. Any violation of the terms and conditions of an Authorization/Special Agreement shall be deemed a Violation of this Ordinance and subject the User to the sanctions set out in Article 6 of this Ordinance. Obtaining an Authorization and/or Special Agreement does not relieve the User of its obligation to comply with all Federal and State Pretreatment Standards or Pretreatment Requirements or with any other requirements of Federal, State, and local law.

C. Issuing Authorizations/Special Agreement: New Connections

Users who propose to begin or restart a discharge to the POTW must apply for an Authorization and/or Special Agreement at least sixty (60) days prior to any discharge.

D. Issuing Authorizations/Special Agreements: Existing Connections that must meet New Requirements

Any User required to obtain an Authorization and/or Special Agreement due to requirements in this Ordinance who was discharging Wastewater into the POTW prior to the effective date of the requirements and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply for an Authorization and/or Special Agreement in accordance with Section 5.1.E of this Ordinance, and shall not cause or allow discharges to the POTW to continue after one hundred twenty (120) days of the effective date of this Ordinance except in accordance with an Authorization and/or Special Agreement issued by the General Manager.

E. Waste Discharge Application Contents

1. All Users required to obtain an Authorization and/or Special Agreement shall submit a Waste Discharge Application. The General Manager may require all Users to submit as part of an application the following information:
 - a. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are or could accidentally or intentionally be discharged to the POTW;
 - b. Number and type of employees, hours of operation, and proposed or actual hours of operation;
 - c. Each product produced by type, amount, process or processes, and rate of production;
 - d. Type and amount of raw materials processed (average and maximum per day); quantity, disposition, and method of disposal of specific liquid, sludge, oil, solvent, or other material;
 - e. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge; details of Pretreatment Facilities and their operation and maintenance; details of systems to prevent and control the losses of materials through spills to the POTW;
 - f. Time and duration of discharges; detailed plumbing plans indicating all sources discharging to the on-site or off-site Sewer Lateral;
 - g. Any other information as may be deemed necessary by the General Manager to evaluate the Waste Discharge Application.
2. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

F. Signatories and Certification

All Waste Discharge Applications and Reports must be signed by an Authorized Representative of the User and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons 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."

G. Authorization/Special Agreement Decisions

The General Manager will evaluate the data furnished by the User and may require additional information. Within thirty (30) days of receipt of a complete Waste Discharge Application, the General Manager will determine whether or not to issue an Authorization and/or Special Agreement. The General Manager may deny any application for an Authorization and/or Special Agreement.

5.2 AUTHORIZATION/SPECIAL AGREEMENT ISSUANCE PROCESS

A. Authorization/Special Agreement Duration

1. A Waste Discharge Authorization shall be issued for an indefinite time period, subject to review and reconsideration at the discretion of the General Manager.
2. A Special Agreement shall be issued for a specified time period, set forth in the terms of the Special Agreement.

B. Authorization/Special Agreement Contents

1. Waste Discharge Authorizations/Special Agreements shall include such conditions as are deemed reasonably necessary by the General Manager to prevent Pass Through or Interference or damage to the POTW, protect the quality of the water body receiving the POTW's effluent, protect public and worker health and safety, facilitate sludge management and disposal as required in 40 CFR 403.8, and protect against damage to the POTW.

Waste Discharge Authorizations/Special Agreements may contain:

- a. Notification and record-keeping requirements;
- b. Requirements for the development and implementation of plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges;
- c. Requirements for the development and implementation of waste minimization plans to reduce the amount of Pollutants discharged to the POTW;
- d. A statement that compliance with the Waste Discharge Authorization/Special Agreement does not relieve the User of responsibility for compliance with all applicable Federal and State Pretreatment Standards.
- e. Other conditions as deemed appropriate by the General Manager to ensure compliance with this Ordinance, and State and Federal

laws, rules, and regulations;

C. Waste Discharge Authorization/Special Agreement Appeals

1. Any Person, including the User, may petition the General Manager to reconsider the provisions of a Waste Discharge Authorization/Special Agreement within thirty (30) days of notice of its issuance.
 - a. In its petition, the appealing party shall indicate the Waste Discharge Authorization/Special Agreement provisions objected to, the reasons for objection, and the alternative provisions, if any, it seeks to place in the Waste Discharge Authorization/Special Agreement.
 - b. The effectiveness of the Waste Discharge Authorization/Special Agreement shall not be stayed pending the appeal.
2. Failure to submit timely a petition for reconsideration shall be deemed to be a waiver of the administrative appeal.
3. If the General Manager fails to act within thirty (30) days of the filing of a petition for reconsideration, the petition for reconsideration shall be deemed denied.
4. Any person, including the User, may petition the Board of Directors to reconsider the decision of the General Manager.
5. If the Board of Directors fails to act within thirty (30) days of the filing of a petition for reconsideration, the petition for reconsideration shall be deemed denied. Decisions not to issue a Waste Discharge Authorization/Special Agreements, not to reconsider the provisions of a Waste Discharge Authorization/Special Agreements, or not to modify the provisions of a Waste Discharge Authorization/Special Agreements shall be considered final administrative actions for the purposes of judicial review.
6. Any party aggrieved by a final Waste Discharge Authorization/Special Agreement administrative action may obtain review of the action in the superior court by filing in the court a petition for writ of mandate within ninety (90) days following the effective date of the action. If no aggrieved party petitions for writ of mandate within the time provided by this section, a final Waste Discharge Authorization/Special Agreement administrative action shall not be subject to review by any court or agency. The evidence before the court shall consist of the record before the General Manager, and any other relevant evidence which, in the judgment of the court, should be considered to effectuate and implement the policies of this Ordinance. Except as otherwise provided in this section, subdivisions (e) and (f) of Code of Civil Procedure section 1094.5 shall govern proceedings pursuant to this section.

D. Waste Discharge Authorization/Special Agreement Revocation

1. A Waste Discharge Authorization/Special Agreement may be revoked for good cause including, but not limited to the following reasons:
 - a. Failure to notify the General Manager of significant changes to the Wastewater prior to the changed discharge;
 - b. Misrepresentation or failure to fully disclose all relevant facts in the Waste Discharge Application;
 - c. Refusing to allow the General Manager timely access to the facility premises and records;
 - d. Failure to pay penalties;
 - e. Failure to pay sewer charges;
 - f. Failure to comply with EMWD's policies and standards.
 - g. Violation of any terms of the Waste Discharge Authorization/Special Agreement or this Ordinance.
2. Waste Discharge Authorizations and Special Agreements shall be voidable upon cessation of operations.
3. A determination may be made to issue a Waste Discharge Permit in the event the Waste Discharge Authorization or Special Agreement is revoked for good cause, including but not limited to all of the above.
4. A Waste Discharge Authorization or Special Agreement is void when a new Waste Discharge Permit, Waste Discharge Authorization, or Special Agreement to that User becomes effective.
5. Waste Discharge Authorization or Special Agreement revocation is subject to appeal as set forth in Section 6.4.

5.3 REPORTING REQUIREMENTS

A. Plan Requirements

1. Any User with an Interceptor discharging to the sewer shall have on file an approved maintenance plan which includes but is not limited to:
 - a. Procedures to adequately maintain the Gravity Interceptor using a licensed and permitted waste hauler;
 - b. Determination of User staff responsible for maintenance of the Gravity Interceptor;
 - c. Procedures for spill response.

2. Users with potential impact to the POTW shall have on file an approved management plan.

B. Timing

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

C. Record Keeping

Users subject to the reporting requirements of this Ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the District, or where the User has been specifically notified of a longer retention period by the General Manager.

ARTICLE 6
ENFORCEMENT

6.1 ENFORCEMENT ACTIONS

Notice of Violations shall be issued by the Source Control Manager or his designee. All other enforcement actions shall be issued by the Source Control Manager or management at a higher level (e.g., Environmental and Regulatory Compliance Department Director). The District, at its discretion, may utilize any one, combination of, or all enforcement remedies provided in Article 6 in response to any Violation.

A. Notice of Violation

When a User has violated, or continues to violate, any provision of this Ordinance, any Waste Discharge Permit, any Waste Discharge Authorization, or Special Agreement, any order issued under this Ordinance, or any other Pretreatment Standard or Pretreatment Requirement, the Source Control Manager or his designee may issue a written Notice of Violation.

B. Administrative Orders

1. CONSENT ORDERS

The Source Control Manager may enter into Consent Orders, assurances of compliance, or other documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action(s) to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as Compliance Orders and shall be judicially enforceable.

2. COMPLIANCE ORDERS

When the Source Control Manager finds that a User has violated, or continues to violate, any provision of this Ordinance, any Waste Discharge Permit, any Waste Discharge Authorization or Special Agreement, any order issued under this Ordinance, or any other Pretreatment Standard or Pretreatment Requirement, the Source Control Manager may issue a Compliance Order to the User responsible for the discharge directing that the User come into compliance within a specified time. A Compliance Order shall include specific action(s) to be taken by the User to correct the noncompliance within a time period specified by the Compliance Order. A Compliance Order shall be judicially enforceable. If the User does not come into compliance within the time provided, sewer service may be discontinued unless required Pretreatment Facilities, devices, or other related appurtenances are installed and properly operated. A Compliance Order also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the

amount of Pollutants discharged to the sewer. A Compliance Order may not extend the deadline for compliance established for a Pretreatment Standard or Pretreatment Requirement, nor does a Compliance Order relieve the User of liability for any Violation, including any continuing Violation.

3. SHOW CAUSE ORDERS

The Source Control Manager may issue a Show Cause Order directing a User which has violated, or continues to violate, any provision of this Ordinance, any Waste Discharge Permit, any Waste Discharge Authorization or Special Agreement, any order issued under this Ordinance, or any other Pretreatment Standard or Pretreatment Requirement to appear before a Hearing Officer and show cause why the proposed enforcement action(s) should not be taken. Notice shall be served on the User specifying the time and place for the hearing, the proposed enforcement action(s), the reasons for the action(s) and an order that the User show cause why the proposed enforcement should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least fifteen (15) days prior to the hearing. Such notice may be served on any Authorized Representative of the User.

C. Emergency Suspensions

The Source Control Manager may suspend immediately a User's discharge, without prior notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present an imminent or substantial danger to the health or welfare of Persons or to the environment, or which reasonably appears to present an imminent or substantial interference with the POTW, or which reasonably may cause the District to violate any condition of its NPDES permit.

Any User notified of an emergency suspension of its discharge shall immediately stop or eliminate its discharge. In the event of a User's failure to immediately comply voluntarily with the emergency suspension order, the Source Control Manager may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW or its collection system, or endangerment to any Persons or to the environment. The Source Control Manager may allow the User to recommence its discharge when the User has demonstrated that the period of endangerment has passed, unless the termination proceedings in Sections 6.1.E or Section 6.1.F of this Ordinance are initiated against the User.

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

D. Permit/Authorization/Special Agreement Termination

When the Source Control Manager finds that a User has violated, or continues to violate, any provision of this Ordinance, any Waste Discharge Permit, any Waste

Discharge Authorization or Special Agreement, any order issued under this Ordinance, or any other Pretreatment Standard or Pretreatment Requirement, the Source Control Manager may terminate the Waste Discharge Permit, Waste Discharge Authorization, or Special Agreement of said User.

E. Termination of Wastewater Service

In addition to the provisions for Emergency Suspensions, the Source Control Manager may order any User who has violated, or continues to violate, any provision of this Ordinance, any Waste Discharge Permit, any Waste Discharge Authorization or Special Agreement, any order issued under this Ordinance, or any other Pretreatment Standard or Pretreatment Requirement to cease immediately discharge of wastewater to the POTW, and may suspend Wastewater disposal and treatment service for such User in order to stop an actual or threatened discharge which presents or may present an imminent or substantial danger to the health or welfare of Persons or to the environment, or which presents or may present an imminent or substantial interference with the POTW, or which causes or may cause the District to violate any condition of its NPDES permit, or if the User has failed to obtain a valid Waste Discharge Permit. If the User fails to comply voluntarily with the termination order, the District will take such steps as deemed necessary, including immediate severance of the Sewer Lateral connection, to give effect to the termination order. All costs for terminating service shall be paid by the User. All costs for reestablishing service shall be paid by the User.

Such User shall be notified of the proposed termination of its discharge service and offered an opportunity to show cause under Section 6.1.B.3 of this Ordinance why the proposed action(s) should not be taken.

F. Termination of Water Service

When a User has violated, or continues to violate, any provision of this Ordinance, any Waste Discharge Permit, any Waste Discharge Authorization or Special Agreement, any order issued under this Ordinance, or any other Pretreatment Standard or Pretreatment Requirement, water service to the User may be terminated. Water service shall only recommence after the User has demonstrated satisfactorily its ability to comply. All costs for terminating water service shall be paid by the User. All costs for reestablishing water service shall be paid by the User.

Such User shall be notified of the proposed termination of its water service and offered an opportunity to show cause under Section 6.1.B.3 of this Ordinance why the proposed action(s) should not be taken.

G. Administrative Penalties

When the Source Control Manager finds that a User has violated, or continues to violate, any provision of this Ordinance, any Waste Discharge Permit, any Waste Discharge Authorization or Special Agreement, any order issued under this Ordinance, or any other Pretreatment Standard or Pretreatment Requirement, the Source Control Manager may impose an administrative penalty on such

User, as provided in Section 54740.5 of the Government Code, in an amount determined in accordance with Resolution 2963 as amended. Administrative penalties shall be assessed on a per-Violation, per-day basis. In the case of monthly or other long-term average discharge limits, administrative penalties shall be assessed for each day during the period of Violation. Unpaid charges and administrative penalties shall, after 30 calendar days, be assessed an additional penalty in accordance with Resolution 2963 as amended, and interest shall accrue thereafter in accordance with Resolution 1643 as amended. A lien against the User's property may be sought for unpaid charges and administrative penalties.

H. Injunctive Relief

When the Source Control Manager finds that a User has violated, or continues to violate, any provision of this Ordinance, any Waste Discharge Permit, any Waste Discharge Authorization or Special Agreement, any order issued under this Ordinance, or any other Pretreatment Standard or Requirement, the District may petition the Superior Court of the County of Riverside for the issuance of a temporary restraining order, preliminary injunction, and/or permanent injunction, as appropriate, to enjoin or compel the specific performance of the activities of the User causing such violation. The District may also seek such other action as appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation.

I. Civil Liability

The Source Control Manager may utilize the procedures and seek civil penalties, payment of excess costs, and imposition of a lien upon User's real property, as provided in Sections 54739, 54740, 54740.5, and 54740.6 of the Government Code, as may be amended from time to time, for violations of any provision of this Ordinance, any Waste Discharge Permit, any Waste Discharge Authorization or Special Agreement, any order issued under this Ordinance, or any other Pretreatment Standard or Pretreatment Requirement.

J. Criminal Penalties

Any User who willfully or knowingly violates any provision of this Ordinance, any Waste Discharge Permit, any Waste Discharge Authorization or Special Agreement, any order issued under this Ordinance, or any other Pretreatment Standard or Pretreatment Requirement, shall, upon conviction, be guilty of an infraction punishable by a fine not to exceed fifty dollars (\$50) for a first conviction, one hundred dollars (\$100) for a second conviction within a period of one (1) year, and two hundred fifty dollars (\$250) for a third or any subsequent conviction within a period of one (1) year. Each violation and each day in which a violation occurs shall constitute a separate violation and shall be subject to the penalties contained herein.

6.2 PUBLISHED NOTICES FOR SIGNIFICANT NON-COMPLIANCE

In accordance with 40 CFR 403.8, the District shall at least annually cause to be published the names of all Users which, at any time during the previous twelve (12)

months, were in Significant Non-Compliance. Publication shall be made in a newspaper of general circulation that provides meaningful public notice in the District's service area.

6.3 REMEDIES NON-EXCLUSIVE

The enforcement remedies for this Ordinance are nonexclusive. The Source Control Manager may take any, all, or any combination of these remedies against a noncompliant User. The Source Control Manager may take more than one (1) enforcement action against any noncompliant User, and no enforcement action shall be deemed a prohibition or a prerequisite for taking any other enforcement action(s) against the User. Enforcement of violations will generally be in accordance with the District's Enforcement Response Plan, however, the Source Control Manager may take alternative actions against a User when the circumstances warrant.

6.4 APPEALS

- A. Either the District or any User affected by and dissatisfied with any decision, order, or enforcement action made by the Source Control Manager or a Hearing Officer interpreting or implementing the provisions of this Ordinance or any Waste Discharge Permit, Waste Discharge Authorization, or Special Agreement may file with the Source Control Manager or Hearing Officer a written appeal requesting reconsideration of such decision, order, or enforcement action within thirty (30) calendar days from the receipt of the notice of such decision, order, or enforcement action. The party requesting reconsideration shall state in detail the facts supporting the request for reconsideration. The Source Control Manager or Hearing Officer shall render a ruling on the request for reconsideration, in writing, within ten (10) calendar days from receipt of the request. Submission of such a request for reconsideration in no way relieves the User of liability for any Violations occurring before or after receipt of the decision, order, or enforcement action, nor stays the requirements of achieving or maintaining compliance.
- B. If the ruling on the request for reconsideration made by the Source Control Manager or Hearing Officer is unsatisfactory to the District or to the User, either party may, within thirty (30) calendar days after receipt of notice of the Source Control Manager's or Hearing Officer's ruling, file a written appeal with the General Manager. The written appeal shall be heard by the General Manager within thirty (30) calendar days from the date of filing. The General Manager shall make a ruling on the appeal within thirty (30) calendar days from the date of the hearing.
- C. If the ruling on the appeal made by the General Manager is unsatisfactory to the District or to the User, either party may, within thirty (30) calendar days after receipt of notice of the General Manager's ruling, file a written appeal with the District's Board, lodging such appeal with the Secretary of the Board. The written appeal shall be heard by the Board within thirty (30) calendar days from the date of filing. The Board shall make a ruling on the appeal within thirty (30) calendar days from the date of the hearing, and shall give notice to the User that the time within which judicial review must be sought is governed by Code of Civil Procedure section 1094.6.

- D. The Board's final ruling shall be deemed a final decision, order, or enforcement action by the District which any Person adversely affected by such decision, order, or enforcement action may appeal to the appropriate court in the County of Riverside. No Person may obtain judicial review of any decision, order, or enforcement action by the District under this Ordinance without first having exhausted all administrative remedies set forth in this Section.

ARTICLE 7

SEVERABILITY

7.1 SEVERABILITY

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

ARTICLE 8

REPEAL

8.1 REPEAL

The Ordinance No. 59.5 is hereby repealed on the effective date hereof and all Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with the provisions of this Ordinance.

ARTICLE 9
EFFECTIVE DATE

9.1 **EFFECTIVE DATE**

The effective date of this Ordinance shall be January 16, 2013.