



**INDUSTRIAL DISCHARGE
ORDINANCE 2026-03**

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CHAPTER 1- GENERAL PROVISIONS

1.01 Purpose and Policy

This Industrial Discharge Ordinance sets uniform requirements for direct and indirect discharges of pollutants from nondomestic sources into the wastewater collection and treatment systems of North of River Sanitary District No. 1 (hereinafter referred to as “District”) and enables the District to comply with all applicable State and Federal laws including the Clean Water (Act 33 U.S.C. 1251 *et seq.*), the General Pretreatment Regulations (40 CFR Part 403) and the water quality requirements set by the Regional Water Quality Control Board. The objectives of this ordinance are:

- (a) To prevent the introduction of pollutants into the District’s wastewater system which will interfere with the operation of the system;
- (b) To prevent the introduction of pollutants into the District’s wastewater system which will pass through the system, inadequately treated, into receiving waters, the atmosphere or otherwise be incompatible with the system;
- (c) To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows for its disposal;
- (d) To protect District personnel who may come into contact with sewage, sludge and effluent in the course of their employment, as well as protecting the general public;
- (e) To preserve the hydraulic capacity of the District wastewater system;
- (f) To improve the opportunity to recycle and reclaim wastewater and sludge from the system;
- (g) To provide for equitable distribution of the cost of operation, maintenance and improvement of the District wastewater system; and
- (h) To ensure the District complies with its WDR permit conditions, sludge use and disposal requirements and Federal or State laws which the District wastewater system is subject to.

This Ordinance provides for the regulation of direct and indirect discharges to the District wastewater collection system through the issuance of permits to certain nondomestic dischargers and through enforcement of general requirements for other dischargers, authorizes monitoring and enforcement activities, establishes administrative review procedures, requires discharger reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This Ordinance shall apply to the District and to persons outside of the District who, by contract with the District, are included as dischargers of the District’s wastewater system. Except as otherwise provided herein, the General Manager of the District’s wastewater system or his designees, shall administer, implement, and enforce the provisions of this Ordinance. By discharging wastewater into the District’s wastewater system, industrial dischargers located beyond the District’s limits agree to comply with the terms and conditions established in this Ordinance, as well as any permits or orders issued hereunder.

1.02 Scope

1.02.1 This Industrial Discharge Ordinance shall be interpreted in accordance with the definitions set forth in Section 1.04.

1.02.2 The provisions of this Industrial Discharge Ordinance shall apply to the discharge of liquid-carried industrial wastes to facilities of the District. This Ordinance among other things provides for, the quantity and quality of discharged wastes, the degree of waste pretreatment required, the setting of discharge fees to provide for equitable distribution of costs, the issuance of permits for industrial wastewater discharges and the establishment of penalties for violation of this Industrial Discharge Ordinance.

1.03 Administration

1.03.1 Except as otherwise provided herein, the General Manager shall administer, implement and enforce the provisions of this Industrial Discharge Ordinance. Any powers granted to or duties imposed upon the General Manager may be delegated by the General Manager to other District personnel.

1.04 Definitions

The definitions given in this Section shall be used in the interpretation of this Industrial Discharge Ordinance, the issuance of permits, the making of charges for service and all other operations of this Industrial Discharge Ordinance unless another meaning for the word is apparent from the context.

Waste constituents and characteristics shall be measured by Standard Methods unless expressly stated, or as established by Federal or State regulatory agency.

1. “Act” or “the Act” Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. & 1251, et seq.
2. “Applicant” The person making application for industrial discharge service and who shall be the owner of the premises to be served.

3. “Authorized Representative of the Industrial Discharger”

- (1) If the industrial discharger is a corporation, authorized representative shall mean:
 - (a) the president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or
 - (b) the manager of one or more manufacturing, production, or operation facilities, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the industrial discharger is a partnership, association, or sole proprietorship, an authorized representative shall mean a general partner or the proprietor.
- (3) If the individual discharger is representing Federal, State, or local governments, or an agent thereof, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility.
- (4) The individuals described in paragraphs 1-4 above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the authorization is submitted to the District.

4. “Beneficial Uses”

Uses of the waters of the State that may be protected against quality degradation, including but not necessarily limited to, domestic, municipal, agricultural and industrial supply, power generation, recreation, aesthetic enjoyment, navigation and the preservation and enhancement of fish, wildlife and other aquatic resources or specified by Federal or State law.

5. “Biochemical Oxygen Demand (B.O.D.)”
The quantity of oxygen utilized in the biochemical oxidation of organic matter in five days at twenty degrees centigrade (20°C), as determined by the appropriate procedure in “Standard Methods” expressed in milligrams per liter.
6. “Board” or “Board of Directors”
The Governing Board of the North of River Sanitary District No. 1.
7. “BMP or “Best Management Practices”
Best management practices (BMPs) are those activities, practices, facilities, and/or procedures that when implemented to the maximum extent practicable will prevent or reduce pollutants in discharges.
8. “Building”
Any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind. Any structure used for human habitation or a place of business, recreation or other purpose requiring sanitary facilities.
9. “Categorical Pretreatment Standard” or “Categorical Standard”
Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act 33 (U.S.C. & 1317) which apply to a specific category of users and which appear in 40 CFR Chapter 1, Subchapter N, parts 405-471.
10. “Cesspool”
An excavation in the ground made for receiving sewage and so constructed that the solid matter is retained and the liquid portion is permitted to seep away.
11. “Chemical oxygen demand” or “C.O.D.”
The measure of chemically decomposable material in domestic or industrial wastewater expressed in terms of mass per volume (mg/l) as represented by the oxygen utilized as determined by the appropriate procedure described in “Standard Methods”.
12. “Chlorine demand”
The difference between the amount of chlorine added to a wastewater sample and the amount remaining at the end of a 30-minute period as determined by the procedures given in “Standard Methods”.

13. “Code” The Uniform Plumbing Code as adopted by the County from time to time.
14. “Collector Sewer” Collector sewers gather flows from individual buildings and businesses and transport the material to a main line or trunk line sewer.
15. “Commercial Service Connection” Any non-domestic and non-industrial service including a domestic service, which contains a commercial business in addition to or part of a residence.
16. “Community Sewer” A sewer owned or operated by the District, or a sewer owned or operated by another person or entity which is tributary to and discharges into an interceptor, or a treatment or disposal facility owned or operated by the District.
17. “Compatible Pollutant” Biochemical oxygen demand, suspended solids, pH and fecal Coliform bacteria, plus additional pollutants identified in the District’s Waste Discharge Requirements (WDR’s) for the District’s treatment and disposal works that was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree.
18. “Composite Sample” The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.
19. “Connection” Any connection between the Applicant or customer’s equipment or facilities, and the District’s equipment, or facilities.
20. “Contamination” An impairment of the quality of the waters of the State by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. Contamination shall include any equivalent effect resulting from the disposal of wastewater, whether or not waters of the State are affected.

21. “Contiguous Property”
Property which is owned or hired by the wastewater discharger, is contiguous to the source of wastewater discharge, and is made up of land parcels with common boundaries or parcel separated only by publicly owned or operated rights-of-way. Publicly owned rights-of-way include those owned or operated by railroad, pipeline, water, power, electrical, gas, telephone or other public utility companies. Only those parcels having a common boundary, if the public right-of-way is removed, shall be considered to be contiguous.
22. “Control Authority” The term “Control Authority” shall refer to the General Manager once the District has a U.S. EPA approved pretreatment program according to the provisions of 40 CFR 403.11.
23. “County” The County of Kern.
24. “County Engineer” The Engineer of Record for the County of Kern.
25. “Customer” Utility user.
26. “Discharge” The discharge or the introduction of nondomestic pollutants into the District’s wastewater system by an industrial discharger.
27. “Discharger” Any person or entity that discharges or causes a discharge to a public sewer.
28. “Dissolved solids” or “dissolved matter”
The solid matter in solution in the wastewater and shall be obtained by evaporation of a sample from which all suspended matter has been removed by filtration as determined by the procedures in “Standard Methods”.
29. “District” The North of River Sanitary District No. 1 (NORS D) which is legally authorized to construct, maintain, and operate a sewer collection system and wastewater treatment and disposal facilities.
30. “District Engineer” The Engineer of the North of River Sanitary District No. 1, as appointed from time to time.

31. “General Manager” The General Manager of the North of River Sanitary District No. 1, as appointed from time to time.
32. “Domestic” See “Residential Service Connection”
33. “Domestic sewage” The waterborne waste associated with human habitation and may be contaminated with human excrement, offal or feculent matter. It also includes wastewater or sewage from the operations of restaurants, hotels, vehicle service stations, garages, single or multiple residences or places of retail business.
34. “Effluent” Partially or completely treated liquid outflow of any facility designed to treat, convey or retain wastewater.
35. “Emergency” A situation which reasonably appears to present an imminent endangerment to the health or welfare of persons, or the environment, or which threatens to interfere with the operation of the District’s sewerage system.
36. “Existing Source” Any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards under Section 307(b) and (c) (33 U.S.C. 1317) of the Act which will be applicable to such source if the standard is thereafter promulgated in accordance with section 307 of the Act.
37. “Federal Act” The Federal Water Pollution Control Act of 1972, PL 92-500, and any amendments thereto; as well as any guidelines, limitations, and standards promulgated by the United States Environmental Protection Agency pursuant to the Act.
38. “Force Main” Pressure pipes located on the discharge of sewage pumps. They transport the flow discharged from the sewage pumps by pressure to a gravity sewer.
39. “Garbage” Solid food wastes from the domestic, commercial, and institutional preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
40. “Grab sample” A sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.

41. “Grease Removal Device”
Any hydromechanical grease interceptor that automatically, mechanically removes non-petroleum fats, oils and grease (FOG) from the waste stream, the control of which are either automatic or manually initiated.
42. “Grease Trap”
An under sink plumbing device designed to collect most greases and solids before they enter a wastewater disposal system.
43. “Holding Tank Waste” Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, grease traps or interceptors, sand traps, vacuum pump tank trucks, and similar sources.
44. “Incompatible Pollutant”
Any pollutant which is not a compatible pollutant as defined in this section. The pretreatment standard for incompatible pollutants introduced into a District treatment works by a major contributing industry not subject to Section 307(c) of the Federal Act shall be, for sources within the corresponding industrial or commercial category, that established by a promulgated effluent limitations guideline defining best practicable control technology currently available pursuant to Section 301(b) and 304(b) of the Federal Act, provided, that if the District's treatment works which receives the pollutants is committed, in its NPDES or WDR permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to dischargers of such treatment works shall be correspondingly reduced for that pollutant; and provided, further, that even when the effluent limitations guideline for each industry category is promulgated, a separate provision will be proposed concerning the application of such guidelines to pretreatment.
45. “Industrial Connection” A sewer connecting the industrial waste system to the public sewer.
46. "Industrial Discharge Ordinance"
This ordinance as enacted by the District's Board of Directors
47. “Industrial Discharger” Any discharger who discharges nondomestic or noncommercial wastewater to any of the District's sewerage systems or any other system tributary thereto.

48. “Industrial Liquid Pretreatment Plant”
Any works or device for pretreatment of industrial liquid wastes prior to discharge into the public sewer.
49. “Industrial Waste or Wastewater”
All liquid wastes and wastewater from industrial sources excluding domestic and commercial wastewater and uncontaminated water, and includes all wastewater from any producing, manufacturing, processing, agricultural, or other operation where the wastewater discharged includes quantities of wastes of nonhuman origin.
50. “Inspector”
A person authorized by the District to inspect wastewater generation, conveyance, processing and disposal facilities.
51. “Interceptor”
A device for retaining sand, silt, grit, mineral material, petroleum solvent, grease or oil by gravity-differential separation from wastewater and of a design and capacity approved by the General Manager, the County Health Department, or the City or County Building Inspector.
52. “Interference”
A discharge, which alone or in conjunction with a discharge or discharges from other sources, or both:
- (1) Inhibits or disrupts the District’s sewerage system, its treatment processes or operations, or its sludge processes, use or disposal; and
 - (2) Therefore is a cause of a violation of any requirements of the District’s Waste Discharge Order (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act, and all similar laws, regulations, ordinances or rules that may be enacted, promulgated, or adopted from time to time.

53. “Lateral Sewer” A sewer that conveys liquid wastes from a building structure or property to a collector, main line, or trunk sewer. All costs associated with maintaining a lateral sewer shall be borne by the property owner or user.
54. “Local Sewering Agency” See “District”.
55. “Main Line Sewer” Main line sewers collect flows from collector sewers and transport them to trunk line sewers.
56. “Manager” See “General Manager”.
57. “Mass Emission Rate” The weight of material discharged to the sewer system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of a particular constituent or combination of constituents.
58. “May” Is permissible.
59. “National Categorical Standards”
National Pretreatment Standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to the District sewerage system by existing or new Industrial Dischargers in specific industrial subcategories.
60. “National Pretreatment Standard”
Any regulation containing pollutant discharge limits promulgated by the Environmental Protection Agency (EPA) in accordance with Section 307(b) and (c) of the Clean Water Act, which applies to Industrial Dischargers. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5 and all such laws, regulations, ordinances or rules that may be enacted, promulgated or adopted from time to time.
61. “Natural Outlet” Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.
62. “New Source”
(1) Any source of a discharge, the construction or operations of which commenced after the publication of proposed Categorical Pretreatment Standards under Section 307(c) [33 U.S.C. 1317(c)] of the Act which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307(c), provided that:

- (a) no other source is located at that site; or
 - (b) the source completely replaces the process or production equipment of an existing source at that site; or
 - (c) the new wastewater generating process of the source is substantially independent of an existing source at that site; and the construction of the source creates a new facility rather than modifying an existing source at that site.
- (2) For the purposes of this definition, construction or operation has commenced if the owner or operator has:
- (a) Begun, or caused to begin as part of a continuous on-site construction program:
 - (i) Any placement, assembly, or installation of facilities or equipment; or
 - (ii) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

63. “Nondomestic Pollutants”
Any substances other than human excrement and household gray water (shower, dishwashing operations, etc.). Nondomestic pollutants include the characteristics of the wastewater (that is, pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, odor).
64. “North of River Sanitary District No. 1 (NORSRD)”
See “District”
65. “Nuisance”
Anything which is injurious to health, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfort or enjoyment of life or property. A public nuisance is one which affects at the same time an entire community or neighborhood or a considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.
66. “Offsite Charges”
A charge made by the District to property owners, applicants or developers for connecting to the existing public sewage system.
67. “Ordinance”
An Ordinance as enacted by the District’s Board of Directors.
68. “Owner”
The person or the persons in whose name(s) the legal title to the property appears by deed recorded in the County Recorder's Office, or the person in possession of the property or buildings under claim of, or exercising acts of ownership over same for himself, or as executor, administrator, guardian or trustee of the owner or the purchaser under contract.
69. “Pass Through”
A discharge which exits the POTW in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of the District’s Waste Discharge Requirements.
70. “Peak Flow Rate”
The flow rate at which wastewater is discharged to a public sewer during the highest 30 minute flow period in the preceding 12 months.
71. “Permit”
A written permit issued by the General Manager or his authorized representative.

72. “Person” Any individual, partnership, corporation, firm, company, association, society or group. Any individual, partnership, firm, association, corporation, or public agency, including the State of California and the United States of America.
73. “pH” A measure of the acidity or alkalinity of a substance, expressed in standard units; neutral wastewaters are numerically equal to 7 while the number increases to show increasing alkalinity and decreases to show increasing acidity.
74. “Pollution” An alteration of the quality of the waters of the State by waste to a degree which unreasonably affects such waters for beneficial use or facilities which serve such beneficial users. Pollution may include contamination.
75. “Premises” A lot or parcel of real property, including any improvements thereon, under one ownership, except where there are well-defined boundaries or partitions such as fences, hedges or other restrictions preventing the common use of the property by the several tenants, in which case each portion may be deemed by the District to be separate premises for purpose of receiving, using, and paying for service. Multi-family dwellings and office buildings may be classified as single premises.
76. “Pretreatment or Treatment” The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater thereby rendering them less harmful to the District’s wastewater system prior to introducing such pollutants into the system. 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 pretreatment standard.
77. “Pretreatment Requirements” Any substantive or procedural requirement related to pretreatment, including National pretreatment categorical standards and prohibitive discharge standards imposed on an industrial discharger.

78. “Private Sewage Disposal System”
A septic tank, cesspool or such other facility.
79. “Private Sewer” A sewer laid by private parties other than a lateral, to serve one or more buildings which are not immediately adjacent to a public sewer, so as to connect the building or buildings to a public sewer, and irrespective of whether the sewer is constructed in public or private property.
80. “Prohibited Discharge Standards or Prohibited Discharges”
Absolute prohibitions against the discharge of certain defined types of industrial wastewater; these prohibitions appear in Chapter 5 of this ordinance.
81. “Properly Shredded Garbage”
The food wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-fourth inch in any dimension.
82. “Public Corporation” The State of California and any political subdivision thereof, any incorporated municipality therein, any public agency of the State or any political subdivision thereof, or any corporate municipal instrumentality of this State.
83. “Public Owned Treatment Works” or “POTW”
A “treatment works,” as defined by Section 212 of the Clean Water Act (33 U.S.C. §1292) which is owned by the District. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.
84. “Public Sewer” A sewer in which all owners of abutting properties have equal rights, and is controlled and maintained by the District.
85. “Radioactive Material”
Material containing chemical elements that spontaneously change their atomic structure by emitting any particles, rays or energy forms.

86. “Receiving Stream or Water of the State”
All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.
87. “Record Drawing” The construction plans approved by the District that have been modified to show the changes from the original design that were made during construction.
88. “Renter” Non-owner utility user.
89. “Residential Service Connection”
Service to a single-family dwelling, duplex, flat, or apartment that is used for human occupancy. See also “Lateral”.
90. “Saddle” A connection installed on a main line sewer by boring a hole in the sewer pipe and installing a prefabricated fitting.
91. “Sand Trap” See “Interceptor”.
92. “Section” A section of this Ordinance.
93. “Septic Tank” An approved water-tight tank or compartment for use in eliminating, disposing, digesting or reducing solid substances in sewage before disposing of the effluent in a cesspool or leaching system.
94. “Service Charge” The monthly or annual charge for each user’s proportionate share (as required by the Federal Act) of the District’s cost of operation, maintenance, replacement, debt service, capital recovery, administration and reserves.
95. “Sewage” Waterborne wastes transported by the public sewer, except storm water, ground water, roof or yard drainage, and includes domestic sewage, industrial waste and wastewater or contaminated water of any origin.
96. “Sewage Pumping Plant”
Any works or device for the pumping of sewage, except a septic tank or a cesspool.

97. “Sewage Treatment Plant”
Any works or device for the treatment of sewage, except a septic tank or a cesspool.
98. “Sewage Works”
All facilities for collecting, pumping, treating and disposing of sewage.
99. “Sewer”
A pipe or conduit for carrying sewage together with appurtenant manholes and cleanouts.
100. “Shall”
Is mandatory.
101. “Shall” and “Will”
As used in this document shall both mean a mandatory or obligatory act or requirement.
102. “Significant Industrial User”
1. Except as provided in paragraph 2. of this subsection, the Significant Industrial User means:
 - a. All industrial dischargers subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and
 - b. Any other industrial discharger that:
 - i. Discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
 - ii. Contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment; or
 - iii. Is designated as such by the District on the basis that the industrial discharger has a reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

2. Upon a finding that an industrial discharger meeting the criteria in paragraph 1.b. of this section has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the District may at any time, on its own initiative or in response to a petition received from an industrial discharger, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial discharger is not a significant industrial user.
103. "Single Family Residence Equivalent" (SFRE)
The capacity required to meet the estimated potential demand of the typical residential user expressed in terms of the volume of wastewater discharged, usually average daily flow in gallons per day weighted for wastewater constituents and characteristics in excess of the typical average strength of domestic wastewater.
 104. "Slug load"
Any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen minutes more than five times the average twenty-four hour concentration or flows during normal operation.
 105. "Solid Wastes"
The non-liquid carried wastes normally considered to be suitable for disposal with refuse at sanitary landfill refuse disposal sites.
 106. "Special Sewer"
Any public sewer constructed within the boundaries of the District territory annexed to the District or areas outside the District in which the cost was not directly assessed to or borne by the abutting property and which has been, or may hereafter be designated as a "Special Sewer" by Ordinance of the Board of Directors.
 107. "Special Sewer Fee"
The fee established by Ordinance of the Board of Directors to be paid by any person, firm or corporation upon issuance of a permit to connect to a special sewer.
 108. "Standard Industrial Classification (SIC) Code or North American Industry Classification System" (NAICS)
A Classification pursuant to the classification manual issued by the Executive Office of the President, Office of Management and Budget.

109. “Standard Methods” The current edition of Standard Methods for the Examination of Water and Wastewater as published by the American Public Health Association (et al.).
110. “Standard Specifications for Sanitary Sewer System Improvements”
The latest edition of the Improvement Standards for the District of facilities to be owned and/or operated by the District.
111. “Storm Drain” Any conduit, channel or ditch that carries storm and surface waters and drainage in which a flow of water occurs, either continuously or intermittently, but excludes sewage, industrial wastes and wastewater, other than unpolluted cooling water or irrigation water.
112. “Subscriber” Another public or private utility company providing sewer service to more than one person and one parcel of land, but for which some part of its sewer treatment or other sewer service is provided by the District by contract or other previous agreement.
113. “Suspended Solids” (S.S.) Solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering by the appropriate testing procedure as described in “Standard Methods”.
114. “Total Organic Carbon (T.O.C.)” The measure of total organic carbon in domestic or other wastewaters as determined by the appropriate testing procedure as described in “Standard Methods”.
115. “Toxic Pollutant” One of the pollutants or a combination of those pollutants listed as toxic in regulations promulgated by the Environmental Protection Agency under the provisions of Section 307 (33 U.S.C. 1317) of the Act.

116. “Trade Secrets” Shall include but shall not be limited to any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.
117. “Treatment Plant” That portion of the District’s wastewater system designed to provide treatment of sewage and industrial waste.
118. “Treatment Plant Effluent” Any discharge of pollutants from the District’s wastewater system into waters of the State.
119. “Trunk Sewer” A sewer designed to receive wastewater from collector or main line sewers which is constructed, maintained and operated by the District. Trunk sewers generally do not have house connections or industry connection sewers directly attached. Trunk sewers are usually the largest lines in the collection system, which transport the majority of the flows to the sewage treatment plant.
120. “Uncontaminated Water” Any wasted water of the community not contaminated or polluted with wastewater and which is suitable or could readily be made suitable for discharge to a storm water drainage system or natural drainage area.
121. “Unpolluted Water” Water containing no constituents which would render such water unacceptable to the agency having jurisdiction thereof for disposal to storm or natural drainages or directly to surface water.
122. “Unsanitary” A condition which is contrary to sanitary principles or is injurious to health and means, in particular, any sewer connection, construction or condition, temporary or permanent, which would permit or make possible by any means whatsoever, for any unapproved foreign matter to enter a domestic or public sewer system or for any sewage to escape a sewer connection or public sewer.

123. “User” Discharger. Any person that discharges, causes or permits the discharge of wastewater into a community sewer.
124. “User Classification” See “Standard Industrial Classification”
125. “Waste” Sewage and all other waste substances, liquid, solid, gaseous or radioactive, associated with human habitation or of human or animal nature, including such wastes placed within containers of whatever nature prior to and for the purpose of disposal. Includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, of human or animal origin, or from any producing, manufacturing, or processing operation.
126. “Waste Discharge Requirements” or “WDR’s” Requirements issued to the District by the California Regional Water Quality Control Board for disposal of treated wastewater pursuant to Water Code Section 13263, as may be amended from time to time.
127. “Wastewater” Means the water-carried wastes of the community derived from human, commercial or industrial sources including domestic wastewater and industrial wastewater. Rainwater, groundwater or drainage of uncontaminated water is not wastewater. Waste and water, whether treated or untreated, discharged into or permitted to enter a community sewer.
128. “Wastewater Constituents and Characteristics” The individual chemical, physical, bacteriological and radiological parameters, including volume and flow rate and such other parameters that serve to define, classify or measure the contents, quality, quantity and strength of wastewater.
129. “Water of the State” Any water, surface or underground, including saline waters within the boundaries of the State.

1.05 Dumping Without Approval

No persons shall dump or cause to be dumped, into any manhole, cleanout or flushing inlet any materials (solid, liquid, or gaseous) whatsoever without prior approval of the District.

1.06 Unauthorized Industrial Service Connections, Extensions, or Improvements

- 1.06.1 Construction of an industrial service connection, extension, or improvement prior to making application and paying all charges in accordance with the Industrial Discharge Ordinance is not permitted. Any person doing so is guilty of a misdemeanor. An unauthorized connection, when discovered by the District, may require payment equal to twice the avoided user charges in effect during the period of time since such unauthorized service connection was made and twice the connection fee currently in effect at the time of discovery. Such unauthorized connections may be disconnected by District until payments and penalties required by this ordinance are deposited with the District. The payments and penalties as provided herein shall be reduced to a surcharge of twenty-five percent (25%) added to the retroactive service charges and current connection fee provided that payment in whole is made to the District as billed within ten working days of written notification by certified mail.
- 1.06.2 Notwithstanding the provisions of this section, the Board of Directors shall have the right to alter or reduce the penalties and provisions herein in public session at a regularly scheduled Board meeting upon recommendation of the Manager or upon appeal by the penalized party.

1.07 Violation - Notice

- 1.07.1 The District shall notify any person found to be in violation of this Ordinance for any limitation or requirement of a permit issued hereunder before the District takes any action to implement Section 1.09 of the Ordinance.
- 1.07.2 Unless otherwise provided herein, any notice required to be provided to the District under this Industrial Discharge Ordinance shall be in writing and served in person or by Registered, Certified, or First-Class mail. If served by mail, the notice shall be forwarded to the address listed below:

NORTH OF RIVER SANITARY DISTRICT NO. 1
204 Universe Avenue
Bakersfield, CA 93308
Attention:

- 1.07.2 Notice shall be deemed to have been given at the time of deposit, postage prepaid, in a facility regularly serviced by the United States Postal Service.

1.08 Time Limits

Any time limit provided in any written notice or in any provision of this Industrial Discharge Ordinance may be extended only by a written directive of the District.

1.09 Penalty for Violation and Civil Liability

1.09.1 Every person violating any provision of this Industrial Discharge Ordinance including the failure to pay any fees, charges or surcharges imposed hereby, or any condition or limitation of a permit or plan approval issued pursuant thereto, is subject to legal action by the District. The District may, upon authorization of its Board of Directors, sue and/or take other appropriate action to recover any amounts due the District under the provisions of State Law and this Industrial Discharge Ordinance. Each day during which any violation continues to occur shall constitute a separate offense.

1.09.2 Any person who intentionally or negligently violates any provision of this Industrial Discharge Ordinance pertaining to the subject matter of either subparagraphs (a) or (b) below, or any condition or limitation of a permit or plan approval related thereto, shall be in violation of this Industrial Discharge Ordinance and shall be civilly liable to the District for actual damages caused by such violation.

- a. Not pretreating any industrial wastewater which would otherwise be detrimental to the treatment works or its proper and efficient operation and maintenance.
- b. Not preventing the entry of such wastewater into the collection system and treatment works.

1.10 Termination of Service

The District may revoke any industrial wastewater discharge permit for any violation as to any provision of this Industrial Discharge Ordinance. All costs for terminating service shall be paid by the discharger; all costs for reinstating service shall be paid the discharger.

1.11 Harmful Contributions

The District may suspend sewerage service when in the opinion of the District such suspension is necessary in order to stop an actual discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, the environment, causes interference to the District's sewerage facilities, or causes the District to violate any state or federal law or regulation.

1.12 Damage to Facilities

When a discharge causes an obstruction, damage, or any other impairment to District facilities, the District may assess a charge against the discharger for the work required to clean or repair the facility and add such charge to the discharger's sewer service charge.

1.13 Falsifying of Information

Any person who knowingly makes any false statement, representation, record, report, plan or other document filed with the District or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Industrial Discharge Ordinance is subject to the civil and or criminal liabilities imposed under Section 7.24 and 7.25 of this Ordinance.

1.14 Shut-off From Sewer Line

The General Manager shall have the power to temporarily shut off any premises from use of the sewerage system of the District where the occupant or discharger of such premises is placing in such sewerage system substances in violation of this Industrial Discharge Ordinance. The General Manager shall report the circumstances of such shut-off to the Board of Directors at its next meeting following such shut-off.

1.15 Existing Wastewater Discharges

Any entity discharging industrial waste into the District's collection system without a valid permit or written permission from the District is in violation of this Industrial Discharge Ordinance and is subject to legal action as specified in Chapter 7.

1.16 Severability

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

CHAPTER 2 – INDUSTRIAL SEWER CONNECTIONS

2.01 Required

No discharger of industrial waste shall make, construct, install, alter, repair or enlarge any building sewer or connect any such building sewer to a District sewer without first obtaining an industrial discharge permit as defined in Chapter 4. The person or agent requesting an industrial wastewater discharge permit shall make application on the forms furnished by the District.

2.02 Fee to Accompany Application

The General Manager shall require payment by the Applicant for fees established by this Industrial Discharge Ordinance in the Master Fee Schedule (Appendix 14), or as may be amended from time to time by Resolution or Ordinance.

2.03 Approval of Plans

Any person proposing to construct any type of sewage works, lateral sewer, or industrial connection that will discharge directly or indirectly to District facilities shall obtain District approval of plans and specifications.

2.04 Issuance of Permit

The District will issue a permit for sewer service under this Industrial Discharge Ordinance only if the District is satisfied that the industrial connection conforms to the requirements of this Industrial Discharge Ordinance and to the District's "Standard Specifications for Sanitary Sewer System Improvements".

2.05 Permit Shall Not Relieve Discharger of Duties

The approval of plans or the issuance of an industrial discharge permit shall not relieve the discharger of any duty imposed upon him pursuant to this Industrial Discharge Ordinance.

CHAPTER 3 – CONSTRUCTION OF SEWAGE WORKS

3.01 Approval of Plans for Construction of Sewerage Improvements or Extensions

Plans and Specifications for sewer construction that will convey industrial wastewater will not be reviewed by the District until the discharger has first obtained an Industrial Discharge Permit.

3.02 Installation and Ownership of Extension of Facilities

The Applicant shall have the facilities constructed and installed by a contractor approved by the District. The District reserves the right to construct, with its own personnel or by contract, at cost to the Applicant, taps or connections to existing pipes and any other complex or difficult construction that may be crucial to proper operation and function of District facilities. The Applicant may be required to furnish an irrevocable letter of credit, bond, or other acceptable surety to guarantee completion and payment for any facilities constructed under the agreement. Upon completion, final inspection and acceptance in writing by the District, the off-site facilities shall be owned and operated by the District as part of its sewer system.

3.03 Sizing of Facilities

3.03.1 The normal minimum pipe line size for public sewer shall be eight (8) inches inside diameter, however, the District may specify larger or smaller pipe line size under appropriate conditions.

3.03.2 Grease interceptors shall be sized in accordance with District, County or City Standards that are in effect at the time of installation of such device.

3.04 Location of New Facilities

3.04.1 The extension or improvement of sewers shall be located only on land owned by the District in fee, in streets with an acceptable encroachment permit, existing public utility easements, or in an easement granted to the District.

3.04.2 The location is subject to the District's approval of alignment, accessibility and safety of the facilities.

3.04.3 The Applicant shall convey or grant to the District without cost such land and/or easements the District determines necessary for the facilities.

3.04.4 The District may also require an easement for future extensions.

3.04.5 Land shall be conveyed to the District, free and clear of liens or encumbrances except encumbrances of record that are acceptable to the District.

3.04.6 Easements shall be granted in a form satisfactory to the District. The pipeline shall abut all parcels served.

3.04.7 An easement shall be granted to District along the entire length of the Applicant's parcel except in cul-de-sacs, dead-end roadways or other situations where the District determines that the pipeline may terminate and remote service be provided.

3.05 Inspection of Construction

3.05.1 Inspection by the District during construction and upon project completion will be conducted.

3.05.2 The contractor building the sewer shall notify the District at least seven (7) working days in advance of the time the connection is to be performed.

3.05.3 Construction inspection requirements are specified in the "Standard Specifications for Sanitary Sewer System Improvements".

3.06 Expense to be Borne by Applicant

All costs and expense incidental to the installation and connection of a lateral sewer, sewer line extension, or sewer system improvement shall be borne by the Applicant. The owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer, extension, or improvement.

3.07 Obligation for Lateral Sewer

The District does not assume any obligation or expense for maintaining any lateral sewer from the public sewer to the premises served. All costs associated with maintaining a lateral sewer shall be borne by the discharger or land owner. All service and expense of operation and maintenance of the District sewer shall be borne by the District.

3.08 Record Drawings and Proof of Service Certification

3.08.1 Upon completion and final inspection by the District, Applicant shall submit a complete set of record drawings of the facility acceptable to the District.

3.08.2 After all conditions for acceptance of the facility have been met, the District will issue written certification of proof of service to the County Building Department.

3.09 First Year Warranty Responsibility

3.09.1 For a period of one (1) year from the date of acceptance by the District, the Applicant shall warrant for the repair of all defects, leaks or failure occurring in the facilities, which are, as determined by the District, due to negligence in the manufacture and/or

installation of the facilities exclusive of operation of the system by the District or its agents, acts of a third party or acts of God.

3.09.2 Failure by the Applicant to pay for any of the repairs described above after being billed by the District will result in a lien being placed against the property by the District.

3.09.3 The Applicant, or the Applicant's contractor, shall submit a one (1) year repair surety; a bond, (in form acceptable to the District), certificate of deposit, or irrevocable letter of credit, in an amount not less than ten percent (10%) of the construction costs of the facilities before the improvements are accepted by the District.

3.10 Documentation of Project Costs

For projects involving District reimbursement or reimbursement by other users, the Applicant shall provide the District with copies of all invoices for materials, equipment, employed labor and District costs for construction of the project marked "PAID" and signed by the Applicant or his authorized agent.

3.11 Cost Reimbursed by the District

3.11.1 Reimbursement of reasonable costs to an Applicant for extension of permanent facilities required to be larger than needed by the Applicant may be made pursuant to the District reimbursement policies outlined in the following section.

3.11.2 The District will collect and disperse funds for partial reimbursement of oversized facilities constructed by others under the conditions set forth below.

- a. The District shall be under no obligation to make any reimbursement payment whatsoever, except as outlined in this section. All questions as to the meaning of any portion of this section shall be as interpreted by the District.
- b. Proposed facilities must be constructed in accordance with plans and specifications approved by the District. The District may require that the facilities have sufficient capacity not only to serve the Applicant's areas, but other areas beyond, or in addition to the Applicant's areas.
- c. Any Applicant who requires service through facilities or improvements constructed by others pursuant to a reimbursement agreement and for which Applicant did not contribute to the cost of construction shall pay a pro rata reimbursement fee in addition to all other required charges prior to service being provided. A three percent (3%) administration charge may be added to the reimbursement fee, or \$250, whichever is larger, to compensate District for administration of the reimbursement contract. An area of benefit that identifies parcels having access to the constructed facility shall be

determined at the sole discretion of the District and a map of the area shall be attached to the reimbursement agreement. The District shall make an estimate of future use within the area of benefit based upon knowledge and investigation of those same factors by which sizing of the constructed facility was determined. This total projected future use, calculated as Single Family Residence Equivalents (SFRE), assigned to the mapped area of benefit plus the verified cost of the project constitute those factors by which a contractually obligated reimbursement fee shall be calculated according to the following formula:

Rf = Reimbursement Fee

Cp = Cost of project

Tc = Total capacity of facility expressed in SFRE's as determined solely by District

Sf = Number of SFRE's required by Applicant's parcel

Rf = $(Cp \div Tc) \times Sf$

- d. Annually the District will disperse any collected reimbursement funds to the Applicant who constructed the facilities without interest. Applicant shall keep the District informed of any change of Applicant's mailing address.
- e. All obligations for reimbursement of any excess capacity costs shall cease at the end of ten (10) years following the date of transfer of title to District of the reimbursable facilities. In no event shall reimbursement payments exceed total project construction costs less capacity used by the original Applicant.
- f. The Applicant's rights to reimbursement funds shall not be transferable or assignable without the express written consent of the Board of Directors.

3.12 Environmental Impact Report Charge

Unless all such environmental processing has been done by the County or another agency, the District may determine that an environmental impact study or report is required for a proposed extension facility necessary to serve an Applicant's land. The Applicant shall be responsible for the costs of preparing such a study and/or report, including engineering, administration, and legal costs incurred by the District relating to Applicant's project.

3.13 Connections to Collector Sewers

Lateral sewer connections to collector sewers shall be through the use of sanitary wyes or service saddles as determined by the District.

3.14 Connections to Main Line Sewers

If an Applicant desires to connect a lateral sewer to a main line sewer, and in the opinion of the District no other suitable connection or clean out exits, such Applicant may file an application with the District to do so. At the sole discretion of the District the connection will be made by either tapping the main line or by installing a manhole on the main line. In either case the work shall be done by a licensed contractor, approved by the District. All work shall be done in compliance with applicable standards.

3.15 Connections to Trunk Lines

Connection of individual parcels to trunk lines shall not be done unless specifically approved by the General Manager. All connections to trunk line sewers shall be through the use of manholes or other methods approved by the District.

3.16 Conformance of Lateral Sewers

The connection of the lateral sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations. All such connections shall be made gas-tight and water-tight. Any deviation from the prescribed procedures and materials must be approved by the District before installation. Mortar, lead or tar joints will not be permitted.

3.17 Protection of Excavations - Restoration of Property

All excavations for sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the District.

3.18 Abandoned Lateral Sewer or Connection

Any abandoned lateral sewer or connection shall be plugged or capped at the expense of the Applicant or property owner of the premises which lateral sewer serves, at a point and in a manner approved by the inspector. The restored use of an abandoned lateral sewer shall not be approved by the inspector if the line or connections thereto do not meet construction standards at the time of application for reuse.

3.19 Unsanitary Building Sewer - Order to Repair or Replace

If, in the course of inspection process, an existing lateral sewer is found to be in an unsanitary condition, the District shall order the lateral sewer or connection to be repaired, modified or replaced. It shall be the obligation of the owner of the premises served to comply with such order at the owner's expense.

3.20 Conformance with Building and Plumbing Regulations

The size, slope, alignment, materials of a sewer and the methods to be used in excavating, placing of pipe, jointing, testing and backfilling the trench, shall all conform to the District's Standard, Specifications for Sanitary Sewer Improvements the requirements and standards of the building and plumbing code, or to other applicable rules, regulations and standards.

3.21 Elevation of Sewer

Whenever possible, the lateral sewer shall be designed and constructed to permit gravity flow to the public sewer.

3.22 Separate Sewers

3.22.1 No two adjacent lots fronting on the same street shall be permitted to join in the use of the same side sewer unless so specified by the Manager.

3.22.2 Every building or industrial facility must be separately connected to a public sewer if such public sewer exists in the street upon which the property abuts or in an easement which will serve said property.

3.22.3 However, one or more buildings located on a single piece of property belonging to the same owner may be served with the same lateral sewer during the period of said ownership.

3.22.4 Should the owner subsequently subdivide and sell a portion of the property, then the portion not directly connected with the public sewer must be separately connected to the public sewer, and it shall be unlawful for the owner thereof to continue to use or maintain an indirect connection.

3.23 Maintenance of Lateral Sewer

3.23.1 Lateral sewers shall be maintained by the owner of the property served.

3.23.2 If a District serviceman is sent out at a discharger's request, and it is determined that the discharger's equipment is at fault, a charge will be made equal to the District's cost of the service call or a fee established by the District, whichever is greater.

3.24 Notification of Premises Ready for Inspection

The Applicant for a sewer permit shall notify the District when the building sewer is ready for inspection and connection to the public sewer.

3.25 Reconnection

If any sewer connection has been disconnected from the public sewer by the District for failure to comply with provisions of this Ordinance, the Applicant shall reapply to the District for a permit to reconnect the building sewer.

3.26 Manhole Reconstruction

The work of adjusting manholes on District sewers to new grades shall be performed by a licensed contractor in accordance with established procedures of the District. The person proposing or performing work requiring the adjustment of manholes on District sewers to a new grade, shall coordinate his work with the District.

3.27 Observance of Safety Rules

While performing the work designated in this Ordinance on private or public property, all parties shall observe all safety rules and regulations applicable under federal, state and county codes. Applicant shall be solely responsible for the safety of all persons and property during construction of sewer improvements. The Applicant shall hold the District, the District's consultants and their directors, officers and employees harmless against liability claims and demands for any personal injury, death or property damage.

3.28 Backflow Devices – Sewer Customers Shall Install

The District may at any time require a discharger to install, at the discharger's expense, a backflow device in the discharger's lateral sewer, where the lateral sewer may be subject or exposed to backup from sewage in the District's sewer system. Protection of private property from damage caused by sewage backup through a sewer lateral is the sole responsibility of the property owner, and shall not be compensated by the District.

CHAPTER 4 – INDUSTRIAL DISCHARGES

4.01 Wastewater Survey

When requested by the General Manager, all industrial dischargers must submit information on the nature and characteristics of their wastewater by completing a wastewater survey prior to commencing their discharge. The General Manager is authorized to prepare a form for this purpose and may periodically require industrial dischargers to update the survey. Failure to complete this survey shall be reasonable grounds for terminating service to the industrial discharger and shall be considered a violation of the Ordinance.

4.02 Wastewater Permit Requirement

At the discretion of the District, industrial dischargers proposing to connect to or contribute to the POTW shall obtain a Wastewater Discharge Permit before connecting to or contributing to the POTW.

4.02.1 All existing industrial dischargers connected to or contributing to the POTW on the effective date of this section must obtain a Wastewater Discharge Permit within ninety (90) days of such date.

4.02.2 Any industrial discharger proposing a new connection to the POTW shall obtain a Wastewater Discharge Permit prior to beginning discharge.

4.03 Permitting New SIU Connections

Any significant Industrial Discharger proposing to connect to or discharge an industrial wastewater into the District's sewer shall obtain an Industrial Wastewater Discharge Permit before connecting to or discharging into the District's sewer. An application for this permit must be filed at least ninety (90) days prior to the anticipated startup date.

4.04 Permitting Existing SIU Connections

Any significant Industrial Discharger that discharges industrial waste into the District's sewer prior to the effective date of this Ordinance and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the District for a wastewater permit in accordance with Section 4.09 below, and shall not cause or allow discharges to the system to continue after one hundred eighty (180) days of the effective date of this Ordinance except in accordance with a permit issued by the General Manager. All discharge permits are subject to all provisions of this Industrial Discharge Ordinance and all other regulations, charges for use and fees established by the District.

4.05 Permitting Extra Jurisdictional Industrial Dischargers

Any existing significant Industrial Discharger located beyond the District's boundaries shall submit a permit application, in accordance with Section 4.09 below, within ninety (90) days of the effective date of this Ordinance. New significant Industrial Dischargers located beyond the District's boundaries shall submit such applications to the General Manager ninety (90) days prior to any proposed discharge into the District's sewer system. Upon review of such application, the General Manager may enter into a contract with the industrial discharger, which requires the industrial discharger to subject itself to and abide by this Chapter, including all permitting, compliance monitoring, reporting, and enforcement provisions herein. Alternatively, the General Manager may enter into an agreement with the neighboring jurisdiction in which the significant Industrial Discharger is located to provide for the implementation and enforcement of the pretreatment program and requirements against said discharger.

4.05.1 The conditions of Industrial Wastewater Discharge Permits shall be uniformly enforced by the District in accordance with this Industrial Discharge Ordinance and all applicable state and federal regulations.

4.06 Authorization to Discharge

The Wastewater Discharge Permit expressly authorizes a discharger to discharge wastewater to the POTW and is issued for that purpose. If, for any reason, a Wastewater Discharge Permit is revoked, suspended, or otherwise held invalid, authorization to discharge is terminated.

4.07 Wastewater Discharge Permit Enforceability

Wastewater Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other applicable regulations, user charges and fees established by the District. Any violation of the terms and conditions of a Wastewater Discharge Permit shall be deemed a violation of this ordinance. Obtaining a Wastewater Discharge Permit does not relieve the Permit holder of its obligation to comply with all federal and state pretreatment standard or with any other requirements of federal, state, or local law.

4.08 Authority to Deny New or Increased Contributions

The District shall have the authority to deny or condition new or increased contributions of pollutants or changes in the nature of pollutants to the POTW by permitted and non-permitted dischargers where such contributions do not meet applicable pretreatment standards or requirements or where such contributions would cause the POTW to violate its Waste Discharge Requirements.

4.09 Industrial Wastewater Discharge Permit Application Contents

Dischargers seeking an Industrial Wastewater Discharge Permit shall complete and file with the District, an application in the form prescribed by the District. The Applicant may be required to submit, in units and terms appropriate for evaluation, the following information, and any other information requested on the permit application or by the District.

1. Name, mailing address, location (if different from the mailing address) and contact information of primary contact;
2. Environmental control permits held by or for the facility;
3. Standard Industrial Classification (SIC) codes for pretreatment for the industry as a whole and any processes for which categorical pretreatment standards have been promulgated;
4. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used at the facility that are or could accidentally or intentionally be discharged to the District sewer system;
5. Number type of employees, and hours of operation, and proposed or actual hours of operation of the pretreatment system;
6. Type of business and each product produced by type, amount, process or processes and rate of production;
7. Type and amount of raw materials processed (average and maximum per day);
8. Wastewater constituents and characteristics, including any pollutants in the discharge that are limited by any Federal, State, or local standards, or pretreatment standards applicable to each regulated process; and nature and concentration (or mass if pretreatment standard requires) of regulated pollutants in each regulated process (daily maximum and average concentration or mass when required by a pretreatment standard). Sampling and analysis will be undertaken in accordance with 40 CFR Part 136;
9. Time and duration of discharge.
10. Measured average daily and maximum daily flow, in gallons per day, to the District's sewer system from regulated process streams and other streams as necessary to use the combined waste stream formula in 40 CFR 403.6(e);
11. Daily maximum, daily average, and monthly average wastewater flow rates, including daily, monthly, and seasonal variations, if any;

12. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers and appurtenances by size, locations, and elevation, including:
 - a. Pretreatment equipment;
 - b. Grease, oil, and sand interceptors;
 - c. Back-flow prevention devices;
 - d. Chemical storage areas;
 - e. Spill containment structures;
 - f. Location of storm water system; and
 - g. Hazardous waste management.
13. Material safety data sheets for chemicals stored on the premises;
14. Spill prevention and control measures/Slug Discharge Control Plan;
15. Disposal of pretreated wastes and spent chemicals;
16. Storm water Best Management Practices;
17. A statement reviewed by an authorized representative of the discharger and certified by a qualified professional indicating whether or not the pretreatment standards are being met on a consistent basis, and if not, what additional pretreatment is necessary.
18. If additional pretreatment and/or O&M will be required to meet the standards, then the industrial discharger shall indicate the shortest time schedule necessary to accomplish installation or adoption of such additional treatment and/or O&M. The completion date in this schedule shall not be longer than the compliance date established for the applicable pretreatment standard. The following conditions apply to this schedule:
 - (i) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the discharger to meet the applicable pretreatment standards (such events include hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, beginning operation and conducting routine operation). No increment referred to in (a) above shall exceed nine (9) months, nor shall the

total compliance period exceed eighteen (18) months.

- (ii) No later than 14 days following each date in the schedule and the final date for compliance, the discharger shall submit a progress report to the General Manager 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 discharger to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the General Manager;

- 19. Any other information may be required to properly evaluate the permit application. After evaluation and acceptance of the information supplied, the District may issue the appropriate permit to discharge wastewater.

4.10 Application Signatories and Certification

All permit applications and industrial discharger reports must contain the following certification statement and be signed by an authorized representative of the industrial discharger.

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

4.11 Wastewater Permit Decisions

The General Manager will evaluate the data furnished by the industrial discharger and may require additional information. Within sixty (60) days of receipt of a complete permit application, the General Manager will determine whether or not to issue a wastewater permit. If no determination is made within this time period, the application will be deemed denied.

4.12 Duration of Industrial Wastewater Discharge Permits

All Industrial Wastewater Discharge Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than five (5) years, at the discretion of the General Manager. Each permit will indicate a specific date upon which it will expire. All dischargers must apply for an Industrial Wastewater Discharge Permit renewal a minimum of ninety (90) days prior to the expiration of the existing Industrial Wastewater Discharge Permit.

4.13 Industrial Wastewater Discharge Permit Conditions

Wastewater discharge permits shall be expressly subject to all provisions of this Industrial Discharge Ordinance and all other Ordinances, regulations, charges and fees established by the District. The conditions of wastewater discharge permits shall be uniformly enforced by the District in accordance with this Industrial Discharge Ordinance, and applicable State and Federal regulations.

4.13.1 Wastewater Permits must contain the following conditions:

- a) A statement that indicates permit duration, which in no event shall exceed 5 years.
- b) A statement that the permit is nontransferable without prior notification to and approval from the District, and provisions for furnishing the new Owner or operator with a copy of the existing permit.
- c) Effluent limits applicable to the discharger based on applicable standards in Federal, State and local law.
- d) Self-monitoring, sampling, reporting, notification and recordkeeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State and local law.
- e) Statement of applicable penalties for violation of pretreatment standards and requirements, and compliance schedules.

4.13.2 Permits may contain, but need not be limited to, the following:

- a) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.
- b) Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.
- c) Requirements for the installation of pretreatment technology or construction of appropriate containment devices, etc., designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.
- d) Specifications for monitoring programs which may include sampling locations, frequency, and method of sampling, number, types, standards for tests, reporting schedule, and frequency of calibration of flow monitoring equipment and other required instrumentation.

- e) Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges.
- f) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the District's wastewater system.
- g) Requirements for installation of monitoring, inspection, and sampling facilities and equipment.
- h) Requirements for submission of periodic self-monitoring or special notification report.
- i) The unit charge or schedule of user charges and fees for the management of the wastewater to be discharged to the District sewer.
- j) Requirements for immediate reporting of any instance of noncompliance and for automatic resampling and reporting within thirty (30) days where self-monitoring indicates a violation(s).
- k) Requirements for maintaining records relating to wastewater discharge as specified by the City or County and affording the District access thereto.
- l) Requirements for prior notification and approval by the General Manager of any new introduction of wastewater pollutants or any increase in the volume of 20% or greater or change of character of the wastewater prior to introduction in the system.
- m) Requirements for the prior notification and approval by the General Manager of any change in the manufacturing and/or pretreatment process used by the permit holder.
- n) Requirements for immediate notification of excessive, accidental, or slug discharges, or any discharge which could cause any problems to the system.
- o) A statement that compliance with the permit does not relieve the permit holder of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the permit.
- p) Mean and maximum mass emission rates, or other appropriate limits when discharging incompatible pollutants (as in the discharger's wastewater discharge); and

- q) Other conditions as deemed appropriate by the District to insure compliance with this Ordinance and State and Federal laws, rules, and regulations; the term of the permit

4.14 Wastewater Permit Appeals

Any person including the discharger may petition to the District to reconsider the terms of the permit within ten (10) days of the notice of violation.

- 4.14.1 Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- 4.14.2 In its petition, the appealing party must indicate the permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the permit.
- 4.14.3 The effectiveness of the permit shall not be stayed pending the appeal.
- 4.14.4 If the District fails to act within fifteen (15) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a permit, not to issue a permit, or not to modify a permit shall be considered final administrative action for purposes of judicial review.
- 4.14.5 Aggrieved parties seeking judicial review of the final administrative permit decision must do so by filing an appropriate complaint with the Superior Court of California.

4.15 Industrial Wastewater Discharge Permit Modification

The General Manager may modify the permit for good cause including, but not limited to, the following:

- 4.15.1 To incorporate any new or revised Federal, State, or local pretreatment standards or requirements.
- 4.15.2 To address significant alterations or additions to the industrial discharger's operation, processes, or wastewater volume or character since the time of permit issuance.
- 4.15.3 A change in the District's wastewater system that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- 4.15.4 Information indicating that the permitted discharge poses a threat to the district's wastewater system, District personnel, or the receiving waters.
- 4.15.5 Violation of any terms or conditions of the wastewater permit.

- 4.15.6 Misrepresentation or failure to disclose fully all relevant facts in the permit application or in any required reporting.
- 4.15.7 Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13.
- 4.15.8 To correct typographical or other errors in the permit.
- 4.15.9 To reflect a transfer of the facility ownership and/or operation to a new Owner/operator.

The filing of a request by the permit holder for a permit modification does not stay any permit condition.

Within ninety (90) days of the promulgation of a Federal Categorical Pretreatment Standard, the Industrial Wastewater Discharge Permit of dischargers subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a discharger, subject to a Federal Categorical Pretreatment Standard, has not previously submitted an application for a wastewater discharge permit the discharger shall apply for a wastewater discharge permit within ninety (90) days after the promulgation of the applicable Federal Categorical Pretreatment Standard.

The terms and conditions of the permit may be subject to modification by the District during the term of the permit as limitations or requirements are modified or other just cause exists. The discharger shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any change or new conditions in the permit shall include a reasonable time schedule for compliance.

4.16 Special Agreements

Special agreements between the District and any persons or agencies may be established when, in the opinion of the District, unusual or extraordinary circumstances compel special terms and conditions. Such special agreements may contain special provisions relating to the particular discharger with which the agreement is made. All such agreements shall be subject to meeting provisions of all regulating agencies, including the Federal Categorical Pretreatment Standards.

4.17 Revocation of Industrial Wastewater Discharge Permits

- 4.17.1 Any industrial discharger who performs the following actions, or who violates any condition of its permit, or applicable state and federal regulations, is subject to having its permit revoked.

- a. Knowingly giving false statements, representation of records, reports, plans, or other documents to the District or falsifying, tampering, or knowingly rendering inaccurate any monitoring device or method required under this Industrial Discharge Ordinance.
- b. Failure of the discharger to report significant changes in operations or wastewater constituents and characteristics.
- c. Refusal of reasonable access to the discharger's premises for the purpose of inspection or monitoring.
- d. Failure to meet effluent limitations.
- e. Failure to pay fines, fees and/or charges for the use of the District's sewerage facilities as established pursuant to this Industrial Discharge Ordinance.
- f. Failure to meet compliance schedules.
- g. Failure to complete a wastewater survey.
- h. Failure to provide advance notice of the transfer of a permitted facility.
- i. Violation of any pretreatment standard or requirement or any terms of the permit or the Ordinance.

Permits shall be voidable upon nonuse, cessation of operations, or transfer for business ownership. All permits are void upon the issuance of a new wastewater permit.

4.17.2 When the District has reason to believe that any grounds as enumerated in subparagraph (4.17.1) exist for the revocation of a permit, a notice shall be sent to the permit holder by certified mail. Said notice shall set forth the time and place where the charges shall be heard by the General Manager or such person as may be designated by the General Manager. The hearing date shall not be less than fifteen (15) days from the mailing of such notice to the permit holder as shown on the permit. At the hearing, the permit holder shall have an opportunity to respond to the allegations set forth in the notice.

4.17.3 After the hearing, the General Manager or his designee shall make his determination and should he find grounds exist for the revocation of the permit holder's permit, he shall have the right to revoke that permit. In such event, the General Manager shall immediately refer the matter to the Board of Directors without need for the permit holder to appeal. The decision shall be reduced to writing within thirty (30) days after submission of the cause by the parties thereto, and shall contain a brief statement of facts found to be true, the order of the General Manager or other person sitting as hearing officer. A copy shall be mailed or delivered to the permit holder or his legal

counsel.

- 4.17.4 The determination of the General Manager or his designee shall be final in all respects fifteen (15) days after mailing his decision to the permit holder; however, if reconsideration or appeal to the Board of Directors is sought by the permit holder pursuant to Section 4.18, the decision is final on the date that reconsideration is decided or the decision rendered by the Board.
- 4.17.5 The revocation hearing shall be conducted in accordance with procedures established by the Board of Directors.

4.18 Appeal for Industrial Wastewater Discharge Permit Revocation

- 4.18.1 Any industrial discharger, Industrial Wastewater Discharge Permit Applicant, or Industrial Wastewater Discharge Permit holder affected by any decision, action, or determination made by the District interpreting or implementing the provisions of this Industrial Discharge Ordinance or in any permit issued herein, may file with the District a written request for reconsideration within ten (10) days setting forth in detail the facts supporting the discharger's request for reconsideration. Such facts must include a statement listing newly discovered relevant facts that were not known or available to the discharger at the date of the hearing. The District shall render a decision of the request for reconsideration to the discharger, permit Applicant or permit holder in writing within fifteen (15) days of receipt of request.
- 4.18.2 A fee of two hundred dollars (\$200.00) shall accompany any appeal to the District. This fee may, at the sole discretion of the District, be refunded if the final appeal ruling is in favor of the appellant.
- 4.18.3 The written appeal shall be heard by the District within thirty (30) days from the date of filing. The Board shall make a final ruling on the appeal within fifteen (15) days from the date of hearing the appeal.

4.19 Wastewater Permit Reissuance

An industrial discharger shall apply for permit reissuance by submitting a complete permit application in accordance with Section 4.09 a minimum of ninety (90) days prior to the expiration of the discharger's existing permit.

4.20 Slug Discharge Control Plan

Each industrial discharger shall provide protection from accidental or intentional discharges of Prohibited materials or other substances regulated by this Ordinance. Facilities to prevent the discharge of prohibited materials shall be provided and maintained at the owner's or discharger's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the District for review and shall

be approved by the District before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the industrial discharger from the responsibility to modify the discharger's facility as necessary to meet the requirements of this Ordinance.

4.20.1 No industrial discharger that commences contribution to the system after the effective date of this Ordinance shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the District.

4.20.2 Review and approval of such plans and operation procedures shall not relieve the discharger from the responsibility to modify the discharger's facility as necessary to meet the requirements of this chapter.

4.20.2 In the case of an accidental or other discharge that may cause potential problems for the District's wastewater system, it is the responsibility of the discharger to immediately telephone and notify the District of the incident. This notification shall include the location of discharge, type of waste, concentration and volume, if known, and corrective actions taken by the discharger.

4.20.3 Within five (5) days following an accidental discharge, the discharger 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 discharger to prevent similar future occurrences. Such notification shall not relieve the discharger of any expense, loss, damage, or other liability which may be incurred as a result of damage to the system, natural resources, or any other damage to persons or property; nor shall such notifications relieve the discharger of any fines, civil penalties, or other liability which may be imposed by this Ordinance.

4.20.4 Failure to notify the District of potential problem discharges shall be deemed a separate violation of this Ordinance.

4.20.5 A notice shall be permanently posted on the discharger's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in Section 4.20. Employers shall ensure that all employees who may cause or suffer such a discharge to occur are advised of the emergency notification procedure.

4.21 Application Exceeding Capacity of System

In the event of demands upon the sewerage system by several industrial Applicants which in the aggregate exceed the capacity of such sewerage system, the District shall prorate among the several industrial Applicants the available carrying and treatment capacity upon an equitable basis, taking into consideration the total amount of industrial wastes of each Applicant and the quality and quantity of such wastes.

4.22 Inspection Manhole and Other Observation and Sampling Equipment

When required by the District, the Owner of any property serviced by a sewer carrying industrial wastes shall install a suitable inspection manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. The discharger's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at the discharger's own expense. All devices used to determine wastewater flow and quality shall be calibrated, at a frequency to be determined by the District, to ensure their accuracy. The piping to and from the manhole or sampling compartment shall be arranged so that observations may be made of all of the industrial liquid waste flow prior to mixture with domestic sewage and so that the industrial liquid waste flow may be plugged off without impeding the flow of domestic sewage. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the District. The manhole shall be installed by the Owner at his expense and shall be maintained by him so as to be safe and accessible at all times. The Owner shall bear all costs of sampling and analyses as required by the District.

4.23 Determination of Measurements and Tests

All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in the Industrial Discharge Ordinance shall be determined in accordance with the latest edition of Standard Methods and shall be determined at the inspection manhole provided, or upon suitable samples taken at the inspection manhole. In the event that no special manhole has been required, the inspection manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the buildings sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The method of sampling, such as composite sampling, or grab samples. The Owner shall bear all costs of sampling and analyses as required by the District.

4.24 Installation of Monitoring Devices and Reporting

4.24.1 The District may require installation of a flow monitoring device at the expense of the Industrial Wastewater Discharge Permit holder.

4.24.2 If there is a possibility of the industrial liquid waste consisting of low pH acidic waste or high pH basic waste, the District may require the installation of pH recording equipment at the expense of the Industrial Wastewater Discharge Permit holder.

4.24.3 If there is a possibility of a high EC concentration in the waste, the District may require installation of continuous EC monitoring and recording equipment at the expense of the Industrial Wastewater Discharge Permit holder.

4.24.4 The District may require the Industrial Wastewater Discharge Permit holder to provide, at his own expense, inspection by an impartial third party of the quality of the industrial liquid waste or performance of industrial liquid waste pretreatment facilities. The impartial third party shall meet the approval of the District, and the third party shall furnish to the District a signed copy of the inspection report.

4.24.5 The District may require the Industrial Wastewater Discharge Permit holder to report from time to time the nature and amount of materials processed by the discharger and such other information as the District may find necessary to evaluate the effect of industrial liquid waste on the public sewer.

4.25 Alterations in Equipment

If an Industrial Wastewater Discharge Permit holder desires to make any alterations to pretreatment facilities; or alteration of connections to the sewer, or discharge additional industrial waste in excess of the amount previously authorized, or discharge into a main line sewer industrial waste of a different kind or character than previously authorized, he shall file an application reflecting the change with the District, and request that a new permit be issued.

4.26 Application for Sewage Pumping or Pretreatment Equipment

An application for permission to construct sewage pumping or pretreatment equipment shall be accompanied by such plans or layout as the District may require. An application for a sewage pretreatment plant or other special facilities to make industrial waste acceptable as provided in this Industrial Discharge Ordinance shall be accompanied by three (3) copies of the Plans Specifications defining the method of collection and pretreatment to be used. If the Plans and Specifications comply with the provisions of this Industrial Discharge Ordinance, all other applicable statutes and Ordinances, and are adaptable to the District's sewage system, the District shall approve such Plans and Specifications. The approval shall not be construed as approving the adequacy or efficiency of any pumping plant, pretreatment plant, or special facilities. It shall be the responsibility of the Applicant to provide facilities that will meet the requirements of this Industrial Discharge Ordinance and all other laws or Ordinances applicable to the discharge of sewage into a public sewer.

4.27 Fresh Water Supply

Every industrial waste pretreatment plant shall be equipped with an adequate fresh water supply readily available for flushing. All sewer connections may be required to be thoroughly flushed after discharge of industrial liquid waste.

4.28 Application of Requirements

The requirements contained in this Industrial Discharge Ordinance covering the maintenance of industrial sewage treatment plants, pumping plants, industrial liquid waste pretreatment

plants, interceptors or other appurtenances shall apply to all such facilities now existing or hereafter constructed. All such facilities shall be maintained by the Industrial Wastewater Discharge Permit holder in a safe and sanitary condition with all devices and safeguards required for the operation of such facilities maintained in good working order. This Industrial Discharge Ordinance shall not be construed as permitting the removal or non-maintenance of any device, safeguard, or existing facilities unless authorized in writing by the District.

4.29 Pretreatment Standards

As a condition of the permit, all industrial dischargers shall be required to meet federal pretreatment requirements as prescribed for the specific industries in the federal register. Should more stringent pretreatment requirements be prescribed by the District, State or local authorities, then those requirements shall be met. Failure to comply with pretreatment requirements shall be grounds for revocation of the permit.

4.30 Transferability of Industrial Wastewater Discharge Permit

Industrial Wastewater Discharge Permits issued under this Industrial Discharge Ordinance are not transferable and become void upon change of ownership, location or operations of an existing facility except as otherwise specifically provided in this Industrial Discharge Ordinance.

4.31 Letter for Industrial Wastewater Discharge Permit Transfer

Industrial Wastewater Discharge Permits may be transferred provided that a letter request signed by both the current permit holder and the successor in interest to the permit holder is submitted to the District stating the following:

1. That the new Owner has no immediate intent to change the facility's operations and processes;
2. No additional sewer connections will be required;
3. The quantity and quality of the industrial waste will remain as stated in the permit;
4. The successor-in-interest's name, company name, address and telephone number;
5. Identifies the specific date on which the transfer is to occur;
6. Acknowledges full responsibility for complying with the existing permit.

Provided the above conditions are complied with and the adequacy or efficiency of any permit transfer, the District shall issue in writing permission for the transfer. Failure to provide advance notice of a transfer renders the wastewater permit voidable on the date of facility transfer.

4.32 Transfer of Industrial Wastewater Discharge Permit - Change in Discharge

If the successor in interest desires to change the character or increase the amount of the industrial waste discharged to the sewer or add connections to the sewer from that stated on the original permit, such person shall apply for a new permit as provided for in this Industrial Discharge Ordinance.

4.33 Application to Discharge Additional Wastewater

If an Industrial Wastewater Discharge Permit holder desires to discharge wastewater into a District sewer line in excess of the amount previously authorized, he shall file an application to the District for a permit modification.

4.34 Determination the Sewer is Insufficient After Permit Issuance

If, after an Industrial Wastewater Discharge Permit has been issued, the District ascertains that the capacity of the sewer line into which the industrial wastewater is discharged is insufficient to handle the sewage, the District may, after the delivery of at least a ten (10) day notice to the Industrial Wastewater Discharge Permit holder either:

1. Cancel the permit previously issued authorizing the discharge of industrial wastewater;
2. Modify the permit by reducing the amount of industrial wastewater which may be discharged; or
3. Put limitations on the time of day for industrial wastewater discharge into the sewer line.

4.35 Increased Costs Due to Permitted Discharge Increase

If the discharge of industrial wastewater into a District facility pursuant to a permit issued by the District results in increased sewer maintenance, conveyance, treatment, or disposal cost to the District, the Industrial Wastewater Discharge Permit holder shall reimburse the District for any increase in costs resulting from such discharge. If the District ascertains that increased costs have resulted from the discharge of industrial wastewater into a District facility, the District shall prepare and deliver to the Industrial Wastewater Discharge Permit holder a statement of such increased cost. The permit holder shall pay the increased cost to the District office within fifteen (15) days after the presentation of such statement.

4.36 Data Collection

- 4.36.1 Measurements of flow rates, flow volumes, C.O.D., B.O.D., T.O.C., fats, oils and grease, electrical conductivity, and suspended solids for use in determining the annual industrial wastewater treatment charges and such measurements of other

constituents believed necessary by the District may be required of each discharger. All sampling analyses and flow measurements of industrial wastewater shall be performed by a state certified independent laboratory approved by the District at the permit holder's expense. If performed by District personnel, an appropriate charge shall be paid by the permit holder requesting the test. Prior to the submittal of laboratory data to the District, the results shall be verified by a responsible administrative official of the industrial discharger under the penalty of perjury.

- 4.36.2 All industrial dischargers making periodic measurements shall furnish and install at the control manhole or other appropriate location a calibrated flume, weir, flowmeter, or similar device approved by the District and suitable to measure the industrial wastewater flow rate and total volume. A recording and totalizing register for flowage may be required by the District. In lieu of wastewater flow measurement, the District may accept records of water usage and adjust the flow volumes by suitable factors to determine the peak and average flow rates for the specific industrial wastewater discharge. All devices used to measure the monthly wastewater discharge must be calibrated and certified quarterly by an approved service. Copies of the certifications shall be submitted to the District along with monitoring reports.
- 4.36.3 Those industrial wastewater dischargers required by the District to make periodic measurements of the industrial wastewater flow and constituents shall annually make the minimum number of such measurements required. The minimum requirement for such periodic measurements shall be at least two (2) measurements per year of twenty-four (24) hour duration.
- 4.36.4 Representative samples of the industrial wastewater shall be flow proportioned, properly refrigerated or preserved, composited (except for sample with require a grab sample) according to measured flow rates during a twenty-four (24) hours period, and analyzed for the specified wastewater constituents. In the event that flow proportion sampling is not feasible, the District may authorize the use of proportional sampling or a minimum of four grab samples where the discharger demonstrates that this will provide a representative sample. Dischargers required to sample on only a few days per year shall sample during the periods of highest wastewater flow and wastewater constituent discharges. Industrial plants with large fluctuations in the quantity or quality of wastewater may be required to provide continuous sampling and analysis for every working day. When required by the District, the discharger shall install and maintain in proper order, automatic flow, proportional sampling, and/or automatic analysis and recording equipment.
- 4.36.5 Measurements to verify the quantities of waste flows and waste constituents reported by industrial dischargers will be conducted on a random basis by the District.

4.37 Discrepancies Between the Actual and Reported Industrial Wastewater Discharge Quantities

- 4.37.1 Should measurements of other investigations reveal that the industrial discharger is discharging at a flow rate or at a combination of flow, biochemical oxygen demand, suspended solids, or other constituents significantly in excess of that stated on the Industrial Wastewater Discharge Permit, or in excess of the quantities reported to the District by the discharger and upon which the industrial wastewater fees are based, the discharger shall apply for an amended Industrial Wastewater Discharge Permit and shall be assessed for all delinquent charges, plus an administrative charge of ten percent (10%) of the delinquent charges. An industrial discharger found in violation shall, in the absence of other evidence, be presumed to have been discharging at the determined parameter value over the preceding three (3) years or subsequent to the previous District verification of quantity parameter, whichever period is shorter.
- 4.37.2 For the purpose of establishing the correct treatment fees, at least two (2) twenty-four (24) hour composite samples and two (2) flow measurements shall be obtained by the District, with all costs of sampling and analysis to be paid by the discharger. The data obtained from such samplings, along with any other relevant information obtained by the District or presented by the discharger, shall be used by the District in determining the quantity parameters for use in the formula.

CHAPTER 5 – INDUSTRIAL DISCHARGE QUALITY LIMITS

5.01 General Prohibitions

A Discharger may not introduce into a POTW any pollutant(s) which will cause Pass Through or Interference.

5.02 Specific Prohibited Discharges

No industrial discharger shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer the following constituents unless specifically authorized by the District as determined in the Industrial Discharge Permit. The District may impose more restrictive standards or requirements on discharge if it is deemed necessary to comply with the objectives of this Chapter, specific prohibitions, or the terms of the District's Waste Discharge Requirements. The District may authorize discharges containing higher concentrations on a site-specific basis, provided that the concentrations of such discharges shall not cause pass through or interference. Upon approval by the District, site-specific limitations shall be established through the terms specified in the discharger's industrial wastewater discharge permit. The District may impose mass limitations in addition to, or in place of, concentration based limitations. However, no special agreement shall be allowed to contravene federal, state, or local pretreatment standards.

5.02.1 Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the POTW. Including, but not limited to, waste streams with a closed cup flashpoint of less than 140°F (60°C).

5.02.2 Wastewater causing two successive readings on an explosion hazard meter at the point of discharge into the system or at any point in the system of more than five percent (5%) or any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter.

5.02.3 Any solid or viscous substances which may cause obstruction to the flow in a sewer but in no case solids greater than one-half inch ($\frac{1}{2}$ ") (1.27 centimeters) in any dimension.

5.02.4 Any wastewater containing substances that may precipitate, solidify, or become viscous at temperatures between 40°F (4.4°C) and 100°F (37.7°C).

5.02.5 Any pollutants, including oxygen-demanding pollutants (e.g., BOD) released in discharge at a flow rate and/or pollutant concentration which will cause Interference to the POTW.

5.02.6 Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.

- 5.02.7 Any wastewater having a pH less than 6.0 or more than 9.5.
- 5.02.8 Any wastewater containing toxic pollutants in sufficient quantity (flow or concentration), either singly or by interaction with other pollutants, to pass through or interfere with the District's wastewater system, any wastewater treatment or sludge process, or constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or exceed the limitation set forth in categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act.
- 5.02.9 Any noxious or malodorous liquids, gases, or solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- 5.02.10 Any substance that may cause the treatment plant effluent or any other residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the system cause the District to be in non-compliance with sludge use or disposal regulations or permits issued under Section 503 of the Act, the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or other State requirements applicable to the sludge use and disposal practices being used by the District.
- 5.02.11 Any substance that will cause the POTW to violate the Waste Discharge Requirements mandated by the state.
- 5.02.12 Any wastewater that 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 treatment plants effluent thereby violating the District's WDR permit.
- 5.02.13 Any wastewater having a temperature greater than 150°F (55°C), or that will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C).
- 5.02.14 Any wastewater containing radioactive material in sufficient quantity to interfere with any treatment process or constitute a hazard to humans or animals.
- 5.02.15 Any pollutants which result in the presence of toxic gases, vapors or fumes within the system in a quantity that may cause worker health and safety problems.

- 5.02.16 Any trucked or hauled pollutants, except at discharge points specifically designated by the District.
- 5.02.17 Any storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, cooling water and unpolluted industrial wastewater which is acceptable to be discharged to other facilities, where such facilities are available.
- 5.02.18 Any industrial wastes containing floatable fats, waxes, grease or oils, or which become floatable at the wastewater temperature at the introduction to the treatment plant during the winter season; but in no case, industrial wastewater containing more than 100 mg/L of emulsified oil or grease.
- 5.02.19 Any substance not amenable to treatment by the processes employed at the treatment plant.
- 5.02.20 Any slug loading.
- 5.02.21 Any substance which will cause corrosive structural damage to the POTW.
- 5.02.22 Any wastewater that comes into contact with any process utilizing tetrachloroethane.
- 5.02.23 Any sludges, screenings, or other residues from the pretreatment of industrial wastes.
- 5.02.24 Any medical wastes, except as specifically authorized by the in a wastewater permit.
- 5.02.25 Any material containing ammonia, ammonia salts, or other chelating agents which will produce metallic complexes that interfere with the District's wastewater system.
- 5.02.26 Any material identified as hazardous waste according to 40 CFR Part 261 except as may be specifically authorized by the General Manager.
- 5.02.27 Recognizable portions of the human or animal anatomy.
- 5.02.28 Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the District's wastewater system or inhibit biological treatment.

Wastes prohibited by this section shall not be processed or stored in such a manner that these wastes could be discharged to the District's wastewater system. All floor drains located in process or materials storage areas must discharge to the industrial discharger's pretreatment facility before connecting with the system.

5.03 Federal Categorical Pretreatment Standards

Dischargers subject to categorical pretreatment standards are required to comply with applicable standards as set out in 40 CFR Chapter I, Subchapter N, Parts 405-471 and incorporated herein.

5.04 Specific Pollutant Limitations

5.04.1 Pollutant limits are established in the District Pretreatment Program to protect against pass through and interference. No person shall discharge wastewater containing quantities in excess of the established instantaneous maximum allowable discharge limits. For regulated water quality constituents not identified in the District Pretreatment Program, the daily averages of wastewater discharges shall not be allowed to exceed the maximum contaminant limit (MCL) as specified by the California Department of Public Health (CDPH). Individual industrial dischargers whose daily average exceed the limits below or the MCLs for other regulated water quality constituents will be evaluated on a case by case basis to determine if permit modifications will be allowed.

Constituent	Limit Daily Avg. (mg/L)
Aluminum	0.83
Ammonia	25
Arsenic	0.01
Biochemical Oxygen Demand (BOD)	260
Boron	26
Cadmium	0.07
Chemical Oxygen Demand (COD)	520
Chloride	1000
Copper	2.4
Dissolved Sulfide	40
Electro Conductivity	1837
Lead	0.57
Mercury	0.03
Nickel	0.83
Total Nitrogen	40
Oil and Grease	100
Total Phenol	3.0
Silver	1.9
Sulfate	2000
Total Chromium	0.70
Total Cyanide	0.60
Zinc	0.37
Total Suspended Solids (TSS)	460

Concentrations apply at the point where the industrial waste is discharged to the District's wastewater system. All concentrations for metallic substances are for "total" metal. At the discretion of the , mass limitations may be imposed in addition to or in place of the concentration-based limitations above. Compliance with all parameters may be determined from a single grab sample.

5.05 Districts Right of Revision

The District reserves the right to establish, by ordinance or in wastewater permits, more stringent limitations or requirements on discharges to the District's wastewater system if deemed necessary to comply with the objectives presented in Section 1.01 of this Ordinance or the general and specific prohibitions in Section 5.01 and 5.02 of this Ordinance.

5.06 Special Agreement

The District reserves the right to enter into special agreements with dischargers setting out special terms under which the industrial discharger may discharge to the system. In no case will a special agreement waive compliance with a pretreatment standard. However, the industrial discharger may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. Industrial dischargers may also request a variance from the categorical pretreatment standard from U.S. EPA. Such a request will be approved only if the discharger can prove that factors relating to its discharge are fundamentally different from the factors considered by U.S. EPA when establishing that pretreatment standard. An industrial discharger requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 CFR 403.13.

5.07 Dilution

No discharger 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 in any other pollutant-specific limitation developed by the District.

5.08 Potentially Harmful Discharges

No person shall discharge or cause to be discharged to the sewer any substances, materials, waters, or wastes if it appears likely, in the opinion of the District, that such wastes may harm either the sewers, sewage treatment process or equipment, have an adverse effect on wastewater treatment plant effluent reclamation and biosolids disposal, or may otherwise endanger life, limb, public property or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the District will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The District reserves the right to limit any discharger or the discharge of any constituent to the sewage system which causes or has the potential to cause a violation of regulations enforced by state, federal, or other public agencies of jurisdiction.

5.09 Determination of B.O.D., S.S., EC, pH, or Other Constituent

The values of B.O.D., S.S., EC, pH, or other constituent to be used in determining the strength of wastes or sewage shall be collected at the frequency outlined in the Industrial Discharge Permit or as required by the District. Where feasible or allowable, samples shall be obtained through flow-proportional composite sampling techniques specified in the applicable Federal Categorical Pretreatment Standard. Where composite sampling is not feasible or allowable, the District may authorize the use of flow proportion sampling or a minimum of four grab samples where the discharger demonstrates that this will provide a representative sample of the discharge.

5.10 Action When Possibly Deleterious Substances are Discharged

If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in this Industrial Discharge Ordinance, and which in the judgment of the District may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise may create a hazard to life or constitute a public nuisance, the District may:

- a) Reject the wastes;
- b) Require pretreatment to an acceptable condition for discharge to the public sewers;
- c) Require control over the quantities and rates of discharge; and/or
- d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

5.11 Maintenance of Facilities

Where pretreatment facilities are provided for any water or waste, they shall be maintained continuously in satisfactory and effective operation by the owner, at their expense.

5.12 Limitations of Flow

When in the opinion of the District, the quantity of industrial wastewater discharged to the sewer collection facilities are in any way detrimental to said facilities or are in excess of the capacity of that system, the District may require the implementation of flow limiting devices by individual industrial dischargers. The flow limiting devices shall be of a type approved by the District and shall be installed on those fixtures designated by the District and at the discharger's expense.

5.13 Wastewater Discharge Surveys

All potential industrial dischargers, as determined by the District, may be required to have an annually updated Discharge Survey Report on file with the District. The Discharge Survey Report may include, but not be limited to, nature of discharger's business, production quantities, hours of operation, number and classification of employees, or other information which relates to the discharger's operation, including wastewater discharge. Such reports may also include the chemical constituents and quantity of liquid or gaseous materials stored on site even though they are not normally discharged.

CHAPTER 6 – PRETREATMENT OF WASTEWATER

6.01 Pretreatment Facilities

Industrial dischargers shall provide necessary wastewater treatment as required to comply with this Ordinance and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in Chapter 5, within the time limitations specified by the General Manager. Any facilities required to pretreat wastewater to a level acceptable to the District shall be provided, operated and maintained at the industrial discharger's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the District for review, and shall be acceptable to the District before construction of the facility. The review of such plans and operating procedures will in no way relieve the discharger from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the District under the provisions of this Ordinance.

6.02 Additional Pretreatment Measures

Whenever deemed necessary, the General Manager may require industrial dischargers to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the District's wastewater system and determine the industrial discharger's compliance with the requirements of this Ordinance.

6.02.1 Each person discharging into the District's wastewater system greater than 100,000 gallons per day or greater than five percent (5%) of the average daily flow in the system, whichever is lesser, shall install and maintain, on his property and at his expense, a suitable storage and flow control facility to ensure equalization of flow over a twenty-four (24) hour period. The facility shall have a capacity for at least fifty percent (50%) of the daily discharge volume and shall be equipped with alarms and a rate of discharge controller, the regulation of which shall be directed by the General Manager. A wastewater permit may be issued solely for flow equalization.

6.02.2 Industrial dischargers with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

6.03 Grease Traps, Sand Traps, and Interceptors

The District requires that certain businesses and facilities such as, but not limited to, restaurants, bakeries, takeout and/or drive-in restaurants, hospitals, hotels, markets, and similar places of business install a grease trap, sand trap, or interceptor. These facilities may also be required by other local, City, or County, or State regulations.

6.04 Industrial Interceptors

- 6.04.1 The District may require that industrial wastewater discharged into a public sewer be routed through an interceptor, which interceptor shall be constructed and maintained by the permit holder of the Industrial Wastewater Discharge Permit. The design of such interceptor shall meet with the approval of the District. The interceptor shall at all reasonable times be available and accessible to the District or other persons authorized by law to make such inspections. The piping to and from any interceptor shall be arranged such that wastewater will flow through the interceptor prior to a mixture with domestic sewage, and such that wastewater flow may be plugged off without impeding the flow of domestic sewage. If an interceptor is required, the person to whom a wastewater disposal permit is issued shall provide an interceptor of sufficient size and capacity such that wastewater will be detained in the interceptor for at least one-half (1/2) hour at maximum flow. The interceptor shall be water-tight and structurally sound and durable. It shall be easily accessible for cleaning by permit holder and for inspection by the District or other authorized personnel. The failure of the permit holder to keep the interceptor in proper working condition shall constitute grounds for termination of the revocable permit and the capping or plugging of the connecting sewer. An interceptor shall not be considered as properly maintained if sand and oil accumulations total more than twenty-five percent (25%) of the operating fluid capacity.
- 6.04.2 Grease, oil and sand interceptors shall be provided when, in the opinion of the District they are necessary for the proper handling of wastes containing grease in excessive amounts, flammable wastes, sand, or associated constituents. All interceptors shall be of a type and capacity approved by the District. All interceptors shall be located as required for them to be readily and easily accessible for cleaning and inspection.
- 6.04.3 Any interceptor properly installed before the effective date of this Industrial Discharge Ordinance, codified herein, shall be acceptable; provided such interceptor is effective in removing sand and oil and is so designed and installed that it may be inspected and properly maintained. If the District finds that such interceptor is incapable of adequately retaining the sand and oil in the wastewater flow, an Industrial Wastewater Discharge Permit will not be issued until an interceptor is provided which will meet the requirements of this Industrial Discharge Ordinance

6.05 Tenant Responsibility

Any person who shall occupy the industrial discharger's premises as a tenant under any rental or lease agreement shall be jointly and severally responsible for compliance with the provisions of this Ordinance in the same manner as the Owner.

6.06 Separation of Domestic and Industrial Waste streams

All new and domestic wastewaters from restrooms, showers, and drinking fountains shall be kept separate from all industrial wastewaters until the industrial wastewaters have passed through a required pretreatment system and the industrial discharger's monitoring facility. When directed to do so by the General Manager, industrial dischargers must separate existing domestic waste streams from industrial waste streams.

6.07 Vandalism

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the District's wastewater system. Any person found in violation of this requirement may be subject to civil penalties or criminal prosecution.

6.08 Hauled Wastewater

The District does not accept septic tank waste (septage) into the municipal wastewater system.

CHAPTER 7 – INSPECTIONS, SAMPLING AND ENFORCEMENT

7.01 Rights of Entry

- 7.01.1 Any representative of the District, EPA or the State who properly identify themselves, shall be allowed entry into buildings or premises regulated by this Industrial Discharge Ordinance for the purpose of investigation, inspection, observation, measurements, sampling and testing in accordance with the provisions of this Industrial Discharge Ordinance. The District or its representative shall have authority to request technical information concerning any processes of any industries beyond that point having a direct bearing on the kind and source of discharge to the public sewers.
- 7.01.2 Inspection of every facility that is involved directly or indirectly with the discharge of wastewater to the District's sewer systems may be made by the District as deemed necessary. These facilities shall include but not be limited to sewers; sewage pumping plants; pollution control plants; all industrial processes; industrial wastewater generation, conveyance and pretreatment facilities, devices and connection sewers; and all similar sewerage facilities. Inspections may be made to determine that such facilities are maintained and operated properly and are adequate to meet the provisions of this Industrial Discharge Ordinance.
- 7.01.3 Authorized personnel of the District shall be provided access to all of the above facilities or the other facilities directly or indirectly connected to the District's sewerage system at all reasonable times including those occasioned by emergency conditions. Any permanent or temporary obstruction to easy access to the sewerage facility to be inspected shall promptly be removed by the facility user or owner at the written or verbal request of the General Manager and shall not be replaced.
- 7.01.4 Any official of the District shall have the right of entry into buildings or premises regulated by this Industrial Discharge Ordinance for the purpose of examining and inspecting the construction or condition of such sewer, monitoring manhole, pretreatment facility, or any other appurtenances pertaining to discharges or connection to the public sewer, and every person owning, controlling or otherwise occupying such structure or premises shall permit such entrance and give such aid as may be necessary or required for such examination and inspection.
- 7.01.5 No person shall interfere with, delay, resist or refuse entrance to an authorized District inspector attempting to inspect any facility involved directly or indirectly with a discharge of wastewater to the District's sewerage systems. Failure to allow timely access to these facilities shall constitute a violation of this Industrial Discharge Ordinance.
- 7.01.6 Failure to allow entry to a District Representative in the event of an emergency is a misdemeanor.

7.02 Frequency of Inspections

Any District authorized personnel may inspect and photograph as often as deemed necessary every sewage pumping plant, building sewer, dilution basin, neutralization basin, backwater trap or valve or other similar appurtenances, for the purpose of ascertaining whether such facilities are maintained and operated in accordance with the provisions of this Industrial Discharge Ordinance. All persons shall permit the District to have access to all such facilities at all reasonable times.

7.03 Observation of Safety Rules during Investigations

While performing the work on private properties the inspector or duly authorized employees of the District shall observe all safety rules applicable to the premises established by the property owner or their designated agent.

7.04 Rights to Monitor

The District shall have the right to set up on the discharger's property such devices as are necessary to conduct sampling inspections, compliance monitoring and/or metering operations. The District shall also have the right to conduct unbeknown surveillance monitoring of the discharger's wastewater discharge offsite of the facility premises, taking into consideration all potential contributors to the same waste stream, and enforcing all applicable provisions of the article as necessary. Nothing provided herein is intended to limit the rights of the District in any way in regards to its use and control of the District's facilities.

7.05 Access to Facilities

Where a discharger has security measures in force which would require proper identification and clearance before entry onto the premises, the discharger shall make necessary arrangements with his security guards so that, upon presentation of suitable identification, personnel from the District, State, and U.S. EPA will be permitted to enter without delay for purposes of performing their specific responsibilities.

7.06 Access Delayed or Refused

Unreasonable delays in allowing the District access to a discharger's premises or refusing access to the District to a discharger's premises shall be a violation of this ordinance.

7.06.1 If an owner, occupant or agent refuses permission to enter, or inspect, the District may seek an Administrative Inspection Warrant pursuant to the procedures provided in Code of Civil Procedure Sections 1822.50 through 1822.59 as amended, to perform the duties imposed upon the District pursuant to this article.

7.07 Search Warrants

If the General Manager or his representative has been refused access to a building, structure Of property or any part thereof, and if the General Manager has probable cause to believe that there may be a violation of this Industrial Discharge Ordinance or that there is a need to inspect as part of a routine inspection program of the District designed to protect the overall public health, safety and welfare of the community, then upon application by the District's Legal counsel, the Superior Court Judge of the Kern County shall issue a search and/or seizure warrant describing therein the described. Such warrant shall be served at reasonable hours by the General Manager in the company of a uniformed police officer of Kern County. In the event of an emergency affecting public health and safety, or if the industrial discharger consents, inspections shall be made without the issuance of a warrant.

7.08 Requirements for the Inspection and Sampling of Industrial Facilities

- 7.08.1 The District may inspect the facilities of any discharger to ascertain whether the purpose of this Industrial Discharge Ordinance is being met and all requirements are being complied with. Persons or occupants of premises discharging to the District's sewer system shall allow the District ready access at all reasonable times to all parts of the premises for the purposes of inspection or sampling or in the performance of any of their duties.
- 7.08.2 All analyses shall be performed at ELAP-certified environmental testing laboratories pursuant to the provisions of the California Environmental Laboratory Improvement Act of 1988 (Health and Safety Code, Division 1, Part 2, Chapter 7.5, commencing with Section 1010).
- 7.08.3 Any industrial discharger subject to a federal categorical pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the District's sewer system, shall submit to the District during the months of June and December, unless required more frequently in the pretreatment standard or the discharger's industrial discharge permit, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards or required in the permit.
- 7.08.4 Permitted industries on the compliance monitoring schedule are those industries that have maintained compliance for six consecutive months and are sampled according to the following schedule:

Parameter	Sampling Frequency
Cyanide	Semiannually
Metals (categorically-regulated industries)	Two days quarterly
Metals (industrial laundries)	Semiannually
Metals (low impacting industries)	Annually
Oil and grease (impacting industries)	Quarterly
Oil and grease (non-impacting industries)	Annually
pH	Annually or semiannually, depending on historical data
Total Toxic Organics	Annually
Volatile organics (industrial laundries only)	Annually

7.08.5 Permitted industries that have incurred a violation of categorical pretreatment standards and/or local limits will be on the enforcement sampling schedule. The sampling frequency shall vary according to the level of enforcement as follows:

Level of Enforcement	Sampling Frequency
Warning Notice	Resample within thirty (30) days after the industrial discharger submits the corrective action completion report
Violation Notice – Discharge	At least bimonthly for a period of six (6) months from the date of the last violation
Consent Order	At least monthly for a period of six (6) months from the date of the last violation
Compliance Order	At least monthly for a period of six (6) months from the date of the last violation

7.08.6 Permitted industries that meet the criteria for revenue sampling are sampled monthly for biochemical oxygen demand, total suspended solids, and total dissolved solids to determine the strength for billing purposes. Monthly monitoring reports submitted to the District for the purpose of collecting wastewater discharger fees must be submitted no later than the seventh (7th) day of the month following that report.

7.08.7 The District may impose mass limitations on dischargers where appropriate. In such cases, the report required by Section 8.03 shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the discharger. These reports shall contain the results of samples, an analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the District, of pollutants contained therein which are limited by the applicable pretreatment standards or the permit.

7.09 Discharge Enforcement Response Plan

This subsection is intended to explain the different levels of enforcement related to discharge violations. It is to be used in conjunction with the Enforcement Response Plan. The order in which the types of enforcement are listed is not necessarily the order in which enforcement is applied.

7.09.1 A Compliance Schedule is a list of actions with completion dates to be taken by a violating discharger to get back into compliance.

7.09.2 A Compliance Check is a sampling event performed after receiving the Compliance Schedule Completion Report.

7.10 Re-sample after a violation

After a violation at any enforcement level a re-sample shall be completed within thirty (30) days of the violation by the discharger during their self-monitoring or by the District.

7.11 Charges and Penalties

Any discharger on enforcement status shall be assessed cost recovery charges for sampling and analysis at each enforcement level. These charges are listed in the Master Fee Schedule. Additional penalties for each level of enforcement are listed in the Master Fee Schedule.

7.12 Monitoring and Sampling

For pH sampling, each individual sample result shall be compared to the local limit to determine compliance. Where the effluent of a discharger is continuously monitored for pH, the discharger shall maintain the pH within the local and federal range with the following excursions allowed:

7.12.1 The total time during which the pH values are outside the accepted range shall not exceed fifteen (15) minutes in any calendar day.

7.12.2 No individual excursion outside the accepted range shall exceed five (5) minutes.

For all other sampled parameters, the local limits are daily averages. Each individual grab or daily composite sample result is compared to the applicable local or federal limit as listed below. Metals have local, federal maximum daily, and federal maximum monthly average limits. Cyanide has local and federal limits. Oil and Grease has a local limit only. Total Toxic Organics (TTO) has a federal limit only. All other organic analyses have a local limit only.

7.13 Warning Notice

If a monitored parameter is in violation, a Warning Notice may be issued for any first violation during the most recent rolling six (6) months or for subsequent violations when all of the following conditions are met:

- 7.13.1 The violation did not exceed the Technical Review Criteria (TRC) values of 1.4 for oil and grease or 1.2 for all other parameters (excluding pH).
- 7.13.2 The violation for pH is no lower than 6.0 or does not exceed 9.5
- 7.13.3 The discharger has not shown pattern of recurring or seasonal violations. The existence of a pattern shall be determined by the District.
- 7.13.4 The discharger is not on a Compliance Schedule for the violated parameter.
- 7.13.5 The discharger has had no more than one (1) Warning Notice for the same parameter in a three (3) month period and no more than three (3) in twelve (12) consecutive months.
- 7.13.6 The discharger has not had a failure to maintain or operate monitoring or pretreatment equipment for six (6) consecutive months.

The Warning Notice will inform the discharger of the parameter in violation and will also request that the permit holder submit in writing, within fifteen (15) days, the corrective action planned to prevent a similar violation in the future. The District will decide if the corrective measures are sufficient.

- 7.13.7 The District will perform a compliance check within thirty (30) days after receiving the corrective action completion report for the Warning Notice. Failure to pass the compliance check will escalate enforcement.
- 7.13.8 Warning Notices are reportable on Quarterly and Annual Reports.
- 7.13.9 Issuance of a Warning Notice will not alter the monitoring schedule that the discharger is on; however, enforcement monitoring charges and fees will be assessed.

7.14 Notice of Violation

- 7.14.1 A Notice of Violation may be issued if the violation does not meet the criteria for a Warning Notice. A written response from the discharger is required within fifteen (15) days citing the cause of the violation and requiring the submittal of a Compliance Schedule stating action(s) to be taken and completion dates that will correct the violation and prevent future violations of the same nature.
- 7.14.2 The ECO will review the Compliance Schedule and determine if it is adequate. An enforcement inspection will be conducted and a compliance check will be performed within thirty (30) days after receiving the Compliance Schedule completion report. Failure to pass the compliance check will escalate enforcement.
- 7.14.3 The discharger will be required to start or increase the frequency of self-monitoring to at least bimonthly for the parameter violated until they pass their compliance check. After successful completion of the Compliance Schedule, the District may allow for decreased self-monitoring. The discharger will be added to the enforcement schedule where the parameter in violation will be sampled at least bimonthly for six (6) months from the date of the last violation. Enforcement monitoring charges and fees will be assessed.
- 7.14.4 Recording devices may be required for recordable parameters. Rental or purchase of new monitoring equipment may also be required.
- 7.14.5 Successfully staying in compliance for a period of six (6) consecutive months after submitting a Compliance Schedule Completion Report will qualify the discharger to meet the criteria for a Warning Notice should another incidence of noncompliance occur for the same parameter that prompted escalating enforcement.

7.15 Consent Order

- 7.15.1 A Consent Order will be issued if the discharger fails to pass the compliance check from a Notice of Violation or if both of the following conditions are met:
- a) The discharger has passed the compliance check but incurs a violation for the same parameter that the NOV was issued for within six (6) consecutive months following completion of the Compliance Schedule.
 - b) The situation does not meet the criteria for issuing a Warning Notice.
- 7.15.2 The Consent Order is an agreement that is reached following a meeting between the discharger and the District. At that meeting, a Compliance Schedule will be designed with specific dates for acquisition, construction, and installation of pretreatment equipment that will enable the permit holder to achieve and maintain compliance for

at least six (6) consecutive months. Time frames for the Compliance Schedule will vary with the need of consultants, permits, and construction. Extensions for any of the milestones must be requested in writing and approved by the District prior to the scheduled milestone.

- 7.15.3 An enforcement inspection will be conducted and a compliance check will be performed by the District within thirty (30) days after receiving the Compliance Schedule completion report. Failure to pass the compliance check will escalate enforcement.
- 7.15.4 The discharger will be required to increase the frequency of self-monitoring to at least monthly for the parameter violated until they pass their compliance check. After successful completion of the Compliance Schedule, self-monitoring may be decreased at the District's discretion.
- 7.15.5 The discharger will be added to an enforcement schedule where the parameter in violation will be sampled at least monthly for six (6) months from the date of the last violation. Enforcement monitoring charges and fees will be assessed.
- 7.15.6 Refusal to sign the Consent Order or failure to meet its milestones or reporting requirements without approved extensions will impose additional administrative fees and may escalate directly to a Show Cause Hearing.
- 7.15.7 Successfully staying in compliance for a period of six (6) consecutive months after submitting a Compliance Schedule Completion Report will qualify the discharger to meet the criteria for a Warning Notice should another incidence of noncompliance occur for the same parameter that prompted escalating enforcement.

7.16 Compliance Order

- 7.16.1 A Compliance Order will be issued if the permit holder fails to pass the compliance check from a Consent Order or if all of the following conditions are met:
 - a) The discharger has completed the Consent Order in good faith, has passed the compliance check but incurs a violation for the same parameter that the Consent Order was issued for within six (6) consecutive months following completion of the Compliance Schedule.
 - b) The discharger does not qualify to receive a Warning Notice.
 - c) Future compliance is possible because of ongoing efforts by the permit holder.
- 7.16.2 The Compliance Order documents the history of the noncompliance and mandates installation of additional pretreatment equipment according to a strict construction

schedule similar to the Consent Order. The District will mandate specific dates to install a complete pretreatment system, including interim and final reporting requirements.

- 7.16.3 Refusal to sign and/or comply with the terms and conditions of the Compliance Order may result in a Show Cause Hearing and/or Cease and Desist Order.
- 7.16.4 An enforcement inspection will be conducted and a compliance check will be performed by the District within thirty (30) days after receiving the Compliance Order completion report. Failure to pass the compliance check will escalate enforcement.
- 7.16.5 The discharger may be required to increase the frequency of self-monitoring beyond that required for the Consent Order for the parameter violated until compliance is achieved. After successful completion of the Compliance Order, the District may allow for decreased self-monitoring.
- 7.16.6 The discharger will be added to an enforcement schedule where the parameter in violation will be sampled at least monthly for six (6) months from the date of the last violation. Enforcement monitoring charges and fees will be assessed.
- 7.16.7 Successfully staying in compliance for a period of six (6) consecutive months after submitting a Compliance Schedule Completion Report will qualify the discharger to meet the criteria for a Warning Notice should another incidence of noncompliance occur for the same parameter that prompted escalating enforcement.

7.17 Show Cause Order

- 7.17.1 If the discharger fails to comply with the requirements of any order, notice, or demand of the ERP, the District may order any discharger to show cause before the General Manager why the sewer services of the discharger should not be terminated. A notice will be served on the discharger specifying the time and place of a Show Cause Hearing to be held by the General Manager or his/her designee regarding the violation. The notice of the hearing shall be served personal or by certified mail, return receipt requested, at least ten (10) days before the hearing. Service of notice will be made on an authorized representative of the discharger, or the occupant(s), and/or owner(s), of record of the property. The General Manager will conduct the meeting, giving the discharger time to present his/her/its position.
- 7.17.2 If the problems causing the noncompliance appear to be resolvable at the hearing's conclusion, an order will be issued to the discharger that following a specified time period, the sewer service will be disconnected unless adequate facilities have been installed or upgraded to ensure future compliance. The General Manager can take other actions as provided for in the District's Industrial Discharge Ordinance. Monthly enforcement sampling will continue at the discretion of the District.

7.18 Notice of Noncompliance

7.18.1 When a violation has occurred and the discharger is on a Compliance Schedule for the violated parameter, a Notice of Noncompliance (NON) will be issued informing the discharger that they are still in noncompliance. These notifications serve notice to the discharger to review their operation and make changes as needed. Additional penalties in accordance with the Master Fee Schedule will apply for each NON issued.

7.19 Cease and Desist Order

7.19.1 This order may be issued to a discharger to terminate its discharge or a specific discharge stream to the collection system for any of the following situations:

- Illegal or unauthorized discharge
- Interference or pass through in the collection system or at the treatment facility
- Health hazards for personnel servicing the collection system or the general public
- Results of a Show Cause Hearing

The order may be issued immediately upon discovery of the problem or following a Show Cause Hearing. It can also be issued alone or in conjunction with any other notice to stop violations of a general or specific discharge prohibition or local limit. In an emergency, a Cease and Desist Order may be given verbally, either in person or over the phone, and followed up with a written notice.

7.20 Significant Noncompliance (SNC)

7.20.1 Significant Noncompliance means a compliance status in which an industrial discharger has a violation which meets one or more of the following criteria:

- a) Chronic violations of waste water discharge limits, defined as those in which sixty-six percent (66%) or more of all measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits.
- b) Technical Review Criteria (TRC) violations, defined as those in which thirty-three percent (33%) or more of all of the measurements taken for the same pollutant parameter during a six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits, multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, HEM, and 1.2 for all other pollutants except pH).

- c) Any other violation of a pretreatment standard or requirement that has caused, alone or in combination with other discharges, interference, pass through, or endangered the health of plant personnel or the general public.
- d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.
- e) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.
- f) Failure to provide, within forty-five (45) days after the due date, required reports such as baseline monitoring reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.
- g) Failure to accurately report noncompliance.
- h) Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local pretreatment program.

At least annual public notification shall be made in a newspaper of general circulation within the jurisdiction served by the POTW of industrial dischargers which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment requirements. 40 CFR 403.8 (f)(2)(viii)

7.21 Emergency Suspensions

The General Manager may suspend the wastewater permit of an industrial discharger, for a period not to exceed thirty (30) days, whenever such suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of person, interferes with the operation of the District's wastewater system, or which presents or may present an endangerment to the environment.

7.21.1 Any industrial discharger notified of a suspension of its wastewater permit shall immediately stop or eliminate its contribution. In the event of an industrial discharger's failure to immediately comply voluntarily with the suspension order, the General Manager shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the system, its receiving stream, or endangerment to any individuals. The General Manager shall allow the industrial discharger to recommence its discharge when the discharger has demonstrated to the satisfaction of the District that the period of endangerment has

passed, unless the termination proceedings set forth in Section 4.17 are initiated against the discharger.

- 7.21.2 An industrial discharger that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the General Manager prior to the date of any show cause or cease and desist order under Sections 7.17 and 7.19 respectively.

7.22 Termination of Permit

In addition to those provisions in Section 4.17 of this Ordinance, any industrial discharger which violates the following conditions of this Ordinance, wastewater permits, or orders issued hereunder is subject to permit termination:

- 7.22.1 Violation of permit conditions,
- 7.22.2 Failure to accurately report the wastewater constituents and characteristics of its discharge,
- 7.22.3 Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge, or
- 7.22.4 Refusal of reasonable access to the discharger's premises for the purpose of inspection, monitoring or sampling.

Noncompliant industrial dischargers will be notified of the proposed termination of their wastewater permit and be offered an opportunity to show cause under Section 7.17 of this Ordinance why the proposed action should not be taken.

7.23 Judicial Enforcement Remedies

7.23.1 Injunctive Relief

Whenever an industrial discharger has violated or continues to violate the provisions of this Ordinance, permits or orders issued hereunder, or any other pretreatment requirement, the General Manager, through the District's legal counsel, may petition the Superior Court for the issuance of a temporary or permanent injunction, as may be appropriate, which restrains or compels the specific performance of the wastewater permit, order, or other requirement imposed by this ordinance on activities of the industrial discharger. Such other action as may be appropriate for legal and/or equitable relief may also be sought by the District. The Court shall grant an injunction without requiring a showing of a lack of an adequate remedy at law.

7.24 Civil Penalties

Any industrial discharger which has violated or continues to violate this Ordinance, any order or permit hereunder, or any other pretreatment requirement shall be liable to the General Manager for a civil penalty no less than \$1,000 per violation per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each business day during the period of the violation.

7.24.1 The General Manager may recover reasonable legal counsel fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the District.

7.24.2 In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the industrial discharger's violation, corrective actions by the industrial discharger, the compliance history of the discharger, and any other factor as justice requires.

7.24.3 Where appropriate, the General Manager may accept mitigation projects in lieu of the payment of civil penalties where the project provides a valuable service to the District and the industrial discharger's expense in undertaking the project is at least one hundred and fifty percent (150%) of the civil penalty.

7.25 Criminal Prosecution

7.25.1 Any industrial discharger who willfully or negligently violates any provisions of this Ordinance, any orders or permits issued hereunder, or any other pretreatment requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$1,000 per violation per day or imprisonment for not more than one year or both.

7.25.2 Any industrial discharger who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other documentation filed or required to be maintained pursuant to this Ordinance, or wastewater permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Ordinance shall, upon conviction, be punished by a fine of not more than \$1,000 per violation per day or imprisonment for not more than one year or both.

7.25.3 In the event of a second conviction, the discharger shall be punishable by a fine of not to exceed \$3,000 per violation per day or imprisonment for not more than 3 years or both.

7.26 Affirmative Defenses to Discharge Violation

7.26.1 Upset

An upset shall be an affirmative defense to an enforcement action brought against a discharger for violating a pretreatment standard and requirement if the following conditions are met:

- a. The discharger can identify the cause of the upset,
- b. The facility was operating in a prudent and workmanlike manner at the time of the upset and was in compliance with applicable O&M procedures,
- c. The discharger submits, within 24 hours of becoming aware of the upset, a description of the discharge and its causes, the period of noncompliance (if not corrected, then the time the noncompliance is anticipated to end), and the steps being taken to reduce, eliminate and prevent recurrence of the noncompliance.
- d. If this report is given orally, the discharger must also submit a written report containing such information within five (5) days unless waived by the General Manager.
- e. Upset shall mean an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards and requirements because of factors beyond the reasonable control of the industrial discharger. Noncompliance caused by operational error, improperly designed pretreatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation does not constitute an upset.

7.27 Affirmative Defenses to General/Specific Prohibitions

An industrial discharger shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general and specific prohibitions, in Section 5.01 and 5.02 respectively of this Ordinance, if it can prove that it did not know or have reason to know that its discharge would cause pass through or interference and that either:

- a) A local limit exists for each pollutant discharged and the discharger was in compliance with each limit directly prior to and during the pass through or interference, or
- b) No local limit exists, but the discharge did not change substantially in nature or constituents from the discharger's prior discharge when the District was regularly

in compliance with its WDR permit, and in the case of interference, in compliance with applicable sludge use or disposal requirements.

7.28 Bypass

The intentional diversion of waste streams from any portion of an individual discharger's treatment Facility shall be an affirmative defense to an enforcement action brought against the industrial discharger if the discharger can demonstrate that such a bypass was unavoidable to prevent loss of life, personal injury, or severe property damage. In order to be eligible for the affirmative defense, the industrial discharger must demonstrate that there was no feasible alternative to the bypass and submit notice of the bypass as required by 40 CFR 403.17.

CHAPTER 8 – REPORTING REQUIREMENTS

8.01 Baseline Monitoring Reports

Within 180 days after the effective date of a categorical pretreatment standard, or 180 days after the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing significant Industrial Dischargers subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to the District's sewer system shall be required to submit to the District a report which contains the information listed in paragraph a, below. At least ninety (90) days prior to commencement of their discharge, new sources, including existing dischargers which have changed their operation or processes so as to become new sources, shall be required to submit to the District a report which contains the information listed in paragraph a. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.

- a. The information required by this section includes:
 1. Identifying Information. The discharger shall submit the name and address of the facility including the name of the operator and owner(s);
 2. Permits. The discharger shall submit a list of any environmental control permits held by or for the facility;
 3. Description of Operations. The discharger shall submit a brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such industrial discharger. This description should include a schematic process diagram which indicates points of discharge to the system from the regulated processes.
 4. Flow Measurement. The discharger shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the system 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).
 5. Measurement of Pollutants.
 - (i) The industrial discharger shall identify the categorical pretreatment standards applicable to each regulated process;
 - (ii) In addition, the industrial discharger shall submit the results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or District) of regulated pollutants in the discharge from each regulated process.

Instantaneous, daily maximum and long term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations in cases where the Standard requires compliance with a Best Management Practice or pollution prevention alternative, the Discharger shall submit documentation as required by the District or the applicable Standards to determine compliance with the Standard;

- (iii) The Discharger shall take a minimum of one representative sample to compile the data necessary to comply with the requirements of this paragraph.
- (iv) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the Discharger should measure the flows and concentrations necessary to allow use of the combined waste stream formula of 40 CFR 403.6(e) in order to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with the supporting data shall be submitted to the District;
- (v) Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR 136 and amendments thereto. Where 40 CFR 136 does not contain sampling or analytical techniques for the pollutant in question, or where the District determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the District.
- (vi) The District may allow the submission of a baseline report that utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
- (vii) The baseline report shall indicate the time, date and place, of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW;

- 6. Certification. A statement, reviewed by an authorized representative of the industrial discharger and certified to by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if

not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required in order to meet the pretreatment standards and requirements; and

7. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the industrial discharger 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 7.16 of this Ordinance.

8.02 Compliance Deadline Reports

Within ninety (90) days following the date of final compliance with applicable categorical pretreatment standards, or in the case of a New Source, following commencement of the introduction of wastewater into the District's wastewater system, any industrial discharger subject to such Pretreatment standards and requirements shall submit to the District a report containing the information described in Section 8.01(a)(4-6). For industrial dischargers subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the discharger's long term production rate. For all other industrial dischargers 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 discharger's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 4.10.

8.03 Periodic Compliance Reports

Any Significant Industrial User subject to a pretreatment standard shall, at a frequency determined by the General Manager but in no case less than twice per year, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by such pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Section 4.10.

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

8.03.2 In the event an industrial discharger's monitoring results indicate a violation has occurred, the industrial discharger must immediately notify the General Manager

within 24 hours and resample its discharge. The industrial discharger must report the results of the repeated sampling within thirty (30) days of discovering the first violation.

8.04 Report of Changed Conditions

Each industrial discharger is required to notify the General Manager of any planned significant changes to the industrial discharger's operations or pretreatment systems that might alter the nature, quality or volume of its wastewater.

8.04.1 The General Manager may require the industrial discharger to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater permit application under Section 4.09, if necessary.

8.04.2 The General Manager may issue a wastewater permit with the following conditions under Section 4.13 or modify an existing wastewater permit under Section 4.15.

8.04.3 No industrial discharger shall implement the planned changed condition(s) until and unless the General Manager has responded to the industrial discharger's notice.

8.04.4 For purposes of this requirement, flow increases of ten percent (10%) or greater and the discharge of any previously unreported pollutant shall be deemed significant.

8.05 Reports from Noncategorical Dischargers

All industrial dischargers not subject to categorical pretreatment standards and not required to obtain a wastewater permit shall provide appropriate reports to the District as the General Manager may require.

8.06 Sample Collection

Except as indicated in the paragraph below, wastewater samples collected for purposes of determining industrial discharger compliance with pretreatment standards and requirements must be obtained using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the General Manager may authorize the use of time proportional sampling.

8.06.1 Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfide, and volatile organic chemicals (V.O.C's) must be obtained using grab collection techniques.

8.07 Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 or, if 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, in accordance with procedures approved by the EPA and the District.

8.08 Monitoring Charges

The General Manager may recover the District's expenses incurred in collecting and analyzing samples of the industrial discharger's discharge by adding the costs to the industrial discharger's sewer charges.

8.09 Timing

Written reports will be deemed to have been transmitted at the time of deposit, postage prepaid, into a mail facility serviced by the United States Postal Service.

8.10 Recordkeeping

Industrial dischargers shall retain, and make available for inspection and copying, all records and information required to be retained under 40 CFR 403.12(o). 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 compliance with this Ordinance, or where the industrial discharger has been specifically notified of a longer retention period by the General Manager.

8.11 Confidential Information

Information and data on an industrial discharger obtained from reports, questionnaires, permit applications, permits, and monitoring programs, and from District inspection and sampling activities shall be available to the public without restriction unless the industrial discharger 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 of production entitled to protection as trade secrets under applicable State law.

8.11.1 Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

8.11.2 When requested and demonstrated by the industrial discharger furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for

inspection by the public but shall be made available immediately upon request to governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) program, and in enforcement proceedings involving the person furnishing the report.

8.12 Administrative Enforcement Response Plan

In the event that an Industrial Discharge Permit holder fails to submit various reports including but not limited to flow monitoring reports, compliance schedule progress/completion reports, or other reports as may be required. The following subsections will apply.

8.12.1 Due Date

The due date is the date specified in a wastewater discharge permit or other regulatory and/or enforcement document. The District will notify the discharger by telephone or personal contact if the document is not received by the due date.

8.12.2 Grace Period

Following the due date, a discharger is allowed a grace period of five (5) business days to provide adequate time for a report to move through the mail system. Documents received within the grace period are not considered to be in violation.

8.12.3 Penalties and Enforcement Charges

Penalties are assessed with each enforcement document that a discharger receives. In addition, other enforcement charges in the form of cost recovery apply for each day that a document is not received. These charges are listed in the Master Fee Schedule.

8.12.4 Warning Notice

If a document is not received by the end of the grace period and the discharger was previously notified of the situation, a Warning Notice will be issued informing the discharger that they are now considered to be in violation and will include the cost recovery accrual rate. The discharger will be given a deadline of fourteen (14) calendar days following the end of the grace period to submit the required document.

8.12.5 Notification of Violation

If a document is not received fourteen (14) calendar days following the end of the grace period and the discharger was previously notified of the situation, a Notice of Violation (NOV) will be issued informing the discharger of the violation. The discharger will also be given a deadline that will be twenty-eight (28) calendar days after the end of the grace period to submit the document. Cost recovery charges continue to accrue

8.12.6 Consent Orders

If a discharger fails to submit a document after twenty-eight (28) calendar days following the end of the grace period and was previously notified of the situation, a Consent Order will be issued requiring a meeting between the discharger's representative and the District to ascertain the source of the problem and to find a mutually agreeable solution. Cost recovery charges continue to accrue.

8.12.7 Compliance Order

If a discharger fails to submit a document forty-five (45) calendar days after the due date (no grace period) and was previously notified of the situation, a Compliance Order will be issued requiring a meeting between the discharger's representative and the District to ascertain the source of the problem and to find a mutually agreeable solution. Cost recovery charges continue to accrue. The discharger is now in Significant Noncompliance.

8.12.8 Significant Noncompliance

A discharger that fails to provide, within forty-five (45) calendar days after the due date, any required reports is in Significant Noncompliance. Public notification listed under 40 CFR 403.8(f)(2)(viii) is required. There are no additional monetary penalties.

8.12.9 Special Circumstances

Communication is priority. Every effort is made to contact a discharger to remind them of the various documents that are due. In the event that a document has not been received after fourteen (14) days or longer following the grace period and the discharger was never notified or reminded of the situation, the discharger will be notified by phone and given the opportunity to submit the document by the end of the day of notification without incurring any cost recovery charges. If the document is received after the day of notification, cost recovery charges will begin accumulating with the base assessment being the fourteen-day cap. Under these circumstances, a Warning Notice would be issued and enforcement would escalate sequentially. Regardless of these special circumstances, the status of Significant Noncompliance

will not change, neither will the public notification requirement as required in 40 CFR 403.8(f)(2)(viii).

8.13 Administrative Fines

Notwithstanding any other section of this Ordinance, any discharger that is found to have violated any provision of this Ordinance, permits and orders issued hereunder, or any other pretreatment requirement shall be fined in an amount not to exceed \$25,000 per day. Such fines shall be assessed on a per violation per day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each business day during the period of violation.

8.13.1 Assessments may be added to the discharger's next scheduled sewer service charge and the General Manager shall have such other collection remedies as may be available for other service charges and fees.

8.13.2 Unpaid charges, fines and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of twenty percent (20%) of the unpaid balance and interest shall accrue thereafter at a rate of seven percent (7%) per month. Furthermore, these unpaid charges, fines and penalties, together with interest therefrom shall constitute a lien against the individual discharger's property.

8.13.3 Industrial dischargers desiring to dispute such fines must file a written request for the General Manager to reconsider the fine along with full payment of the fine amount within ten (10) days of being notified of the fine. Where the General Manager believes a request has merit, he shall convene a hearing on the matter within fifteen (15) days after receiving the request from the industrial discharger. In the event the discharger's appeal is successful, the payment together with any interest accruing thereto, shall be returned to the industrial discharger. The District may add the costs of preparing administrative enforcement actions, such as notices and orders to assess the fine.

CHAPTER 9 – CHANGES AND FEES

9.01 Classification of Dischargers

The District hereby establishes determinations for industrial charges attached hereto as Exhibit A. The purpose of these determinations is to facilitate the regulation of wastewater discharges, provide an effective means of source control and to provide a basis for all fixing and levying of charges and fees for services on an equitable basis to industrial dischargers.

9.02 Basis of Charges and Fee's (SFRE's)

The basis for the allocation of the charges and providing fees for a service shall be based on SFRE, or other basis related to the nature of the cost of service provided. SFRE equivalence is as follows:

Flow	300 gpd
BOD ₅	260 mg/L
TSS	460 mg/L

The SFRE equivalence may be adjusted from time to time by Ordinance or Resolution.

9.03 Connection Fees

Connection fees shall be collected to insure the equitable recovery of the District's capital costs. A portion of the connection fees may also be allocated to fund a capital reserve fund. The connection fees are based on SFRE equivalence. These fees will be adjusted from time to time by resolution or ordinance, based on the most current rate study.

9.04 Service Charges

Service charges shall be collected to insure the equitable recovery of the District's cost for providing the sewer service including the daily operation and maintenance costs of the facility. A portion of the service charges may also be used to fund a capital reserve account for the replacement of existing equipment and facilities.. These fees will be adjusted from time to time by resolution or amendments to this Industrial Discharge Ordinance, based on the most current rate study.

9.05 Other Charges and Fees

The District may at any time establish a schedule of charges and fees to pay for the costs of other services provided, to insure an equitable recovery of the District's cost of providing sewer service, including but not limited to:

- a. Monitoring Service - The cost of monitoring wastewater volume discharge, constituents or characteristics.

- b. Application Fees - The cost of administration, engineering or other related or required costs to process permit application.
- c. Appeal Fees - The cost of administration, engineering, legal or other related costs to process appeals.
- d. Standby Assessments - The cost of maintaining capacity in a readiness to serve status for the benefit of unimproved parcels of land.
- e. Line Charges - The cost of repaying the costs associated with the District installing collection, main line, interceptor sewers, lift stations, or appurtenances to serve a designated area.
- f. Assessment Charges - The costs for running an assessment or assessment district across lands for the installation of sewer collection, treatment and disposal facilities. These fees and charges may include the actual costs of the improvement, engineering, legal, financial, and administrative costs.

9.06 Industrial Dischargers

In addition to the above-mentioned fees and charges industrial dischargers shall pay the following fees and charges as determined to be applicable by the District.

9.06.1 Connection Fees

Industrial dischargers shall pay connection fees that are based on the flow from the industrial facility equated into terms of single family residence equivalence units (SFRE).

9.06.2 Service Charges

The industrial discharger shall pay service charges for flow, BOD, TSS, EC and other constituents as outlined in Exhibit A attached hereto.

9.06.3 Initially the flow, BOD, TSS, EC and other constituent values used for the calculation of service charges and fees shall be taken from the permit application. Subsequent flow measurement and wastewater analysis as required by the industrial wastewater discharge permit shall provide verification of the calculation values and based on any discrepancies, adjustment of associated service charges and fees.

9.07 Miscellaneous Provisions

9.07.1 Pretreatment Charges and Fees

The District may adopt reasonable charges and fees for reimbursement of costs of setting up and operating the District's Pretreatment Program that may include:

- a. Fees for permit applications including the cost of processing such applications;
- b. Annual permit fees;
- c. Fees for monitoring, inspection and surveillance procedures including the cost of collection and analyzing a Discharger's discharge, and reviewing monitoring reports submitted by industrial dischargers;
- d. Fees for reviewing and responding to accidental discharge procedures and construction;
- e. Sampling Fees.
 1. The expenses for sample analysis required by the discharger's permit will be charged to the discharger. For analyses conducted by a third party commercial laboratory the permit holder will be charged the actual fees charged by the laboratory. For analyses conducted by the District laboratory the permit holder will be charged the actual cost of the analyses, not to exceed fees established by locally available commercial laboratories.
 2. Any discharger establishing a pattern of noncompliance, or having a history of noncompliance, or suspected of being in noncompliance, may require additional monitoring visits as deemed appropriate by the General Manager. Any additional analysis performed which detects noncompliance will be billed directly to the discharger.
- f. Fees for transferring a permit;
- g. Fees for permit modifications. Permit modification fees will only be charged in a case where the Discharger's operation requires a modification, or when a Discharger requests a modification to the permit;
- h. Fees for a one-time batch discharge;
- i. High Strength Waste Fees.

1. Dischargers having effluent concentrations in excess of established local limits, or limits included in authorized permits, may be billed a high strength waste surcharge or a charge for excessive maintenance and/or inspections to ensure compliance. Surcharge rates will be established by the General Manager and based on cost of conveyance and treatment in the POTW.
 2. All fees for charges will be collected by direct billing. Unless the General Manager has been made aware of extenuating circumstances that would prevent prompt payment, all fees are payable within 30 days of the billing. Fees past due will be considered a violation of this chapter. Dischargers not paying fees within 60 days of the billing period will be subject to termination of service. The General Manager may change existing or adopt new fees to comply with the actual cost of service.
- j. Fees for filing appeals;
 - k. Fees to recover administrative and legal costs associated with the enforcement activity taken by the District to address Discharger noncompliance; and
 - l. Other fees as the District may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Ordinance and are separate from all other fees, fines and penalties chargeable by the District.