

TITLE 10

SOURCE CONTROL (PRETREATMENT)
(Adopted 10/2/08)

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Chapter 10.04

GENERAL PROVISIONS

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10.04.010 Purpose and Policy.

This Ordinance sets forth uniform requirements for contributors to the wastewater collection and treatment system of the Central Contra Costa Sanitary District (hereafter District) and enables the District to comply with all applicable state and federal laws required by the Clean Water Act of 1977 as amended and the General Pretreatment Regulations (40 CFR Part 403), which are on file at the District Office.

The objectives of this Ordinance are to:

- A. Comply with the laws of the State of California and of the United States relating to the protection of the environment, control of water pollution, disposal of hazardous wastes, and pretreatment of industrial discharges to publicly owned treatment works.
- B. Prevent the introduction of wastes into the District wastewater system which will interfere with the operation of the system or other District operations.
- C. Prevent the introduction of wastes into the District wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system's overall operations.
- D. Prevent introduction of toxic substances to the District wastewater system which could reach the environment in toxic amounts.
- E. Prevent the introduction of wastes into the system which may affect the District's ability to dispose of its ash, sludge, or other residuals.
- F. Improve the opportunity to recycle and reclaim wastewater and sludge from the system.
- G. Prevent the introduction of wastes that may be inadequately treated by District facilities and may adversely affect the environment or may cause a violation of the District's NPDES permit or may contribute to the need for modification of the District's NPDES permit.

H. Protect District personnel while conducting activities related to the collection, treatment, and disposal of wastes through the District facilities.

I. Prevent a public hazard or public nuisance arising from the collection, treatment, and disposal of wastes through the District system.

J. Prevent the introduction of wastes to sewers connected to the District system that could result in the District being classified as a hazardous waste treatment, storage, or disposal facility under the laws of the State of California or the United States.

K. Provide for equitable distribution of the cost of the District's Source Control Program.

This Ordinance provides for the regulation of contributors to the District wastewater collection system through the issuance of permits or permit contracts to certain users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, and provides for the setting of fees for the equitable distribution of costs associated with maintaining a Source Control Program.

This Ordinance shall apply to all discharges within the District and to discharges from other governmental bodies or agencies who are, by contract or agreement with the District, users of the District's treatment plant. Except as otherwise provided herein, the General Manager of the District shall administer, implement, and enforce the provisions of this Ordinance.

10.04.020 Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated:

A. Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.

B. Authorized Representative of Industrial User. An authorized representative of an industrial user may be: (1) principal executive officer, if the industrial user is a corporation; (2) general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; or (3) duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the discharge originates and if such representative is identified in writing by the individual designated in (1) or (2) above.

C. Best Management Practices (BMPs). Schedules of activities, prohibitions of practices, maintenance or operating procedures, and other management practices to implement that which is listed in 40 Code of Federal Regulations Section 403.5(a)(1) and to prevent or reduce the pollution of "waters of the United States." BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. Best Management Practices may be proposed by an individual user and

accepted by the District or, as set forth in this Ordinance, mandated and set by the District.

D. Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at twenty degrees (20°) centigrade expressed in terms of weight and concentration (milligrams per liter, mg/l).

E. Categorical Standards. National pretreatment standards which specify quantities or concentrations of pollutants or pollutant properties that may be discharged by industrial users in specified industrial subcategories.

F. Class I Industrial User. Any nondomestic user who requires a significantly greater level of administrative services and/or oversight by the District Source Control Program than a Class II User, based on the unusual character of the wastewater due to its volume, strength, composition, or its derivation from a hazardous waste or substance, or the potential variability in the character of the wastewater, or on the potential for increased administrative cost to the District due to the unusual character of the waste.

G. Class II Industrial User. Any nondomestic user of the District's wastewater disposal system who (1) has a discharge flow of twenty-five thousand (25,000) gallons or more per average work day, or (2) contributes process wastewater which makes up 5% or more of the District treatment plant's average dry weather hydraulic or organic capacity; or (3) has in its wastes hazardous pollutants, or (4) is subject to national pretreatment standards, or (5) has in its untreated wastewater pollutants which are in excess of any pretreatment standard or requirement, including any standard identified in this ordinance or local limits set by resolution of the District Board, or (6) may, in the opinion of the District, have a reasonable potential for adversely impacting, either singularly or in combination with other contributing industries, the District's treatment plant or the ability of the District to meet the objectives of this Ordinance or for violating any pretreatment standard or requirement.

H. Class III Industrial User. Any nondomestic user who may, in the opinion of the District, have an impact on the District's ability to meet the objectives of this Ordinance. This impact may be of a lesser degree than for a Class II Industrial User due to the volume, characteristics, or the nature of the process producing the waste. Any non-domestic user who generates hazardous waste, whether or not said waste is, in the normal course of the industrial process, discharged into the sanitary sewer system, may be considered a Class III Industrial User. A nondomestic user may be classified as a Class III Industrial User if any of the hazardous waste is being discharged into the sewer, or if, in the opinion of the District, there is a potential for this waste to be discharged into the sewer, even through accident in non-process or process of handling of the waste. This classification applies to, but is not limited to, those industrial users who are not designated as Class I or Class II Users and who are required to have a County Hazardous Waste Facility License. This Class III Industrial User category shall also include industrial users who store or use hazardous materials, whether or not a hazardous waste is produced in the industrial or commercial process if, in the

determination of the District, a potential exists for a significant impact upon the District facilities due to a release of these materials into the environment. This classification also applies to those industrial users not designated as Class I or Class II Industrial Users who are required by statute or county regulations to have a Hazardous Materials Response Plan and Inventory. A Class III Industrial User shall also include all varieties of non-domestic users for which the General Pretreatment Regulations promulgated by the EPA under a 40 CFR 403.8(f)(2)(iii) may require the District to provide an Industrial User (IU) Notification regarding the applicability of RCRA requirements.

Class III Industrial Users may be individually designated by the District based on the criteria set forth above or on categorization of the user as a member of a particular business category. Examples of business categories which may be included in the Class III Industrial User designation are: analytical and clinical laboratories, dry cleaners and laundries, vehicle maintenance and repair facilities, printing and allied industries, photo processors, and pesticide formulators and applicators.

I. Class IV Industrial User. Any non-domestic user who is not included within the definitions and parameters of Class I, Class II, or Class III Industrial Users.

J. Collection System. The District pipelines, pump stations, manholes, and other similar facilities which accept, collect, and convey sanitary sewage to the Treatment Plant.

K. Constituent. A pollutant parameter that may be subject to monitoring or other control measures by a user.

L. Cooling Water. The water discharged from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.

M. Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

N. Discharge or Indirect Discharge. The introduction of pollutants into a Publicly Owned Treatment Works from any non-domestic source regulated under section 307(b), (c) or (d) of the Act.

O. Discharge Prohibition. Regulatory strategy to control pollutant sources by prohibiting the discharge to the sanitary sewer system rather than establishing numeric discharge limits.

P. District. The Central Contra Costa Sanitary District.

Q. District Board. The Board of Directors and the Central Contra Costa Sanitary District.

R. District Facilities. All of the District's system of collecting, conveying, and treatment including, but not limited to, the collection system and treatment plant. This includes any publicly owned facility connected to the District's collection system which generates wastewater treated at the District treatment plant.

S. Domestic Wastewater. Domestic wastewater shall mean the liquid solid and water-carried waste derived from ordinary living processes of humans of such character as to permit satisfactory disposal, without special treatment, into the public sewer by means of a private conveyance system. The strength shall be considered to have no more than 300 milligrams per liter (mg/l) BOD and suspended solids.

T. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of said agency.

U. General Manager. The General Manager of the District or his duly authorized representative.

V. Hazardous Pollutants. Any constituent or combination of constituents that is classified as hazardous under state or federal regulations or is included on the federal list of toxic pollutants as specified in CFR Title 40 Part 403.

W. Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, and vacuum-pump tank trucks.

X. Industrial User. Any contributor of industrial waste or wastewater.

Y. Industrial Waste or Wastewater. All water-carried wastes and wastewater of the community, excluding domestic wastewater derived from any producing, manufacturing, processing, institutional, commercial, agricultural, or other operation. Industrial wastewater may also include wastes of human origin similar to domestic wastewater which have been mixed with industrial wastes or wastewater prior to discharge to the District's facilities.

Z. Instantaneous Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

AA. Interceptor. A precast or cast-in-place concrete containment device designed to intercept, trap, or otherwise prevent grease, sand, flammable liquids, or other substances potentially harmful to the sewerage system from entering said system.

BB. Interference. An act that harms or disrupts the facilities, processes, or operations of the District; or has an adverse effect on the quality of the effluent, sludge, air emissions, or other residuals generated by the District's facilities; or has an adverse effect on the receiving waters; or is likely to endanger life, health, or property or otherwise cause a nuisance; or results in violation of the District's NPDES permit or

other permits; or, in the opinion of the District, otherwise adversely affects the District's ability to meet the objectives of Section 10.04.010 of this Ordinance. Interference can include, but not be limited to, a discharge that causes or contributes to a violation of any requirement of the District's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued there under (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (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.

CC. Mobile Service Provider. A person or business that provides mobile or non-stationary services to commercial or industrial activities within the District's service area that generate wastewater needing to be discharged into a sanitary sewer system. The person or business providing the service may or may not have a base of operation in the District's service area.

DD. National Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1317), which applies to industrial users.

EE. National Pollution Discharge Elimination System or NPDES Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

FF. New Industrial User. A person who has not contributed or caused to be contributed industrial waste or wastewater into District facilities from a given building, structure, facility, or installation. A "new source," as defined below, is included within the meaning of "new industrial user."

GG. New Source. A building, structure, facility, or installation from which there is, or may be a discharge of pollutants, construction of which began after the publication of the proposed pretreatment standards pursuant to Section 307(c) of the Clean Water Act, which will apply to the source if the standards are promulgated, in accordance with that section provided that: (1) the source is constructed at a site at which no other source is located; (2) the source totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or (3) the production or wastewater-generating process of the source are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered. See also New Industrial User and New User, supra.

HH. New User. A person who has not contributed or caused to be contributed waste or wastewater into District facilities from a given building, structure, facility, or

installation. A "new source," as defined below, is included within the meaning of "new user."

II. Non-Significant Categorical User. An Industrial User that is subject to an established Categorical Pretreatment Standard but that never discharges more than 100 gallons per day (gpd) of categorically regulated process wastewater, and complies with the requirements in 40 CFR 403.3(v)(2) and 40 CFR 403.12(q).

JJ. Notice of Violation. A document informing the user that it has violated the District Source Control Ordinance and appropriate corrective action must be taken.

KK. Ordinance. The term "this Ordinance" and/or "Source Control Ordinance" and similar uses of the term "Ordinance" shall refer to the entirety of Title 10 of the Central Contra Costa Sanitary District Code, including any and all amendments thereto.

LL. Pass Through or Passes Through. A discharge that exits the District wastewater system in quantities or concentrations that, alone or with discharges from other sources, have the reasonable potential to cause a violation of the District's NPDES permit.

MM. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

NN. pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in moles per liter of solution.

OO. Pollutant. Includes sewage or any characteristic of sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any commercial producing, manufacturing, or processing operation of whatever nature.

PP. Pollution. An alteration of the quality of the waters of the State by waste to a degree which unreasonably affects (1) such waters for beneficial use or (2) facilities which serve such beneficial uses or which create a hazard to the public health.

QQ. Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into District facilities. The reduction of alteration can be obtained by physical, chemical, or biological processes, or process changes by other means, except as prohibited by 40 CFR Section 403.6(d).

RR. Pretreatment Requirement. Any substantive or procedural pretreatment requirement, other than a National Pretreatment Standard, applicable to industrial users.

SS. Pretreatment Standard. Any regulation of the District, State, or EPA containing pollutant discharge limits or other procedural or substantive requirements of the user.

TT. Publicly Owned Treatment Works (POTW). A treatment works as defined by section 212 of the Act, which is owned by a State or municipality (as defined by section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.

UU. Slug Discharge. A discharge capable of causing adverse impacts to the District, its workers, or the environment, or any pollutant including an oxygen-demanding pollutant released in a discharge at a flow rate and/or pollutant concentration which may cause interference with the operation of the District's sewerage system. The discharge will be considered a slug discharge if the flow rate or concentrations or quantities of pollutants exceed for any time period longer than fifteen (15) minutes or more than five (5) times the average twenty-four (24) hour concentration, quantity, or flow during normal operations. A slug discharge is considered to be a discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge. Batch discharges are intentional, controllable discharges that occur periodically within an industrial user's process (typically the result of a non-continuous process). Accidental spills are unintentional, largely uncontrolled discharges that may result from leaks or spills of storage containers or manufacturing processes in an area with access to floor drains

VV. Significant Industrial User (SIU). Any industrial user classified as a Class I or Class II industrial user shall be a Significant Industrial User under the federal pretreatment standards.

WW. Significant Noncompliance (SNC). Any violation of pretreatment standards or requirements that, in the opinion of the District, constitutes significant noncompliance. This shall include, but not be limited to, instances of chronic violations of wastewater discharge limits, slug discharges, violations of compliance schedule milestones, failure to provide compliance data, failure to accurately report noncompliance, and any other violation or group of violations as more particularly set forth in Section 10.16.110 of this Ordinance.

XX. Special Discharge Permit. A permit that authorizes temporary discharges to the District's sanitary sewer system from sources that are not able to be discharged to a municipality's storm drain system including but not limited to: groundwater remediation system, groundwater monitoring well purge water, construction dewatering, pool discharges, tank test water, temporary discharges of foundation drains or area drains while permanent solutions for pollutants are developed, and water from reservoirs to enable cleaning. The Special Discharge Permit will specify the conditions for acceptance of the wastewater.

YY. Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget.

ZZ. State. State of California.

AAA. Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.

BBB. Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtering.

CCC. Trap. A cast iron or stainless steel containment device used for trapping substances and to prevent grease, sand, or flammable liquids from entering the sewerage system.

DDD. Treatment Plant. Any facility owned by the District that is designed to provide treatment to wastewater.

EEE. User. Any person who contributes or causes the contribution of wastewater into District facilities.

FFF. Warning Notice. A document informing a user of a condition that is either a minor violation, or if left unabated would become a violation that identifies corrective actions. Failure to correct the conditions identified in a Warning Notice can result in issuance of a Notice of Violation.

GGG. Waste Hauler. A transporter of wastes that could be illicitly discharged to the sanitary sewer system that transports the wastes to an authorized disposal/recycling facility provided that appropriate permits/licenses are obtained by the accepting facility or agency. Examples of wastes that may be discharged to designated locations at the District's treatment plant include wastes removed from septic systems, portable toilet wastes, grease wastes removed from grease removal devices at food service establishments, and wastes authorized for disposal under a Special Discharge Permit.

HHH. Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the District's facilities.

III. Wastewater Discharge Permit. As set forth in Section 10.12.040 of this Ordinance.

JJJ. Waters 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.

KKK. Zero Discharge. A practice of excluding the discharge from entering the sanitary sewer system. Zero discharge can be applied to all process discharges from a user or for specific process discharges.

10.04.030 Abbreviations.

The following abbreviations shall have the designated meanings:

BMPs	-	Best Management Practices
BOD	-	Biochemical Oxygen Demand
CCR	-	California Code of Regulations
CFR	-	Code of Federal Regulations
COD	-	Chemical Oxygen Demand
EPA	-	Environmental Protection Agency
L	-	Liter
mg	-	Milligrams
mg/L	-	Milligrams per Liter
NOV	-	Notice of Violation
NPDES	-	National Pollutant Discharge Elimination System
POTW	-	Publicly Owned Treatment Works
SDP	-	Special Discharge Permit
SIC	-	Standard Industrial Classification
USC	-	United States Code
TSS	-	Total Suspended Solids
TTO	-	Total Toxic Organic
ug/L	-	Micrograms per Liter

10.04.040 Ministerial Permit Issuance.

The District Board determined that the issuance of wastewater discharge permits pursuant to the provisions of this Ordinance is a ministerial act. The District Board further finds that the act of entering into a permit contract is non-ministerial.

10.04.050 Severability.

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

10.04.060 Conflict.

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

10.04.070 Repeal.

Chapter 9.16 of the District Code is hereby repealed on the effective date hereof and all sections of the District Code, Ordinances, or parts of Ordinances, or the District Code inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with the provisions of this Ordinance. However, nothing in this Ordinance enacting this Title is intended to repeal, extinguish, suspend, or allow to elapse any obligation or requirement set forth in existing permits or allow to elapse any obligation to pay fees then due under the prior ordinances.

Chapter 10.08

REGULATIONS

Sections:

<u>10.08.010</u>	<u>Permissible Discharges.</u>
<u>10.08.020</u>	<u>General Discharge Prohibition.</u>
<u>10.08.030</u>	<u>Prohibited Effects.</u>
<u>10.08.040</u>	<u>Prohibited Substances or Characteristics.</u>
<u>10.08.050</u>	<u>Prohibited Discharge Location.</u>
<u>10.08.055</u>	<u>Documentation of Proper Disposal</u>
<u>10.08.060</u>	<u>National Pretreatment Standards.</u>
<u>10.08.070</u>	<u>Specific Pollutant Limitations.</u>
<u>10.08.080</u>	<u>State and Federal Requirements and Standards.</u>
<u>10.08.090</u>	<u>District's Right of Revision.</u>
<u>10.08.100</u>	<u>Excessive Discharge.</u>
<u>10.08.110</u>	<u>Slug Discharges.</u>
<u>10.08.120</u>	<u>Hazardous Waste Discharges.</u>
<u>10.08.130</u>	<u>Best Management Practices (BMPs) to Control Discharges.</u>

10.08.010 Permissible Discharges.

Wastewater may be discharged into public sewers for collection, treatment, and disposal by the District provided that such wastewater discharge is in compliance with this Ordinance and the conditions of any industrial wastewater permit and/or permit contract; and further provided that the user pays all applicable District sewer fees and charges including any penalties or charges assessed under this Ordinance. The District has the authority to deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the District by Industrial Users where such contributions do not meet applicable Pretreatment Standards and Requirements or where such contributions would cause interference for the District, or cause the District to violate its NPDES permit, either individually or in combination with other discharges.

10.08.020 General Discharge Prohibition.

No user shall contribute or cause to be contributed, any pollutant or wastewater which will pass through the District's facilities or interfere with the operation or performance of the District's facilities. This prohibition includes any type of pollutant or wastewater as set forth in the prohibition sections of this Ordinance. These general prohibitions apply to all users of the District's facilities whether or not the user is subject to national pretreatment standards or any other national, state, or District pretreatment standards or requirements.

A user shall have an affirmative defense in any enforcement action brought against it alleging a violation of the general prohibitions, including a violation of the specifically prohibited effects or characteristics, where the user can demonstrate (1) that the user did not know or have reason to know that its discharge, alone or in conjunction with a

discharge or discharges from other sources, would result in a violation of this Ordinance, including a prohibited effect or prohibited characteristic ; and (2) the user was in compliance with the existing limits for each pollutant in its discharge that resulted in a violation, or if there were no such existing limits, the user's discharge directly before and during the violation did not change substantially from the user's prior discharges which occurred when the District remained in compliance with its NPDES permit and with applicable requirements for sewage sludge use or disposal.

10.08.030 Prohibited Effects.

A user may not discharge, or cause to be discharged, wastewater into any District facility if it contains substances or has characteristics which, either alone or by interaction with other wastewater, cause or threaten to cause:

- A. Damage to District facilities.
- B. Interference or impairment of operation or maintenance of District facilities.
- C. Obstruction of flow in District facilities.
- D. Hazard to human life.
- E. Interference with treatment plant or disposal processes, including recycling or any reclamation processes.
- F. The treatment plant's effluent or any other product of the treatment plant such as residues, sludge, ash, or scum, to be unsuitable for reclamation and reuse. In no case shall substances discharged to the District facilities cause the plant to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations.
- G. The District to violate its National Pollutant Discharge Elimination System (NPDES) permit or the receiving water quality standards.
- H. Flammable or explosive conditions.
- I. A noxious or malodorous condition, a public nuisance, a hazard to life, or conditions sufficient to prevent normal entry into the sewers or other District facilities for maintenance and repair.
- J. Objectionable coloration or other condition in the quality of the District's treatment plant influent which interferes with or passes through the treatment plant.
- K. Conditions which violate any statute, rule, regulation, or ordinance of any public agency, relating to releases of hazardous wastes, hazardous substances, or other pollutants to the environment when such release is to a publicly owned sanitary sewer.
- L. Any alteration or change of the District's NPDES permit or any additional regulatory supervision, intervention, or oversight of the District's operations.

M. Any alteration of the District's treatment plant processes.

N. Any significant alteration of District operations, including but not limited to, affecting the ability of the District to procure adequate insurance and/or subjecting the District operations to significantly increased potential liability.

10.08.040 Prohibited Substances or Characteristics.

A user shall not discharge, or cause to be discharged, directly or indirectly to a District facility any of the following:

A. 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 damage to District facilities or to be injurious to human health and safety or to the operation of District facilities. At no time shall a waste stream exceed a closed cup flash point of less than one hundred forty degrees (140 °) Fahrenheit or sixty degrees (60 °) Centigrade using the test method specified in 40 CFR Part 261.21. Also, at no time shall two (2) successive readings on a combustible gas meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. The meter shall be properly calibrated in accordance with the manufacturer's instructions using pentane as the calibration standard. The materials which may be prohibited if they cause explosive or fire dangers as defined herein include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides, or any other substance which is a fire or explosion hazard.

B. Any solid or viscous substance in amounts or concentrations which may cause or threaten to cause obstruction to the flow in a sewer or pass-through of, or interference with, the operations of any District facilities such as, but not limited to, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, petroleum oil, non-biodegradable cutting or machine oils, products of mineral origin, mud, cement grout, glass, grinding or polishing wastes, grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, or whole blood.

C. Any wastewater having a pH less than 5.5 or equal to or greater than 11.5, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, humans, or animals.

D. Any wastewater containing hazardous pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to human or animal health or safety, create an adverse effect on the waters of the State, or to exceed the limitations set forth in a national pretreatment standard.

E. Any wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference or pass through, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed forty degrees (40°) Centigrade (one hundred four degrees (104°) Fahrenheit) or with a temperature at the point of discharge to the District's collection system which exceeds sixty-five degrees (65°) Centigrade (one hundred fifty degrees (150°) Fahrenheit).

F. Any pollutants, including oxygen- demanding pollutants (BOD, COD, etc.) released at a flow rate and/or pollutant concentration that alone or in combination with others, may cause interference or pass through. Regardless of whether a slug load causes or will cause interference or pass through, in no case shall a slug load have a flow rate or contain concentrations or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation .

G. Any discharge which results in toxic gases, vapors, or fumes in a quantity that may cause acute worker health and safety problems within any District facility.

H. Any noxious or malodorous liquids, gases, or solids.

I. Any wastewater containing any radioactive wastes or isotopes exceeding any limits set forth in 10 CFR 20.2003.

J. Any storm water, groundwater, rainwater, street drainage, subsurface drainage, yard drainage, diatomaceous earth filter backwash, or swimming pool drainage, unless a specific permit is issued by the District. The District may approve such discharge only when no reasonable alternative is available or such water is determined to constitute a pollution hazard if not discharged to the sewer.

K. Any unpolluted water, including but not limited to cooling water, process water or blow-down from cooling towers or evaporative coolers, or any other unpolluted water unless a permit for such has been obtained from the District prior to the discharge. The District may approve the discharge of such water only when no reasonable alternative method of disposal is available or such alternative, in the determination of the District, is unacceptable.

L. Any septic tank waste, holding tank waste, portable toilet waste, grease interceptor waste, or oil and sand interceptor waste, unless a permit is issued by the District, or unless such sludge or waste is transported to the District by a permitted waste hauler in accordance with the regulations set forth in Chapter 10.28 of this Ordinance.

M. Any waste defined as hazardous, by any definition set forth in federal and/or state statutes or regulations, unless such waste has been delisted or decertified by the appropriate federal or state agency, and/or a variance has been granted by the appropriate federal or state agency, including provisions for discharge to a District facility, and said variance provisions are approved by the District.

N. Any substance, waste, wastewater, or constituent thereof as may be specifically prohibited or prohibited by concentration levels as may be set forth in local limits adopted by resolution of the District Board and a copy of said standards having been placed on file at the District office.

O. Any substance, waste, wastewater, or constituent thereof which may by itself or in combination with other discharges cause the District to violate any permit conditions related to toxicity of the effluent or otherwise cause or contribute to the potential for toxic substances being released from District facilities into the environment in toxic amounts.

P. The following constituents are subject to a discharge prohibition standard in lieu of setting numeric discharge limits. The presence of these constituents documented through approved analytical methods shall be a violation of this section and be subject to corrective actions by the user to control the discharge of the constituent present. Wastewater discharge permits may establish discharge prohibition(s) for constituents not included in this section for specific Industrial Users.

- a. Cyanide for unpermitted users
- b. Dioxin compounds
- c. Polychlorinated Biphenyls (PCBs)
- d. Tributyltin (TBT)
- e. Dieldrin
- f. 4,4'-DDE
- g. Perchloroethylene wastes and wastewaters from dry cleaner operations

10.08.050 Prohibited Discharge Location.

No user shall discharge any wastewater directly into a manhole or other opening in, or connecting to, the District sewage system other than through sewer laterals or other sewer connection approved by the District, unless a permit has been obtained for such discharge. A permit will only be issued for such direct discharge in the event the discharge is otherwise in compliance with provisions of this Ordinance and no other alternative is reasonably available in the opinion of the District

10.08.055 Documentation of Proper Disposal

All industrial users, waste haulers and mobile service providers shall maintain complete and accurate records documenting proper disposal of wastes, hazardous waste, and wastewater that is generated in the District's service area and transported from the original site of generation for disposal. The minimum documentation required shall include:

- A. The location where the waste, hazardous waste, or wastewater was generated;
- B. The transporter's name and phone number;

C. Description and volume of the waste, hazardous waste, or wastewater;
and

D. Name, location, and phone number of the facility where the waste, hazardous waste, or wastewater was disposed.

10.08.060 National Pretreatment Standards.

The National Categorical Pretreatment Standards, as set forth in 40 CFR Chapter I, Subchapter N, Parts 405-471, are hereby incorporated by this reference into Title 10 of the Code of the Central Contra Costa Sanitary District. The General Manager shall notify all affected users of the applicable reporting requirements under Section 10.12.050.B. and 10.12.050.C. of the Ordinance. However, if the standards otherwise imposed under this Ordinance are more stringent than the National Categorical Pretreatment Standards, the more stringent standards shall apply.

10.08.070 Specific Pollutant Limitations.

No user shall discharge wastewater to a District facility which exhibits any characteristic specifically prohibited by an action of the District Board, or any wastewater containing constituents in excess of any specific constituent level limitations as may be set by the District Board. Specific pollutant limitations regarding waste characteristics and/or constituent limits shall be adopted by resolution. The specific pollutant limitations adopted by resolution shall be daily maximum limits unless otherwise specified.

Any violation of a specific pollutant limitation as may be set forth in a District resolution shall subject the user to the same administrative actions, penalties, and/or enforcement actions as would be available for any other violation of this Ordinance. The term "ordinance" as used elsewhere within this Source Control Ordinance, shall be read to include the specific pollutant limitations as may be set forth by resolution.

10.08.080 State and Federal Requirements and Standards.

In the event that either state or federal requirements and standards for discharges to District facilities are more stringent than the limitations, requirements, and standards set forth in this Ordinance, the most stringent standard or requirement shall apply. Modifications of the federal or state standards and requirements which are more stringent than the limitations, standards, and requirements as set forth in this Ordinance and are promulgated subsequent to the adoption of this Ordinance shall be applied to discharges to District facilities at such time and in such manner as is set forth in Section 10.12.040 of the Ordinance.

10.08.090 District's Right of Revision.

The District reserves the right to establish by ordinance or resolution more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in this Ordinance. No revision of limitations or requirements hereunder shall subject the District to civil liability or penalty for interference with a vested right of any user.

10.08.100 Excessive Discharge.

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the national pretreatment standards, or in any other pollutant-specific limitation developed by the District or State. An increase in the use of process water which is reasonably proportional to increased production and which is required for said increase in production, will not be considered an excessive discharge hereunder.

10.08.110 Slug Discharges.

A. All users shall be prohibited from allowing slug discharges, as elsewhere defined herein, from entering the District's sewerage system.

B. Each user shall provide protection from slug discharges of restricted materials or other substances regulated by this Ordinance. No user who commences contribution to the sewerage system after the effective date of this Ordinance shall be permitted to introduce pollutants into the system until the need for slug discharge control plans or procedures has been evaluated by the District. Facilities to prevent slug discharges of restricted materials shall be provided and maintained at the user's own cost and expense.

C. Certain users will be required to prepare Slug Discharge Prevention and Contingency Plans (SDPC) containing at least the following information:

1. A description of the discharge practices including non-routine batch discharges.
2. A description of stored chemicals.
3. The procedures for promptly notifying the District of slug discharges, including any discharge that would violate a specific discharge prohibition with procedures for follow-up written notification within five (5) days.
4. If required by the District, procedures to prevent adverse impact from accidental spills including maintenance and inspection of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building or containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures or equipment for emergency response.
5. If required by the District, follow-up practices to limit the damage suffered by the treatment plant or the environment.

These plans shall be submitted to the District for review and approval. All users required to have SDPC plans shall submit such a plan within three (3) months and complete implementation within six (6) months of notice regarding the requirements of such plan. Review and approval of such plans and operating procedures shall not

relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this Ordinance.

D. In the case of a slug discharge, it is the responsibility of the user to immediately notify the District of the incident. The notification shall include location of the discharge, type of waste, concentration and volume, and corrective action. The user shall provide the District with a detailed, written report of this incident in a manner and within the time frame as elsewhere provided in this Ordinance.

E. A notice shall be permanently posted on the user's premises advising the employees whom to call in the event of a slug discharge. The user shall ensure that all employees who may cause or allow such slug discharge to occur are advised of the emergency notification procedure.

F. Each user who violates any of the requirements of the slug discharge program, or allows a slug discharge to occur, shall be subject to the enforcement provisions of this Ordinance.

10.08.120 Hazardous Waste Discharges.

All industrial users shall notify the District, the EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing, of any discharge to the District's facilities of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261 or as otherwise defined by state statute or regulation.

Such notification must include the name of the hazardous waste, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month to the District's facilities, the notification shall also contain the following information, if known: (1) an identification of the hazardous waste constituents contained in the waste; (2) an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month; and (3) an estimation of the mass constituents in the waste stream expected to be discharged during the following twelve (12) months.

For existing industrial users, the above-delineated notification must be made by February 19, 1991 or pursuant to existing federal regulations. Industrial users who commence discharging after that date shall provide notification prior to obtaining a discharge permit.

In the case of any notification made under this section, the industrial user shall certify that it has a program in place to reduce the volume of toxicity of hazardous waste generated to the degree it has determined to be economically practical.

Nothing contained in this section of the Ordinance is intended to modify the prohibitions set forth in Section 10.08.040.N.

10.08.130 Best Management Practices (BMPs) to Control Discharges.

Industrial Users can employ Best Management Practices (BMPs) to effectively control the discharge of pollutants to the District's facilities. The District may establish BMPs for specific industrial users through condition(s) in the permit or permit contract. The District may establish BMPs for a business activity that would apply to entire groups of businesses such as vehicle service facilities or food service facilities. BMPs for business activities will be communicated to the affected industrial users through informational materials distributed during inspections, direct mailing, or the District's website. Industrial users shall be responsible for complying with the business activity BMPs after being informed by the District of their applicability to the industrial users operations. Industrial Users subject to BMPs as a means of complying with the standards of this Ordinance shall maintain documentation to demonstrate compliance with the applicable BMP standards.

Chapter 10.12

ADMINISTRATION

Sections:

<u>10.12.010</u>	<u>Wastewater Discharges.</u>
<u>10.12.020</u>	<u>Responsibility of Users.</u>
<u>10.12.030</u>	<u>Classes of Users.</u>
<u>10.12.040</u>	<u>Wastewater Discharge Permit.</u>
<u>10.12.050</u>	<u>Reporting Requirements for Permittee and Contract Permittee.</u>
<u>10.12.060</u>	<u>Monitoring.</u>
<u>10.12.070</u>	<u>Signatory Requirements.</u>
<u>10.12.080</u>	<u>Rights of Entry.</u>
<u>10.12.090</u>	<u>Pretreatment.</u>
<u>10.12.100</u>	<u>Publication of Users in Significant Noncompliance.</u>
<u>10.12.110</u>	<u>Records Retention.</u>
<u>10.12.120</u>	<u>Confidential Information</u>
<u>10.12.130</u>	<u>Permit by Rule for Community Carwash Fundraisers</u>

10.12.010 Wastewater Discharges.

It shall be unlawful to discharge without a District permit or permit contract to any District facility any wastewater except as is authorized by the provisions of this Ordinance.

10.12.020 Responsibility of Users.

It shall be the responsibility of the user and/or discharger to comply with all of the provisions of this Source Control Ordinance. The omission to act by the District and/or the failure of the District to take cognizance of the nature of the operation of the user and/or the properties of the user's wastewater shall not relieve the user of responsibility to comply with the conditions of this Ordinance, including, but not limited to, such requirements regarding permitting, pretreatment, monitoring, and reporting. It shall be the responsibility of the user to make determinations as to the nature of its operation and wastewater flow and to take such actions as may be required under this Ordinance prior to any discharge of wastewater, whether or not the user has been informed by the District of the requirements which may apply to the user regarding its discharge.

All industrial users who meet the definition of Class I or II and who are currently connected or contribute to the District's facilities, or who propose to connect or contribute to the District facilities, shall make application for a wastewater discharge permit. This application shall be made before connecting to or contributing to the District's facilities, or within ninety (90) days after the enactment of this Ordinance in the event the user is currently connected and not currently permitted. All existing industrial users connected to or contributing to the District's facilities and having a current

wastewater discharge permit shall be required to obtain a new permit or permit contract upon the expiration of their existing permit.

All Class III Industrial Users may be required to receive a permit in order to connect to the District facilities or to continue to discharge to District facilities. At such time as the District undertakes such a program to permit Class III Users, existing Class III Users will be required to apply for a permit within ninety (90) days of notice to said users by personal service, mail, or publication. Thereafter it shall be the responsibility of all Class III Users prior to connection to obtain a permit.

Industrial User permits may be issued to mobile service providers that operate in the District's service area in order to ensure that the wastewater generated is managed and discharged in compliance with this Ordinance and applicable state and federal requirements. The classification of the mobile service provider will be determined by evaluating the quantity and quality of the wastewater discharged.

10.12.030 Classes of Users.

The District will classify all users in accordance with the principal activity conducted on the premises where the discharge occurs. The purpose of the classification is to facilitate regulation of discharges to District facilities on the basis of each user's waste quality, quantity, and flow. The classification shall further provide a means of imposing an appropriate level of oversight, control, and enforcement according to the source of the discharge. The classification system will also allow equitable recovery of District capital and operating costs for the Source Control Program. As set forth in the Definition section of this Ordinance, there are two (2) categories of users; to wit, domestic users and industrial users. Industrial users are categorized as Class I, II, III, or IV.

All users are subject to the prohibitions set forth in this Ordinance, with such federal and state statutes and regulations as may apply, and the specific pollutant limitations as may be promulgated by the District Board either by ordinance or resolution.

Domestic users under normal circumstances will not be required to apply for or receive a wastewater discharge permit as defined in this Ordinance, providing that said domestic user discharges only that wastewater which is consistent with the definition of domestic wastewater set forth herein.

Industrial users may be subject to wastewater discharge permit requirements depending on the volume, characteristics, and origin of their wastewater discharge. Industrial users may be required to supply such information and data concerning their processes, including discharge samples and wastes generated, as may be necessary for the District to determine whether such user should be designated as Class I, II, III, or IV. Industrial users must, if requested, provide such other information regarding the nature of the entity, its operations, storage and use of chemicals, and storage and use of hazardous substances, as may be reasonably necessary to make such determination as to the classification of said user and whether a wastewater discharge permit is needed. The District may also require information relating to potential for accidental

discharges to a District facility of hazardous or prohibited substances. Such inquiries may include information regarding the current disposal procedures of the user with regard to chemicals and/or substances that are not in the ordinary course of the user's operations discharge to a District facility.

The determination by the District regarding the designation of an industrial user as a Class I User may be based on the unusual character of the wastewater due to its volume, strength, composition, or its derivation from a hazardous waste or substance, or the potential variability in the character of the wastewater, or on the potential for increased administrative cost to the District due to the unusual character of the waste. Any additional administrative costs to be considered may include increased potential for the administrative oversight by federal, state, and local agencies as well as the potential for increased liability exposure and associated legal costs. The District may also take into consideration difficulties in enforcement of the Source Control Ordinance under a wastewater discharge permit and the enforcement violation and compliance history of the user with the District, as well as other regulatory agencies. The determination of the District regarding the designation of an industrial user as a Class II User may be based on whether the discharge of the wastewater is equal to or greater than twenty-five thousand (25,000) gallons per average work day flow, or whether the discharge has in its waste hazardous pollutants, or whether the discharge is subject to national pretreatment standards, or whether it has in its untreated wastewater pollutants which are in excess of any pretreatment standard or requirement, including any pretreatment standard or requirement identified in this Ordinance or local limit set by resolution of the District Board, or whether it may, in the opinion of the District, have a significant impact, either singularly or in combination with other contributing industries, on the District's ability to meet the objectives of this Ordinance.

A determination by the District regarding the designation of an industrial user as a Class III User may be based on the standards set forth in the definition of a Class III Industrial User in this Ordinance. This determination may include, but not be limited to, the issue of whether the user stores and/or uses hazardous substances in such quantities in its industrial or commercial processes as may, in the determination of the District, have the potential to be discharged to District facilities by accident or through a slug discharge, causing a measurable increase in the amount of hazardous substances entering the District's facilities. Non-Significant Categorical Users shall be classified as Class III Industrial Users and shall operate under a Class III IU Permit.

A Class IV Industrial User shall include all industrial users who are not determined by the District to be Class I, II, or III Industrial Users. Class IV Industrial Users shall be subject to the requirements of this Ordinance; however, they will not be required to obtain a wastewater discharge permit unless or until such time as they are reclassified as a Class I, II, or III Industrial User.

10.12.040 Wastewater Discharge Permit.

A. Permit Application.

Users required, or who may be required, to obtain a wastewater discharge permit shall complete and file with the District an application in the form prescribed by the District. A new industrial permit fee may be assessed at the time of the application. Existing Class I and Class II Users (except those with current permits) shall apply for a wastewater discharge permit within ninety (90) days following the effective date of this Ordinance, and new users shall apply at least thirty (30) days prior to connecting to or contributing to the District's facilities. In support of the application, the user may be required to submit, in units and terms appropriate for evaluation, some or all of the following information, but will in all cases be required to submit items 16 and 17.

1. Name and address of the operator or owner and location of the facility for which the permit application is being made.
2. SIC number(s) according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended, for all operations conducted at the facility.
3. A list of all environmental control permits and hazardous substance release response (spill) plans that are held by or for the facility.
4. Time(s) and duration of all process discharges.
5. Average daily and fifteen-(15) minute peak wastewater flow rates, including daily, monthly, and seasonal variations if any. Flow rates shall be provided for each regulated process stream.
6. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, and appurtenances by the size, location, and elevation.
7. Description of activities, facilities, and plant processes on the premises including all materials that are, or could be discharged, provided such chemicals are present in quantities sufficient to cause harm to the operations of the District or to the environment if released. A description of any and all existing or proposed wastewater pretreatment facilities. Construction drawings and design criteria shall also be submitted.
8. The nature and concentration of any pollutants in the discharge which are limited by a District or State pretreatment standard or requirement or by a national pretreatment standard, or which are otherwise requested by the District. Pollutant data shall be provided for each regulated process stream. In the case of an existing user, a statement regarding whether or not the pretreatment standards and requirements are being met on a consistent basis and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards and requirements. If sample data submitted with a permit application document a discharge limit violation, the condition will be subject to citation with a Notice of Violation.

9. The nature and concentration of any pollutants in the discharge which are limited by state or federal standards concerning the release or discharge of any hazardous substance or waste.

10. If additional pretreatment housekeeping, process changes, and/or operations will be required to meet the pretreatment standards and requirements; the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established by EPA, the State, or the District for the applicable standard.

The following conditions shall apply to this schedule:

a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

b. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the General Manager including, as a minimum, whether or not the user complied with the increment of progress to be met on such date and, if not, the date on which the user expects to comply with the increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established.

11. Each product produced by type, amount, process or processes, and rate of production.

12. Type and amount of raw materials processed (average and maximum per day), provided such raw materials are present in quantities sufficient to cause harm to the operations of the District or to the environment if released.

13. Number, type, and volume/amount of hazardous substances stored on the premises and a description of the variety of the method of storage and/or the containment device for such substances, provided such substances are present in quantities sufficient to cause harm to the operations of the District or to the environment if released.

14. A description of the spill protection and emergency response procedures used or proposed to be used at the facility.

15. Number and classification of employees, hours of operation of plant, and proposed or actual hours of operation of pretreatment system.

16. A signed statement of the authorized representative of the industrial user applicant that the information presented in the permit application is true and accurate to the best of the authorized representative's knowledge, and that the applicant is or upon connection will be in compliance with applicable pretreatment standards and requirements on a consistent basis and if not, whether additional operation and maintenance (O & M) and/or additional pretreatment is required for the applicant to meet such standards and requirements.

17. A signed certification of a qualified professional that the applicant is or upon connection will be in compliance with applicable pretreatment standards and requirements on a consistent basis and if not, whether additional O & M and/or pretreatment is required for the applicant to meet such standards and/or requirements.

18. Any other information as may be deemed by the District to be necessary to evaluate the permit application.

B. Permit Application Evaluation.

All new industrial users shall arrange for a District representative to conduct a walk-through site inspection of the user's facilities during the ninety (90) day period prior to connecting or contributing waste or wastewater to the District's facilities. New industrial users shall submit to the District, within ninety (90) days after commencement of discharge to the District's facilities, an analysis of said discharge delineating wastewater constituents and characteristics including, but not limited to, those mentioned in Section 10.08 of this Ordinance.

The District will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the District may determine that no wastewater discharge permit is required, or the District may determine that the user is a Class I, Class II or Class III Industrial User. If the District determines that the user is a Class II or Class III Industrial User, the District shall issue a wastewater discharge permit subject to the terms and conditions provided in this Ordinance. If the District determines that the user is a Class I User, the District will promulgate a wastewater discharge permit contract subject to the terms and conditions provided in this Ordinance.

C. Permit Conditions.

Permits may contain provisions, requirements and standards appropriate to carry out the objectives of this Ordinance, including but not limited to, the following:

1. The unit charge or schedule of user charges and fees for the wastewater to be discharged to the District's facilities.

2. Limits on the average and maximum wastewater constituents and characteristics. These limits may be based on pollutant concentration and/or mass and may include prohibitions on discharge of said pollutants.

3. Limits on average and maximum rate and time of discharge or requirements for flow regulation and/or equalization.
4. Requirements for installation and maintenance of sampling and flow metering facilities.
5. Requirements for monitoring programs which may include flow metering, sampling locations, methods of sampling, frequency of sampling, number, types, and standards for tests and reporting schedule.
6. Compliance schedules.
7. Requirements for submission of technical reports or periodic compliance reports.
8. Requirements for maintaining and retaining plant records relating to wastewater discharge, hazardous waste manifests, and as specified by the District and chemical inventories.
9. Requirements for notification of the District of any new introduction of pollutants or any change in plant processes or in the volume or character of the wastewater constituents being introduced into District facilities.
10. Requirements for notification of slug or accidental discharges, including discharge limit violations, or upset of the pretreatment facility.
11. Requirements for providing the District with design and construction plans and specifications of the wastewater pretreatment facility whether proposed or in existence.
12. Requirements for providing the District with plans and specifications of the discharger's industrial or commercial operation and/or processes, including such other information as the District may reasonably request that pertains to the industrial user's operation.
13. Requirements for notification of any planned alteration of the proposed or existing wastewater pretreatment system.
14. Requirements for the notification of the District of planned alterations of the operations processes of the industrial user, which could result in an alteration of the users process discharge or the potential for an accidental spill or slug discharge.
15. Requirements prohibiting bypass of the wastewater pretreatment facility, unless bypass is essential for maintenance, or unavoidable to prevent loss of life, injury, or severe property damage.
16. Requirement that the discharger notify the District prior to any proposed bypass other than due to accident or emergency.

17. Requirements to have emergency spill plans on file with the District.
18. Requirements to certify that the industrial user has not discharged through a District facility hazardous substances without a permit, which substances have been stored or used in the user's process and which the user contends will not, in the ordinary course of the user's operation, enter the sewer system.
19. Requirements for re-sampling following a discharge violation and the submittal of reports explaining the cause of the violation and the steps that have been or will be taken to prevent a reoccurrence of the violation.
20. Requirements for providing access to District personnel at all reasonable times to conduct sampling and/or inspection of any and all processes which can contribute to the waste stream, including the actual wastewater discharge.
21. Requirements for providing the District with operation and maintenance records for the wastewater pretreatment facility, including periodic updates, as appropriate.
22. The prohibition of dilution as partial or complete substitute for adequate treatment to achieve compliance with permit conditions.
23. Signatory requirements specifying the responsible corporate officer for the industrial user.
24. Other conditions as deemed appropriate by the District to ensure compliance with this Ordinance.
25. Technical provisions or requirements related to the wastewater pretreatment facility which, in the opinion of the District, may be necessary to ensure the adequacy and reliability of the wastewater pretreatment system. These technical conditions may include conditions requiring continuous monitoring, training personnel, alarm systems, automated shutoff, flow through monitoring, and/or provisions for discharges in batch amounts only subsequent to sample testing.
26. Identification of applicable Best Management Practices (BMPs) to be employed to control discharge quality from the processes used at the facility.
27. Identification of the wastes and wastewater that are subject to a discharge prohibition standard.

D. Permits Duration.

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 a year or may be stated to expire on a specific date. The user shall be responsible to apply for permit reissuance a minimum of ninety (90) days prior to the expiration of the user's existing permit. The District may initiate permit reissuance prior to receiving an application from the user based on communications between the user and the District. 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 as identified in Section 10.08 are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

E. Wastewater Discharge Permit Contract.

The District shall require Class I Industrial Users to enter into a wastewater discharge permit contract for connecting to or contributing wastewater to District facilities. The wastewater discharge permit contract shall incorporate the provisions of this Ordinance by reference including all requirements and standards as may be set forth herein or promulgated by the District Board by resolution. The wastewater discharge permit contract may contain all of the permit provisions set forth in Section 10.12.040.C. In addition, the permit contract may contain additional provisions, including but not limited to, the following:

1. Provisions for liquidated damages for discharges in violation of the discharge prohibitions and limitations of this Ordinance and/or of such special prohibitions or limitations as may be set forth in the permit contract. These liquidated damages provisions may be proposed without regard to proof of pass-through, damage to the environment, or interference with District facilities or operations and may be assessed on a strict liability basis for violation of the noted provisions.

2. Requirements for providing proof of insurance, indemnification of the District, and bonding in order to adequately protect the District, in its judgment, from the potential of the increased exposure to liability due to the user's discharge.

3. Provisions for termination of the permit contract and wastewater sewer service for violation of this Ordinance or other wastewater permit contract conditions.

4. Any and all other conditions as may be deemed appropriate by the District to ensure compliance with all provisions of this Ordinance and the objectives set forth herein.

F. Permit Modifications.

When a new National Categorical Pretreatment Standard is promulgated, the wastewater discharge permit or permit contract of users subject to such standard shall be revised to require compliance with such standard within the time for compliance prescribed by such standard or within ninety (90) days, whichever is shorter. However, when the time for compliance prescribed by such standard is longer than ninety (90) days, the users subject to such standard may apply to the General Manager or his designee for an extended time for compliance in a wastewater discharge permit or permit contract. The General Manager or his designee may grant such an extension up to the time for compliance set forth in the National Categorical Pretreatment Standards. Where a user, subject to a national pretreatment standard, has not previously submitted an application for a wastewater discharge permit as required by Section 10.12.050.B. of this Ordinance, the user shall apply for a wastewater discharge permit within one

hundred eighty (180) days after the promulgation of the applicable national pretreatment standard. In addition, the user with an existing wastewater discharge permit or permit contract shall submit to the General Manager within one hundred eighty (180) days after the promulgation of an applicable federal pretreatment standard the information required by Section 10.12.040.A.

In the event the District determines that it is necessary in order to comply with the objectives of the Ordinance to impose more stringent limitations or requirements on discharges to the wastewater disposal system than are set forth in an existing permit (for reasons other than issuance of a new national pretreatment standard), the District shall have the right to require such reasonable modifications of an existing permit to incorporate such more stringent limitations or requirements. In the event such permit modification is required, the user shall be provided with reasonable time to make such modifications to its processes or procedures as may be required to meet the more stringent limitations and requirements. After consultations with the user, a Compliance Schedule Agreement shall be issued which would set forth a reasonable schedule for the user to comply with the more stringent standards. If the permit modification will require construction or acquisition of equipment related to pretreatment, the Compliance Schedule Agreement will provide for up to one hundred eighty (180) days to comply; however, this period may be extended for a period not to exceed an additional one hundred eighty (180) days upon determination by the General Manager/Chief Engineer that good cause exists for an additional period. To the extent that the user remains in compliance with the permit conditions in effect prior to amendment during the compliance period, the user shall not be liable pursuant to the terms of this Ordinance for noncompliance with the more stringent standards or requirements during the period of the Compliance Schedule Agreement; provided that the user is also complying with the terms of said Compliance Schedule Agreement.

G. Permit and Contract Transfer.

Wastewater discharge permits and wastewater discharge permit contracts are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the prior approval of the District. However, nothing in this section shall be construed to prevent the application of the terms and conditions of this Ordinance, including enforcement penalties, from applying to a succeeding owner, successor in interest, or other assigns of an existing contract of permit holder.

10.12.050 Reporting Requirements.

A. Notification of Slug Load or Accidental Discharge or Accidental Spill.

It is the responsibility of all industrial users to immediately telephone and notify the District of any slug load or accidental discharge as defined in Section 10.08.040.F. of this Ordinance. Notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

1. Written Notice.

Within five (5) days following the accidental discharge or slug load, the user shall submit to the General Manager a detailed written report describing the cause of the incident and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to District facilities, fish kills, or any other damage to person or property; nor shall notification relieve the user of any fines, penalties, or other liability which may be imposed by this Ordinance or other applicable law.

2. Notice to Employees.

Users who are employers shall permanently post a notice on their bulletin board or other prominent place advising employees of the user whom to call in the event of such a discharge. The user shall ensure that all employees who may cause or suffer such discharge to occur are advised of the emergency notification procedure.

B. Prior Notification of Change in Volume or Character of Wastewater.

All users shall promptly notify the District in writing (except in emergencies where telephone notification is acceptable) prior to: (1) any new or increased discharge or any change in nature of their discharge which discharge does not meet pretreatment standards or requirements or has the reasonable potential to cause the District to violate its NPDES permit or to cause problems to the District wastewater system; and (2) any substantial change in volume or character of pollutants in their discharge, including listed or characteristic hazardous wastes.

C. Baseline Report.

All Class I and II Industrial Users, subject to National Categorical Pretreatment Standards, shall submit to the District a baseline report within one hundred and eighty (180) days of the effective date of a National Categorical Pretreatment Standard or one hundred and eighty (180) days after final decision on a category determination by EPA or the State, whichever is earlier. The baseline report shall contain the information specified in 40 CFR 403.12(b). The information required for application for a permit under Section 10.12.040.A. and/or for modification of a permit under Section 10.12.040.F. of this Ordinance may fulfill the requirements of the baseline report. If in submitting information to apply for or modify a permit, the user also intends to fulfill the requirements for the Baseline Report, the user shall so state.

D. Compliance Report.

Within ninety (90) days following the date for final compliance with applicable pretreatment standards or requirements or, in the case of a new user, following commencement of the introduction of wastewater into District facilities, any user subject to pretreatment standards or requirements shall submit to the District a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards or requirements, the average and

maximum daily flow for these process units, and the actual average production rate for these process units. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operational and maintenance changes and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user and a certified qualified professional. Filing of this compliance report cannot relieve the user of any fines, civil penalties, or other liability which may be imposed by this Ordinance or other applicable law or failure to meet the applicable pretreatment standards or requirements subsequent to the date for final compliance with such applicable standard.

E. Periodic Compliance Reports.

1. Class I and II Industrial Users shall submit a report to the District twice a year or more frequently as specified in the permit or permit contract. Class III Industrial Users may be required to submit periodic compliance reports depending on the nature of their discharge. Periodic compliance reports shall be submitted within forty-five (45) days of collection of the wastewater samples or by the due date specified in the permit. The compliance report shall contain such information as may be deemed by the District to be necessary to ensure compliance with the provisions of this Ordinance. Compliance reports shall, at a minimum, contain the following:

a. The nature and concentration of pollutants which are limited by pretreatment standards or requirements or which are specified in the permit or permit contract for each regulated waste stream.

b. A record of average daily flow for the reporting period for each regulated waste stream.

c. Such other wastewater effluent data as the user has obtained since the last compliance report, whether or not that data is specifically required by the user's permit or permit contract.

d. Methods utilized by the user in collecting the wastewater sample for analysis, including but not limited to the sampling device(s) used, the sampling period, the amount of each sample collected, sample handling and preservation techniques used, and date of sample delivery to the laboratory for analysis.

e. In the event a sample from a periodic compliance report indicates that a constituent is in violation of the allowable concentration levels as set forth in the user's permit or permit contract, the user shall inform the District within the next business day, repeat the sampling and pollutant analysis for the parameter in violation, and submit in writing the results of this second analysis within thirty (30) days of the discovery of the first violation. The initial sampling and analysis report shall be submitted within forty-five (45) days of the initial sampling date with a cover report setting forth the causes of the violation, the remedial actions taken to date in regard to the violation, and the scheduled additional actions which will be implemented to prevent a reoccurrence.

2. The District may also at any time require a signed statement by the user setting forth management practices and/or material usage practices which have an effect on the nature, volume, and quality of the wastewater discharge and/or which potentially will affect the ability to comply with pretreatment standards requirements.

3. The District may impose mass limitations on users where the imposition of mass limitations are appropriate. In such cases, the report required under subparagraph (a) above shall indicate the mass of pollutants regulated by pretreatment standards or requirements in the effluent of the user. These reports shall contain the results of all sampling and analysis of the discharge, including the flow, concentration, and mass of pollutants regulated by the applicable pretreatment standard or requirement. The user shall provide the actual average production rate of the regulated processes during the reporting period.

10.12.060 Monitoring.

A. Monitoring Requirements.

Any user may be required to provide wastewater sampling and/or monitoring results or to submit to monitoring by the District to assist the District in establishing the appropriate class of the user and/or to evaluate compliance with the standards and requirements of this Ordinance. Any wastewater sampling and/or monitoring results shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report. Such data shall be representative of conditions occurring during the reporting period.

1. Classification Sampling. All industrial users may be required to sample and analyze their waste stream(s) to determine the appropriate class of the user. Classification sampling shall be at the District's request. The number and type of samples and pollutants analyzed shall be as specified by the District in order to adequately characterize the users' wastewater discharge(s).

2. Baseline Sampling. All Class I and II industrial users shall sample and analyze their regulated waste stream(s) as part of a permit application or modification of a permit as specified in Sections 10.12.040.A. and 10.12.040.F. of this Ordinance. In addition, all Class I and II Industrial Users required to submit baseline reports, as specified in Section 10.12.050.B. of this Ordinance, shall sample and analyze their regulated waste stream(s) in accordance with the requirements of 40 CFR 403.12(b). Samples shall be analyzed for constituents or characteristics including, but not limited to, those mentioned in Section 10.08 of this Ordinance and/or in applicable state pretreatment standards or requirements or national pretreatment standards or as otherwise required by the District.

3. Initial Compliance Sampling. All Class I and II Industrial Users shall sample and analyze their regulated waste stream(s) for the compliance report as specified in Section 10.12.050.C. of this Ordinance. Samples shall be analyzed for those pollutants regulated in the applicable pretreatment standard or requirement or as otherwise required by the District.

4. Periodic Compliance Sampling. All Class I and II Industrial Users shall sample and analyze their regulated waste stream(s) to evaluate compliance with the user's permit or permit contract. Periodic compliance monitoring shall be conducted at least twice each year unless specified more frequently in the user's permit or permit contract or in the applicable National Categorical Pretreatment Standard. Less frequent self-monitoring can be established in the user's permit or permit contract as allowed in 40CFR403.12(e).

If required, Class III Industrial Users shall sample and analyze their regulated waste stream(s) to evaluate compliance with the user's permit.

Samples shall be analyzed for those pollutants regulated in the applicable pretreatment standard or requirement or as otherwise required by the District. Categorical Industrial Users may request to forgo monitoring for constituents with a Categorical Pretreatment Standard provided that the requirements of 40 CFR 403.12(e)(2) are met. For Industrial Users not subject to Categorical Pretreatment Standards, the District shall specify the constituents to be monitored in the user's permit or permit contract which may exclude parameters with a Local Discharge Limit that are not expected to be present in the process discharge at levels of concern, and may include constituents that do not have a Local Discharge Limit established. The District may allow Industrial Users to use an approved Total Toxic Organic (TTO) Management Plan to establish operational procedures to control discharges of TTO constituents so that monitoring for TTO compounds is not required in a user's self-monitoring program.

5. Confirmation Sampling. Whenever sampling results indicate that the user's regulated waste stream(s) is in violation of any pretreatment standard or requirement, the user shall collect a second sample to assess the degree of violation. For the second sample, the user need only analyze for the pollutant(s) found to be in violation. The user shall provide the District with the results from the confirmation sampling within thirty (30) days of the date the violation was discovered.

6. Sampling and Evaluation Program. If confirmation sampling indicates a second violation, then the District may initiate a Sampling and Evaluation Program (SEP). The SEP will be conducted by the District and may include collection of from three (3) to five (5) samples. The SEP will establish whether there is continued noncompliance by the user. Samples collected during the SEP may be analyzed for other pollutants in addition to the pollutant(s) in violation.

7. Other Compliance Sampling. All Class I, II, and III Industrial Users may be required by the District to conduct compliance sampling in addition to those described above. This could include, but is not limited to, sampling required by the District in an Enforcement Compliance Schedule Agreement.

8. District Sampling. The District may collect and analyze samples on its own or request the user to split samples to evaluate compliance with this Ordinance or the user's permit or permit contract. The District also reserves the right to conduct all sampling and analysis for the user with all costs to be paid by the user. In the event that data obtained by the District differs from data provided by the user, the District's data shall be presumed accurate unless and until the user provides substantial

evidence otherwise. In the event that the District performs the sampling, whether announced or unannounced, the user may request that the District split its samples and provide one of the split samples for the user's independent analysis.

B. Sampling Procedures.

All sampling and testing undertaken for the purpose of compliance with the sampling and reporting requirements of this Ordinance shall be undertaken in the manner set forth herein. Except as otherwise provided in this section or as otherwise agreed in writing by the District, samples for pH, cyanide, sulfide, phenols, oil and grease, and volatile organics shall consist of grab samples. A minimum of four (4) grab samples shall be taken for the referenced constituents throughout the entire process discharge period. The grab samples for each of the referenced constituents shall be individually preserved and kept separate, and shall be subsequently composited by the testing laboratory prior to analysis. For all other pollutants, composite samples shall be taken through flow proportional composite sampling techniques or time proportional composite sampling as specified in the permit or permit contract, unless the permit or permit contract specifically authorizes alternative grab or composite grab techniques. Time-proportional composite sampling shall occur with a sampling frequency of at least one sample each half-hour throughout the entire process discharge period, or a twenty-four (24) hour period as required by the District. Each regulated waste stream shall be sampled and analyzed separately unless the user's permit or permit contract allows for sampling and analyzing the combined waste streams.

The methods of obtaining the sample shall be specified by the District in the user's permit or permit contract. As an alternative, a sampling program proposed by the user shall be submitted to the District for review prior to initiating said program. The District may state special sampling requirements as needed to ensure compliance with this Ordinance.

C. Analytical Procedures.

All samples shall be preserved and analyzed in accordance with the procedures for the analysis of water/wastewater presented in the Code of Federal Regulations, Title 40, Part 136 (Guidelines Establishing Test Procedures for the Analysis of Pollutants). Unless approved otherwise by the District in writing, all analyses shall be performed by a laboratory(s) certified by the State for the specific pollutants and matrix to be analyzed.

D. Sampling Records.

For each sampling event, the user shall record and maintain the following information:

1. The date, exact place, method, and time of sampling and the names of the person or persons taking the samples.
2. Sample preservation used.
3. The dates analyses were performed.

4. Chain of custody of sample.
5. Who performed the analyses.
6. The analytical techniques/ methods used.
7. The results of such analyses.

E. Monitoring Facilities.

The District may require to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of regulated discharge. The monitoring facility shall be accessible to District staff at all times and should normally be situated on the user's premises, but the District may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

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

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

10.12.070 Signatory Requirements.

All applications and reports from all Industrial Users, and other information submitted to the District from Significant Industrial Users to document compliance with the permit, permit contract or this Ordinance must contain the following certification statement:

"I certify under penalty of perjury that this document and all attachments were prepared under my direction or supervision and in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person(s) who manages the system or those 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 knowingly submitting false information, including the possibility of fine and/or imprisonment for knowing violations."

This statement shall be signed by an authorized representative of the industrial user as defined in 40 CFR 403.12(1)(1-4).

10.12.080 Rights of Entry.

The District has the right of inspection of the facilities of any user to ascertain whether the objectives of this Ordinance are being met and all standards and requirements are being complied with. Persons or occupants of premises where wastewater is generated or discharged, or where hazardous substances or hazardous wastes are present, shall allow the District or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, taking photographs to document conditions, analysis, records examination and copying, or the performance of any of his/her duties. The District, or its authorized representative, accompanied by such other representatives of other public agencies as may be appropriate, shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring, and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry onto their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the District, along with other authorized representatives, will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

Such inspection(s) shall be made with the consent of the owner or possessor of such facilities or, if such consent is refused, with a warrant duly issued pursuant to the procedures set forth in Title 13 (commencing with Section 1822.5) of part 3 of the Code of Civil Procedure; provided, however, that in the event of an emergency affecting public health or safety, such inspection may be made without consent or the issuance of a warrant. To the extent that the owner or possessor of the premises requires that a warrant be obtained, the District may, in its discretion, suspend the permit and/or any other right to discharge to sanitary facilities immediately, and such suspension may continue until such time as a warrant has been obtained and the inspection has been completed. If no violations of this Ordinance, the District Code or the permit, if applicable, are found, the suspension shall be lifted. In the event that violations of this Ordinance, District Code, or the permit, if applicable, is found, then the suspension may, in the discretion of the District, be continued or terminated, or other enforcement remedies may be sought.

The District may choose to inspect the facility to determine compliance with all standards set forth in this Ordinance, the District Code, and permit, if applicable, and additionally, such inspections may be undertaken to verify the wastewater flows and strengths reported by the discharger.

10.12.090 Pretreatment.

Users shall provide necessary wastewater treatment as required to comply with this Ordinance and shall achieve compliance with all national pretreatment standards within the time limitations as specified by the federal regulations, or this Ordinance or the permit or permit contract, whichever is earliest. Any facilities required to pretreat wastewater to a level acceptable to the District shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the District for review, and shall be

acceptable to the District before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the District under the provisions of this Ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the District prior to the user's initiation of the changes.

10.12.100 Publication of Users in Significant Noncompliance.

Pursuant to federal requirements, the District shall annually publish in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the District a list of the users which were in significant noncompliance with any pretreatment requirements or standards during the twelve (12) previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same twelve (12) months.

10.12.110 Records Retention.

All records relating to compliance with pretreatment requirements or standards shall be made available to officials of the EPA, State, and District, or their authorized representatives. These records shall be retained for a minimum of three (3) years from the date of the compliance report to which these records are applicable or three (3) years from the date any investigation or enforcement action undertaken by the District, State, or EPA has been concluded, except when there is unresolved litigation regarding the user or the District to which such records are relevant, or a request of the General Manager of the District for a longer retention, in which cases the records shall be retained until the litigation is concluded (including the expiration of all periods of limitation and of all appeals) or as requested by the General Manager.

10.12.120 Confidential Information.

Information and data on a user obtained from reports, questionnaires, permit applications, permits, monitoring programs, and inspections shall be available to the public or other governmental agency without notification unless the user specifically requests confidentiality 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 of the user.

The portions of such information which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon request to other governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES), and/or the pretreatment program. Those portions of the information shall also be available for use by the State or any state agency in judicial review or enforcement proceedings involving the user furnishing the information. Wastewater constituents and characteristics will not be recognized as confidential information.

Information and data requested from a user which the user believes to be proprietary and the release of which to the public would substantially impair the

operations of the user, may alternatively be provided to the District for its review at the facility of the user rather than provided to the District for its keeping, at the discretion of the District. The burden will be on the user to demonstrate to the satisfaction of the District that such information is proprietary and that this alternative procedure is necessary or appropriate and will not prevent the District from properly carrying out the objectives of this Ordinance.

In any event, information accepted by the District as confidential, shall not be transmitted to anyone, except the Environmental Protection Agency, the State Water Quality Control Board, and/or the Regional Water Quality Control Board, until and unless a ten (10) day notification is given to the user.

10.12.130 Permit by Rule for Community Carwash Fundraisers.

Notwithstanding other provisions of this Title 10 prohibiting discharges without obtaining a District permit, a temporary carwash conducted for the purposes of raising funds for a community organization will be deemed to have a permit by this rule authorizing the discharge of wastewater to the sanitary sewer system if the criteria of this Section are met. For purposes of this Section, a community organization is any non-profit organization exempt from certain federal income taxes under 25 U.S.C. § 501(c), any registered youth organization or church or school group.

A community organization is authorized to discharge pursuant to this Section 10.12.130 without prior approval or formally obtaining a permit from the District provided that it complies with best management practices for car washes. A list of the best management practices for charity car washes is provided on the District's website at www.centalsan.org or may be obtained by contacting personnel in the District Source Control Program.

Chapter 10.16

ENFORCEMENT

Sections:

<u>10.16.010</u>	<u>Enforcement Mechanisms.</u>
<u>10.16.020</u>	<u>Informal Administrative Actions.</u>
<u>10.16.030</u>	<u>Administrative Orders and Compliance Schedules.</u>
<u>10.16.040</u>	<u>Sampling and Evaluation Programs.</u>
<u>10.16.050</u>	<u>Assessment of Charges for Obstruction or Damage to District Facilities or Operations.</u>
<u>10.16.060</u>	<u>Suspension or Termination of Service.</u>
<u>10.16.065</u>	<u>Administrative Civil Penalties.</u>
<u>10.16.070</u>	<u>Civil Action.</u>
<u>10.16.080</u>	<u>Criminal Action.</u>
<u>10.16.090</u>	<u>Notification Procedures.</u>
<u>10.16.100</u>	<u>Costs.</u>
<u>10.16.110</u>	<u>Responding to Significant Noncompliance.</u>

10.16.010 Enforcement Mechanisms.

It is the intent of this Enforcement section to provide adequate mechanisms to achieve a maximum degree of compliance with this Ordinance by all users. These enforcement provisions apply to all classes of users to the extent such user violates any provision of this Ordinance or administrative order of the District pursuant to this Ordinance. In order to achieve the maximum degree of compliance desired, the District will use a variety of enforcement mechanisms. The enforcement mechanisms set forth range from informal administrative action to formal criminal prosecution. The District may, in its discretion, implement the use of any mechanism or the concurrent use of several mechanisms in order to enforce the provisions of this Ordinance. The enforcement mechanisms provided herein may be cumulative in respect to such other enforcement mechanisms or civil and criminal penalties as may be otherwise available under the laws of the State of California and the United States of America. Nothing in this Ordinance is intended to prevent state and/or federal regulatory agencies from undertaking enforcement actions as may otherwise be available due to a violation of this Ordinance which also constitutes a violation of federal or state statutes and regulations, such as: (1) the Clean Water Act (33 U.S.C.A. '1251, *et seq.*); (2) the California Porter-Cologne Water Quality Act (California Water Code '13000, *et seq.*); (3) the California Hazardous Waste Control Law (California Health and Safety Code '25100 - '25250); (4) the Resource Conservation and Recovery Act (42 U.S.C.A. '6901, *et seq.*); and (5) California Government Code '54739 - '54740.6. The referenced state and federal laws, along with other pertinent laws, provide authority for the District's enforcement mechanisms.

The enforcement mechanisms available to the District for violations of the provisions of this Ordinance, applicable District resolutions, and permit or permit contract provisions include the following:

- A. Informal administrative action (including NOVs and warning notices).
- B. Administrative orders.
- C. Institution of Sampling and Evaluation programs, Enforcement Compliance Schedule Agreements, and related administrative orders.
- D. Assessment of charges for obstruction or damage to District facilities or operations.
- E. Suspension or termination of services.
- F. Administrative complaints for administrative civil penalties.
- G. Civil action.
- H. Criminal action.

10.16.020 Informal Administrative Actions.

District staff may, on an informal basis, take action against a discharger for minor violations or technical or clerical shortcomings of a user or a user's compliance submittals. These informal administrative actions may include informal notices (i.e., telephone calls to the user's representative), a Notice of Violation (NOV), and informal meetings or informal warning letters. These informal administrative actions may establish a compliance schedule for the discharger to follow in order to document compliance. Such action will not prevent a subsequent or concurrent imposition of other enforcement mechanisms.

10.16.030 Administrative Orders and Compliance Schedules.

When the District finds that a user has violated the prohibitions or requirements of this Ordinance or the provisions of a wastewater discharge permit or wastewater discharge permit contract, the District may issue an administrative order directed at those users not complying with such prohibitions, limitations, requirements, or provisions to (1) cease to discharge immediately (suspension of service); (2) comply with requirements immediately; or (3) make such changes to their pretreatment facility and procedures immediately as to insure full compliance.

At its discretion, the District may later issue, after the issuance of the administrative order set forth above, an additional administrative order containing a compliance schedule or a time schedule setting forth dates by which specific corrective actions must be completed.

10.16.040 Sampling and Evaluation Programs.

A. Grounds for Instituting Sampling and Evaluation (S & E) Programs.

In addition to those grounds set forth in Section 10.12.060 A.6, grounds for instituting an S & E Program include compliance sampling or District sampling indicating a significant non-compliance (SNC). The S & E Program may consist of District sampling of the discharger's wastewater at the first opportunity convenient to the District, upon which daily samples may be taken for up to five (5) days. The District or outside laboratory will analyze these samples for the violating constituents and provide notice to the discharger in regard to the results of said sampling. Violations which may occur during the S & E Program shall constitute subsequent violations under this Ordinance or under any applicable law.

B. S & E Program Revealing Noncompliance.

If the S & E Program reveals non-compliance by the user with the prohibitions or specific pollutant limitations specified in this Ordinance or in the user's permit or permit contract:

1. The user may be assessed all costs incurred during the S & E Program for sampling and analysis, including labor, equipment, materials, outside services, and overhead.

2. The District may place the user on a compliance schedule or undertake another S & E Program. The compliance schedule shall provide for minimum required actions to be undertaken by the discharger to alleviate the violation and a schedule for completion of said actions. The compliance schedule may include interim constituent level maximums. All violations of constituent maximums or other requirements set forth in the compliance schedule, including failure to meet schedule dates shall constitute violations of this Ordinance and other applicable laws, and each day a discharger fails to meet a schedule date shall constitute a separate violation. Any constituent limit violation during the compliance schedule period shall provide grounds for the institution of an additional S & E Program.

3. The District may amend an existing permit through an Enforcement Compliance Schedule Agreement. This may be done after consultation with the user when the user has shown good faith in trying to comply but requires additional time for construction and/or acquisition of equipment related to pretreatment. The permit may be amended with the ESCA for a period of up to one hundred eighty (180) days; however, this period may be extended for a period not to exceed an additional one hundred and eighty (180) days upon determination by the General Manager/Chief Engineer that good cause exists for an additional period. No further extensions shall be granted except upon approval of the Board of Directors.

4. Any other enforcement mechanism set forth in this Ordinance or other applicable law may be commenced.

C. Continued Noncompliance After S & E Program or ESCA.

If a discharger remains in non-compliance because corrective action is not taken within a reasonable time after completion of an S & E Program or the expiration of an ESCA, an Administrative Order may be issued. Any of the other enforcement mechanisms set forth in this Ordinance or applicable laws may also be commenced.

10.16.050 Assessment of Charges for Obstruction or Damage to District Facilities or Operations.

When a user's discharge, whether due to negligence, accident, spill, or otherwise, causes an obstruction, damage, or any other impairment to the District's operation or facilities, the District may impose a charge on the user for the cost to clean or repair the facility, or costs incurred to resume normal operations. An administrative service fee of twenty-five percent (25%) of the District's costs may be added to these charges. The total amount shall be paid within forty-five (45) days of invoicing by the District. If it can be shown that the user's discharge caused or significantly contributed to the District violating its discharge requirements or incurring additional expenses or suffering loss or damage to the operation or facilities, then the user shall be responsible for any costs or expenses, or a prorated portion of such expenses, including assessments or penalties imposed by other agencies or the court on the District.

10.16.060 Suspension or Termination of Service.

A. Suspension of Service.

The District may suspend the wastewater treatment service and/or a wastewater discharge permit or permit contract by issuance of a cease and desist order when the District makes the determination that such suspension is necessary. A suspension shall be justified in order to prevent an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of individuals or the environment, causes or may cause interference to the treatment plant or other District operations, or causes or may cause the District to violate any condition of its NPDES permit. Additionally, a permit may be suspended for any of the conditions set forth justifying revocation of permit or termination of permit contract as set forth in Section 10.16.060.B. Nothing in this paragraph will limit the rights of the District to suspend or terminate service pursuant to specific permit or permit contract conditions which may be more stringent.

Any industrial user notified of a suspension of service and/or the wastewater discharge permit or permit contract shall immediately stop or eliminate the discharge. In the event of a failure of the user to comply voluntarily with the administrative order, the District shall take such steps as deemed necessary to prevent or minimize damage to the District's facilities or endangerment to persons or the environment. The District may reinstate the wastewater discharge permit, permit contract, and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge.

B. Revocation of Permit/Termination of Permit Contract.

Any user who violates the following conditions is subject to having its permit revoked or permit contract terminated:

1. Any user who knowingly gives or provides a false statement, representation, record, report, plan, or other document to the District or falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance;
2. Failure of a user to factually and completely report the wastewater constituents and characteristics of its discharge;
3. Failure of the user to report significant changes in operations or wastewater constituents and characteristics;
4. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring;
5. Failure of a user to notify the District immediately of an accidental discharge and/or take appropriate corrective action to prevent a reoccurrence;
6. Failure of a user to file a periodic compliance report or periodic compliance report in such time and in such manner as is required by this Ordinance;
7. Significant violation(s) of the permit or permit contract requirements or conditions and/or violation of this Ordinance. Any violation of the discharge standards where a constituent concentration is determined to be five (5) times the concentration standard set forth in Exhibit "A" or any series of three (3) or more violations of the same constituent within a one- (1) year period, shall constitute a significant violation;
8. Failure to pay fees and charges or penalties established pursuant to this Ordinance.

C. Immediate Termination of Discharge.

In the case of an actual or threatened discharge which reasonably appears to present an imminent danger to the health or welfare of persons, the environment, or the District or its employees or contractors, the District may, after reasonably attempting to informally notify the user, take all necessary steps to halt or prevent such discharge including, but not limited to plugging or physically disconnecting the user's access to the District wastewater system.

10.16.065 Administrative Civil Penalties.

Pursuant to the authority of California Government Code Sections 54739 to 54740.6, the District or District staff may issue administrative complaints, conduct administrative hearings, and/or impose civil penalties in accordance with the procedures set forth in these sections for violation of the District's requirements relating to

pretreatment of industrial waste or the prevention of the entry of industrial waste into the District's collection system or treatment works.

These penalties shall be as follows:

A. In an amount which shall not exceed two thousand dollars (\$2,000) for each day for failing or refusing to furnish technical or monitoring reports.

B. In an amount which shall not exceed three thousand dollars (\$3,000) for each day for failing or refusing to timely comply with any compliance schedule established by the District.

C. In an amount which shall not exceed five thousand dollars (\$5,000) per violation for each day for discharges in violation of any waste discharge limitation, permit condition, or requirement issued, reissued, or adopted by the District.

D. In an amount which does not exceed ten dollars (\$10) per gallon for discharges in violation of any suspension, cease and desist order, or other orders, or prohibition issued, reissued, or adopted by the District.

Unless appealed, orders setting administrative civil penalties shall become effective and final upon issuance thereof, and payment shall be made within thirty (30) days.

As to court actions authorized by the above-referenced sections, District Counsel, or other special counsel designated by the District Board, shall institute appropriate actions to effect statutorily authorized remedies, upon order of the District Board.

10.16.070 Civil Action.

The District Board may direct District counsel or other special counsel to bring such civil actions as may be available at law or in equity in any court of competent jurisdiction to enforce the provisions of this Ordinance and to recover such charges, fees, penalties, and/or damages as may be assessed or may be incurred under the provisions of this Ordinance.

A. Injunction.

Whenever a discharge of wastewater is in violation of the provisions of this Ordinance, the District may petition the Superior Court for issuance of a preliminary or permanent injunction, or both, as may be appropriate in restraining the continuance of such discharge.

B. Civil Actions for Penalties.

Any user who violates any provision of this Ordinance, permit condition or permit contract condition, or who violates any cease and desist order, prohibition, or effluent limitation, shall be liable civilly for a penalty not to exceed twenty-five thousand dollars (\$25,000) for each day in which such violation occurs pursuant to California

Government Code Section 54740. Pursuant to the authority of the *Clean Water Act*, 33 U.S.C.A. Section 1251, *et seq.* any user committing a violation of any provision of this Ordinance, which is also a violation of a pretreatment standard, effluent standard, or limitation or other applicable provision of the *Clean Water Act* shall be liable civilly for a sum not to exceed twenty-five thousand dollars (\$25,000) per violation for each day in which such violation occurs. District counsel, or other special counsel designated by the Board, upon order of the District Board, shall institute such actions as may be appropriate in the appropriate court to impose, assess, and recover such sums.

C. Other Civil Actions.

The District may require compliance with permit conditions or limitations by issuing administrative orders, including cease and desist orders and compliance schedules. Said orders are enforceable in a California court of general jurisdiction. The District, however, may directly undertake any court action available at law or equity, including but not limited to a civil action for penalties without first seeking an administrative order or making use of a compliance schedule, and it may concurrently undertake such administrative and court actions as deemed appropriate.

10.16.080 Criminal Action.

A. General Criminal Penalties. Any person who violates any provision of this Ordinance, permit, or permit contract, or who violates any Administrative Order, prohibition, or effluent limitation, is guilty of a misdemeanor, and upon conviction is punishable by a fine not to exceed one thousand dollars (\$1,000) or imprisonment for not more than thirty (30) days in the county jail, or both. Each day a violation occurs may constitute a new and separate offense and may subject the violator to an additional full measure of penalties as set forth herein.

B. Falsifying Information. Any person who knowingly makes any false statements, representations, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Ordinance, or wastewater discharge permit, wastewater discharge permit contract, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, shall upon conviction be punished by a fine of not more than one thousand dollars (\$1,000) or imprisonment for not more than thirty (30) days, or both. Each separate act of falsification, tampering, or knowingly rendering inaccurate any device or method, shall constitute a new and separate offense and shall be subject to the penalties contained herein.

Nothing in this section is intended to exclude the potential for prosecution under the applicable perjury statutes of the State of California to the extent such falsification was incorporated in a document signed under the penalty of perjury.

10.16.090 Notification Procedures.

A. Notification to User. Whenever the District finds that any user has violated or is violating the provisions of this Ordinance, a wastewater discharge permit, wastewater discharge permit contract, or any prohibition, limitation, or requirements contained herein, the District may serve upon such person a written notice stating the nature of the violation. Within thirty (30) days of the date of this notice, a plan for the satisfactory correction of the violation shall be submitted to the District by the user.

Whenever the District assesses a penalty or other form of enforcement action under the provisions of this Ordinance, the District shall serve upon such user a written notice stating the nature of the enforcement action being taken.

B. Notification to District. When a user discovers that it has violated or is violating a provision of the Ordinance, its wastewater discharge permit, its wastewater discharge permit contract, or any prohibition, limitation, or requirement contained therein, including a violation as may be caused by accidental discharge or spill, the user shall immediately notify the District upon discovery of such violation. Thereafter, within five (5) days following the accidental discharge or discovery of a violation, the user shall submit to the District a detailed, written report, describing the accidental discharge or violation, and the measures taken by the user to prevent similar future occurrences. This written report regarding the violation may be included as a part of a periodic compliance report, or other report as may be required under this Ordinance, as long as the written report is provided within the five (5) days of discovery, which notification shall not relieve the user of any expense, penalty, fee, or other liability which may be incurred as a result of the violation.

10.16.100 Costs.

All costs associated with the District's undertaking of enforcement actions pursuant to this Ordinance, including attorney's fees for civil actions undertaken, shall be paid by the user. These costs may include but not be limited to the costs for termination of service, reinstatement of service, compliance sampling and analysis, and administrative activities undertaken by the District. However, if the user prevails in an appeal to the Board of Directors or a civil action taken to nullify an enforcement action pursued by the District under this Ordinance, the user shall not be responsible for the costs incurred by the District in pursuing said enforcement action.

10.16.110 Responding to Significant Noncompliance.

Any violation of pretreatment standards or requirements (limits, sampling, analysis, reporting and meeting compliance schedules, and regulatory deadlines) is an instance of noncompliance for which the industrial user is liable for enforcement including penalties. However, the District is required to identify violations or patterns of violations by industrial users that are deemed to be instances of significant noncompliance (SNC). To the extent that a violation or pattern of violations is determined to be significant noncompliance, the District shall give additional priority to enforcement actions with regard to that industrial user. Additionally, the determination of significant noncompliance shall be used as the basis for reporting same to the

regulatory authorities and publishing of the list of significant non-compliers as is required of the District by law. For purposes of this provision, a Significant Industrial User (or any Industrial User that violates sections 10.16.0110 A. 3 or 4, or 10.16.0110 E.) is in significant noncompliance if its violation meets one or more of the following criteria:

A. Violations of Wastewater Discharge Limits.

1. Chronic Violations. Violations in which 66 percent or more of all the measurements taken for the same pollutant parameter during a 6 month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l)

2. Technical Review Criteria Violations. Violations in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH).

3. Other Effluent Limit Violations. Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the District determines has caused, alone or in combination with other discharges, interference (e.g., slug loads) or pass-through (including adverse effect on any toxicity testing); or endangered the health of the sewage treatment personnel or the public.

4. Danger to Human Health or Welfare. This criterion includes any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.

B. Violation of Compliance Milestones.

Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a District permit or administrative order for starting construction, completing construction, or attaining final compliance;

C. Failure to Provide Proper Data.

Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

D. Failure to Accurately Report Noncompliance.

Failure of a user to accurately and promptly report any noncompliance. Any attempt to circumvent the reporting requirements or otherwise withhold noncompliance data from the District shall be subject to SNC status.

E. Other Violations.

Any other violation or group of violations, which may include a violation of Best Management Practices, that the District determines may adversely affect its operations or the accomplishment of the objectives of this Ordinance.

Chapter 10.20

HEARINGS AND APPEALS

Sections:

10.20.010 Availability of Administrative Appeal.

10.20.020 Show Cause Hearings.

10.20.010 Availability of Administrative Appeal.

Any user, permit applicant, permit or permit contract holder affected by any decision, enforcement action, or determination made by the District, interpreting or implementing the provisions of this Ordinance or in any permit or permit contract issued herein, may file with the General Manager a written request for reconsideration of a staff decision, action, or determination within fifteen (15) days of notification of said staff decision, action, or determination. The written request for reconsideration shall detail facts supporting the user's request and such facts shall include a statement listing all relevant facts which shall be considered including such facts as may not have been known or available to the District at the date of such action. The General Manager shall render a decision on the request for reconsideration within fifteen (15) days of receipt of the request, unless the General Manager requests additional information from District staff or the user. The General Manager shall concur, modify, or rescind the action, decision, or determination previously made or may grant a show cause hearing regarding such decision, action, or determination. If the ruling on the request for reconsideration made by the General Manager is unacceptable, the user may, within ten (10) days after the date of notification of the General Manager's determination, file with the District secretary a request for appeal to the District Board.

A user shall not have a right to an appeal to the District Board unless the user has complied with the procedures concerning the request for reconsideration by the General Manager as set forth above.

When a written request for appeal to the District Board has been properly filed with the District secretary, the District secretary shall schedule the matter to be heard by the District Board within forty-five (45) days from the date of the filing of the written request. The District Board shall make a ruling on the appeal within fifteen (15) days from the date of the hearing unless the Board requests additional information from District staff or the user.

Notwithstanding the foregoing, the statutory appeal procedures set forth in California Government Code Section 54739, *et seq.*, applicable to administrative civil penalties imposed or sought pursuant to Section 10.16.065 of this Ordinance, shall exclusively apply to such penalties.

10.20.020 Show Cause Hearings.

A. The District may order any user who violates any of the provisions of this Ordinance, permit conditions, or permit contract conditions to appear before a designated hearing officer to show cause why a proposed enforcement action should not be taken. Notice shall be provided to the user specifying the time and place of the hearing. A notice for a show cause hearing shall set forth the violation, the reasons why an action is to be taken, the proposed enforcement action, and such other information as will notify the user of the nature of the hearing. The user has the burden of proof to demonstrate that the proposed action should not be taken or that the decision, action, or determination previously made should be rescinded or modified. A notice of hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service of the notice may be made on an agent of the user or officer of the user's business entity.

B. A District employee or officer may conduct the hearing and take evidence, or the District may designate another independent person to do so. The District shall not, as a matter of course, provide for stenographic recording of the hearing. However, the user may provide for such stenographic recordation at its expense.

C. After the hearing officer has reviewed the evidence, administrative orders may be issued which specifically relate to the issues set forth in the notice of show cause hearing. If the user is dissatisfied with the determination of, or the administrative order issued by the hearing officer, the user may file a written request for appeal to the District Board. The request for appeal shall be filed with the District secretary within ten (10) days of the issuance of the determination order of the hearing officer. The District's secretary shall calendar the matter before the District Board within forty-five (45) days of the date of filing of the written request for appeal to the District Board.

Chapter 10.24

FEES

Sections:

<u>10.24.010</u>	<u>Purpose.</u>
<u>10.24.020</u>	<u>Sewer Service Charges.</u>
<u>10.24.030</u>	<u>Scope of Charges and Fees for Source Control Program.</u>
<u>10.24.040</u>	<u>Payment of Fees, Charges, and Delinquencies.</u>
<u>10.24.050</u>	<u>Reinstatement Deposit.</u>

10.24.010 Purpose.

It is the purpose of this Chapter to provide for both the recovery of costs from users of the District's facilities for the implementation of the Source Control and related programs established herein and to provide for a sewer service fee to be imposed on all nonresidential dischargers to the District sewage system with regard to the Source Control and related programs. It is also the purpose of this Chapter to provide for the recovery of costs from the users of those programs. The applicable charges or fees shall be set forth in the District's Schedule of Operation and Maintenance Charges and Fees.

10.24.020 Sewer Service Charges.

All users shall pay a user charge for the District wastewater disposal services. This sewer service charge shall be in addition to the fee imposed on certain users for the administration of the Source Control Program as set forth elsewhere in this Chapter. The sewer service charge shall reflect the quantity, quality, and flow of the wastewater of the user and will be based on the District's operating costs to intercept, treat, and dispose of the wastewater.

The sewer service charge shall be set from time to time by the District Board.

10.24.030 Scope of Charges and Fees for Source Control Program.

The District may adopt charges and fees to compensate the District for its activities under the Source Control Program which may include:

- A. Setting up and operating the District's pretreatment program, septage program, industrial user notification program, and slug discharge program.
- B. Monitoring, sampling, inspection, and surveillance procedures.
- C. Reviewing accidental discharge procedures and construction.
- D. Processing permit applications.

E. Implementation of administrative and legal enforcement measures.

F. Other fees as the District may deem necessary to carry out the requirements of the programs contained herein.

These fees relate solely to the matters covered by this Ordinance and are separate from all other fees chargeable by the District. These fees and charges may include staff costs as well as legal, consulting, and laboratory costs, associated with the District activities in implementation of these programs.

10.24.040 Payment of Fees, Charges, and Delinquencies.

A. Except as otherwise provided, all fees, charges, and penalties made pursuant to the provisions of this Ordinance are due and payable upon receipt of notice thereof. All such amounts shall become delinquent forty-five (45) days after the date of invoice.

B. A penalty for delinquent accounts shall be charged in accordance with the following:

1. Forty-six (46) days after the date of invoice, a penalty of ten percent (10%) of the base invoice amount, not to exceed a maximum of one thousand dollars (\$1,000).

2. Ninety (90) days after the date of the invoice, an additional penalty of ten percent (10%) of the base invoice amount shall be imposed, the cumulative total of the penalties will not exceed a maximum of Four Thousand Dollars (\$4,000).

C. Any invoice outstanding and unpaid after ninety (90) days shall be cause for immediate initiation for permit revocation proceedings.

D. Penalties charged under this section shall not accrue to those invoices successfully appealed, provided the District receives written notification of said appeal prior to the payment due date. Payment of disputed charges is still required during District review of any appeal submitted by users.

10.24.050 Reinstatement Deposit.

Permit or permit contract users that have been subject to enforcement proceedings may be required to deposit with the District an amount determined by the General Manager/Chief Engineer prior to permission being granted for further discharges to District facilities. The deposit shall be provided as a security to ensure that the requirements of this title are complied with, and all fees and charges associated with the user's permit or permit contract are paid. The security may be returned after one (1) year, provided that the user has not been subject to any enforcement actions or enforcement fees within that one (1) year period. The deposit shall be cash or other security acceptable to the District.

Chapter 10.28

WASTE HAULER PROGRAM

Sections:

<u>10.28.010</u>	<u>Permissible Waste Hauler Discharges.</u>
<u>10.28.020</u>	<u>Waste Hauler Discharge Permit.</u>
<u>10.28.030</u>	<u>Cash Deposit - Security.</u>
<u>10.28.040</u>	<u>Manifest Procedures.</u>
<u>10.28.050</u>	<u>Fees for Discharge.</u>
<u>10.28.060</u>	<u>Regulation of Procedures.</u>
<u>10.28.070</u>	<u>Acceptance of Grease.</u>
<u>10.28.080</u>	<u>County Limitation.</u>

10.28.010 Permissible Waste Hauler Discharges.

The Board finds that it is in the best interest of the citizens of the County of Contra Costa generally and in the best interests of the health and sanitation of the constituents of the Central Contra Costa Sanitary District, that the District receive certain trucked-in wastes at the treatment plant for disposal. It is the intent of the Board that the treatment facility shall only be used for the disposal of wastes which are compatible with the treatment plant process and the continued operation of the treatment plant as a non-RCRA or nonhazardous waste disposal facility. Therefore, it is the intent of this Ordinance to prohibit the discharge from waste haulers of any hazardous waste as may be defined by either federal or state statute and regulation, whichever is more stringent; and, further, to prohibit all such wastes as are prohibited within Chapter 10.08 (Regulations) of this Ordinance, when such wastes are trucked to the District and discharged pursuant to the District's waste hauler program.

10.28.020 Waste Hauler Discharge Permit.

The District Board finds that in order to properly administer the discharge of wastes to the District, a waste hauler discharge permit program is required. Therefore, all persons are prohibited from discharging trucked-in waste at the District's treatment facility unless and until such person(s) has complied with all of the requirements of this Section of the Ordinance, and has received a permit for waste discharge.

A. Permit Term. Staff shall have the authority to issue waste hauler discharge permits for a period of one (1) year, with such permits being renewable on further application from the permittee for additional one- (1) year periods upon favorable review by District staff.

B. Permit Conditions. District staff may prescribe such requirements as may be reasonable to ensure the carrying out of the purpose and policies of this Ordinance, as well as the stated purpose of the waste hauler program as set forth herein. The conditions upon which a waste hauler's discharge permit may be issued shall include, but not be limited to, the following:

1. Proof of a Contra Costa Health Department Waste Hauler Registration and Public Health License and/or registration as a transporter of inedible kitchen grease waste under California Food and Agricultural Code Section 19310;

2. Certification that the applicant has not been subject to any substantial enforcement actions relating to public health, waste hauling and/or hazardous waste handling;

3. Provision of a list with license numbers of each vehicle which hauler proposes to use for discharge of waste at District facilities;

4. Certification that waste hauler has in place, and will maintain, vehicle insurance coverage which insures the hauler and the District against claims of personal injury and property damage (said minimum limits and coverage requirements may from time to time be set forth by the District); and

5. The furnishing of a cash deposit or other security acceptable to the District in an amount set by the Board.

C. Denial, revocation, or suspension of permit. The issuance of a waste hauler permit creates a conditional privilege to discharge. It does not create property rights (including real, personal, or intangible personal property rights), nor a vested irrevocable right or privilege. The conditions under which a waste hauler permit may be denied, revoked, or suspended by the District include, but are not limited to, the following:

1. Substantial enforcement action taken by the District or another agency related to public health, waste hauling, and/or hazardous waste handling.

2. Failure of the waste hauler to comply with federal, state, or District regulations and laws or permit conditions.

3. Termination of the waste hauler's vehicle insurance or reduction in coverage to a level below that required by the District.

4. Disposal of waste in an unlawful manner, whether within or outside the District.

5. Failure of the waste hauler to comply with the permit, waste handling and disposal, and reporting requirements of the Contra Costa County Environmental Health Services.

6. Knowingly or negligently providing false information on any application, permit, or manifest form.

7. Disposing of any waste load to District facilities which originated outside the county or, in the case of restaurant grease loads, which originated outside District boundaries or areas served by the District by contract.

8. Failure of the waste hauler to pay any fees, charges, or penalties assessed by the District.

9. Expiration, revocation, or suspension of Contra Costa Health Department Waste Hauler Registration or Public Health License.

10. Failure to deposit or maintain the required cash deposit.

10.28.030 Cash Deposit - Security.

The Board finds that in order to ensure compliance of each waste hauler with the provisions of this Ordinance, and to further ensure payment of fees and charges for the discharge of trucked-in waste, a cash deposit, or other security acceptable to the District shall be required of each permittee. The cash deposit shall be in an amount of one thousand dollars (\$1,000.00). However, if the General Manager/Chief Engineer determines the cash deposit should be increased in order to protect the interest of the District based on the nature of the current operations of a permittee or the prior history of compliance with the waste hauler program requirements, including, but not limited to those set forth in Section 10.20.020 C. above, then the General Manager/Chief Engineer may increase such cash deposit or security to an amount sufficient to protect the interests of the District. The security amount shall not exceed five thousand dollars (\$5,000.00), without prior Board approval of said security amount.

A. Time for Payment. The cash deposit or acceptable security shall be posted prior to the issuance of the permit. To the extent the District draws on such cash deposit or security for costs, fees, payments, or penalties, as authorized hereunder, the permittee shall deposit with the District such additional funds as may be required to bring their cash deposit or security up to the total amount required under the permit prior to the continued discharge of waste. If the permittee fails to maintain a sufficient deposit with the District to meet its permit conditions, the District may suspend the permit (and permission to discharge) until such time as a sufficient deposit or security has been tendered and accepted.

B. Forfeiture of Deposit. All or a portion of the cash deposit or acceptable security may be forfeited to the District if any of the following actions occur:

1. The permittee knowingly provides false information on any application, permit, or manifest form;

2. The permittee discharges a nondomestic waste which does not comply with this Ordinance, including the provisions of local limits and the general and specific prohibitions contained herein;

3. Permittee disposes of a waste in an unlawful manner in any location within the District's service area;

4. A permittee becomes delinquent in making payment of applicable charges and fees for discharge of waste; and/or

5. A permittee otherwise fails to comply with provisions contained in this Ordinance or the District Code.

10.28.040 Manifest Procedures.

Any waste hauler who is discharging at a District facility shall be required to comply with the manifesting requirements set forth by District staff. Each discharger shall be required to provide a manifest document which shall indicate the source of all wastes contained within the waste load to be discharged. The District may promulgate such other requirements with regard to manifesting as are in the determination of the District necessary to properly carry out the objectives of this Ordinance and the intent of the waste hauler program.

10.28.050 Fees for Discharge.

The Board may from time to time set fees for the services provided the waste hauler with regard to discharge of trucked-in waste. The fees shall include, but not be limited to, fees to reimburse the District for the disposal and treatment costs of the discharge, and such other fees as may be required to reimburse the District for the administrative costs of processing the permits, administering the waste hauler program, operating septage discharge facilities, conducting laboratory analysis, and enforcing the provisions of this program.

10.28.060 Regulation of Procedures.

The District shall adopt such procedures as may be appropriate for the implementation of the waste hauler program. These procedures may include, but not be limited to, regulation of the times for discharge, the amounts of discharge, and manner of discharge. The procedures may also include requirements such as laboratory testing of samples of the waste prior to discharge, and procedures for reporting of the ultimate disposal location for wastes which are not accepted at a District facility due to being rejected on the basis of a sampling analysis of its constituents.

10.28.070 Acceptance of Grease.

It is the intent of the waste hauler program to accept reasonable quantities of grease when trucked to the District. The Board finds that it is in the best interests of the District's constituents to accept trucked-in grease pursuant to the requirements and procedures of the waste hauler program in order to foster the adherence to the requirements of the District's grease interceptor program.

10.28.080 County Limitation.

The District Board finds that it is not in the best interest of the constituents of the District to accept restaurant grease waste originating outside the District service area. Moreover, the District Board also finds that it is not in the best interest of the District's constituents to accept trucked waste other than grease from locations which are not within the County. Therefore, the Board finds that the District shall only accept trucked-

in waste pursuant to the provisions set forth herein and procedures established by District's staff for trucked waste to the extent such waste is produced within, or emanates from locations within, Contra Costa County, or in the case of restaurant grease, from locations within the District's service area, including any area served by contract.

Chapter 10.32

GREASE, OIL, AND SAND INTERCEPTOR PROGRAM

Sections:

- 10.32.010 Interceptors Required.
- 10.32.020 Administration of Interceptor Program.
- 10.32.030 Interceptor Maintenance Procedures and Program.
- 10.32.035 Interceptor Maintenance Standards
- 10.32.040 Enforcement.

10.32.010 Interceptors Required.

All nondomestic users shall be required to install and maintain a grease, oil, and sand interceptor when the General Manager, Chief Engineer or their designee finds that it is necessary for the proper handling of (a) liquid waste containing grease, (b) flammable wastes, (c) sand, or (d) other harmful constituents which may be properly eliminated from the sewerage system by use of an interceptor or trap. An interceptor is not required for a building used solely for residential purposes so long as there exists no common food preparation facility. An interceptor shall be required when the wastewater flow from the building is anticipated to contain grease, flammable substances, sand, or other harmful ingredients in amounts or concentrations which would be in violation of a pretreatment standard or, in the discretion of the District, present the possibility of causing or contributing to the fouling of or the blockage of or other damage to the District sewerage system.

10.32.020 Administration of Interceptor Program.

The District shall administer an interceptor program which is intended to prevent grease, sand, flammable liquids, and other substances which are likely to block or create a hazard within the sewerage system from entering the system through use of interceptors or traps. The District may require any nondomestic user to install an interceptor or trap according to the guidelines set forth in the District's Standard Specifications or other program prior to connection to the District or at any time after connection to the District if the District discovers or determines subsequent to the connection that the building, facility, or operation of that user produces a waste with characteristics that would require installation of a trap or interceptor pursuant to this Ordinance. The installation of a proper interceptor or trap device shall be the responsibility of the parcel owner and the entity which applies for the connection or industrial user permit, and the owner/proprietor of the business or entity whose operations cause or contribute to the necessity for an interceptor or traps. The District shall determine whether a grease trap, grease interceptor, or other interceptor is required on a case-by-case basis based on an evaluation of objective criteria including but not limited to factors such as those listed hereunder:

A. The type of facility (a restaurant, bakery, cheese factory, yogurt shop, gas station, lube facility, etc.).

B. The volume of the user's business or operation (such as number of meals served, number of seats, hours of operation).

C. Size and nature of facilities (including kitchen facilities) based on size, type, number of fixtures, and type of processing or cooking equipment used.

D. The type of service provided or operation undertaken (such as dine-in meal service versus carry-out meal service).

E. The type of foods or other materials used in the cooking, processing, or manufacturing operations carried on within the user's facility.

F. The overall potential for grease-laden, flammable, or sand-laden discharges.

G. The existence of devices, procedures, or processes which are designed to minimize the amount of grease, sand, oil, or other flammable liquids from entering the sewer system.

The design, location, and procedures for operation of a required interceptor or trap shall be approved by the District. Such approval shall be obtained prior to the users connection of the facility to the District's sewerage system, in the event of new construction or remodeling. In instances where a user has already connected and the District determines that an interceptor or trap must be installed, the user shall promptly provide for the installation of the interceptor or trap within a reasonable time frame (as may be set by the District), including providing such design plans and operational plans as may be required. The installation of an interceptor or trap as required by this Ordinance on an existing user facility shall occur within reasonable time not to exceed one hundred (100) days after the user has been provided notice of the requirement that an interceptor or trap be installed. This one-hundred-day limit may only be extended by written agreement of the District.

10.32.030 Interceptor Maintenance Procedures and Program.

Any user who is required by the District and/or this Ordinance to install and/or operate an interceptor or trap device, shall be required to adequately maintain the interceptor or trap device so that such device is in proper working order at all times. Grease and oil interceptors shall be cleaned by a licensed and permitted waste hauler on a periodic basis so as to assure that the interceptor will operate as designed at all times.

Any users who are required to install or have in operation an interceptor or traps pursuant to this Ordinance, shall be required to have a plan of operation or program for their facility which is intended to ensure that the interceptor or trap operates as designed to prevent grease, oil, sand, or other harmful constituents from entering the sewerage system. These procedures may include adoption of kitchen practices to minimize the grease-laden garbage which ultimately enters the facility's drains and floor

traps and/or other such procedures as may be required for the proper operation of the interceptors.

10.32.035 Interceptor Maintenance Standards

Maintenance standards shall be conducted by users in order to ensure the proper operation of interceptors and traps. If the operations of a specific user modify the need to follow the specified standards, the user can request a variance from the District in writing on the form provided by the District. Unless the District issues a written variance to a user, the user is responsible for meeting the specified minimum maintenance standards of this section:

A. Access to interceptors and traps shall be maintained to allow inspection and maintenance to be performed. Inspections shall be performed at appropriate frequency to ensure adequate operation of the interceptor or trap and to evaluate effectiveness of Best Management Practices to control sources of pollutants.

B. Interceptors shall be operated so that the accumulated grease and solid waste does not meet or exceed twenty-five (25) percent of the unit's capacity. Determinations shall normally be made by measuring the depth of the layers within a unit.

C. Interceptors shall be cleaned at least once every 90 days. Interceptor cleaning shall be conducted to pump all the liquid and solid contents of the unit, and the sides will be cleaned of any substantial build-up of grease and solid wastes.

D. Traps shall be cleaned according to the manufacturer's recommended frequency (e.g. daily, weekly) when conducted by user's employees, and shall be pumped of all the liquid and solid contents using a licensed and permitted waste hauler at least once every 90 days.

1. The user may clean smaller traps in lieu of using a licensed and permitted waste hauler at least once every 90 days provided that all the standards for cleaning traps are met, including, but not limited to, removal of all liquids and solids and not decanting wastes. The user shall document the proper disposal of the wastes removed from the trap as required in section 10.32.035 F.

E. Decanting of wastes removed from an interceptor or trap is prohibited when a licensed and permitted waste hauler is used to clean a unit. Wastes removed from the interceptor or trap shall not be reintroduced into the unit cleaned or any other connection to the District's sewer collection system unless the location is specifically authorized in a current waste hauler permit.

F. The user shall maintain records documenting proper maintenance of the interceptor or trap. The disposal location (name, address, phone number for off-site facilities) for wastes removed from an interceptor or trap shall be recorded and made available for inspection upon request.

10.32.040 Enforcement.

Failure of any user who is required to maintain an interceptor or trap pursuant to this Ordinance and/or pursuant to lawful District direction, shall be subject to each of the enforcement provisions set forth in this Ordinance. The enforcement provisions of this Ordinance shall apply to the failure to instruct personnel, or to maintain, pump, and/or institute a proper grease or flammable substance reduction program.