

**REGULATIONS  
FOR  
WASTE DISCHARGE  
AND SEWER USE**

**ORDINANCE NO. 2002-5-1**

**ADOPTED BY THE BOARD OF DIRECTORS  
OF RANCHO CALIFORNIA WATER DISTRICT**

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# ARTICLE 1

## General Provisions

### 1.100 INTENT

- A. It is the intent of this Ordinance to protect public health, District personnel, the District's wastewater collection, treatment system and the environment from waste discharges by users with the potential to detrimentally impact the beneficial use of reclaimed water and municipal sludge.

### 1.200 PURPOSE

- A. The purpose of this Ordinance is to set forth:
  - 1. Conditions and limitations on the use of the Districts sewer system;
  - 2. Specific enforcement provisions to resolve noncompliance with the District's ordinance, thereby allowing the District to:
    - a. Comply with the laws, regulations, and rules imposed upon it by Regulatory Agencies;
    - b. Ensure that the District's sewerage facilities and treatment processes are protected and are able to operate with the highest degree of efficiency;
    - c. Protect the beneficial use of reclaimed water and municipal sludge; and
    - d. Protect the public health and environment.

### 1.300 POLICY

- A. This Ordinance shall be interpreted in accordance with the definitions set forth in Article 2. The provisions of this Ordinance shall apply to the direct and indirect discharge of all wastes to facilities of the District.
- B. The District shall seek the cooperation of the users of the collection system to ensure compliance with this Ordinance. Reasonable approaches shall be utilized when applying applicable regulations without compromising the intent, purpose and policies of this Ordinance.
- C. The District shall adopt more stringent quality requirements on wastewater discharges regulated by 40 CFR, Chapter I, Subchapter N, Parts 405-471, in

the event that more stringent quality requirements are necessary to protect beneficial use of reclaimed water and municipal sludge.

- D. The District shall encourage conservation and pollution prevention through source control strategies which reduce the amount of pollutants entering the environment, prior to recycling, pretreatment, or disposal.
- E. The District shall use the revenues derived from the application of this Ordinance to defray the cost of regulating sewer usage to include, but not be limited to, administration, monitoring, permitting, reporting, and enforcement.
- F. All costs and expenses incurred by the plan check and inspection procedure of the District's Engineering Division shall be paid by the applicant. Plan check and inspection fees shall be in an amount adopted in the **Customer Guide-Rates and Charges** (*reviewed during annual budget cycle*), and any amendments thereto.
- G. The District shall ensure that all parties are afforded due process of law. An applicant or user shall be given written notice of rejection of an application, or violation of a control mechanism, or of any enforcement action. Such notice shall include a statement of reasons in support thereof and proposed actions to be taken, if any. Affected applicants or users shall have the right to a hearing. Decisions/determinations may be appealed as set forth in Article 5.
- H. The District, at its discretion, may utilize any one, combination, or all enforcement remedies provided in Article 1.600(A)(10) in response to any violation.

#### 1.400 SCOPE

- A. The provisions of these Regulations shall apply to sewer construction, use, maintenance, discharge, deposit, or disposal of wastewater, both directly and indirectly, into and through all District collection systems and to the issuance of control mechanisms and assessment/imposition of fees, fines and penalties thereof.

#### 1.500 APPLICABILITY

- A. This "Regulations for Waste Discharge and Sewer Use" Ordinance applies to all users of the District's sewer system and specifies herein that all users of the District's sewer system are subject to regulation and enforcement.

## 1.600 POWERS

- A. The General Manager is authorized to:
1. Issue Waste Discharge Authorizations.
  2. Issue Waste Discharge Permits.
  3. Require the installation and maintenance of pretreatment and/or monitoring facilities and equipment.
  4. Conduct inspections of facilities, including, but not limited to, inspecting and copying records.
  5. Require monitoring and reporting of discharges to the public sewer system.
  6. Monitor the quality of wastewater entering the sewer system.
  7. Require the development of Spill Containment Plans and reporting of accidental discharges.
  8. Require the development of a Slug Control Plan (per Title 40 of the Code of Federal Regulations (40 CFR) 403.8(f)(2)(v)).
  9. Deny, approve or approve with conditions, new or increased discharges or change in the quantity or characteristics of discharges, when such discharges do not meet applicable pretreatment requirements as specified in 40 CFR 403.8(f)(1)(I).
  10. Take enforcement actions against those who violate or cause violation of this Ordinance or discharge permit conditions. These actions may include, but are not limited to the following:
    - a. Issuing letters.
    - b. Issuing Notices of Violation.
    - c. Issuing Administrative Orders.
    - d. Issuing Cease and Desist Orders.
    - e. Initiating and conducting non-compliance meetings.
    - f. Initiating and conducting administrative hearings.
    - g. Petitioning the courts for injunctions or civil penalties.
    - h. Signing criminal complaints.
    - i. Terminating services.
    - j. Requiring payment of violation charges.
    - k. Revoking and/or suspending the discharge permit.

11. Delegate authority to the Division Head or Department Head of any power granted to or the carrying out of any duty imposed upon the General Manager pursuant to this Ordinance.

#### 1.700 ACCESS

- A. The District, Regional Board and USEPA (when accompanied by district personnel) shall be permitted to enter all properties from which wastes or wastewaters are being or are capable of being discharged into a public sewer main for purposes of inspecting, observing, measuring, sampling, and testing pertinent to the discharge of wastes or wastewaters to ascertain whether the intent of this Ordinance is being met and the user is complying with all requirements. The District shall have access at reasonable times to all parts of the wastewater generating and disposal facilities for the purposes of inspection and sampling. The District shall have the right to set up on the user's property such devices as are necessary to conduct sampling or metering operations. Where a user has security measures in force, the user shall make necessary arrangements so that personnel from the District will be permitted to enter without delay for the purpose of performing their specific responsibilities.

#### 1.800 INFORMATION REQUIRED

- A. To provide for fair and equitable use of sewerage facilities, the District shall have the unqualified right to require a discharger to provide information necessary to insure compliance with all rules, regulations and provisions of this Ordinance.
- B. All information and data on a user shall be available to the public and governmental agencies in accordance with **Public Records**, unless the user specifically requests and is able to demonstrate to the satisfaction of the District that the release of such information would divulge information, processes or methods which would be detrimental to the user's competitive position. The demonstration of the need for confidentiality made by the permittee must meet the burden necessary for holding such information from the general public under applicable State and Federal law.

In any event, the District shall not limit EPA's access to any information provided by the discharger.

In any event, information concerning wastewater quality and quantity, as defined by 40 CFR 2.302 will not be deemed confidential. Such information may include, but is not limited to:

1. Wastewater discharge peak flow rates and volume over a specified time period.



2. Physical, chemical, bacteriological, or radiological analysis of wastewaters.
3. Information on raw materials, processes, and products.
4. Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials.
5. Details of wastewater pretreatment facilities, their operation and maintenance.
6. Details of systems to prevent and control the losses of materials through spills to the public sewer main.
7. Detailed plumbing plans indicating all sources discharging to the on or off-site pretreatment or sewerage facilities.
8. A slug control program, per 40 CFR 403.8(f)(2)(v).
9. Notification of discharges of a listed hazardous waste (Section 3001 of the Resource Conservation and Recovery Act (RCRA) to the sewer system per 40 CFR 403.12(p)).
10. Baseline monitoring reports per 40 CFR 403.12(b).
11. Compliance progress reports in accordance with all provisions listed in 40 CFR 403.12(c)(d)(e).
12. Notification of potential problems, including slug loading in accordance with all provisions listed in 40 CFR 403.12(f).
13. Notification of substantial changes in volume or character of pollutants discharged in accordance with all provisions listed in 40 CFR 403.12(j).
14. Monitoring and analysis reports demonstrating continued compliance in accordance with all provisions listed in 40 CFR 403.12(g).

#### 1.900 AUTHORITY

The District is regulated by several agencies of the United States Government and the State of California, pursuant to the provisions of Federal and State Law. Federal and State Laws (including, but not limited to: 1) Federal Water Pollution

Control Act, commonly known as the Clean Water Act (33 U.S.C. Section 1251 et seq); 2) California Porter Cologne Water Quality Act (California Water Code section 13000 et seq.); 3) California Health & Safety Code sections 25100 to 25250; 4) Resource Conservation and Recovery Act of 1976 (42 U.S.C. Section 6901 et seq.); and 5) California Government Code, Sections 54739-54740) grant to the District the authority to regulate and/or prohibit, by the adoption of an ordinance, and by issuance of control mechanisms, the discharge of any waste, directly or indirectly, to the District sewerage facilities. Said authority includes the right to establish limits, conditions, and prohibitions; to establish flow rates or prohibit flows discharged to the District sewerage facilities; to require the development of compliance schedules for the installation of equipment systems and materials by all users; and to take all actions necessary to enforce its authority, whether within or outside the District boundaries, including those users that are tributary to the District or within areas for which the District has contracted to provide sewerage services.

## ARTICLE 2

### Definitions

#### 2.100 DEFINITIONS

- A. Unless otherwise defined herein, terms related to water quality shall be as adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association and the Water Environment Federation. The testing procedures for waste constituents and characteristics shall be as provided in 40 CFR 136 (Code of Federal Regulations; Title 40; Protection of Environment; Chapter I, Environmental Protection Agency; Part 136, Test Procedures for the Analyses of Pollutants), or as specified. Other terms not herein defined are defined as being the same as set forth in the International Conference of Building Officials, Uniform Building Code, Current Edition, or the International Association of Plumbing and Mechanical Officials, Uniform Plumbing Code, Current Edition.
- B. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated.
1. Applicant shall mean any person or persons who has applied for permission to use the District's collection system for commercial, domestic or industrial purposes.
  2. Board shall mean the Board of Directors of Rancho California Water District.
  3. Categorical Pretreatment Standards shall mean those final regulations promulgated and adopted by EPA (as outlined in 40 CFR 403, and 40 CFR, Chapter I, Subchapter N, 405-471) for each standard industrial classification (S.I.C.) or subcategory containing pollutant discharge limits.
  4. Categorical User shall mean any industrial user whose process (es) are subject to Categorical Pretreatment Standards.
  5. Cesspool shall mean a lined excavation in the ground which receives the discharge of a sewage drainage system, or part thereof, so designed as to retain the solids and organic matter, but permitting liquids to seep through the bottom and sides. This shall also mean Seepage Pit.
  6. Code of Federal Regulations (CFR) shall mean the codification of the

general and permanent rules published in the United States Federal Register by the Executive departments and agencies of the Federal Government to include but not limited to the Environmental Protection Agency.

7. Collection System shall mean the combined pipes, conduits, manholes and other structures, above and below ground, whose purpose is to convey wastewater to District RWRP.
8. Compatible or Conventional Pollutant shall mean a combination of BOD, Total Suspended Solids, pH, fecal coliform bacteria, plus other pollutants that the District's treatment facilities are designed to accept, treat and/or remove. Some compatible pollutants may be considered incompatible when discharged in quantities that have an adverse effect on the District's collection, treatment, disposal systems and/or discharge permit regulating the treatment facilities cause interference or pass through.
9. Control Mechanism shall mean Waste Discharge Permit, Waste Discharge Authorization or Special Agreement
10. Department Head shall mean that person duly designated by the General Manager to direct the Source Control Division and perform the duties as specified in this Ordinance.
11. Discharger shall mean any person, entity or collection agency who discharges or causes a discharge of wastewater directly or indirectly to a public sewer main. Discharger shall mean the same as User.
12. Discharge Requirements shall mean the requirements of Federal (as listed in 40 CFR 403), state or local public agencies having jurisdiction over the effluent discharges from District Regional Water Reclamation Facilities.
13. District shall mean the Rancho California Water District.
14. Division Head shall mean that person duly designated by the General Manager to implement the District's Source Control Program and perform the duties as specified in this Ordinance.
15. Domestic Wastewater shall mean the liquid and solid waterborne wastes derived from the ordinary living processes of humans of such character as to permit satisfactory disposal, without special treatment, into the public sewer or by means of a private disposal system.
15. General Manager shall mean the General Manager of the Rancho

California Water District or his designee.

16. Incompatible or Non-Conventional Pollutant shall mean any pollutant which is not a compatible pollutant as defined herein.
17. Indirect Discharger shall mean any person, entity or collection agency who discharges or causes a discharge of wastewater to a septic tank, cesspool, chemical toilet, or private sewer system which, from time to time, is serviced by a septic tank pumper permitted by the District to discharge to District sewerage facilities.
18. Industrial User shall mean any discharger of non-domestic wastewater to a collection agency's sewer main either directly, or indirectly.
19. Industrial Wastewater shall mean all liquid carried wastes including, but not limited to, all wastewater from any producing, manufacturing, processing, institutional, commercial, restaurant, agriculture, or other operation where the wastewater discharged contains quantities of wastes of non-human origin and excluding domestic wastewater, rainwater, groundwater, storm water, and drainage of uncontaminated water.
20. Inspector shall mean a person authorized by the General Manager to inspect any establishment directly or indirectly discharging or anticipating discharge to a public sewer main or RWRf.
21. Interceptor shall mean a device designed to provide a quiescent environment for the separation of deleterious or undesirable matter from normal wastes and permit normal sewage or liquid wastes to discharge into the public sewer main. This pretreatment is often called a trap.
22. Interference shall mean a discharge by a User which, alone or in conjunction with discharges by other sources, inhibits or disrupts the District's RWRf, its treatment processes or operations, or its sludge processes, use or disposal; and which is a cause of a violation of any requirement of the RWRf's discharge order (including an increase in the magnitude or duration of a violation), or of the prevention of sewage sludge use or disposal in compliance with applicable Federal, State, and local regulations (per 40 CFR 403.3 (I)).
23. Local Limits shall mean a set of technically based discharge limits that are developed by the District to protect the public sewer main and to prevent sludge contamination or violation of discharge requirements.
24. Mass Emission Rate shall mean the weight of material discharged to

the sewer system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of particular constituent or combination of constituents.

25. New Source shall mean any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307c of the Act...(REF 40 CFR 403.3K Definitions)
26. Non-domestic Wastewater shall mean all wastewater except domestic wastewater and pollutant-free wastewater. This shall also mean industrial wastewater.
27. Normal Working Day shall mean the period of time during which production and/or operation is taking place.
28. Pass through shall mean the discharge of pollutants through the RWRf in quantities or concentrations which are a cause in whole or in part of a violation of any requirement of the RWRf's discharge order (per 40 CFR 403.3(n)).
29. Permittee shall mean a person who has applied for and received permission to discharge into the District's collection system subject to the requirements and conditions established by the District.
30. Person shall mean any individual, partnership, firm, association, corporation or public agency, including the State of California and the United States of America.
31. Pollutant shall mean any constituent or characteristic of wastewater on which a discharge limitation or prohibition may be imposed either by the District or the regulatory agencies empowered to regulate the District.
32. Pretreatment shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to discharge of the wastewater into a collection agency's system. The reduction or alteration may be accomplished by physical, chemical or biological process or process changes, or by other means.
33. Pretreatment Facility shall mean any works or devices for the treatment or flow control of wastewater prior to discharge.
34. Pretreatment Requirements shall mean any substantive or procedural

requirement related to pretreatment imposed on a user, other than a pretreatment standard.

35. Pretreatment Standard or Standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.
36. Priority Pollutants shall mean the listing of the toxic pollutants causing the greatest environmental concern and requiring pretreatment prior to discharge (in 40 CFR 403 Appendix B).
37. Public Agency shall mean the State of California or any city, county, district, other local authority or public body within this state.
38. Public Nuisance shall mean anything which: (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, and (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and (3) occurs during or as a result of the treatment or disposal of wastes.
39. Public Sewer Main shall mean any closed conduit, excluding building sewers, which is financed, installed, owned, operated, or maintained by a collection agency for the purpose of transporting wastewater from building sewers.
40. RCRA shall mean Resource Conservation and Recovery Act of 1976 Public Law (PL) 94-580 and amendments thereto.
41. Regional Water Reclamation Facility (RWRF) shall mean the District sewage treatment plant designed to serve a specific area of the District.
42. Regulatory Agencies shall mean those agencies having oversight of the operation of the District, including but not limited to the following:
  - A. United States Environmental Protection Agency (EPA);
  - B. California Environmental Protection Agency (Cal-EPA);
  - C. California State Water Resources Control Board (SWRCB);
  - D. California Regional Water Quality Control Board, San Diego Region (CRWQCB,SDR);

43. Residential User shall mean a household which discharges only domestic wastewater from a dwelling unit.
44. Responsible Party shall mean:
- A. if the User is a corporation, a responsible corporate officer, that is:
    - 1. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or
    - 2. The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 2001 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - B. If the User is a partnership or sole proprietorship, a general partner or proprietor, respectively.
  - C. If the User is a Federal, State, or local governmental entity, or their agents, the principal executive officer or director having responsibility for the overall operation of the discharging facility
  - D. By a duly authorized representative of the individual designated in paragraph (1), (2) or (3) of this definition if:
    - 1. The authorization is made in writing by the individual described in paragraph (1), (2) or (3);
    - 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
    - 3. The written authorization is submitted to the District.
  - E. If an authorization under paragraph (D) of this section is no longer accurate because a different individual or position has



responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (D) of this section must be submitted to the District.

45. Sanitary Wastewater shall mean domestic quality wastewater from other than a dwelling unit.
46. Septic Tank shall mean a watertight receptacle which receives the discharge from a sewer system and is designed and constructed to retain solids, digest organic matter through a period of detention, and allow the liquids to discharge for disposal.
47. Sewerage Facilities shall mean any and all facilities used for collecting, conveying, pumping, treating and disposing of wastewater.
48. Significant Industrial User shall mean:
  - A. A user subject to categorical pretreatment standards; or
  - B. A user that:
    1. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the Districts collection system (excluding sanitary, noncontact cooling, and boiler blow down wastewater);
    2. Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the RWRf; or
    3. Is designated as such by the District on the basis that it has a reasonable potential for adversely affecting the RWRf's operation or for violating any pretreatment standard or requirement.
  - C. Upon a finding that a user meeting the criteria in Subsection (B) has no reasonable potential for adversely affecting the RWRfs operation or for violating any pretreatment standard or requirement, the District may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8 (f) (6), determine that such user should not be considered a significant industrial user.
49. Significant Non-Compliance (SNC) shall mean any user with

compliance violations which meet one or more of the following criteria:

- A. Chronic violations of wastewater discharge limits, defined as those in which sixty-six percent (66%) or more of all of the measurements taken during a six month (6) period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
  - B. Technical review criteria (TRC) violations, defined as those in which thirty-three percent (33%) or more of all of the measurements taken during a six month (6) period equal or exceed the product of the daily maximum limit or the average limit times the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);
  - C. Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the District determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of District personnel or the general public);
  - D. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the District's exercise of its emergency authority to halt or prevent such a discharge;
  - E. Failure to meet, by ninety (90) days or more after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order, for starting construction, completing construction, or attaining final compliance;
  - F. Failure to provide required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules within thirty (30) days of the due date;
  - G. Failure to accurately report non-compliance;
  - H. Any other violations or group of violations which the District considers to be significant.
50. Single Pass Cooling shall mean unpolluted water used for the absorption and immediate discharge of excess thermal energy to the environs prior to heat exchange and reuse.

51. Slug shall mean any discharge of water or wastewater which, in concentration of any given constituent or in quantity of flow, exceeds five (5) times the average 24-hour concentration of flows during normal operation for a period of fifteen (15) minutes or more and/or has a significant adverse impact, either singly or in combination with other discharges, on the collection agency's sewer system or the quality of the effluent from the involved District treatment plant.
52. Spill Containment shall mean a protection system installed by the user to prohibit the accidental discharge to the sewer of incompatible pollutants.
53. Standard Industrial Classification (S.I.C.) shall mean the system of classifying industries identified in the S.I.C. Manual, issued by the Office of Management and Budget.
54. Toxic Pollutants shall mean those substances which, individually or when combined with other substances normally found in domestic sewage, result in wastes in a collection agency sewer system in concentrations or quantities which could have an adverse or harmful effect on such sewer system facilities, sewer treatment plant operations and maintenance personnel or equipment, treated sewage effluent quality, water reclamation procedures, public or private property, or which may endanger the public, local environment, or create a public nuisance.
55. User shall mean any person who discharges or causes a discharge of wastewater directly or indirectly to a public sewer. User shall mean the same as Discharger.
56. Violation shall mean an event or condition at a user's facility that is prohibited by Ordinance, control mechanism, or Order.
57. Violation Charge shall mean that charge levied against a permittee for costs incurred by the District as a result of a waste discharge violation.
58. Waste Discharge Authorization shall mean the revocable permission to discharge wastewater to the public sewer main subject to technically based limits on wastewater constituents and characteristics.
59. Waste Discharge Permit (WDP) shall mean the periodically renewable, revocable permission to discharge industrial wastewater to the public sewer main subject to technically based limits on wastewater constituents and characteristics.

60. Waste Discharge Violation shall mean the failure by a user to comply with this Ordinance, or any conditions or reporting requirements as contained in their control mechanism.
61. Waste Hauler shall mean any commercial pumper that is permitted by Riverside County Department of Health as a Non-Hazardous Liquid Waste Hauler, discharging domestic and sanitary wastewater only. This shall also mean septic tank pumper.

#### 2.101 OTHER MEANINGS

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

## ARTICLE 3

### GENERAL SEWER USE REQUIREMENTS

#### 3.100 PROHIBITED DISCHARGE STANDARDS

- A. General Prohibitions. No user shall introduce or cause to be introduced into the District's collection system any pollutant or wastewater which, alone or in conjunction with other substances, causes pass through or interference. These general prohibitions apply to all users whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.
  
- B. Specific Prohibitions. No user shall introduce or cause to be introduced into the District's collection system the following pollutants, substances, or wastewater:
  - 1. Pollutants which create a fire or explosive hazard in the District's RWRf or collection system, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
  - 2. Wastewater having a pH less than 5.0 or more than 10.5, or otherwise causing corrosive structural damage to the District's RWRf or collection system or equipment;
  - 3. Solid or viscous substances in amounts which will cause obstruction of the flow in the District's RWRf or collection system resulting in interference but in no case solids greater than 3/8 inches in any dimension;
  - 4. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the District's RWRf or collection system;
  - 5. Wastewater having a temperature greater than 140°F (60°C), or which will inhibit biological activity in the RWRf resulting in interference, but in no case wastewater which causes the temperature at the introduction into the RWRf to exceed 104°F (40°C);
  - 6. Petroleum oil, grease, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;

7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the District's RWRf or collection system in a quantity that may cause acute worker health and safety problems;
  8. Trucked or hauled pollutants, except at discharge points designated by the General Manager;
  9. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
  10. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the RWRf's effluent;
  11. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
  12. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the General Manager;
  13. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
  14. Detergents, surface-active agents, or other substances which may cause excessive foaming in the District's RWRf or collection system;
  15. Wastewater required to be manifested under RCRA, unless specifically authorized by the General Manager.
  16. Infectious wastes as defined in the California Health and Safety Code.
- C. Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the District's collection system.

### 3.200 NATIONAL CATEGORICAL PRETREATMENT STANDARDS

- A. The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.
- B. Where a categorical pretreatment standard is expressed only in terms of

either the mass or the concentration of a pollutant in wastewater, the General Manager may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

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

### 3.300 LOCAL LIMITS

- A. No user shall discharge or cause to be introduced directly or indirectly into the District's collection system, a quantity or quality of wastewater which exceeds the Local Limits on discharges to public sewer mains established by the District. The local limits specific to the District's RWRF are set forth in Resolution No. 2002-5-1.
- B. These limits apply at the point where the wastewater is discharged to the District's collection system. The General Manager may impose limitations based on concentrations of pollutants in milligrams per liter or as an amount of pollutants in pounds per day.

### 3.400 LIMITATIONS ON WATER SOFTENERS

Water softeners will be regulated in accordance with state law.

### 3.500 RIGHT OF REVISION

The District reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the District's RWRF or collection system.

### 3.600 DILUTION

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The General Manager may

impose such limitations on the amount, in pounds per day, of pollutants discharged by users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of such limitations is appropriate.

### 3.700 CESSPOOL, SEPTIC TANK and HOLDING TANK WASTES

- A. Cesspool, Septic Tank and Holding Tank pumpings containing only domestic and/or sanitary wastes will be accepted only at District designated locations from holders of both a valid liquid waste hauler water discharge permit issued by the District and a valid Environmental Health Permit issued by the County of Riverside Health Services Agency Department of Environmental Health. The contents of any cesspool or septic tank may not be pumped directly into a public sewer main unless specifically approved by the District under emergency or other abnormal short duration circumstances. Wastes from Industrial process sources are prohibited and may not be hauled and discharged to the public sewer system.
- B. No waste hauler discharging septic waste or sanitary waste shall discharge constituents in excess of the limits specified in the respective Waste Discharge Permit based on the limits as set forth in Resolution No. 2002-5-1.



## Article 4

### Control Mechanisms

#### 4.100 General Requirements

#### 4.101 WASTEWATER ANALYSIS

When requested by the General Manager, a user must submit information on the nature and characteristics of its wastewater within ninety (90) days of the request. The General Manager is authorized to prepare a form for this purpose and may periodically require users to update this information.

#### 4.102 CONTROL MECHANISM REQUIREMENT

- A. No significant industrial user shall discharge wastewater into the District's collection system without first obtaining a control mechanism, except that a significant industrial user that has filed a timely application pursuant to Section 4.103 of this Ordinance may continue to discharge for the time period specified therein.
- B. The General Manager may require other users to obtain control mechanisms as necessary to carry out the purposes of this Ordinance.
- C. Any violation of the terms and conditions of a control mechanism shall be deemed a violation of this Ordinance and subject the user to the sanctions set out in Article 5 of this Ordinance. Obtaining a control mechanism does not relieve the user of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

#### 4.103 ISSUING CONTROL MECHANISMS: EXISTING CONNECTIONS

Any user required to obtain a control mechanism who was discharging wastewater into the District's collection system prior to the effective date of this Ordinance and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the General Manager for a control mechanism in accordance with Section 4.105 of this Ordinance, and shall not cause or allow discharges to the District's collection system to continue after one hundred twenty (120) days of the effective date of this Ordinance except in accordance with a control mechanism issued by the General Manager.

#### 4.104 ISSUING CONTROL MECHANISMS: NEW CONNECTIONS

Any user required to obtain a control mechanism who proposes to begin or

recommence discharging into the Districts collection system must apply for such control mechanism prior to the beginning or recommencing of such discharge. An application for this control mechanism, in accordance with Section 4.105 of this Ordinance, must be filed at least sixty (60) days prior to the date upon which any discharge will begin or commence.

#### 4.105 WASTE DISCHARGE APPLICATION CONTENTS

All users required to obtain a control mechanism must submit a Waste Discharge Application. The General Manager may require all users to submit as part of an application the following information:

- A. All information required in Section 4.301 (B) of this Ordinance;
- B. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are or could accidentally or intentionally be discharged to the District's collection system;
- C. Number and type of employees, hours of operation, and proposed or actual hours of operation;
- D. Each product produced by type, amount, process or processes, and rate of production;
- E. Type and amount of raw materials processed (average and maximum per day);
- F. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- G. Time and duration of discharges; and
- H. Any other information as may be deemed necessary by the General Manager to evaluate the Waste Discharge Application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

#### 4.106 APPLICATION SIGNATORIES AND CERTIFICATION

All Waste Discharge Applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were

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

#### 4.107 CONTROL MECHANISM DECISIONS

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

#### 4.200 CONTROL MECHANISM ISSUANCE PROCESS

#### 4.201 CONTROL MECHANISM DURATION

- A. A Waste Discharge Permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A Waste Discharge Permit may be issued for a period less than five (5) years, at the discretion of the General Manager. Each Waste Discharge Permit will indicate a specific date upon which it will expire.
- B. A Waste Discharge Authorization shall be issued for an indefinite time period, subject to review and reconsideration at the discretion of the General Manager.
- C. A Special Agreement shall be issued for a specified time period, set forth in the terms of the Special Agreement.

#### 4.202 WASTE DISCHARGE PERMIT CONTENTS

- A. Waste Discharge Permit shall include such conditions as are deemed reasonably necessary by the General Manager to prevent pass through or interference, protect the quality of the water body receiving the RWRf's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the RWRf and the District's collection system.

Waste Discharge Permits must contain:

- 1. A statement that indicates Waste Discharge Permit duration, which in no event shall exceed five (5) years;

2. A statement that the Waste Discharge Permit is nontransferable without prior notification to the District in accordance with Section 4.205 of this Ordinance, and provisions for furnishing the new owner or operator with a copy of the existing Waste Discharge Permit;
  3. Effluent limitations based on applicable pretreatment standards;
  4. Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, frequency, and sample type based on Federal, State, and local law;
  5. A statement of applicable civil and criminal penalties for violations of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
- B. Waste Discharge Permits may contain, but need not be limited to, the following conditions:
1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
  2. Requirements for the installation and maintenance of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the District's collection system;
  3. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges;
  4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the District's collection system;
  5. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the District's collection system;
  6. Requirements for installation and maintenance of inspection and sampling facilities and equipment;

7. A statement that compliance with the Waste Discharge Permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the Waste Discharge Permit; and
8. Other conditions as deemed appropriate by the General Manager to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

#### 4.203 WASTE DISCHARGE PERMIT APPEALS

Any person, including the user, may petition the General Manager to reconsider the terms of a Waste Discharge Permit within thirty (30) days of notice of its issuance.

- A. Failure to submit timely petition for review shall be deemed to be a waiver of the administrative appeal.
- B. In its petition, the appealing party must indicate the Waste Discharge Permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to be placed in the Waste Discharge Permit.
- C. The effectiveness of the Waste Discharge Permit shall not be stayed pending the appeal.
- D. If the General Manager fails to act within thirty (30) days of the filing of an appeal, a request for reconsideration shall be deemed to be a decision to deny such request. Decisions not to reconsider a Waste Discharge Permit, not to issue a Waste Discharge Permit, or not to modify a Waste Discharge Permit shall be considered final administrative actions for the purposes of judicial review.
- E. Aggrieved parties seeking judicial review of the final administrative Waste Discharge Permit decision shall do so by filing a petition for writ of mandate with the Superior Court for Riverside County within ninety (90) days.

#### 4.204 WASTE DISCHARGE PERMIT MODIFICATION

The General Manager may modify a Waste Discharge Permit for good cause including, but not limited to, the following reasons:

- A. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
- B. To address significant alterations or additions to the discharger's operation

processes, or wastewater volume or character since the time of Waste Discharge Permit issuance;

- C. A change in the RWRP that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- D. Information indicating that the permitted discharge poses a threat to the District's collection system, District personnel or the receiving waters;
- E. Violation of any terms or conditions of the Waste Discharge Permit;
- F. Misrepresentation or failure to fully disclose all relevant facts in the Waste Discharge Application or in any required reporting;
- G. Revision of or a grant of variance from such categorical standards pursuant to 40 CFR 403.13;
- H. Correction of typographical or other errors in the Waste Discharge permit; or
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

#### 4.205 WASTE DISCHARGE PERMIT TRANSFER

Waste Discharge Permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the General Manager and the General Manager approves the Waste Discharge Permit transfer. The notice to the General Manager must include a written certification by the new owner or operator which:

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

#### 4.206 WASTE DISCHARGE PERMIT REVOCATION

- A. A Waste Discharge Permit may be revoked for good cause including, but not limited to the following reasons:

1. Failure to notify the General Manager of significant changes to the wastewater prior to the changed discharge;
  2. Failure to provide prior notification to the General Manager of changed conditions pursuant to Section 4.305 of this Ordinance;
  3. Misrepresentation or failure to fully disclose all relevant facts in the Waste Discharge Application;
  4. Falsifying self-monitoring reports;
  5. Tampering with monitoring equipment;
  6. Refusing to allow the General Manager timely access to the facility premises and records;
  7. Failure to meet effluent limitations;
  8. Failure to pay fines;
  9. Failure to pay sewer charges;
  10. Failure to meet compliance schedules;
  11. Failure to complete a wastewater survey or the Waste Discharge Application;
  12. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
  13. Violation of any pretreatment standard or requirement, or any terms of the Waste Discharge Permit or this Ordinance.
- B. Waste Discharge Permits shall be voidable upon cessation of operations or transfer of business ownership. All Waste Discharge Permits issued to a particular user are void upon the issuance of a new Waste Discharge Permit to that user.
- C. Waste Discharge permit revocation is subject to appeal as set fort in article 5.1000

#### 4.207 WASTE DISCHARGE PERMIT REISSUANCE

A user with an expiring Waste Discharge Permit shall apply for Waste Discharge Permit reissuance by submitting a complete Waste Discharge Application (or a statement signed by the responsible party that there are no changes to the application previously submitted), in accordance with Section 4.105 of this

Ordinance, a minimum of sixty (60) days prior to the expiration of the user's existing Waste Discharge Permit.

#### 4.300 REPORTING REQUIREMENTS

##### 4.301 BASELINE MONITORING REPORTS

- A. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6 (a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the District's collection system shall submit to the General Manager a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the General Manager a report which contains the information listed in paragraph B, below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants to be discharged.
- B. Users described above shall submit the information set forth below.
1. Identifying information. The name and address of the facility, including the name of the operator and owner.
  2. Environmental Permits. A list of any environmental control permits held by or for the facility.
  3. Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the District's collection system from the regulated processes.
  4. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the District's collection system from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).
  5. Measurement of Pollutants.
    - a. The categorical pretreatment standards applicable to each



regulated process.

- b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the General Manager, of the regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in section 4.309 of this Ordinance.
  - c. Sampling must be performed in accordance with procedures set out in Section 4.310 of this Ordinance.
6. Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
  7. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 4.302 of this Ordinance.
  8. Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Section 4.106 of this Ordinance.

#### 4.302 COMPLIANCE SCHEDULE PROGRESS REPORTS

The following conditions shall apply to the compliance schedule required by section 4.301(B)(7) of this Ordinance:

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

- B. No increment referred to above shall exceed nine (9) months;
- C. The user shall submit a progress report to the General Manager no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- D. In no event shall more than nine (9) months elapse between such progress reports to the General Manager.

4.303 REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the District's collection system, any user subject to such pretreatment standards and requirements shall submit to the General Manager a report containing the information described in Section 4.301(B)(4-6) of this Ordinance. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 4.106 of this Ordinance.

#### 4.304 PERIODIC COMPLIANCE REPORTS

- A. If a permitted user monitors any pollutant using the procedures prescribed in Section 4.310 of this Ordinance, the results of this monitoring shall, at a frequency determined by the General Manager but in no case less than twice per year (in June and December), be reported. The report shall indicate the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All such reports must be signed and certified in accordance with Section 4.106 of this Ordinance.
- B. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

#### 4.305 REPORTS OF CHANGED CONDITIONS

Each user must notify the General Manager of any planned significant changes to the user's operations or system which might alter the nature, classification from non-categorical to categorical, quality, or volume of its wastewater at least thirty (30) days before change is made.

- A. The General Manager may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a Waste Discharge Application under Section 4.105 of this Ordinance.
- B. The General Manager may issue a Waste Discharge Permit under Section 4.107 of this Ordinance or modify an existing Waste Discharge Permit under Section 4.204 of this Ordinance in response to changed conditions or anticipated changed conditions.
- C. For the purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

#### 4.306 REPORTS OF A DISCHARGE OF HAZARDOUS WASTE

Any industrial user shall give notice of the discharge of hazardous waste, as defined in 40 CFR Part 261, and in accordance with the pretreatment requirements in 40 CFR Part 403.12(p).

#### 4.307 REPORTS OF POTENTIAL PROBLEMS

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

#### 4.308 REPORTS FROM UNPERMITTED USERS

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

#### 4.309 REPORTS OF SAMPLING VIOLATIONS/REPEAT SAMPLING

If sampling performed by a user indicates a violation, the user must notify the General Manager within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the General Manager within thirty (30) days after becoming aware of the violation. The user is required to resample even if the District monitors at the user's facility at least once a month, or if the District samples between the user's initial sampling and when the user receives the results of this sampling.

#### 4.310 ANALYTICAL REQUIREMENTS

All pollutant analyses, including sampling techniques, to be submitted as part of a waste discharge application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analysis must be performed in accordance with procedures approved by US EPA.

#### 4.311 SAMPLE COLLECTION

Except as indicated in Section B, below, the user must collect wastewater samples

using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the General Manager may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

B. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

#### 4.312 TIMING

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

#### 4.313 RECORD KEEPING

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

## **Enforcement**

### 5.100 NON-COMPLIANCE MONITORING PROCEDURES AND APPLICABLE FEES

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

1. If analysis of any sample obtained by the District or by a user shows non-compliance with the applicable wastewater discharge limits set forth in the Ordinance or in the permittee's discharge permit, the District may impose self-monitoring requirements on the permittee or user.
2. A user shall perform required self-monitoring of constituents in a frequency, at the specific location, and in a manner directed by the District.
3. All analyses of self-monitoring samples shall be performed by an independent laboratory acceptable to the District and submitted to the District in a form and at a frequency determined by the District.
4. All self-monitoring costs shall be borne by the user.
5. Nothing in this section shall be deemed to limit the authority of the District to impose self-monitoring as a permit condition.

#### B. Noncompliance Sampling Fees

1. If analysis of any sample of a user's discharge obtained by the District shows a violation by the user of the mass emission rates or concentration limits specified in the user's discharge permit or in this Ordinance, then the user shall be subject to noncompliance sampling fees pursuant to fee schedules adopted and set forth in the ***Customer Guide-Rates and Charges***.
2. The fees specified in subsection 5.100(B)(1) herein shall be imposed for each date on which the District conducts sampling as a result of a violation by a user.

#### C. Noncompliance Inspection Fees

1. Each user is subject to routine inspection. When non-compliance with any of the provisions of this Ordinance is determined, a follow-up inspection may be required. Each user shall receive one follow-up

inspection to verify compliance for each routine inspection without being subject to noncompliance inspection fees.

2. When it becomes necessary to perform additional inspections in order to determine compliance with the provisions of this Ordinance, then the user shall pay noncompliance inspection fees to the District pursuant to fee schedules adopted and set forth in the ***Customer Guide-Rates and Charges***.
3. The fees specified in subsection 5.100(C)(2) herein shall be imposed for each date (excluding one follow-up inspection) on which the District conducts an inspection as a result of a violation by a user.

#### 5.200 ELECTION OF ENFORCEMENT REMEDIES

The General Manager, upon finding a violation, may employ any of the remedies set forth in this article, subject to due consideration of the following:

- A. The magnitude of the violation;
- B. The duration of the violation;
- C. The effect of the violation on RWRF compliance with Discharge Order;
- D. The effect of the violation on the operation of the RWRF;
- E. The compliance history of the user; and
- F. The good faith of the user.

#### 5.300 NOTICE OF VIOLATION

- A. Upon finding a violation, the General Manager may issue a notice of violation. Within ten (10) working days of the delivery of this notice, the user shall respond to the Source Control Division with either an objection contesting the finding, or an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required action. Said response in no way relieves the user of liability for any violations occurring before or after the receipt of the notice of violation.
- B. Upon receipt of an objection contesting a finding of violation, the Division Head will schedule a hearing within ten working days at which the user may present information supporting the objection. Within five working days of the hearing, the Division Head shall determine the validity of the objection, either rescinding the notice of violation or denying the objection, thereby requiring

submission of the plan. The user may appeal the Division Head's determination as set forth in Article 5.1000.

#### 5.400 ADMINISTRATIVE ORDERS

Administrative Orders include, but are not limited to, Consent Orders, Show Cause Orders, Cease and Desist Orders, and Compliance Orders.

#### 5.401 CONSENT ORDERS

The General Manager may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 5.403 of this Ordinance and shall be judicially enforceable.

#### 5.402 SHOW CAUSE ORDERS

- A. The General Manager may order a user which has been given a notice of violation and which has failed to submit an acceptable plan of corrective action or which, having submitted such a plan, fails to follow through with execution of the plan, to appear at a hearing scheduled by the General Manager to show cause why the enforcement action proposed in the Show Cause Order should not be taken.
- B. The Show Cause Order shall specify the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the user show why the proposed enforcement action should not be taken. The Show Cause Order shall be served personally or by registered or certified mail (return receipt requested) at least fifteen (15) days prior to the hearing. The Order may be served on any authorized representative of the user. A show cause order shall not be a bar against, or prerequisite for, taking any other action against the user.
- C. At the conclusion of the show cause hearing, the General Manager may: rescind previous enforcement action; issue an appropriate Administrative Order (Consent Order, Compliance Order, or Cease and Desist Order), including assessment of fines; initiate control mechanism revocation proceedings or termination of sewer services; or direct the remission of the file to Counsel for legal action.



#### 5.403 COMPLIANCE ORDERS

- A. When the General Manager finds a violation, he may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated.
- B. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standards or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation.
- C. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

#### 5.500 ADMINISTRATIVE FINES

- A. When, subsequent to a Show Cause hearing, the General Manager finds a violation, he may fine the user in an amount not to exceed \$5,000.00 per violation per day of discharge in violation of any control mechanism or order issued hereunder, or any other pretreatment standards or requirement.
- B. The user may be responsible for the District's costs of preparing administrative enforcement actions, such as notices and orders.
- C. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of five percent (5%) of the unpaid balance, and interest shall accrue thereafter at a rate of one and one half percent (1.5%) per month. A lien against the user's property will be sought for unpaid charges, fines, and penalties.
- D. Users desiring to dispute an administrative fine must file a written request for the General Manager to reconsider the fine along with full payment of the fine amount within thirty (30) days of the user's receipt of notice of the fine. Assessment of fines may be appealed pursuant to Article 5.1000. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user.
- E. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

## 5.600 EMERGENCY SUSPENSIONS

- A. The General Manager may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons.
- B. The General Manager may also immediately suspend a users discharge, after notice and opportunity to respond, that threatens to interfere with the operation of a Regional Water Reclamation Facility, or which presents, or may present, an endangerment to the environment.
- C.
  - 1. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the General Manager may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the District's collection system, the District's RWRF, the receiving stream, or endangerment to any individuals. The General Manager may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the General Manager that the period of endangerment has passed, unless the termination proceedings in Section 5.700 of this Ordinance are initiated against the user.
  - 2. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the General Manager prior to the date of any show cause or termination hearing under Sections 5.402 or 5.700 of this Ordinance.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension.

## 5.700 TERMINATION OF DISCHARGE

In addition to the provisions in Section 4.206 of this Ordinance, any user who violates the following conditions is subject to discharge termination:

- A. Violation of Waste Discharge Permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;

- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the pretreatment standards in Article 3 of this Ordinance.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 5.402 of this Ordinance why the proposed action should not be taken. Exercise of this option by the District shall not be a bar to, or a prerequisite for, taking any other action against the user.

#### 5.800 PUBLISHED NOTICES FOR SIGNIFICANT NONCOMPLIANCE

In accordance with Federal Regulations, the District shall annually cause to be published the names of all users in significant non-compliance. Said publication shall be made in the newspaper of the largest daily circulation published in the District's service area.

#### 5.900 JUDICIAL ENFORCEMENT REMEDIES

In certain circumstances, judicial enforcement may be appropriate. Such remedies may include, but are not limited to, injunctive relief, civil penalties, and criminal prosecution.

##### 5.901 INJUNCTIVE RELIEF

When the General Manager finds a violation, the District may petition the Superior Court for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the control mechanism, order, or other requirement imposed by this Ordinance on activities of the user. The District may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation.

A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against the user.

##### 5.902 CIVIL PENALTIES

###### A. Authority

All users of the District's system and facilities are subject to administrative or judicial enforcement actions by the District, U.S. EPA, State of California Regional Water Quality Control Board, or the County of Riverside District Attorney. Said actions may be taken pursuant to the authority and provisions of several laws, including but not limited to: (l) Federal Water Pollution Control

Act, commonly known as the Clean Water Act (33 U.S.C.A. Section 1251 et seq.); (2) California Porter-Cologne Water Quality Act (California Water Code Section 13000 et seq.); (3) California Hazardous Waste Control Law (California Health & Safety Code Sections 25100 to 25250); (4) Resource Conservation and Recovery Act of 1976 (42 U.S.C.A. Section 6901 et seq.); and (5) California Government Code, Sections 54739-54740.

B. Recovery of Fines or Penalties

When the District must pay fines or penalties imposed by other regulatory or enforcement agencies based, and the District can establish said violation was the result of the discharge of any user, which discharge was in violation, as defined in this Ordinance, the District shall be entitled to recover from the user all costs and expenses, including, but not limited to, the full amount of said fines or penalties.

C. Ordinance

Pursuant to the authority of California Government Code Sections 54739-54740, any person who violates any provision of this Ordinance, any permit condition, prohibition or effluent limit, or any suspension or revocation order, shall be liable civilly for a sum not to exceed \$25,000.00 per violation for each day in which such violation occurs. Pursuant to the authority of the Clean Water Act, 33 U.S.C. Section 1251 et seq., any person who violates any provision of this Ordinance, or any permit condition, prohibition, or effluent limit shall be liable civilly for a sum not to exceed \$25,000.00 per violation for each day in which such violation occurs. The District shall petition the Superior Court to impose, assess, and recover such penalties, or such penalties as the District may impose, assess, and recover pursuant to Federal and/or State law.

D. Administrative Civil Penalties

1. Pursuant to the authority of California Government Code Sections 54740.5 and 54740.6, the District may issue an administrative complaint against any person who violates:
  - a. any provision of this Ordinance;
  - b. any permit condition, prohibition, or effluent limit; or
  - d. any suspension or revocation order.
2. The administrative complaint shall be served by personal delivery or

certified mail, and shall specify a date and time for a hearing, which will be held within sixty (60) days following service. The administrative complaint will allege the act or failure to act that constitutes the violation of the District's requirements, the provisions of law authorizing civil liability to be imposed, and the proposed civil penalty. The matter shall be heard by a hearing officer designated by the Board of Directors. The person against whom an administrative complaint has been issued may waive the right to a hearing.

3. At the hearing, the person shall have an opportunity to respond to the allegations set forth in the administrative complaint by presenting written or oral evidence.
4. After the hearing, the hearing officer shall deliver a written report to the General Manager, setting forth findings of fact, conclusions and a recommendation. Upon receipt of the written report, the General Manager shall issue his decision and order in writing within thirty (30) calendar days after the hearing. The decision and order shall be served by personal delivery or certified mail.
5. In determining the amount of civil penalties, the General Manager may take into consideration all relevant circumstances, including but not limited to the extent of harm caused by the violation, the economic benefit derived through any noncompliance, the nature and persistence of the violation, the length of time over which the violation occurs, and corrective action, if any, attempted or taken by the person involved.
6. Civil penalties may be assessed as follows:
  - a. In an amount which shall not exceed \$2,000.00 for each day for failing or refusing to furnish technical or monitoring reports;
  - b. In an amount which shall not exceed \$3,000.00 for each day for failing or refusing to timely comply with any compliance schedules established by the District;
  - c. In an amount which shall not exceed \$5,000.00 per violation for each day of discharge in violation of any waste discharge limit, permit condition, or requirement issued, reissued, or adopted by the District;
  - d. In any amount which does not exceed \$10.00 per gallon for discharges in violation of any suspension, revocation, cease and desist order or other orders, or prohibition issued, reissued, or adopted by the District;

7. The General Manager's order assessing administrative civil penalties shall be final on the 31st day after it is served on the person unless an appeal and request for hearing is filed with the Board of Directors before the 31st day. Copies of the administrative order shall be served on the party served with the administrative complaint, either by personal service or by registered mail, and a copy forwarded to other persons who appeared at the hearing and requested a copy.
  8. The General Manager's decision and order is subject to appeal to the Board of Directors pursuant to Section 5.1100. Any person aggrieved by a final order issued by the Board of Directors may obtain review of the order of the Board of Directors in the superior court, pursuant to Government Code Section 54740.6, by filing a petition for writ of mandate within 30 days following service of the Board's decision or order.
  9. Payment of any order setting administrative civil penalties shall be made within thirty (30) days of the date the order becomes final. The amount of any administrative civil penalties imposed which have remained delinquent for a period of sixty (60) days shall constitute a lien against the real property of the discharger from which the discharge resulting in the imposition of the civil penalty originated. The lien shall have no effect until recorded with the county recorder. The District may record the lien for any unpaid administrative civil penalties on the 91st day following the date the order becomes final.
  10. No administrative civil penalties shall be recoverable under Section 5.902(D) for any violation for which the District has recovered civil penalties through a judicial proceeding filed pursuant to Government Code Section 54740.
- E. Filing a suit for civil penalties shall not be a bar to, or a prerequisite for, taking any other action against a user.

### 5.903 CRIMINAL PROSECUTION

A user who willfully or negligently violates any provision of this Ordinance, a control mechanism, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed \$25,000.00. Each violation and each day in which a violation occurs may constitute a new and separate violation of this Ordinance and shall be subject to the penalties contained herein.

### 5.100 APPEALS TO GENERAL MANAGER

#### A. General

Any user or applicant affected by any decision, action or determination may file with the General Manager a written request for an appeal hearing. The District must receive the request within thirty (30) days of mailing of notice of the decision, action, or determination to the user or applicant. The request for hearing shall set forth in detail all facts supporting the request.

B. Notice

The General Manager shall, within fifteen (15) days of receiving the request for appeal, designate a Hearing Officer who will hear the appeal and provide written notice to the user or applicant of the hearing date, time and place. The hearing date shall not be more than thirty (30) days from the mailing of such notice by certified mail, unless a later date is agreed to by the user or applicant. If the hearing is not held at the agreed time due to actions or inactions of the user or applicant, then the decision shall be deemed final.

C. Hearing

At the hearing, the user or applicant shall have the opportunity to present information supporting its position concerning the decision, action or determination.

D. Written Determination

After the hearing, the Hearing Officer shall deliver a written report to the General Manager setting forth findings of fact, conclusions, and a recommendation whether to uphold, modify or reverse the original decision, action or determination. Upon receipt of the written report, the General Manager shall issue his decision and order within thirty (30) calendar days of the hearing. The written decision and order of the General Manager shall be sent by certified mail. The order of the General Manager shall be final on the 16th day after it is mailed, unless a request for hearing is filed with the Board of Directors pursuant to Section 5.1100, no later than 5:00 p.m. on the 15th day following such mailing.

5.110 APPEALS TO THE BOARD OF DIRECTORS

A. General

1. Any user or applicant may appeal a decision, action, or determination made by the General Manager prior to the date that the General Manager's order becomes final, by filing a written request for hearing with the Board of Directors accompanied by an appeal fee of \$100.00. The request for hearing shall set forth in detail all the issues in dispute and all facts supporting the request.

2. No later than sixty (60) days after receipt of the request for hearing, the Board of Directors shall either set the matter for a hearing, or deny the request for a hearing.
3. A hearing shall be held by the Board of Directors within sixtyfive (65) days of the date the request for a hearing was granted, unless a later date is agreed to by the user or applicant and the Board of Directors. If the matter is not heard within the required time, due to actions or inactions of the user or applicant, the General Manager's order shall be final.

B. Granting Request for Hearing

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

C. Appeal Fee Refund

The appeal fee shall be refunded if the Board of Directors denies a hearing.

D. Written Determination

1. After the hearing, the Board of Directors shall make a determination whether to uphold, modify, or reverse the decision, action, or determination made by the General Manager.
2. The Board's decision shall be set forth in writing and shall contain findings of fact and conclusions. The written decision and order of the Board of Directors shall be sent by certified mail within 65 days after the close of the hearing. The order of the Board of Directors shall be final upon its adoption.

5.120 APPEAL OF CHARGES AND FEES

- A. Any user or applicant may request reconsideration of the imposition and collection of fees or charges, such as connection charges, sewer use charges, and waste hauler fees,. Following review of such a request, the District shall notify the user or applicant by certified mail of the District's decision on the reconsideration request within thirty (30) days of the District's receipt of the request.. Any user or applicant may file an appeal which shall be heard by the Board of Directors. The notice of appeal must be received by the District within thirty (30) days of the mailing of the District's decision on the reconsideration request.



- A. Notwithstanding the foregoing, appeals of non-compliance sampling fees shall be made pursuant to the appeal procedure set forth in Sections 5.1000 and 5.1100.

5.130 PAYMENT OF CHARGES

- A. Except as otherwise provided, all fees, charges and penalties established by this Ordinance or by resolution are due and payable upon notice thereof. All such amounts are delinquent if unpaid thirty (30) days after date of invoice.
- B. Any charge that becomes delinquent shall have added to it a penalty in accordance with the following:
  - 1. 31 days after date of invoice, a basic penalty of 5% of the base invoice amount, not to exceed a maximum of \$1,000.00; and
  - 2. Interest at a rate of 1.5% per month of the sum of base invoice amount and basic penalty shall accrue from and after the 31st day after date of invoice.
- C. Any invoice outstanding and unpaid after sixty (60) days shall be cause for immediate initiation of permit revocation proceedings or immediate suspension of the permit.
- D. Penalties charged under this section shall not accrue to those invoices successfully appealed.

5.140 REMEDIES NONEXCLUSIVE

The remedies provided for in this Ordinance are not exclusive. The General Manager may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will be in accordance with the Districts Enforcement Response Plan. However, the General Manager may take other action against any user when the circumstances warrant. Further, the General Manager is empowered to take more than one enforcement action against any noncompliant user.

5.150 COLLECTION OF DELINQUENT ACCOUNTS

Collection of delinquent accounts shall be in accordance with the District's policy resolution establishing procedures for collection of delinquent obligations owed to the District, as amended from time to time by the Board of Directors. Any such action for collection may include an application for an injunction to prevent repeated and recurring violations of this Ordinance.

5.160 RECOVERY COSTS INCURRED BY DISTRICT

In the event a user fails to comply with any of the terms and conditions of the District's Ordinance, an administrative order, a permit suspension or revocation, a Consent Order, or a permit issued hereunder, the District shall be entitled to reasonable attorney's fees and costs which may be incurred in order to enforce any of said terms and conditions with or without filing proceedings in court.

5.170 FINANCIAL SECURITY/AMENDMENTS TO PERMIT

A. Compliance Deposit

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

B. Delinquent Accounts

The District shall review and examine user's account to determine whether previously incurred fees and charges have been paid in accordance with time requirements prescribed by this Ordinance. The District may thereafter issue an amendment to the user's control mechanism in accordance with the provisions of Article 4 and Section 5.1700 E. of this Ordinance.

C. Bankruptcy

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

D. Permit Amendments

The District shall review and examine user's account to determine whether previously incurred fees and charges have been paid in accordance with time requirements prescribed by this Ordinance. The District may thereafter issue an amendment to the user's permit in accordance with the provisions of Article 4 and Section 5.1700 E. of this Ordinance.

E. Security

An amendment to a control mechanism issued pursuant to Sections 5.401,

5.402, and 5.403, may be conditioned upon the user depositing financial security in an amount equal to the average total fees and charges for three (3) calendar months during the preceding year. Said deposit shall be used to guarantee payment of all fees and charges incurred for future services and facilities furnished by District and shall not be used by the District to recover outstanding fees and charges incurred prior to the user filing and receiving protection from creditors in the United States Bankruptcy Court.

F. Return of Security

In the event the user makes payment in full within the time prescribed by this Ordinance of all fees and charges incurred over a period of two (2) years following the issuance of an amendment to the control mechanism pursuant to Sections 5.1700 (B), (C), (D), the District shall either return the security deposit posted by the user or credit their account.

G. Water Supply Severance

Water service to the user may be severed for any violation. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

5.180 JUDICIAL REVIEW

A. Purpose and Effect

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

B. Definitions

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

1. Decision shall mean and include adjudicatory administrative decisions that are made after hearing, or after revoking, suspending, or denying an application for a permit or a license.
2. Complete Record shall mean and include the transcript, if any, of the proceedings, all pleadings, all notices and orders, any proposed decision by the General Manager, the final decision, all admitted exhibits, all rejected exhibits in the possession of the District or its offices or agents, all written evidence, and any other papers in the

case.

2. Party shall mean a person whose permit or service has been denied, suspended, or revoked.

C. Time Limit for Judicial Review

Judicial review of any decision of the District or its officer or agent may be made pursuant to Section 1094.5 of the Code of Civil Procedure only if the petition for writ of mandate is filed not later than the 90th day following the date on which the decision becomes final. If there is no provision for reconsideration in the procedures governing the proceedings or if the date is not otherwise specified, the decision is final on the date it is made. If there is provision for reconsideration, the decision is final upon the expiration of the period during which reconsideration can be sought; provided that if reconsideration is sought pursuant to such provision the decision is final for the purpose of this section on the date that reconsideration is rejected.

D. Preparation of the Record

The petitioner may request, in writing, the complete record of the proceedings. The record shall be prepared by the District officer or agent who made the decision and shall be delivered to the petitioner within 90 days after filing the written request. The District may recover from the petitioner its actual costs for transcribing or preparing the record.

E. Extension

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

F. Notice

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

G. Administrative Civil Penalties

Notwithstanding the foregoing in Section 5.1700, and pursuant to Government Code Section 54740.6, judicial review of an order of the Board of Directors imposing administrative civil penalties pursuant to Section

5.902(D) may be made only if the petition for writ of mandate is filed not later than the 30th day following the day on which the order of the Board of Directors becomes final.

## ARTICLE 6

### Severability

#### 6.100 SEVERABILITY

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

## ARTICLE 7

### Repeal

#### 7.100 REPEAL

The Ordinance No. 99-3-1 is hereby repealed on the effective date hereof and all Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with the provisions of this Ordinance.

## ARTICLE 8

### Effective Date

#### 8.100 EFFECTIVE DATE

The effective date of this Ordinance shall be July 1, 2002.