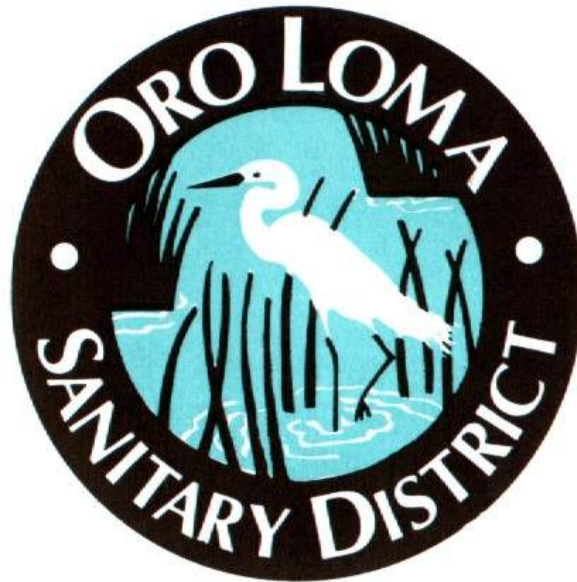


**Oro Loma Sanitary District**

# **Ordinance No. 39-10**

**AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, REGULATING THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, PROVIDING FOR WASTEWATER DISCHARGE PERMITS AND FIXING PERMIT AND MONITORING FEES, AND PROVIDING FOR LIABILITIES AND PENALTIES FOR THE VIOLATION OF THE PROVISIONS THEREOF**





# Ordinance No. 39-10

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The Sanitary Board of the Oro Loma Sanitary District, Alameda County, California, does ordain as follows:

### **Article I** **GENERAL PROVISIONS**

#### **1.1 Purpose and Policy**

The purpose of this Ordinance is to set forth uniform requirements for direct and indirect contributors into the District wastewater system and to enable the District to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 and of 1986 and the General Pretreatment Regulations (40 CFR, Part 403).

The objectives of this Ordinance are:

- (a) To comply with the laws of the State of California and of the United States relating to the protection of the environment, control of water pollution, disposal of hazardous wastes and pretreatment of industrial discharges to publicly owned treatment works;
- (b) To prevent the introduction of pollutants into the District wastewater system which will interfere with the operation of the system or other District operations or contaminate the resulting sludge;
- (c) To prevent the introduction of pollutants into the District wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system's overall operations;
- (d) To prevent the introduction of pollutants into the system which may affect the District's ability to dispose of its sludge or other residuals
- (e) To improve the opportunity to recycle and reclaim wastewater and sludge from the system;
- (f) To prevent the introduction of wastes that may be inadequately treated by District wastewater system and may adversely affect the environment or may cause a violation of the District's NPDES permit or may contribute to the need for modification of the District's NPDES permit;

- (g) To protect District personnel while conducting activities related to the collection, treatment and disposal of wastes through the District wastewater system;
- (h) To prevent a public hazard or public nuisance arising from the collection, treatment and disposal of wastes through the District wastewater system;
- (i) To prevent the introduction of wastes to sewers connected to the District wastewater system that could result in the District being classified as a hazardous waste treatment, storage or disposal facility under the laws of the State of California or the United States; and
- (j) To provide for equitable distribution of the cost of the District wastewater system.
- (k) To implement the provisions of Chapter 1191 of the California Statutes of 1991.

This Ordinance provides for the regulation of direct and indirect contributors to the District wastewater system through the issuance of permits to certain users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This Ordinance shall apply to all users of the District wastewater system, including persons who are, by contract or agreement with the District, users of the District wastewater system. Except as otherwise provided herein, the General Manager of the District shall administer, implement, and enforce the provisions of this Ordinance.

## 1.2 Definitions

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

- (a) **Act or “the Act”.** The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.
- (b) **Amalgam:** An alloy containing mercury, tin, silver, or copper that is used in dentistry to Restore teeth.
- (c) **Amalgam Separator:** A device that applies filtration, settlement, centrifugation, or ion exchange to remove amalgam and its metal constituents from a dental office vacuum system before it discharges to the sewer.
- (d) **Amalgam Waste:** Includes non-contact amalgam (amalgam scrap that has not been in contact with the patient); contact amalgam (including, but not limited to, extracted teeth containing amalgam); amalgam sludge captured by chair-side traps, vacuum pump filters, screens and other amalgam trapping devices; used amalgam capsules; and leaking or unusable amalgam capsules.
- (e) **Authorized Representative of Industrial User.** An authorized representative of an Industrial user may be: (1) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation; (2) A general partner or proprietor if the industrial user is a

partnership or proprietorship, respectively; (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the discharge originates and if such representative is identified in writing by the individual designated in (1) or (2) above.

- (f) **Best Management Practices or BMPs:** Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage and leaks, sludge or waste disposal, or draining from raw materials.
- (g) **Biochemical Oxygen Demand (BOD).** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20 degrees centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).
- (h) **Building Sewer.** A sewer conveying wastewater from the premises of a user to the District wastewater system.
- (i) **Categorical Pretreatment Standard or Categorical Standard.** Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- (j) **Categorical Industrial User.** An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.
- (k) **Collection System.** The District pipelines, pump stations, manholes and other similar facilities which accept, collect and convey sanitary sewage to the treatment plant.
- (l) **Composite Sample.** A combination of individual samples of water or wastewater taken at preselected intervals to minimize the effect of the variability of the individual sample. Individual subsamples may be of equal volume or may be proportional of the flow at the time of sampling.
- (m) **Consistent Compliance.** Is 100% compliance or a compliance status in a quarterly period in which one minor violation occurs over a short duration and is corrected within 24 hours of IU notification.
- (n) **Cooling Water.** The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
- (o) **District.** The Oro Loma Sanitary District; its governing body is the Sanitary Board (the "Board").
- (p) **District Wastewater System.** All of the District's system for collecting, conveying and treatment of wastewater including but not limited to the collection system and treatment plant.
- (q) **Domestic Wastewater.** Domestic wastewater shall mean the liquid solid and water-carried waste derived from ordinary living processes of humans of such character as to permit

satisfactory disposal, without special treatment, into the public sewer by means of a private conveyance system. The strength shall be considered to have no more than 300 milligrams per liter (mg/l) BOD and suspended solids.

- (r) **Environmental Protection Agency, or EPA.** The U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of said agency.
- (s) **Flashpoint.** The minimum temperature at which vapor combustion will propagate away from its source of ignition.
- (t) **Grab Sample.** A sample taken at a given place and time. It is only representative of the conditions occurring at the time of sampling.
- (u) **General Manager.** The General Manager of the District or his/her duly authorized representative.
- (v) **Hazardous Pollutants.** Any constituent or combination of constituents that is classified as hazardous under state or federal regulations or is included on the federal list of toxic pollutants as specified in CFR Title 40 Part 403.
- (w) **Holding Tank Waste.** Any waste from holding tanks such as vessels, chemical toilets, campers, trailers and vacuum-pump tank trucks.
- (x) **Inconsistent Compliance.** Is a compliance status in a quarterly period in which more than one minor violation occurs or if a violation is not corrected within 24 hours but still is not significant non-compliance.
- (y) **Industrial User.** Any contributor of industrial waste or wastewater.
- (z) **Industrial Waste or Wastewater.** All water-carried wastes and wastewater of the community, excluding domestic wastewater derived from any producing, manufacturing, processing, institutional, commercial, agricultural, or other operation. Industrial wastewater may also include wastes of human origin similar to domestic wastewater which have been mixed with industrial wastes or wastewater prior to discharge to the District wastewater system.
- (aa) **Interceptor.** A precast or cast-in-place concrete containment device designed to intercept, trap or otherwise prevent grease, sand, flammable liquids or other substances potentially harmful to the District wastewater system from entering said system.
- (ab) **Interference.** An act that harms or disrupts the District wastewater system, processes, or operation; or has an adverse affect on the quality of the effluent, sludge, air emissions, or other residuals generated by the District wastewater system; or has an adverse affect on the receiving waters; or is likely to endanger life, health, or property or otherwise cause a nuisance; or results in violation of the District's NPDES permit or other permits; or, in the opinion of the District otherwise adversely affects the District's ability to meet the objectives of this Ordinance.

- (ac) **Intermediate User.** An industrial user or non-residential user of the District's wastewater disposal system whose wastewater discharge does not fall within the requirements for a significant industrial user, yet requires sampling and/or monitoring for calculating sewer service charges and to verify compliance with the Ordinance and permit conditions.
- (ad) **Lower Explosive Limit (LEL).** The point where the concentration of a gas-in-air is sufficiently large to result in an explosion if an ignition source is present.
- (ae) **Medical Waste.** Any waste, liquid or solid, generated by a medical care facility which may pose a health and/or safety threat to District personnel.
- (af) **Minor User.** An industrial or non-residential user of the District's wastewater disposal system whose sewer service charge is calculated on a volume basis and/or wastewater discharge monitoring is conducted to verify compliance with the Ordinance and permit conditions.
- (ag) **National Pollution Discharge Elimination System or NPDES Permit.** A permit issued pursuant to section 402 of the Act (33 U.S.C. 1342).
- (ah) **National Categorical Pretreatment Standard or Federal Categorical Pretreatment Standard, or Pretreatment Standard.** Any regulation containing pollutant discharge limits or Best Management Practices promulgated by the EPA in accordance with 40 CFR Subchapter N, Parts 401-471 and Section 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to a specific category of industrial user.
- (ai) **New Source.** Any building, structure, facility or installation from which there is or may be a Discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that sections, provided that:
  - (i) The building, structure, facility or installation is constructed at a site at which no other source is located; or
  - (ii) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - (iii) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site.  
Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
    - (1) Begun, or caused to begin as part of a continuous on-site construction program:
      - (A) Any placement, assembly, or installation of facilities or equipment, or
      - (B) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operations within a reasonable time.

- (aj) **Pass Through.** A discharge which exits the District's wastewater system into the waters of the State in quantities or in concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of violation of any requirement of the District's NPDES permit including an increase in the magnitude or duration of a violation.
- (ak) **Person.** Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
- (al) **pH.** The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
- (am) **Phenolic Compounds.** (Also referred to as Phenols.) Phenols are defined as hydroxy derivatives of benzene and its condensed nuclei.
- (an) **Pollutant.** Includes sewage or any characteristic of sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation or of human or animal origin, or from any commercial producing, manufacturing, or processing operation of whatever nature.
- (ao) **Pollution.** An alteration of the quality of the waters of the State by waste to a degree which unreasonably affects (1) such waters for beneficial use, or (2) facilities which serve such beneficial users or which creates a hazard to the public health.
- (ap) **Pretreatment or Treatment.** The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the District wastewater system. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 CFR Section 403.6(d).
- (aq) **Pretreatment Standard.** Any regulation of the District, state or EPA containing pollutant discharge limits or other procedural or substantive requirements of the user.
- (ar) **Significant Industrial User.** Any Industrial user of the District's wastewater disposal system who (1) has a discharge flow of 25,000 gallons or more of process wastewater per average work day, or (2) has a flow greater than 5% of the flow in the District's wastewater treatment plant, (3) is a categorical industry subject to categorical Pretreatment Standards, or (4) has in its wastes toxic pollutants in toxic amounts as defined in the standards issued under Section 307 of the Act, or is found by the District to have significant impact, either singly or in combination with other contributing industries, on the District wastewater system, the quality of District sludge, the system's effluent quality, or air emissions generated by the system.

(as) **Significant Non-Compliance.** Violation of any one or more of the following:

- (1) Chronic violations: those violations in which 66% or more of all the measurements taken during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(1) of the same pollutant parameter.
- (2) Technical Review Criteria (TRC) violations: those violations in which 33% or more of measurements for each pollutant parameter taken for each pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(1) multiplied by the applicable TRC value (TRC = 1.4 BOD, TSS, fats, oil and grease and 1.2 for all other pollutants except pH).
- (3) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(1) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the District determines has caused, alone or in combination with other discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public).
- (4) A discharge of imminent endangerment to human health, welfare, or the environment, or which has resulted in the POTW's exercise to use its emergency authorities under 40 CFR 403.8 (f) (1) (vi) (B) of this section to halt or prevent such a discharge.
- (5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction or attaining final compliance.
- (6) Failure to provide within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance schedules.
- (7) Failure to accurately report noncompliance.
- (8) Any other violation or group violations, which may include a violation of Best Management Practices (BMPs), which the District determines will adversely affect the operation or implementation of the local pretreatment program.

(at) **Slug Discharge.** A discharge capable of causing adverse impacts to the District, its workers, or the environment, or any pollutant including an oxygen-demanding pollutant released in a discharge at a flow rate and/or pollutant concentration which may cause interference with the operation of the District's wastewater system. No case shall have a flow rate or contain concentrations or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes or more than five times the average twenty-four (24) hour concentration, quantity or flow during normal operations. A slug discharge may be, but is not limited to, either a batch discharge or accidental spill. Batch discharges are intentional, controllable discharges that occur periodically within an industrial user's process (typically the result of a non-continuous process). Accidental spills are unintentional, largely uncontrolled discharges that may result from leaks or spills or storage containers or manufacturing processes in an area with access to floor drains.

- (au) **Standard Industrial Classification (SIC).** A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget.
- (av) **State.** State of California.
- (aw) **Storm Water.** Any flow occurring during or following any form of natural precipitation and resulting therefrom.
- (ax) **Suspended Solids.** The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.
- (ay) **Total Toxic Organics (TTO).** The TTO is defined as the sum of the masses or concentrations of specific toxic organic compounds found in the industrial user's process discharge at a concentration greater than 0.01 mg/l. Each Categorical Standard lists the specific toxic organic compounds that are to be included in the summation to define TTO for the category.
- (az) **Toxic Pollutant.** Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of Section 307(a) of the Act, or other State or Federal laws.
- (ba) **Trap.** A cast iron or stainless steel containment device used for trapping substances and to prevent grease, sand or flammable liquids from entering the District wastewater system.
- (bb) **Upset.** An exceptional incident in which there is unintentional and temporary noncompliance with discharge permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (bc) **Treatment Plant.** The facility owned by the District that is designed to provide treatment to wastewater.
- (bd) **User.** Any person who contributes or causes the contribution of wastewater into District wastewater system.
- (be) **Wastewater.** The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any ground water, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the District's wastewater system.
- (bf) **Wastewater Discharge Permit.** A permit issued under Section 4.2 of this Ordinance.
- (bg) **Waters of the State.** All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

### 1.3 Abbreviations

The following abbreviations shall have the designated meanings:

BMPs	Best Management Practices
BOD	Biochemical Oxygen Demand
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
EPA	Environmental Protection Agency
LEL	Lower Explosive Limit
L	Liter
mg	Milligrams
mg/l	Milligrams per Liter
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly Owned Treatment Works
SIC	Standard Industrial Classification
TTO	Total Toxic Organics
TRC	Technical Review Criteria
TSS	Total Suspended Solids
USC	United States Code

## **Article II**

### **REGULATIONS**

#### **2.1 General Discharge Prohibitions**

No user shall contribute or cause to be contributed to the District wastewater system, any Pollutant or Wastewater which will interfere with the operation or performance of the system. These general prohibitions apply to all users of the District's wastewater system whether or not the user is subject to national pretreatment standards or any other pretreatment standards. A user may not contribute the following substances to the District's wastewater system:

- (a) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the District's wastewater system or personnel or to the operation of the District's wastewater system. At no time shall two successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, and any wastestream with a closed cup flashpoint of less than 140 Degrees F (60 Degrees C).
- (b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the treatment plant such as, but not limited to: sharps (any type and form of needles), pharmaceutical medications, grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues from refining, or processing of fuel or lubrication oil, mud, or glass grinding or polishing wastes, petroleum oil, non-biodegradable cutting oil, or products of mineral origin in amounts that cause interference or pass through.
- (c) Any wastewater having a pH less than 5.5, or greater than 12.5, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the District.
- (d) Any wastewater containing toxic pollutant in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the Treatment Plant, or to exceed the limitation set forth in a Categorical Standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act.
- (e) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other pollutants are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

- (f) Any substance which may cause the Treatment Plant's effluent or any other product of the Treatment Plant such as residues, sludges, or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the District wastewater system cause the treatment plant to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act, or any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
- (g) Any substance which will cause the District to violate its NPDES Permit or the receiving water quality standards.
- (h) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (i) Any wastewater having a temperature which will inhibit biological activity in the Treatment Plant resulting in interference, but in no case, wastewater with a temperature at the introduction into the treatment plant which exceeds 40 degrees centigrade (104 degrees Fahrenheit) with a temperature at the point of discharge to the collection system which exceeds 65 degrees centigrade (150 degrees Fahrenheit).
- (j) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the operation of the treatment plant. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.
- (k) Any wastewater containing any radioactive wastes or isotopes.
- (l) Any wastewater which causes a hazard to human life or creates a public nuisance.
- (m) Any storm water, ground water, rain water, street drainage, subsurface drainage, yard drainage, swimming pool or spa diatomaceous earth filter backwash, unless a special discharge permit is issued by the District. The District may approve such discharge only when no reasonable alternative is available or such water is determined to constitute a pollution hazard if not discharged to a sewer.
- (n) Any unpolluted water including but not limited to cooling water, process water or blow-down from cooling towers or evaporative coolers or any other unpolluted water unless a permit for such discharge has been obtained from the District prior to the discharge. The District may approve the discharge of such water only when no reasonable alternative method of disposal is available or such alternative in determination of the District is unacceptable.
- (o) Any septic tank sludge unless a permit is issued by the District.
- (p) Any holding tank waste unless a permit is issued by the District.

- (q) Any waste defined as hazardous, by any definition set forth in federal and/or State statutes or regulations, unless such waste has been delisted or decertified by the appropriate federal or State agency, and/or a variance has been granted by the appropriate federal or State agency, including provisions for discharge to any part of the District wastewater system, and said variance provisions are approved by the District.
- (r) Any substance, waste, wastewater or constituent thereof as may be specifically prohibited or prohibited by concentration levels as may be set forth in local limits adopted by resolution of the District Board and a copy of said standards having been placed on file at the District office.
- (s) Medical wastes, except as specifically authorized by the District.

When the District determines that a user is contributing to the District's wastewater system , any of the above enumerated substances in such amounts as to interfere with the operation of the District shall: (1) Advise the user of the impact of the contribution on the system; and (2) develop effluent limitation(s) for such user to correct the interference compatible with the operation of the treatment plant.

### **2.1.1 Prohibitions on Hospital/Medical Care Facility Wastes**

Hospitals, clinics, offices of medical doctors, convalescent homes and any other facilities engaging in any form of medical care shall not discharge to the sanitary sewer:

- (a) Equipment, instruments, utensils, hypodermic needles, syringes and associated articles.
- (b) Any article that may harbor or transmit pathogenic organisms and that are used in the rooms of patients having a suspected or diagnosed communicable disease which by the nature of the disease is required to be isolated.
- (c) Recognizable portions of the human anatomy.
- (d) Wastes excluded by other provisions of these regulations. Nothing in this section shall be construed to limit the authority of appropriate health agencies to define wastes as being infectious and to prohibit discharge to the sanitary sewer.

## **2.2 Garbage Grinders**

Waste from garbage grinders shall not be discharged into the District wastewater system except:

- (a) wastes generated in preparation of food normally consumed on the premises, or
- (b) where the user has obtained a permit for that specific use from the District and agrees to undertake whatever self-monitoring is required to enable the District to equitably determine the user charges based on the waste constituents and characteristics.

Such grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the collection system. Garbage grinders shall not be used for grinding plastic, paper products, inert materials or garden refuse.

## 2.3 Limitations on Point of Discharge

No person shall discharge any substances directly into a manhole or other opening in the District's sanitary sewer, including but not limited to, any trucked or hauled pollutants except at discharge points designated by the District. Prior to discharge, the user must obtain a permit from the District by submitting a written application and payment of applicable charges and fees.

## 2.4 Modification of Federal Categorical Pretreatment Standards

Where the District's treatment plant achieves consistent removal of pollutants limited by pretreatment standards, the District may apply to the Regional Water Quality Control Board for modification of specific limits in the pretreatment standards. "Consistent Removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the treatment plant to a less toxic or harmless state in the effluent which is achieved by the system 95 percent of the samples taken when measured according to the procedures set forth in Section 403.7(c)(2) of (Title 40 of the Code of Federal Regulations, Part 403) -- "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The District may then modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR, Part 403, Section 403.7, are fulfilled and prior approval from the Regional Water Quality Control Board is obtained.

## 2.5 Federal Categorical Pretreatment Standards

Upon the promulgation of a Categorical Standards for a particular industrial subcategory, the Categorical Standard, if more stringent than limitations imposed under this Ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this Ordinance. The District shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

## 2.6 Holding Tank Waste

A user proposing to discharge holding tank waste into the District wastewater system must secure a permit. Unless otherwise allowed by the District under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. This permit will state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge and the wastewater constituents and characteristics. If a permit is granted for discharge of such waste into a community sewer the user shall pay the applicable charges and fees and shall meet such other conditions as required by the District. The District may allow, at its sole discretion, the discharge of domestic wastes from mobile home holding tanks without a permit provided such discharges are approved by the District prior to discharge and the discharge is made into an agency approved facility designed to receive such wastes.

## 2.7 Specific Pollutant Limitations

- (a) No person shall discharge wastewater containing in excess of:

<u>Pollutant</u>	<u>Limit</u>	<u>EPA Test Method *</u>
Arsenic	0.8 mg/L	206.2
Cadium	0.2 mg/L	213.1
Copper	1.9 mg/L	220.1
Cyanide	1.0 mg/L	335.2/3

Lead	1.0 mg/L	239.1
Mercury	0.01 mg/L	245.1
Nickel	1.00 mg/L	249.1
Selenium	1.0 mg/L	
Silver	0.8 mg/L	272.1
<b><u>Pollutant</u></b>	<b><u>Limit</u></b>	<b><u>EPA Test Method *</u></b>
Total Chromium	2.0 mg/L	218.1
Zinc	3.0 mg/L	289.1
Phenolic Compounds	70 mg/L	420.1
Oil and grease of mineral origin	100 mg/L	413.1
Oil and grease of animal or vegetable origin	300 mg/L	413.1
PH	5.5 to 12.5 units	150.1
Temperature	150 deg. F	170.1

\* Or equivalent method must meet detection limits of EPA Method.

- (b) The above limits are “daily maximum” allowable discharge limits (the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event), however, the District may at its discretion utilize results of a grab sample to determine if any of the above result limitations are met.
- (c) National Categorical Standards, found in 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated into these regulations. Effluent limitations promulgated by the Federal Act shall apply in any instance where they are more stringent than those in these regulations.
- (d) Additional limits specific to the discharge of groundwater or surface water. No user shall discharge groundwater or surface water in excess of:

<b><u>Test</u></b>	<b><u>EPA Method</u></b>	<b><u>Limitation</u></b>
Total Petroleum Hydrocarbons (TPH)	EPA 8015	15 mg/L
B.T.E.X. group	EPA 8020	
Benzene		0.005 mg/L(TBD)*
Toluene		1.0 mg/L(TBD)*
Ethylbenzene		0.7 mg/L(TBD)*
Xylene		10 mg/L(TBD)*

\*USEPA drinking water Maximum Contaminant Levels (MCLs).

- (e) Wastewater strength limits for constituents not listed in Section 2.7 (a) may be established in a wastewater discharge permit based upon available treatment technology, existing wastewater conditions in the District's facilities or other factors as determined by the District.
- (f) The District may, in cases where pollutants contributed by User(s) result in Interference or Pass Through, and such violation is likely to recur, develop and enforce specific effluent limits for Industrial User(s), and all other users, as appropriate, which, together with appropriate changes

in the District's Treatment Plant's facilities or operation, are necessary to ensure renewed and continued compliance with the District's NPDES permit or sludge use or disposal practices.

- (g) The District may develop Best Management Practices (BMPs) to implement Section 2.7 of this Ordinance. Such BMPs shall be considered local limits and Pretreatment Standards for the purposes of section 307(d) of the Act.

### **2.7.1 Requirements for Dental Facilities that Remove or Replace Amalgam Fillings**

- (a) Definitions: For the purpose of this section the following shall be as defined herein.
  - (1) "ISO 11143" is the International Organization for Standardization's standard for amalgam separators.
- (b) All owners and operators of dental facilities that remove or place amalgam fillings shall comply with the following waste management practices:
  - (1) No person shall rinse chair-side traps, vacuum screens, or amalgam separator equipment in a sink or other connection to the sanitary sewer. **Such traps, vacuum screens or amalgam separator equipment must be recycled or disposed of in an appropriate manner according to recycler or equipment manufacturer.**
  - (2) Owners and operators of dental facilities shall ensure that all staff members who handle amalgam waste are trained in the proper handling, management and disposal of mercury-containing material and fixer-containing solutions, and shall maintain training records that will be made available for inspection by the District during normal business hours.
  - (3) Amalgam waste shall be collected, packaged, labeled, stored and managed in accordance with state and local regulations and disposed of by a licensed recycler or hauler of such materials.
  - (4) Bleach and other chlorine-containing disinfectants shall not be used to disinfect the vacuum line system.
- (c) All owners and operators of dental vacuum suction systems, except as set forth in subsection (d) of this section, shall comply with the following:
  - (1) Submit a Self-Certification of Amalgam Management Requirements form issued by the District on or before January 1, 2010.
  - (2) Install an ISO 11143 certified amalgam separator device for each dental vacuum suction system on or before January 1, 2011. All dental facilities that are newly constructed on or after the effective date of this ordinance shall include an installed ISO 11143 certified amalgam separator device capable of removing a minimum of 95 percent of amalgam. The amalgam separator system shall be certified at flow rates comparable to the flow rate of the actual vacuum suction system operation. Neither

the separator device nor the related plumbing shall include an automatic flow bypass. For facilities that require an amalgam separator that exceeds the practical capacity of ISO 11143 test methodology, a non-certified separator will be excepted, provided that smaller units of the same technology from the same manufacturer are ISO-certified. For facilities that have installed amalgam separators on or before the effective date of this Ordinance that are not ISO-certified, they may be grandfathered in if it can be shown that the existing device provides amalgam removal similar to an ISO-certified system. Alternative materials and methods may be proposed to the District for approval.

- (3) Self-Certification of Amalgam Separator Installation form issued by the District shall be submitted to the District within 30-days of installation.
  - (4) Amalgam separators shall be installed, operated and maintained in accordance with manufacturer recommendations. Installation, certification and maintenance records shall be available for immediate inspection upon request by the District during normal business hours.
- (d) The following types of dental practices are exempt from this section 2.7.1, provided that the District receives written assurance that removal or placement of amalgam fillings occurs at the facility no more than 3 days per year:
- (1) Orthodontics, Periodontics, Oral and Maxillofacial surgery, Radiology, Oral Pathology or Oral Medicine, Endodontics, and Prosthodontics.

## **2.8 State Requirements**

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this Ordinance.

## **2.9 District's Right of Revision**

The District reserves the right to establish by Ordinance more stringent limitations or requirements on discharges to the District wastewater system if deemed necessary to comply with the objectives presented in Section 1.1 of this Ordinance.

## **2.10 Dilution or Bypassing**

No user shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the National Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the District or State. User shall not divert any regulated waste stream from the pretreatment system.

## **2.11 Sample Collection and Analysis**

Sample collection and analysis shall be performed in accordance with procedures established by the EPA and contained in 40 CFR, Part 136 as amended. Samples collected to satisfy reporting

requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

- (a) Except as indicated in Section (b) and (c) below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the General Manager. Where time-proportional composite sampling or grab sampling is authorized by the District, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the District, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.
- (b) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- (c) For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 4.3.1 and 4.3.2.1 (40 CFR 403.12 (b) and (d)), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the General Manager may authorize a lower minimum. For the reports required by paragraphs Section 4.3.2 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

## 2.12 Accidental Discharges

Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the District for review and shall be approved by the District before construction of the facility. No user who commences contribution to the District facilities after the effective date of this Ordinance shall be permitted to introduce pollutants into the District wastewater system until accidental discharge procedures have been approved by the District. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this Ordinance. The District may review the user's plan and need for a plan modification at a frequency deemed appropriate; but no less than once every two years. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the District office of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

- (a) **Written Notice.** Within five (5) days following an accidental discharge, the user shall submit to the General Manager, a detailed written report describing the cause 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 facilities, fish kills, or any other damage to Person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this Ordinance or other applicable law.

- (b) **Notice to Employees.** A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees of the user whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.
- (c) **Notification of Changed Discharge.** The user shall notify the District of any proposed changes (permanent or temporary) to the premises, operation of the firm, quality or volume of wastewater, water usage, process, installation or removal of tanks or equipment, and obtain District approval prior to implementation.
- (d) **Significant Industrial Users** are required to notify the General Manager immediately of any changes at its facility affecting the potential for a Slug Discharge.

### **2.13 Notification of Hazardous Waste Discharge**

- (a) All industrial users discharging any substance which, if otherwise disposed of, would be a hazardous or acutely hazardous waste under 40 CFR 261, must comply with the reporting requirements of 40 CFR 403.12(p)(1) and (3) unless exempted under the provisions of 40 CFR 403.12(p)(2).
- (b) In the case of any notification made under section (1) above, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical. The District may accept a copy of a hazardous waste reduction or minimization plan otherwise required by law, as compliance with this requirement.

### **2.14 Special Agreement**

Special agreements and arrangements between the District and any person or agencies may be established when, in the opinion of the District, unusual or extraordinary circumstances compel special terms and conditions. Under no circumstances, however, will any special agreement or arrangement be established which contravenes any federal pretreatment regulation, categorical pretreatment standard, or any other provision of federal law, or which compromises the federal pretreatment goals to prevent pass through, interference or impairment of sludge use or disposal. The dischargers must apply for and receive approval for a wastewater discharge permit prior to discharge. Best available technology must be used, and the District may impose any condition deemed necessary including, but not limited to additional sampling, monitoring and reporting.

## **Article III**

### **CHARGES AND FEES**

#### **3.1 Purpose**

It is the purpose of this Article to provide for the recovery of costs from users of the District wastewater system for the implementation of the program established by this Ordinance. The applicable charges or fees shall be as set forth in the District's Schedule of Charges and Fees as adopted by District Resolution.

#### **3.2 Charges and Fees**

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

- (a) Setting up and operating the District's pretreatment program;
- (b) Monitoring, inspections and surveillance procedures;
- (c) Reviewing accidental discharge procedures and construction;
- (d) Processing permit applications;
- (e) Filing appeals;
- (f) Preparing and processing requests relative to consistent removal (by the District) of pollutants otherwise subject to pretreatment standards;
- (g) Other fees as the District may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this Ordinance and are separate from all other fees chargeable by the District.

#### **3.3 Penalties for Non-payment.**

Charges and fees are due and payable on the date shown on the District's invoice. Payment not received by the due date shall be considered delinquent pursuant to Section 5473.11 of the California Health and Safety Code and Oro Loma Sanitary District Ordinance 37. Delinquent charges shall be collected by the District pursuant to Oro Loma Sanitary District Ordinance 37 as amended.

## **Article IV**

### **ADMINISTRATION**

#### **4.1 Wastewater Discharger Classification**

All dischargers shall be classified for wastewater disposal purposes in accordance with the principal activity conducted upon the premises, as determined by the District. The purpose of classification is to facilitate the regulation of wastewater dischargers based on quality, quantity, and flow, to provide an effective means of industrial waste source control, and to establish a system of wastewater disposal service charges based upon flow and waste strength.

#### **4.2 Wastewater Discharge Permit**

##### **4.2.1 Permit Requirement**

All dischargers, other than residential, whose wastewater requires special regulation or contains industrial wastes requiring source control shall secure a wastewater discharge permit. This includes dischargers classified as significant industrial users, intermediate users, minor users or any other discharger the General Manager shall require to obtain a discharge permit (See Ordinance 37 as amended).

It shall be unlawful to discharge wastewater into the District wastewater system except as authorized by the General Manager in accordance with the provisions of this Ordinance.

##### **4.2.2 Permit Application**

Any discharger classified as a significant industrial user proposing to connect to or to contribute to the District wastewater system shall make application for a wastewater discharge permit at least ninety (90) days prior to connecting to or contributing to the system. Any existing significant industrial users connected to or contributing to the system shall obtain a Wastewater Discharge Permit within ninety (90) days after the effective date of this Ordinance. Any existing significant industrial users connected to or contributing to the system and having a current Wastewater Discharge Permit shall be required to obtain a new permit upon the expiration of the existing permit.

Any other discharger (classified as an intermediate or minor user) required or who may be required to obtain a Wastewater Discharge Permit shall complete and file with the District an application in the form prescribed by the District and accompanied by an appropriate fee as adopted by District Resolution. Any proposed new user shall apply at least ninety (90) days prior to connecting to or contributing to the District's wastewater system. Any existing user (except one with a current permit) shall apply for a Wastewater Discharge Permit within ninety (90) days after the effective date of this Ordinance. Any existing users connected to or contributing to the system and having a current Wastewater Discharge Permit shall obtain a new permit upon the expiration of the existing permit.

Any new user shall arrange for a District representative to conduct a walk through site inspection of the user's facilities during the ninety (90) days period prior to connecting to the District's wastewater system. A new user shall submit to the District within thirty (30) days after commencement of discharge to the system, an analysis of such discharge delineating wastewater constituents and characteristics including but not limited to those mentioned in Section 2.7 of this Ordinance as

determined by a certified analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA contained in 40 CFR, Part 136, as amended.

The application may require the following information: Estimated wastewater strength, estimated wastewater flow, average and peak wastewater discharge flow for each side sewer; locations of side sewers, sampling points, and pretreatment facilities; description of activity, facilities, and plant process on the premises, including raw materials, processes and types of materials which are or could be discharge; total product produced, by type; number and type of employees; and any other information the District shall deem necessary to evaluate the permit application.

The District will evaluate the data furnished by the discharger and may require additional information. After evaluation and approval of the data furnished, the General Manager may issue a wastewater discharge permit subject to terms and conditions as provided herein or as deemed necessary by the General Manager.

#### **4.2.3 Permit Modifications**

Within three (3) months of the promulgation of a national pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a national pretreatment standard, has not previously submitted an application for a wastewater discharge permit as required by Sections 4.2.1. and 4.2.2, the user shall apply for a wastewater discharge permit within ninety (90) days after the promulgation of the national pretreatment standard.

In addition, the user with an existing wastewater discharge permit shall submit to the General Manager within sixty (60) days after promulgation of an applicable pretreatment standard the following information:

- (a) The nature and concentration of any pollutants in the discharge which are limited by a pretreatment standard, and in the case of an existing user, a statement regarding whether or not the 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 for the user to meet applicable pretreatment standards;
- (b) 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. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard:

The following conditions shall apply to this schedule:

- (1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
- (2) No increments referred to in subparagraph (1) shall exceed nine (9) months.

- (3) Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the General Manager including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months (9) elapse between such progress reports to the General Manager.

#### **4.2.4 Permit Conditions**

Wastewater discharge permits shall be expressly subject to all provisions of this Ordinance and all other applicable regulations, charges and fees established by the District. Permits may contain the following:

- (a) The unit charge or schedule of charges and fees for the wastewater to be discharged to the District's collection system;
- (b) Limits on the average and maximum wastewater constituents and characteristics;
- (c) Limits on the average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- (d) Requirements for installation and maintenance of inspection and sampling facilities;
- (e) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (f) Compliance schedules;
- (g) Requirements for submission of technical reports or discharge reports;
- (h) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the District and affording District access thereto;
- (i) Requirements for notification of the District of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the District wastewater system;
- (j) Requirements for notification of slug discharges (defined in Section 2.1 (j));
- (k) Requirements for protection from accidental discharges;
- (l) Requirements to control Slug Discharge, if determined by the District to be necessary;
- (m) Other conditions as deemed appropriate by the District to ensure compliance with this Ordinance.

#### **4.2.5 Permit Duration**

A permit shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply

for permit reissuance a minimum of sixty (60) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the District during the term of the permit as limitations or requirements identified in Article II are modified or as other just cause exists. The user shall be informed of any proposed changes in the permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

#### **4.2.6 Permit Transfer**

A wastewater discharge permit is issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred to or sold to a new user, different premises, or a new or changed operation without the approval of the District. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

### **4.3 Reporting Requirements for Permittee**

#### **4.3.1 Compliance Date Report**

Within ninety (90) days following the date for final compliance with applicable Pretreatment Standards or, in the case of a new user connection, following commencement of the introduction of Wastewater into the District wastewater system, any User subject to Pretreatment Standards and Requirements shall submit to the District a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and the average and maximum daily flow for these process units in the User facility which are limited by such Pretreatment Standards (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. The report shall state whether the applicable Pretreatment Standards are being met on a consistent basis and, if not, what additional operational and maintenance changes and/or pretreatment is necessary to bring the user into compliance with the applicable Pretreatment Standards. This statement shall be signed by an authorized representative of the User, and certified correct by an authorized representative of a State certified laboratory and qualified wastewater engineering consultant (if such a consultant has been engaged by the user) in accordance with Section 4.3.3 of this Ordinance. All sampling will be done in conformance with Section 2.11.

#### **4.3.2 Periodic Compliance Reports**

- (a) Except as specified in 40 CFR 403.12(e)(1), all Significant Industrial Users must, at a frequency determined by the General Manager submit no less than twice per year during the months of June and December (or on dates specified), reports indicating the nature and concentration of all pollutants in the discharge which are limited by such Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the General Manager or the Pretreatment Standard necessary to determine the compliance status of the User.
- (b) Significant Non-categorical Industrial Users may be required to submit to the District at least once every six months (on dates specified by the District) a description of the nature, concentration, and flow of the pollutants required to be reported by the District. These reports

shall be based on sampling and analysis performed in the period covered by the report, and performed in accordance with the techniques described in 40 CFR part 136 and amendments thereto. Where 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the administrator determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including suggested by the District or other persons, approved by the District. This sampling and analysis may be performed by the District in lieu of the significant non-categorical industrial user. Monitoring frequencies and parameters in Section 2.7 and 2.11 must be followed in the event that the Significant Non-Categorical Industrial user is required to conduct self-monitoring.

- (c) The District may impose mass limitations on users where the imposition of mass limitations are appropriate. In such cases, the report required under paragraph 4.3.2.(a) shall indicate the mass of pollutants regulated by the applicable pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the General Manager, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable Pretreatment Standard. All analysis shall be performed in accordance with procedures established by the EPA and contained in 40 CFR, Part 136 as amended on file at the District Office.
- (d) 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.

#### **4.3.2.1 Baseline Monitoring Reports**

Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a categorical determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the District shall submit to the General Manager a report which contains the information listed below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A new Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

Users described above shall submit the information set forth:

- (a) All information in 40 CFR 403.12(b)(1)-(7).
- (b) Measurement of pollutants, 40 CFR 403.6 (e)
- (c) The User shall provide a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
- (d) Sampling and analysis shall be performed in accordance with Section 2.11.

- (e) The General Manager may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.
- (f) The baseline report shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the District.

### **4.3.3 Signatory and Certification Requirements**

The reports cited in Sections 4.3.1, 4.3.2, and 4.3.2.1 and as required in 40 CFR 403.12(1); all wastewater discharge permit applications, User reports and annual certification of NSCIUs (initial certification for pollutants not present, periodic reports on pollutants not present, all periodic compliance reports); reports on compliance with categorical Pretreatment Standards deadline (90-day compliance report)(40 CFR 403.12(b); CIU periodic reports on continued compliance (40 CFR 403.12(d)(e)); initial request from CIUs to forego monitoring for pollutants not present; all non-categorical SIU compliance reports must be signed and certified by an authorized representative of the industrial user. The certification statement must be:

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

## **4.4 Monitoring Facilities**

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

If the monitoring facility is inside the user's fence, there shall be accommodations to allow access for District personnel, such as a gate secured with a District lock. There shall be ample room in or near such sampling manhole to allow accurate sampling and composition of samples for analysis. The manhole, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the District requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the District.

## **4.5 Inspection and Sampling**

The District has the right of inspection of the facilities of any user to ascertain whether the purpose of this Ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged into the District wastewater system shall allow the District or their representative ready access at all times to all parts of the premises for the purposes of inspection, sampling, analysis, records examination or in the performance of any of their duties. The District, Regional Water Quality Control Board and EPA shall have the right to set up on the user's property, such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the District, Regional Water Quality Control Board and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

### **4.5.1 Notice of Violation/Repeat Sampling and Reporting**

If sampling 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. Resampling by the Industrial User is not required if the District performs sampling at the User's facility at least once a month, or if the District performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the District receives the results of this sampling, or if the District has performed the sampling and analysis in lieu of the Industrial User.

## **4.6 Pretreatment**

A user shall provide necessary wastewater treatment as required to comply with this Ordinance and shall achieve compliance with all national pretreatment standards within the time limitations as specified by the Federal pretreatment standards. The District may require pretreatment of any industrial waste which the District determines is necessary in order to meet standards established by the Federal or State or other regulatory agencies or which the District, at its sole discretion, determines is necessary in order to protect the treatment plant or its proper and efficient operation or the health and safety of District employees or the environment and the prevention of the entry of such industrial waste into the District's collection system and treatment plant. Should acceptance of any industrial waste require any supplementary treatment plants, facilities, equipment or operations, the District may require payment of the resulting excess costs from the responsible discharger. Any facilities required to pretreat wastewater to a level acceptable to the District shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the District for review and shall be acceptable to the District before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the District under the provisions of this Ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the District prior to the user's initiation of the changes.

All records relating to compliance with pretreatment standards shall be made available to officials of the EPA, Regional Water Quality Control Board or District.

#### **4.6.1 Interceptor Requirement for Industrial/Commercial Users**

- (a) Installation of Fats, oils, grease, and sand interceptors shall be installed by the User when, in the opinion of the District, they are necessary for the proper handling of liquid wastes containing grease, flammable waste, sand or other harmful ingredients, except that such interceptors shall not be required for dwelling units. Toilets, urinals, wash basins and other fixtures containing fecal material shall not flow through the interceptor.
  - (1) The type, design, location and size of a grease interceptor installed by any User shall be in conformity with submitted approved plans in accordance with the District's Engineering Department.
  - (2) The District reserves the right to make determinations of grease interceptor size, adequacy, location and need, based on review of relevant information, including, but not limited to grease interceptor performance, waste stream characteristics, facility location, maintenance needs, and or inspection needs. The aftermentioned determinations may or may not conform to Oro Loma Sanitary District's general design specifications, construction standards or sizing criteria for grease interceptors or similar devices.
  - (3) Existing Users may be required to install a grease interceptor or a grease trap for the proper handling of grease-laden wastewaters. The District will provide the User written notification of the requirement which will include a compliance schedule. Users required to install outside underground interceptors will need to obtain a permit from the District. Users are responsible for obtaining all necessary permits before installing a required interceptor or grease trap device.
  
- (b) Maintenance Requirement/ Best Management Practices
  - (1) The interceptor shall be located to be readily and easily accessible for maintenance and cleaning purposes in addition to ensuring accessibility for inspection by District personnel.
  - (2) The interceptor shall be maintained in efficient operating condition using Best Management Practices and periodic removal of accumulated waste, not to exceed a discharge of 300 mg/L of animal and vegetable based oil and grease, or 100 mg/L of mineral/petroleum based oils and grease.
  - (3) Failure to clean or maintain the interceptor shall be a violation and subject to enforcement actions.
  - (4) No User shall introduce any additives, including but not limited to enzymes or surfactants acting as grease emulsifiers or degradation agents, into any grease interceptor or grease removal device, unless prior written approval is obtained from the District.
  
- (c) Records Retention Requirement
  - (1) All users are required to maintain and update interceptor maintenance records, including waste hauling manifests in accordance with Section 4.8 of this Ordinance.

## **4.7 Confidential Information**

Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction 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 of production entitled to protection as trade secrets of the user.

When requested by the person or user furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit and/or the pretreatment program established by this ordinance; provided, however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person or user furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the District as confidential shall not be transmitted to any governmental agency, except the EPA, or to the general public by the District until and unless a ten (10) day notification is given to the user.

## **4.8 Records Retention**

The user shall retain and preserve for no less than three (3) years any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof relating to monitoring, sampling and chemical analyses made by or in behalf of the user in connection with its discharge of pollutants into the District wastewater system. Records shall be made available for inspection and copying by representatives of the District, the Regional Water Quality Control Board or the Environmental Protection Agency. All records that pertain to matters that are subject of special orders or any other enforcement or litigation activities brought by the District shall be retained and preserved by the user until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

## **4.9 Wastewater Volume Determination**

### **4.9.1 Metered Water Supply**

User charges may be applied against the total amount of water used from all sources unless, in the opinion of the District, significant portions of water received are not discharged to the District wastewater system. The total amount of water used from public and private sources will be determined by means of public meters or private meters, installed and maintained at the expense of the user and approved by the District.

### **4.9.2 Metered Wastewater Volume and Metered Diversions**

For a user where, in the opinion of the District, a significant portion of the water received from any metered source does not flow into the District wastewater system because of the principal activity of the user or removal by other means, the user charges will be applied against the volume of water discharged from such premises into the system. Written notification and proof of the diversion of

water must be provided by the user if the user is to avoid the application of the user charges against the total amount of water used from all sources. The user may install a meter of a type and at a location approved by the District and at the user's expense. Such meters may measure either the amount of wastewater discharged or the amount of water diverted. Such meters shall be tested for accuracy at the expense of the user when deemed necessary by the District.

#### **4.9.3 Estimated Wastewater Volume**

- (a) **Users Without Source Meters.** For a user where, in the opinion of the District, it is unnecessary or impractical to install a meter, the quantity of wastewater may be based upon an estimate prepared by the District. This estimate shall be based upon a rational determination of the wastewater discharged and may consider such factors as the number of fixtures, seating capacity, population equivalent, annual production of goods and services or such other determinants of water use necessary to estimate the wastewater volume discharged.
- (b) **Users With Source Meters.** For a user who, in the opinion of the District, diverts a significant portion of its flow from a community sewer, the user charges may be based upon an estimate of the volume to be discharged, provided the user obtains a Wastewater Discharge Permit and pays the applicable charges and fees. The estimate must include the method and calculations used to determine the wastewater volume and may consider such factors as the number of fixtures, seating capacity, population equivalents, annual production of goods and services, or such other determinations of water use necessary to estimate the wastewater volume discharged.

#### **4.10 New or Increased Contribution**

Any new or increased discharge of pollutants, or changes in the nature of pollutants, to the District wastewater system by any Industrial User must be approved by the District prior to the changed discharge. A written request for and description of the change must be signed by an authorized representative for the industrial user and submitted to the General Manager.

## **Article V**

### **ENFORCEMENT**

#### **5.1 Purpose**

The District may adopt procedures and rules for the implementation and administration of this Ordinance. The District shall enforce the provisions of this Ordinance including requirements established or permits as provided herein, pursuant to any one or more of the alternatives set forth herein. The election to proceed under one alternative shall not limit the District's ability to proceed under any other alternative.

#### **5.2 Notification of Violation**

- (a) Whenever the District finds that any user has violated or is violating this Ordinance, wastewater discharge permit, or any prohibition, limitation or requirement contained herein, the District may serve upon such user a written notice stating the nature of the violation. Within twenty-one (21) calendar days from the date of the notice, the user shall identify the cause or causes of the violation(s), and shall implement corrective actions.
- (b) If sampling performed by an Industrial User indicates a violation, the user shall notify the District within 24 hours of becoming aware of the violation. The user shall repeat the sampling and analysis and submit the results of the repeat analysis to the District within 30 days after becoming aware of the violation. (40CFR403.12(g)(2))

#### **5.3 Administrative Orders**

- (a) **Time Compliance Schedules**  
Whenever the District finds that any user has violated or is violating or threatening to violate this Ordinance, wastewater discharge permit, or any prohibition, limitation or requirement contained herein, the District may require the discharger to submit within twenty-one (21) calendar days from notification a detailed time schedule of specific actions the user shall take in order to correct or prevent a violation for the District's approval.

The District may set forth a time schedule directing the user to take whatever corrective actions are deemed necessary in order to correct or prevent a violation.

- (b) **Cease and Desist Orders**  
Whenever the District finds that any user is violating or threatening to violate this Ordinance, their wastewater discharge permit, or any prohibition, limitation or requirement contained herein, the District may issue an order to cease and desist and direct those persons not complying with such prohibitions, limitations, requirements or provisions to:
  - 1) comply forthwith,
  - 2) comply in accordance with a time schedule set forth or approved by the District or
  - 3) in the event of a threatened violation, take appropriate remedial or preventative action.

## **5.4 Damage to Facilities**

Whenever the discharge of wastewater causes an obstruction, damage, or other impairment to any part of the collection system or Treatment Plant facilities, the user causing the damage shall be liable for the cost of the repairs and the District may recover those repair costs from the user.

## **5.5 Resampling and Reinspection Fees**

Whenever the District conducts additional sampling, inspection or monitoring events (in excess of the number of events scheduled) as a result of a user's violations of this Ordinance, discharge permit or any prohibition, limitation or requirement contained herein, the District may recover the cost of such additional sampling, inspection, and monitoring events in accordance with the applicable fees as adopted by District Resolution.

## **5.6 Public Notice of Significant Noncompliance**

Should the District determine that a user is in significant non-compliance with applicable pretreatment requirements, the District will list the facility in the Public Notice of Significant Wastewater Violations in the largest daily newspaper in the area. This notice will be published annually, but may be published more frequently at the discretion of the District.

An industrial user is in significant non-compliance if one or more of the following violation occurs:

- (a) Chronic violations of wastewater discharge limits, defined as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) a numerical Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(1) of the same pollutant parameter.
- (b) Technical Review Criteria (TRC) violations, defined as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken for each pollutant parameter during a six-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(1) multiplied by the applicable TRC value (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except ph).
- (c) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3 (l) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the District determines has caused, alone or in combination with other discharges, Interference or Pass Through (including endangering the health of District personnel or other general public).
- (d) Any discharge imminent endangerment to human health, welfare or to the environment or which has resulted in the POTW's exercise of use its emergency authorities under 40 CFR 403.8(f)(1)(vi)(B) of this section to halt or prevent such a discharge.
- (e) Failure to meet within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

- (f) Failure to provide within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.
- (g) Failure to accurately report non-compliance.
- (h) Any other violation or group of violations, which may include a violation of Best Management Practices (BMPs), which the District determines will adversely affect the operation or implementation of the local pretreatment program.

## **5.7 Show Cause Hearing**

- (a) The District may order any user who causes or allows an unauthorized discharge to the District's facilities to show cause before the District Board of Directors why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the District Board of Directors regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the District Board of Directors why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.
- (b) The District Board of Directors may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the District to:
  - (1) Issue in the name of the District Board of Directors notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing;
  - (2) Take the evidence;
  - (3) Transmit a report of the evidence and hearing, including transcript and other evidence, together with recommendations to the District Board of Directors for action thereon.
- (c) At any hearing held pursuant to this Ordinance, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the reasonable charges thereof.
- (d) After the District Board of Directors has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service may be discontinued unless adequate pretreatment facilities, devices or other related appurtenances shall have been installed or existing pretreatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

## **5.8 Revocation of Permit**

Any user who violates the following conditions of this Ordinance, or applicable State and Federal regulations, is subject to having his permit revoked in accordance with the procedures of the Article:

- (a) Failure of a user to factually report the wastewater constituents and characteristics of its discharge;
- (b) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;
- (c) Refusal of a reasonable access to the user's premises for the purpose of inspection or monitoring;
- (d) Failure of a user to notify District immediately of accidental discharge and/or take appropriate corrective action to prevent a reoccurrence; or,
- (e) Violation of any conditions of permit.

## **5.9 Termination of Sewer Service**

The District may suspend the wastewater treatment service and/or a wastewater discharge permit when such suspension is necessary, in the opinion of the District in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of individuals or to the environment, causes or may cause interference to the Treatment Plant or causes or may cause the District to violate any condition of its NPDES Permit.

Any user notified of a suspension of the wastewater treatment service and/or the wastewater discharge permit shall immediately stop or eliminate the discharge. In the event of a failure of the user to comply voluntarily with the suspension order, the District shall take such steps as deemed necessary including immediate severance of the sewer connection to prevent or minimize damage to the District's wastewater system or endangerment to any individuals. The District may reinstate the wastewater discharge permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful discharge and the measures taken to prevent any future occurrence shall be submitted to the District within five (5) days of the date of occurrence.

## **5.10 Legal Action**

If any Industrial User is in noncompliance with any applicable National Pretreatment Standards, State laws, this Ordinance, or if any person discharges any pollutant, including wastewater, into the District's wastewater system contrary to the provisions of State law, this Ordinance, pretreatment standards, or any order of the District, the District may commence an action for appropriate legal and/or equitable relief in the Superior Court of Alameda County.

## 5.11 Administrative Complaints and Penalties

- (a) The General Manager may issue an administrative complaint to any person who violates any provision of this Ordinance, permit condition, prohibition, limitation or requirement.

The General Manager may administratively impose penalties up to specified maximums against any person who violates any provision of this Ordinance, permit condition, provision, limitation or requirements.

The complaint shall allege the act or failure to act that constitutes the violation of District requirements, the provisions of law authorizing civil liability to be imposed and the proposed civil penalty.

The complaint shall be served by personal delivery or certified mail on the person subject to the District's discharge requirement and shall inform the person served that a hearing shall be conducted within 60 days after the person has been served.

(b) **Hearing**

The hearing shall be before the General Manager. The person who has been issued an administrative complaint may waive the right to a hearing in which case the District shall not conduct a hearing. If after the hearing, if any, it is found that the person has violated any provision of this Ordinance, discharge permit condition, prohibition requirements, etc., the General Manager may assess a civil penalty against the person.

In determining the amount of the civil penalty, 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 the non-compliance, the nature and persistence of the violation, the length of time over which the violation occurs and the corrective actions, if any, attempted or taken by the discharger.

(c) **Civil Liability Penalties**

Civil penalties may be imposed by the General Manager as follows:

- (1) In an amount not to exceed two thousand dollars (\$2,000) for each day for failing or refusing to furnish technical or monitoring reports.
- (2) In an amount not to exceed three thousand dollars (\$3,000) for each day for failing or refusing to timely comply with any compliance schedule established by the District.
- (3) In an amount not to exceed five thousand dollars (\$5,000) per violation for each day for discharges in violation of any waste discharge limitation, permit condition, or requirement issued, reissued or adopted by the District.
- (4) In an amount which does not exceed ten dollars (\$10) per gallon for discharges in violation of any suspension, cease and desist order or other order, or prohibition issued, reissued or adopted by the District.

Unless appealed, orders setting administrative civil penalties shall become effective and final upon issuance thereof, and payment shall be made within 30 days of the date of the order.

Copies of these orders shall be served by personal service or by registered mail upon the party served with the administrative complaint and upon persons who appeared at the hearing and requested a copy.

The amount of any civil penalties imposed which have remained delinquent for a period of 60 days from the date of order shall constitute a lien against the real property of the discharger from which the discharge originated resulting in the imposition of the civil penalty.

The District may, at its option, elect to petition the Superior Court to confirm any order establishing civil penalties and enter judgment in conformity.

No penalties shall be recoverable under this section for any violation for which civil liability is recovered under Section 6.1 hereof.

**(d) Appeal Process**

- (1) A person dissatisfied with the decision of the General Manager may appeal to the Board of Directors within 30 days of notice of the Manager's decision.
- (2) Any party aggrieved by a final order issued by the Board of Directors after granting review of the General Manager's order, may obtain review of the order of the Board in the Superior Court by filing in the court a petition for writ of mandate within 30 days following the issuance of the order by the Board.

Any party aggrieved by the General Manager's order for which the Board denies review, may obtain review of the order of the General Manager in the Superior Court by filing in the court a petition of writ of mandate within 30 days following the denial of review by the Board.

## **Article VI**

### **PENALTIES**

#### **6.1 Civil Penalties**

- (a) Any user who is found to have violated an Order of the District, this Ordinance, or the orders, rules, regulations and permits issued hereunder, shall be liable civilly for a penalty not to exceed twenty-five thousand dollars (\$25,000) for each day for each violation in which such violation occurs or continues. The District may petition the Superior Court to impose, assess, and recover the sums provided for in the section. In determining the amount the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the economic benefit derived through any noncompliance, the nature and persistence of the violation, the length of time over which the violation occurs and the corrective action, if any, attempted or taken by the discharger. In addition to the penalties provided herein, the District may recover reasonable attorneys' fees, court costs, court reporters' fees, administrative costs of the District, and other expenses of litigation by appropriate suit at law against the person found to have violated this Ordinance or the orders, rules, regulations, and permits issued hereunder.

Remedies under this section are in addition to and do not supersede or limit any other remedies, civil or criminal, but no liability shall be recoverable under this section for any violations for which liability is recoverable under Section 5.11.

- (b) **Injunction.** Whenever a discharge of wastewater is in violation of the provisions of this Ordinance or otherwise causes or threatens to cause a condition of contamination, pollution, or nuisance, the District may petition the Superior Court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate, restraining the continuance of such discharge.

#### **6.2 General Criminal Penalties**

The violation of any regulation or ordinance of the District is a misdemeanor punishable by a fine not to exceed One Thousand Dollars (\$1,000) or imprisonment for not more than thirty (30) days in the County jail, or both. Each day a violation occurs may constitute a new and separate offense and may subject the violator to an additional full measure of penalties as set forth herein.

#### **6.3 Falsifying Information**

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance, or Wastewater Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, shall be deemed to have violated the provisions of this ordinance thereof.

**Article VII**  
**MISCELLANEOUS PROVISIONS**

**7.1 Severability**

If any section, subsection, sentence, clause or phrase of this Ordinance or the application thereof to any Person or circumstance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance or the application of such provision to other Persons or circumstances. The Board hereby declares that it would have passed this Ordinance or any section, subsection, sentence, clause or phrase hereof irrespective to the fact that any one or more sections, subsections, sentences, clauses or phrases be declared to be unconstitutional or invalid.

**7.2 Repeal of Existing and Inconsistent Ordinances**

Ordinances 39-1, 39-2, 39-3, 39-4, 39-5, 39-6, 39-7, 39-8, 39-9 and all other ordinances and parts of ordinances inconsistent herewith are hereby repealed.

**7.3 Effective Date**

This Ordinance shall be entered into the minutes of this Board, and the Board hereby directs the General Manager to prepare a summary of this Ordinance and cause such summary, along with the names of those Board members voting for and against the Ordinance, to be published once in The Daily Review, and to cause the full text of this Ordinance, along with the names of those Board members voting for and against the Ordinance, to be posted in the office of the Secretary. The Secretary is also directed to cause a copy of the Ordinance summary to be posted for one week in three places in the District. Said posting and publication is to be completed not later than one week from the date thereof. This Ordinance shall take effect one week following its posting and publication, whichever occurs later.

□□□□□□

I hereby certify the foregoing is a full, true and correct copy of an Ordinance duly and regularly adopted by the Sanitary Board of the Oro Loma Sanitary District, Alameda County, California, at a meeting thereof held on the 1st day of November, 2011, by the following vote of the members thereof:

**AYES**, Members: Becker, Dias, Kerr, Landis, Sidari

**NOES**, Members:

**ABSENT**, Members:

COUNTERSIGNED:  
Kerr, President

\_\_\_\_\_s/ Howard W.

\_\_\_\_\_  
s/ Roland J. Dias, Secretary

**EXHIBIT "A"**

**Schedule of Fees For Monitoring and  
Wastewater Discharge Permits**

**Refer to Oro Loma Sanitary District  
Ordinance No. 37, as amended  
and  
Oro Loma Sanitary District Resolution 3536  
or its successor if superseded.**