

CHAPTER 2

REGULATING THE ACCEPTANCE OF NON-DOMESTIC WASTES INTO THE FACILITIES OF THE LAS GALLINAS VALLEY SANITARY DISTRICT

Purpose. An ordinance providing for and regulating the acceptance of non-domestic wastes into the facilities of the Las Gallinas Valley Sanitary District.

ARTICLE I. INTRODUCTION. The Board of Directors of the Las Gallinas Valley Sanitary District of Marin County does adopt as follows:

This Ordinance is adopted pursuant to provisions of Section 6400 et. seq. of the Health and Safety Code of the State of California.

Section 101. Purpose and Policy. This Ordinance sets forth uniform requirements for Users of the facilities of the Las Gallinas Valley Sanitary District (hereinafter referred to as "the District") and assists the District to comply with all applicable state and federal laws, including the Clean Water Act (33 United States Code Section 1251 et. seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this ordinance are:

- (a) To prevent the introduction of pollutants into the District's facilities that will interfere with their operation;
- (b) To prevent the introduction of pollutants into the District's facilities that will pass through the District's facilities, inadequately treated, into receiving waters, or otherwise be incompatible with the facilities;
- (c) To protect the physical structures of the facilities and the efficient functioning of their component parts;
- (d) To protect the health and safety of the District's personnel and preserve the safety and health of the public;
- (e) To comply with all the applicable and compatible local, State of California and federal laws, rules, regulations or orders;
- (f) To protect the environment from threat of hazard or harm resulting from the disposal of waste;

- (g) To prevent the introduction of wastes to the facilities 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;
- (h) To maintain the suitability of wastewater treated by the District for any adopted reclamation use;
- (i) To promote source control and pollution prevention by all Users of the District's facilities.

Section 102. Applicability of the Sewer Use Ordinance. This Ordinance shall apply to all Users of the District's facilities. The ordinance authorizes the issuance of wastewater discharge permits, provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

Section 103. Analytical and Sampling Methodology and Procedures. The method and procedures utilized for all analyses which are reported under the requirements of these regulations shall be as specified by the provisions of 40 CFR Part 136, "Guidelines Establishing Test Procedures for the Analysis of Pollutants."

The methods and procedures utilized for all sampling performed and/or reported under the requirements of these regulations shall be as specified by the provisions of 40 CFR Part 136.

If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the U.S. Environmental Protection Agency.

ARTICLE II. DEFINITIONS

Section 201. ACT means any regulation contained in or amendment of the Clean Water Act.

Section 202. ADMINISTRATIVE COMPLAINT means a presentation (written document) by the District, normally reserved for the advanced stages of formal

enforcement, giving notice to the discharger of the nature and basis of the violations asserted and demanding specified amounts of money for noncompliance.

Section 203. ADMINISTRATIVE ORDER means an enforcement document which directs Users to implement corrective or remedial measures. Levels of enforcement include: Cease and Desist Orders, Compliance Orders, and Show Cause Orders.

Section 204. AGENT means any person designated or retained by the District, including the General Manager, to fulfill the sampling, monitoring, reporting, or inspection services of the District as required by this Ordinance, the waste discharge permit and/or all applicable state, federal, or local regulations, and/or to perform the enforcement actions required by this Ordinance. District's agents may include, but are not limited to, any of the following: the General Manager, Waste Minimization Coordinator, Consultant, or the County District Attorney.

Section 205. AUTHORIZED REPRESENTATIVE OF USER may be: (1) principal executive officer, if the User is a corporation or a governmental body; (2) general partner or proprietor, if the User is a partnership or proprietorship, respectively; or (3) duly authorized representative of the individual designated above, if such representative is responsible for the overall operation of the facilities from which the discharge originates and if such representative is identified in writing by the individual designated in (1) or (2) above.

Section 206. BIOCHEMICAL OXYGEN DEMAND (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20D Celsius, usually expressed as a concentration (e.g., mg/l).

Section 207. BOARD means the governing board of the Las Gallinas Valley Sanitary District. The Board consists of five elected members.

Section 208. CATEGORICAL USER means any User who, on the basis of the industrial activity at the facility in question, must comply with National Categorical Standards.

Section 209. CEASE AND DESIST ORDER means an Administrative Order directing a discharger to immediately halt illegal or unauthorized discharges, or to terminate its discharge.

Section 210. CFR means the Code of Federal Regulations.

Section 211. COMPLIANCE ORDER means an Administrative Order directing the discharger to achieve or restore compliance by a specified date. A Compliance Order may include a compliance schedule with specific milestones for achieving steps toward compliance, for tracking progress, and for the discharger to report progress.

Section 212. CONTAMINATED GROUNDWATER means any storm water, groundwater, surface water, landfill leachate, or subsurface drainage which has been contaminated with pollutants or by exposure to pollutants to the extent that it cannot readily be discharged to the storm drain.

Section 213. DISCHARGER means any person discharging non-domestic waste to the system. This term specifically includes any categorical industries connected to the system, whether or not they discharge process wastewater. It also includes any facilities with a reasonable potential for discharging significant quantities of industrial waste, whether or not they are currently discharging process waste.

Section 214. DISTRICT refers to the Las Gallinas Valley Sanitary District.

Section 215. GENERAL MANAGER refers to the Manager of the Las Gallinas Valley Sanitary District or his designated Agent.

Section 216. DOMESTIC WASTE means any waterborne waste of the type naturally resulting from flushing and washing waste products from residences and lavatories.

Section 217. EMERGENCY means a situation or occurrence of a serious nature, developing suddenly and unexpectedly, and demanding immediate action.

Section 218. FEE means a charge for professional or special service.

Section 219. FEDERAL PRETREATMENT REGULATIONS means any regulations promulgated by EPA in accordance with Sections 307(b) and (c) and 402(b)(8) of the Act (33 U.S.C. 1317) for the implementation, administration, and enforcement of pretreatment standards.

Section 220. ILLEGAL DISCHARGE means any discharge of waste containing contaminants or pollutants prohibited by state or federal law, or local limits, including discharge to the District's system or to the storm drain system.

Section 221. **INDIRECT DISCHARGE** means the introduction of pollutants into the system from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act.

Section 222. **INDUSTRIAL PARK** means a location in the service area where multiple industrial or commercial concerns, owned and operated by different persons, are discharging through one or more common connections to the water pollution control system.

Section 223. **INTERFERENCE** means any discharge which, alone or in conjunction with a discharge or discharges from other sources both: 1) inhibits or disrupts the system, its treatment processes or operations, or its sludge processes, use or disposal; and 2) therefore is a cause of a violation of any requirement of the District's NPDES permit, including an increase in the magnitude or duration of a violation, or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent California State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including California State regulations in any California State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research, and Sanctuaries Act.

Section 224. **LAS GALLINAS VALLEY SANITARY DISTRICT** refers to a public agency formed in Marin County, California, pursuant to Part 1 of Division 6 of the Health and Safety Code of the State of California, The Sanitary District Act of 1923.

Section 225. **NATIONAL CATEGORICAL STANDARDS** refers to any regulations containing pollutant discharge limits promulgated by EPA in accordance with Section 307 (b) and (c) of the Act (33 USC 1317) and which apply to a specific category of User. These regulations are found at 40 CFR Chapter I, Subchapter N, Parts 405-471.

Section 226. **NATIONAL PRETREATMENT STANDARD** refers to any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act, which applies to Users. This term includes both

the general and specific prohibitions found in 40 CFR 403.5 and the National Categorical Standards.

Section 227. NEW SOURCE means any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commences 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 section. Specific location and construction criteria for determining a new source are as provided in 40 CFR 403.3(k).

Section 228. NONCOMPLIANCE means any violation of any part of this Ordinance, the waste discharge permit, National Categorical Standards, or any other federal, state or local law, regulation or order related to the discharge, indirect or otherwise, of Non-Domestic Waste.

Section 229. NON-DOMESTIC USER means a source of indirect discharge.

Section 230. NON-DOMESTIC WASTE means any waterborne waste from manufacturing, processing, or other industrial activity, excluding domestic waste, boiler blow-down, and uncontaminated cooling water. Substantial discharge of boiler blow-down closely associated with industrial activity shall be considered an industrial waste discharge when such discharge has, in the opinion of the District, a reasonable potential to affect the system. Waterborne wastes from commercial activities, such as automobile repair or photo processing, are expressly included in this definition. Contaminated groundwater is also included in this definition.

Section 231. NOTICE OF VIOLATION (NOV) refers to an official written communication from the District to the noncompliant User informing him that a violation has occurred and that appropriate corrective action must be taken in a prescribed period of time.

Section 232. NPDES PERMIT refers to a permit issued for direct discharge to San Francisco Bay or other waters of the state. The permits are issued by the Regional Water Quality Control Board, as part of the National Pollutant Discharge Elimination System.

Section 233. NUISANCE means any nuisance defined by California statutes or known at common law or in equity jurisprudence.

Section 234. ORDINANCE refers to this Ordinance and any amendments thereto.

Section 235. PASS-THROUGH refers to a discharge from the treatment facility which enters the waters of the United States in quantities or concentrations which alone, or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the District's NPDES permit, including an increase in the magnitude or duration of a violation.

Section 236. PENALTY (FINE) means a sum of money imposed upon a person as a penalty for an act of wrongdoing.

Section 237. PERSON means any individual, firm, partnership, corporation, association or public agency, including the State of California and the United States of America. The singular shall include the plural; the masculine gender shall include the feminine.

Section 238. PREMISES means the location of the process, storage, discharge, and business actions of any person discharging to the system.

Section 239. PRETREATMENT means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the system. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

Section 240. PRETREATMENT REQUIREMENT means any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard, applicable to a User.

Section 241. SELF-MONITORING means wastewater sampling performed by a Discharger, per Article VIII, Section 802 of this Ordinance.

Section 242. SERVICE AREA means the geographical area served by the District. This includes all areas of San Rafael north of the Puerto Suello ridge.

Section 243. SEWAGE means any combination of Domestic Waste and non-domestic waste together with such ground, surface and storm waters as may be present.

Section 244. SHOW CAUSE ORDER is an order for the User to appear before the District, to explain the noncompliance and why more severe enforcement actions should not be taken. The District may designate a hearing officer to hear testimony for the hearing.

Section 245. SIGNIFICANT INDUSTRIAL USER (SIU) includes all of the following: All categorical Users and any noncategorical User which discharges twenty-five thousand (25,000) gallons per day or more of process wastewater, excluding sanitary, noncontact cooling, and boiler blow-down wastewater; contributes a process wastewater which makes up five (5) percent or more of the average dry weather hydraulic or organic (BOD, TSS, etc.) capacity of the POTW; or has a reasonable potential to adversely affect the system, including inhibition, pass-through of pollutants, sludge contamination, or endangerment of District workers.

Section 246. SIGNIFICANT NONCOMPLIANCE means an industrial User is in significant noncompliance with applicable pretreatment requirements if any violation meets one or more of the following criteria:

- (a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of all of the measurements taken during a six (6) month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.
- (b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of all of the measurements for each pollutant parameter taken during a six (6) month period are equal to or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease; and 1.2 for all other pollutants, except pH).
- (c) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the District determines has caused, alone or in combination with other discharges, Interference or Pass-Through (including endangering the health of District personnel or the general public).

- (d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the District's exercise of its emergency authority to halt or prevent such a discharge.
- (e) Failure to meet, within ninety (90) days after the due 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 thirty (30) days after the due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules.
- (g) Failure to accurately report noncompliance.
- (h) Any other violation or group of violations which the District determines will adversely affect the operation or implementation of the local pretreatment program.

Section 247. SLUG DISCHARGE means 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 System. The discharge will be considered a Slug Discharge if the flow rate or concentrations or quantities of pollutants exceed, for any time period, longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration, quantity or flow during normal operations. A Slug Discharge is considered to be a discharge of a non-routine, episodic nature, including, but not limited to, a bypass of the pretreatment system, an accidental spill, or a noncustomary batch discharge. Batch discharges are intentional, controllable discharges that occur periodically within a User's process (typically the result of a noncontinuous process). Accidental spills are unintentional, largely uncontrolled discharges that may result from leaks or spills of storage containers or manufacturing processes in an area with access to floor drains.

Section 248. SYSTEM means all facilities of the Las Gallinas Valley Sanitary District for collecting, pumping, treating and disposing of Sewage or for reclaiming Sewage by-products.

Section 249. USER means any Person who contributes or causes a contribution of wastewater, including domestic waste, into the System.

Section 250. WASTEWATER PERMIT refers to a control mechanism document issued to a User, as described in Article V of this Ordinance.

Section 251. WATERS OF THE STATE means any waters, surface or underground, saline or fresh, within the boundaries of the state.

Section 252. WORKING DAY means Monday, Tuesday, Wednesday, Thursday, or Friday, excluding federal or California State holidays.

ARTICLE III. LIST OF ABBREVIATIONS

Section 301. BOD means Biochemical Oxygen Demand CCR - California Code of Regulations.

Section 302. CFR means Code of Federal Regulations.

Section 303. LGVSD means Las Gallinas Valley Sanitary District.

Section 304. EPA means United States Environmental Protection Agency.

Section 305. mg/L means Milligrams per Liter concentration.

Section 306. NPDES means National Pollutant Discharge Elimination System.

Section 307. pH means a numerical value representing the relative acidity or alkalinity of the waste discharge.

Section 308. POTW means Publicly Owned Treatment Works.

Section 309. RWQCB means Regional Water Quality Control Board, San Francisco Bay Region.

ARTICLE IV. STANDARDS AND LIMITATIONS. The District has set forth the following prohibitions and limitations for waste discharge to the System. Where National Categorical Standards are applicable, the Discharger must comply with the more stringent of the District local limit or the applicable categorical standard for a given pollutant.

Section 401. General Discharge Prohibitions. No Person shall contribute to or cause to be contributed to the System any waste or any pollutant which will:

- (a) Cause Interference with the System.
- (b) Damage the System.
- (c) Cause Pass-Through of the System.
- (d) Cause hazard to the public safety, the environment, or to District personnel.

Section 402. Specific Prohibitions. No Person shall discharge any waste to the System, except through sewer connections approved by the District. Discharge at any other location, specifically including collection system manholes, is prohibited without prior written approval from the District.

Except as hereinafter provided, no Person shall discharge, or cause to be discharged, to the System any of the following described waters or wastes:

- (a) Any solid or viscous pollutants in amounts which will cause obstruction to the flow in the System or which will require unusual attention or expense to convey and/or treat. In no case shall there be discharge of any solid material not capable of passing through a three-eighths (3/8) inch mesh screen.
- (b) Pollutants which create a fire or explosive hazard in the System, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21.
- (c) Heated discharges in amounts which will inhibit biological activity in the treatment facility resulting in Interference. Heated discharges in such quantities that the temperature at the treatment plant exceeds 104°F (40°C) or which pose a hazard to District personnel.
- (d) Any discharge which has been diluted as a partial or complete substitute for treatment to achieve compliance with this Ordinance, the User's waste discharge permit, or the National Categorical Standards.

- (e) Any discharge of hazardous waste, as defined by Title 22 of the California Code of Regulations, without the written approval of the District.
- (f) Any discharge which causes noxious or malodorous gases at or near the District's facilities or which otherwise creates a public nuisance.
- (g) Pollutants which result in the presence of toxic gases, fumes, or vapors within the District's facilities in a quantity that endangers the health or safety of District's personnel.
- (h) Any storm water, surface water, groundwater, roof runoff or subsurface drainage, except in cases of discharge of contaminated groundwater in accordance with Article IX.
- (i) Any radioactive wastes, except as allowed under the "California Radiation Control Regulations," CCR Title 23 Section 30100 et seq.
- (j) Any discharge of any pollutant, including oxygen-demanding pollutants (BOD, etc.), released at a flow rate and/or concentration which will cause Interference with the System.
- (k) Any discharge containing petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that, alone or in conjunction with other discharges, will cause Interference or Pass-Through.
- (l) Any discharge which, alone or in conjunction with a discharge or discharges from other sources, will compromise the use of District's treated wastewater for any adopted reclamation use.
- (m) Pollutants which will cause corrosive structural damage to the System.
- (n) Substances containing greater than five (5) percent copper by weight, added to control roots or for any other purpose.

Section 403. Other Prohibitions.

- (a) Use of Dilution Prohibited. Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no User shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate

treatment to achieve compliance with the limitations contained in the National Pretreatment Standards, or in any other pollutant-specific limitation developed by the District or State. An increase in the use of process water, which is reasonably proportional to increased production and which is required for said increase in product, will not be considered a use of dilution.

- (b) Slug Discharges. All Users are prohibited from allowing Slug Discharges, as elsewhere defined herein, from entering the system. Each User shall provide protection from Slug Discharges of restricted materials or other substances regulated by this Ordinance.

Section 404. Local Limits. Any exceedance or violation of these limits is considered to be a violation of this Ordinance and is enforceable by Penalties.

- (a) No discharge shall have a pH less than 6.0 or greater than or equal to 12.5. (Any discharge having a pH of 12.5 or more is considered a hazardous waste.)
- (b) The following table lists the maximum waste discharge concentration for the listed pollutants.

Pollutant	Maximum Concentration (mg/L)
Arsenic	1.0
Boron	1.0
Cadmium	0.1
Chlorides	500
Chromium (Hexavalent)	0.05
Copper	1.0
Lead	1.0
Mercury	0.011
Nickel	1.0
Silver	0.007
Zinc	2.0
Cyanide (Total)	1.0

- (c) No discharge shall contain petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in a total concentration exceeding 100 mg/L.

Section 405. National Categorical Standards. The National Categorical Standards, found at 40 CFR Chapter I, Subchapter N, Parts 405-471, are hereby incorporated into this Ordinance and made a part thereof. All categorical Users are required to comply with those National Categorical Standards which are applicable to them.

Section 406. Point of Application of Limits. Compliance with the discharge limits and standards listed in this Section shall be determined at a location or locations deemed appropriate by the District.

Categorical Standards shall apply to the effluent of the process regulated by the Standard, or as otherwise specified by the Standard. Where process effluent is mixed prior to treatment with wastewaters other than those generated by the regulated process, fixed alternative discharge limits may be determined by the District, as defined in 40 CFR 403.12(a).

Section 407. District's Right of Revision. The District reserves the right to establish, by ordinance or resolution, more stringent limitations or requirements on dischargers to the System if deemed necessary to comply with the objectives presented in this Ordinance. No revision of limitations or requirements hereunder shall subject the District to civil liability or Penalty for interference with a vested right of any User.

ARTICLE V. AUTHORITY AND RESPONSIBILITY. The District shall have the authority to regulate all discharges to, and other uses of, its System in order to ensure compliance with the National Pretreatment Standards and all provisions of this Ordinance.

Section 501. Authorities of the District.

- (a) The District and its Agent shall have the authority to seek injunctive relief and pursue civil and criminal penalties for violations of this Ordinance as may be provided for under the Act and California state and federal laws.
- (b) The District and its Agent shall have all the following authorities:

1. To issue an Administrative Order, including a Show Cause Order, Cease and Desist Order, and Compliance Order to any User of the System;
2. To assess administrative penalties to any User of the System;
3. To terminate service and disconnect any Person from the System who does not comply with the requirements of this Ordinance or the requirements of the User's permit;
4. To seek criminal penalties for violations of this Ordinance as may be provided for under the Act and California State and federal laws;
5. To halt or suspend a discharge in the event of an actual or threatened discharge which is in violation of this Ordinance, the waste discharge permit, or the regulatory conditions of 40 CFR 403.8(f)(1)(vi)(B), or in the event of an emergency;
6. To levy fees for additional services or to recover damage costs which are a result of a discharge, as described in Article VI, Section 604 of this Ordinance;
7. To inspect, at any reasonable time, the Premises of any User of the System, including, but not limited to, any areas or points of sampling, discharge, process, storage, and/or any other areas as deemed reasonable and necessary by the District to document the person's compliance with the requirements of this Ordinance or the waste discharge permit. The authority to inspect includes the authority to take photographs and/or collect samples of any wastes either being discharged or with the potential for such discharge, or for any other violation of local, state or federal law which may impact the System;
8. To witness any sampling and sampling procedures as required as part of the self- monitoring program and under the terms of this Ordinance and the waste discharge permit;

9. To obtain copies of any monitoring and sampling records as necessary to establish compliance or non-compliance with the objectives of this Ordinance or the waste discharge permit and, if necessary, remove those records from the Premises for copying purposes. These records include, but are not limited to, record keeping required under 40 CFR 40112;
10. To require a waste Discharger to install and operate pretreatment facilities and/or sampling locations as deemed reasonable and necessary by the District to meet the local limits described in this Ordinance and the National Pretreatment Standards;
11. To specify a compliance schedule for the User to install Pretreatment, monitoring, and sampling equipment, and shall have the authority to require compliance schedules and compliance reports on completing scheduled milestones to meet compliance;
12. To inspect the installation and operation of the pretreatment facilities;
13. To require submission of all notices and self-monitoring reports from any User as required by this Ordinance and the Discharger's permit, and any additional reports required to demonstrate compliance with this Ordinance and the permit requirements, including, but not limited to, the reports required in Section 403.12, and signatory and record-keeping requirements of 40 CFR 403.12(1).

Section 502. Responsibilities of the General Manager.

- (a) The General Manager shall be charged with the administration of the District's facilities and the enforcement of the provisions of this Ordinance. For such purposes, upon presentation of proper credentials and identification, he or his Agent may enter, at reasonable times, any Premises in the service area to perform any duty imposed upon him by this Ordinance.

- (b) The General Manager shall be responsible for checking the quantitative or qualitative compliance with the established regulations. Such quantitative or qualitative analysis may be made either by spot checks or regularly scheduled checks of all waste material.
- (c) If the waste material is found to be in violation of the standards established in Article IV, Standards and Limitations of this Ordinance, it will be the responsibility of the General Manager or his Agent to request compliance and make reports on the progress of corrective measures to the Board of the Las Gallinas Valley Sanitary District.

ARTICLE VI. ADMINISTRATION

Section 601. Classification of Users. All Users shall be classified for wastewater disposal purposes in accordance with the activities conducted upon the Premises, as determined by the District. The purpose of classification is to facilitate the regulation of Users of the System on the basis of each User's waste quality, quantity and flow, and the recovery of equitable and appropriate fees.

(a) User Classes.

1. Class I User: Any User meeting the definition of a "Significant Industrial User" in Article II, Section 245 of this Ordinance. This includes all "categorical users," whether or not they discharge process wastewater into the System.
2. Class II User: Any User who, in the opinion of the District, may have an impact on the District's ability to meet the objectives of this Ordinance and who is not appropriately classified as a Class I, III or IV User. Typically, these are manufacturing or mass-transit facilities, but other types of facilities may be classified as a Class II User. The following criteria shall be used to determine if a User is a Class II User and the term of the permit:
 - Wastewater flow rate.
 - Wastewater characteristics, actual and/or potential.

- Quantity and type of hazardous wastes generated at the facility.
 - The potential for spills to the System from the facility and the impact of such spills if they should occur.
 - The size and complexity of the facility, to the degree that this affects the effort required to verify compliance with District requirements.
3. Class III User: Any User performing business activity which has been designated by the District as a Class III category. This designation shall be based on the criteria listed above for Class II Users, taking into consideration the cumulative effect of all Users in the category under consideration. Individual permits will be issued to each facility, but these permits shall be "short form" permits, standardized within each category.

Below are listed business activity categories which have been designated as Class III categories:

- radiator and repair shops
- dry cleaners
- vehicle maintenance and repair facilities
- printers
- photo processors
- x-ray facilities
- dental offices
- medical offices and laboratories

The above list is not inclusive, and categories not listed may be designated Class III.

Before any additional categories are designated Class III, the District will notify facilities in the category of the proposed regulation and give them an opportunity to comment on the

proposal. The District will attempt to notify all Users in the category in the service area, but failure of a User to receive prior notification shall not exempt them from the permit requirement, after the category has been designated a Class III category.

A facility performing business activity in a Class III category may be classified instead as a Class II User. This shall be done if it is determined, based on the criteria listed above for Class II Users, that a standardized Class III permit is not adequate to assure facility compliance with this Ordinance.

4. Class IV User: Dischargers of contaminated groundwater and similar dischargers. These discharges are discussed in Article IX of this Ordinance. A facility requiring a Class I, II or III permit will require a separate Class IV permit for groundwater discharge from the facility.

Section 602. Responsibility of Users. It shall be the responsibility of the User to comply with all of the provisions of this Ordinance. The omission to act by the District and/or the failure of the District to take cognizance of the nature of the operation of the User and/or the properties of the User's wastewater shall not relieve the User of responsibility to comply with the conditions of this Ordinance, including, but not limited to, such requirements regarding permitting, Pretreatment, monitoring, and reporting. It shall be the responsibility of the User to make determinations as to the nature of its operation and wastewater flow and to take such actions as may be required under this Ordinance prior to any discharge of wastewater, whether or not the User has been informed by the District of the requirements which may apply to the User regarding its discharge.

Section 603. Permit Procedures.

(a) Applicability: Any User classified as a Class I, II, III or IV User, as described in Section 601(a) of this Ordinance, shall apply for a Wastewater Permit from the office of the District and shall not discharge waste into the System without a permit.

The permitted discharge herein is accepted only on a capacity available basis. Such discharge is subject to reduction, modification, suspension, or termination at any

time by the District with a phone call or written notice. Discharge shall cease immediately upon request by the District and shall not be continued without written authorization from the District.

(b) Application for Permit.

1. Users required, or who may be required, to obtain a Wastewater Permit shall complete and file with the District an application in the form prescribed by the District. A new permit fee may be assessed at the time of the application. All new Users shall apply at least thirty (30) days prior to connecting to or contributing to the System. In support of the application, the User may be required to submit, in units and terms appropriate for evaluation, some or all of the following information, but will, in all cases, be required to submit item xvii:
 - (i) Name and address of the operator or owner and location of the facility for which the permit application is being made.
 - (ii) SIC number(s) according to the Standard Industrial Classification Manual, Bureau of the Budget, 1987, as amended, for all operations conducted at the facility.
 - (iii) A list of all environmental control permits and hazardous substance release response (spill) plans that are held by or for the facility.
 - (iv) Time(s) and duration of all process discharges.
 - (v) Average daily and fifteen (15) minute peak wastewater flow rates, including daily, monthly, and seasonal variations, if any. Flow rates shall be provided for each regulated process stream.
 - (vi) Site plans floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, and appurtenances by the size, location, and elevation.
 - (vii) Description of activities, facilities, and plant processes

on the premises, including all materials which are or could be discharged, provided such existing or proposed wastewater pretreatment facilities.

Construction drawings and design criteria shall also be submitted.

- (viii) The nature and concentration of any pollutants in the discharge which are limited by a district or state pretreatment standard or requirement or by a national pretreatment standard, or which are otherwise requested by the District. Pollutant data shall be provided for each regulated process stream. In the case of an existing User, a statement regarding whether or not the pretreatment standards and requirements are being met on a consistent basis, and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the User to meet applicable pretreatment standards and requirements.
- (ix) The nature and concentration of any pollutants in the discharge which are limited by state or federal standards concerning the release or discharge of any hazardous substance or waste.
- (x) If additional pretreatment housekeeping, process changes, and/or operations will be required to meet the pretreatment standards and requirements, the shortest schedule by which the User will provide such additional Pretreatment. The completion data in this schedule shall not be later than the compliance date established by EPA, the State, or the District for the applicable standard.
- (xi) Each product produced by type, amount, process or

processes, and rate of production.

- (xii) Type and amount of raw materials processed (average and maximum per day), provided such raw materials are present in quantities sufficient to cause harm to the operations of the District or to the environment if released.
- (xiii) Number, type and volume/amount of hazardous substances stored on the premises and a description of the method of storage and/or the containment device for such substances, provided such substances are present in quantities sufficient to cause harm to the operations of the District or to the environment if released.
- (xiv) A description of the spill protection and emergency response procedures used or proposed to be used at the facility.
- (xv) Number and classification of employees, hours of operation of plant, and proposed or actual hours of operation of pretreatment system.
- (xvi) A signed statement of the authorized representative of the applicant that the information presented in the permit application is true and accurate to the best of the authorized representative's knowledge and that the applicant is, or upon connection will be, in compliance with applicable pretreatment standards and requirements on a consistent basis, and if not, whether additional operation and maintenance (O&M) and/or additional Pretreatment is required for the applicant to meet such standards and requirements.
- (xvii) A signed certification of a qualified professional that

the applicant is, or upon connection will be, in compliance with applicable pretreatment standards and requirements on a consistent basis, and if not, whether additional O&M and/or Pretreatment is required for the applicant to meet such standards and/or requirements.

(xviii) Any other information as may be deemed by the District to be necessary to evaluate the permit application. The permit application for Class I and II Users shall include a statement that any information submitted by the applicant shall be available for public review, except where such information is specified by the applicant to be entitled to protection as trade secrets. The application form will specify procedures for designating submitted information as confidential, in accordance with Article X of this Ordinance. This statement and procedures may be omitted from permit application forms for Class III and IV Users, if the information requested on the forms does not include any potential trade secrets.

2. When the District, or its agent, becomes aware of discharge of Non-Domestic Waste without a permit, the District may issue a Cease and Desist Order (CDO) requiring the Discharger to immediately halt discharge to the system. If a CDO is not issued, a Notice of Violation (NOV) will be issued to the Discharger. The NOV will be accompanied by a statement of the material required for an acceptable permit application, a statement of the Permit Fee, and a deadline for submission of the completed application. The NOV deadline for submission of a completed application will be fifteen (15) to sixty (60) days after the date of the NOV as deemed appropriate by the District, or its Agent. This deadline shall not negate the District's authority to

halt, in a timely fashion, discharges which cause a nuisance, Pass-Through, Interference, or any hazard or threat to the public safety or any other violation of this Ordinance.

3. The District will provide the applicant with the following documents when the application is requested:
 - (i) Copies of this Ordinance and any other applicable LGVSD ordinances governing the potential discharge as deemed necessary by the District.
 - (ii) The District may provide the applicant with summaries of the above documents, unless complete copies are requested by the applicant. A fee may be charged for these documents.
4. The District will review the permit application to determine if a permit is required, if the application is complete, and if a permit shall be granted or denied.
 - If the District determines that the application is incomplete, he may require the Discharger to submit additional information before granting or denying a permit. When the District determines the permit application has been satisfactorily completed and all appropriate fees have been paid, a discharge permit will be issued, unless there are other reasons for denial. If a permit is denied, the District shall provide the person with a written explanation for denial.
 - All discharge permits will include a deadline for submission of a permit renewal application, prior to the expiration date of the permit. Users failing to submit an acceptable application and the permit fee by the application deadline are subject to enforcement action. This enforcement action may include administrative penalties and/or an Administrative Order.

(c) Permit Requirements.

1. The District may, at any time before or after granting a permit, require additional information from each Person applying for a Wastewater Permit. Each such person shall notify the District of any changes in process of operation that may affect the quantity or quality of the waste discharge prior to implementing such changes.
2. Each permittee may be required to sample and monitor his discharge and provide monitoring reports as required by the District in accordance with the Federal Pretreatment Regulations and the Wastewater Permit. The District may, at any time, require the Person to submit additional or more frequent reports to demonstrate compliance with this Ordinance and all applicable state and federal regulations.
3. All costs for sampling and monitoring, whether completed by the District or the permittee, shall be borne by the permittee.
4. All analytical testing of samples shall be performed by a laboratory facility approved by the District.
5. Each person discharging waste into the system shall construct suitable sampling and gauging stations or provide such inspection facilities as may be required by the District. The District shall be permitted access to these stations and/or facilities.
6. Each Person discharging waste into the System shall, at his own expense, continuously provide and maintain in satisfactory and effective operation such Pretreatment as may be required by the District.
7. If a pretreatment system is necessary to establish compliance with this Ordinance and any applicable National Pretreatment Standards, the system must meet the approval of and be inspected by the District, or its Agent, prior to operation.

(d) Permit Conditions. Wastewater Permits shall be expressly subject to all provisions of these regulations and all other regulations, user charges, and fees

established by the District. The conditions of Wastewater Permits shall be uniformly enforced by the District in accordance with these regulations and applicable state and federal regulations.

(e) Permit Limitations.

1. No vested rights of any type whatsoever of discharge to or sewage capacity in the System is created by the issuance of a permit.
2. Each permit is subject to renewal upon request to the District, provided the Discharger makes application for renewal prior to the renewal application deadline stated in the current permit. Permit renewal is not guaranteed and shall be subject to capacity limitations and compliance history considerations.
3. The Las Gallinas Valley Sanitary District, its officers, employees and agents shall not be liable for damages, judgments, costs, and expenses which may in any manner accrue against the Las Gallinas Valley Sanitary District in consequence of the granting of such permit.

(f) Permit Modification. The District reserves the right to modify, at any time, the terms and conditions of the waste discharge permit or the discharge quantity and concentration limits authorized therein.

(g) Appeal to Permit.

1. If a permittee wishes to appeal or challenge any conditions, requirements, or limits contained in a Wastewater Permit, the permittee shall file a request for modification of the permit within ten (10) working days of receipt of the permit. The request shall be in writing and shall specify each permit element that is not acceptable to the permittee and shall list all relevant facts supporting the request for change of that element. Failure to request a modification of the permit within ten (10) working days of receipt of the permit is deemed a waiver by the permittee of his right to challenge the terms of the permit.

2. The District shall render a decision in writing on the request for permit modification within ten (10) working days of receiving such request. If the decision of the District is still unacceptable to the permittee, the permittee may file a written request for reconsideration. Failure to file such request within ten (10) working days of notice of the District's decision shall be deemed a waiver by the permittee of his right to challenge the terms of the permit. When a request for reconsideration of the District's decision has been received, the Board shall make a ruling on the District's decision within ninety (90) days of receiving the request. The decision of the Board shall be final.
3. Except where deemed appropriate by the District, the permittee is required to comply with all conditions, requirements, and limits contained in the permit, effective on the date of issuance of the permit. The filing of a request for permit modification shall not delay implementation of the permit.

(h) Permit Suspension, Revocation or Denial. The District reserves the right to suspend or revoke a permit in the event of a violation of this Ordinance or the waste discharge permit, or to deny a permit application.

(i) Reconnection After Termination of Service. Whenever a sewer has been disconnected (termination of service) for failure to comply with the provisions of this Ordinance, reconnection may be made only upon issuance of a wastewater permit. Before such a permit is issued, the applicant shall reimburse the District for the cost of the disconnection. Any reconnection will be at the expense of the permittee.

(j) Permit Transfer. The Wastewater Permit is issued only to a specific Person and for a specific location, as designated in the permit, and shall not be assignable nor transferable to any other Person or any other location. Sale or relocation of a business, public agency, or any other Person shall obligate the business, public agency, or Person to obtain written approval from the District prior to continuing the discharge under the terms and conditions of the

original permit and to make application to obtain a new permit within thirty (30) days after commencing the continued discharge. Permit transfer as a result of corporate or personnel reorganization, insolvency or bankruptcy shall be subject to the approval of the District and must be requested in writing by the Discharger. Failure to submit such a request is subject to Penalty.

Section 604. Authority to Assess and Collect Fees. All Users of the System shall be subject to the terms and conditions of this Ordinance and to the terms, conditions, fees, and Fines as described below and as set forth in Article XI of this Ordinance and as contained in other ordinances of the District.

The District shall have the authority to assess and collect fees for cost recovery purposes.

- (a) Sampling Fee: The purpose of this fee is to recover the District costs for sampling, lab fees, travel, equipment, labor or any other costs accrued by the District to complete sampling as required by this Ordinance, the waste discharge permit, or under directive of the District to demonstrate compliance.
- (b) Inspection Fee: The purpose of this fee is to reimburse the District for any inspection costs as necessary and reasonable to demonstrate compliance with this Ordinance and/or the Wastewater Permit.

The fees listed and described above shall be payable to the District.

Section 605. Delinquent Fees. All fees as described above are due and payable upon receipt of such notice. All fees not paid within sixty (60) days of issuance will be considered delinquent and are subject to a subsequent delinquent charge amounting to ten (10) percent of the amount of the fee in question. Failure to pay fees within ninety (90) days of issuance shall result in enforcement action by the District. This enforcement action may include termination of service and/or civil action to collect all outstanding fees and delinquent charges. All costs resulting from this enforcement action will be paid by the User.

ARTICLE VII. REPORTING, PLANS AND RECORD KEEPING

Section 701. Required Reporting. Under the terms and conditions of this Ordinance and the waste discharge permit, all Users of the System shall report to the District any and all of the following events:

(a) Noncompliance: Any Discharger required to perform Self-Monitoring shall report any violation to the District within twenty-four (24) hours of becoming aware of the violation. This reporting may coincide with, or be in addition to, any self-monitoring reports required by the discharge permit. Where the discharge in violation has a reasonable potential to affect the District's system, notification to the District shall be made immediately. Subsequent to the notification, the District will issue a Notice of Violation, as described in Article XI, Section 1101(a) of this Ordinance.

The Discharger shall repeat the sampling and analysis and submit the results of the repeat analysis to the District within thirty (30) days after becoming aware of the violation. The Discharger will not be required to resample if the conditions of 40 CFR 403.12(g)(2)(i) or (ii) are met.

(b) Change in Process: All Users of the System shall report any change in their industrial, manufacturing, or operating processes that could affect the quality or quantity of their discharge, prior to commencing the changed discharge. Notification will be to the District. Notification may be by telephone, in person, or in writing. Where notification is in person or by telephone, such notification shall be followed by a written report. Where the anticipated changes in discharge volume or content have a reasonable potential to affect the system, notification shall be at least five (5) working days prior to commencing the changed discharge.

(c) Slug Discharge: Any person who makes a Slug Discharge, as elsewhere defined herein, to the water pollution control system shall notify the District of the discharge immediately. This notification shall be by phone call or in person and shall be followed by a written report within five (5) days.

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

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

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

Nothing contained in this section of the Ordinance is intended to modify the prohibitions set forth in Article IV, Section 402.

In addition, all categorical Users must submit Baseline Monitoring Reports and, when necessary, Compliance Schedule Progress Reports, 90-day Compliance Reports, and periodic reports on continued compliance. Failure to comply with any of the reporting requirements specified in this section is a violation of this Ordinance.

Section 702. Additional Reports. The District may require any User to submit any or all of the following reports in addition to any reports required under Article VI, Section 601 of this Ordinance. Failure to submit complete, accurate reports when due is a violation of this Ordinance.

- Baseline Monitoring Reports.
- Compliance Reports.
- Compliance Schedule Progress Reports.
- Any other reports as reasonable and necessary to demonstrate compliance with this Ordinance or the waste discharge permit.

All submitted Baseline Monitoring Reports, Compliance Reports, and Compliance Schedule Progress Reports shall be signed by the User or his authorized Agent in accordance with 40 CFR 403.12 (1). This Person shall be the same Person who signs the Application for a waste discharge permit, unless an Agent is designated at the time the waste discharge permit is issued. These reports shall contain the certification statement specified in 40 CFR 403.6(a) (2) (ii). For other reports required by the District, these certification and signatory requirements may be modified as deemed appropriate by the District.

These reports are discussed below:

- (a) Baseline Monitoring Report. Ninety (90) days before commencement of discharge, Persons subject to National Categorical Standards shall submit a Baseline Monitoring Report. This report shall be in writing and be submitted to the District. Baseline Monitoring Reports for categorical users shall include all the information set forth in 40 CFR 403.12 (b) (1) (7).
- (b) Compliance Reports. Any User of the System may be required to submit to the District a report demonstrating compliance with this Ordinance, any applicable waste discharge permit, and any applicable National Categorical Standards. This report shall be submitted at least semi-annually and as specified in the User's Wastewater Permit.
 1. In cases of known or suspected noncompliance, the District may require additional and more frequent compliance reporting.
 2. All categorical users shall submit a report demonstrating compliance with the applicable National Categorical Standards within ninety (90) days following the date for final compliance with those standards or, in the case of a New Source, following

commencement of the introduction of wastewater into the POTW. This report shall contain the information described in 40 CFR 403.12(b)(4-6).

(c) Compliance Schedule Progress Reports. All Persons found to be in violation of this Ordinance, their Wastewater Permit, or any state or federal regulation prohibiting or limiting waste discharge, may be required to prepare a schedule of actions to bring their discharge into compliance under the direction of the District.

1. The District shall determine if an action is acceptable and appropriate; to set the time frame to complete compliance action; to set the frequency of required compliance reporting; to set the frequency for required sampling, monitoring and inspection; and to determine any additional actions necessary for the Discharger to meet compliance schedule on a timely basis.
2. Any Discharger subject to a Compliance Schedule shall submit to the District, for each compliance step in the Schedule, a report stating whether or not compliance was achieved. Where compliance is not achieved, the report must state reasons for noncompliance, steps being taken to comply with the Schedule, and the date when compliance with the increment in question is expected. Each report must be submitted not later than fourteen (14) days after the date of the compliance step specified in the Compliance Schedule.

(d) Other Reports. All Users shall submit to the District any other reports as deemed reasonable and necessary by the District, in addition to those described above, to demonstrate compliance with this Ordinance, their Wastewater Permit, or any applicable state or federal regulations. Such reports include, but are not limited to, any reports or plans required by federal, California State, or local laws or regulations.

Section 703. Slug Discharge Control Plans. Each Discharger shall provide protection from Slug Discharges of restricted materials or other substances regulated by

this Ordinance and shall report such discharges as required by Article VII, Section 701(c) of this Ordinance. The District will evaluate the effectiveness and sufficiency of measures implemented to prevent Slug Discharges. Where appropriate, a User shall be required to prepare a Slug Discharge Control Plan containing at least the following information:

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

These plans shall be submitted to the District for review and approval. All Users required to have a Slug Discharge Control Plan shall submit such a plan within three (3) months and complete implementation within six (6) months of notice regarding the requirements of such plan. Review and approval of such plans and operating procedures shall not relieve the User from the responsibility to modify the User's facility as necessary to meet the requirements of this Ordinance.

Each User who violates any of the requirements of the Slug Discharge Control Plan shall be subject to the enforcement provisions of this Ordinance.

Section 704. Record-Keeping Requirements. All Persons subject to the reporting requirements of this Ordinance and 40 CFR 403.12 shall maintain records of all

information resulting from any monitoring activities and results and make such records available for inspection and copying by EPA officials and District personnel or Agents for a minimum of three (3) years, or a period of litigation, whichever is longer.

Section 705. Industrial Park Reporting. The District may require owners or managers of any industrial park in the service area to provide the District with information regarding the tenants of the industrial park. The requirement may be for periodic submission of a list of the business names and type of activity of each tenant. Industrial park owners or managers may also be required to notify the District, in a timely fashion, of occupancy by certain categories of industrial or commercial dischargers. The District may issue permits to industrial parks to facilitate consistent receipt of this information. These permits will be identical to the District's waste discharge permits, except that, under normal circumstances, the specific reporting requirements stated in this paragraph shall be the only permit requirements, and no permit fee will be assessed.

ARTICLE VIII. INSPECTION & MONITORING

Section 801. Inspection Procedure. District personnel can inspect the Premises of any User to determine whether the User is complying with the provisions of this Ordinance, the User's Wastewater Permit, and any applicable state, federal, and local laws and regulations pertaining to the treatment and discharge of waste to the System or the storm drain system.

(a) Inspections shall be made under the provisions of this Ordinance and the Discharger's waste permit, and with the consent of the User. However, if such consent is refused, the District shall notify the User that he is in violation of this Ordinance. If the User persists in refusing reasonable access to the Premises for purposes of inspection and monitoring, the District shall issue an Administrative Inspection Warrant, mandating such access by a specified date and at all reasonable times subsequent to that date. Failure to comply with the Administrative Inspection Warrant will result in termination of sewer service.

(b) A search warrant shall be obtained in instances where the General Manager believes there is substantial evidence that User refusal to consent to inspection

and/or monitoring is concealing criminal acts; that is, willful or negligent discharges in violation of this Ordinance or other applicable laws or regulations.

(c) Where deemed necessary to protect the System, the environment, or the public health, safety, or welfare from the effects of present or imminent discharges, the District may employ emergency measures, as described in Article XI of this Ordinance. These measures include providing access to Premises for the District, or its Agents, without the express consent of the owner.

(d) The District also retains the right to enter the Premises to inspect the Premises, processes, and records of the User; to sample or monitor the discharge; and to copy all records relating to pretreatment, chemical and waste storage, and waste discharge to the District's system, pursuant to 40 CFR 403.8 (f) (1) (v); to verify that the waste discharge is in compliance with waste discharge permit, with this Ordinance, and all applicable state, federal, and local laws pertaining to Pretreatment and waste disposal to treatment facilities or waters of the United States. The District shall also have the right to install and operate any necessary sampling and monitoring equipment on the Premises of the Discharger, at the expense of the Discharger, to document compliance.

(e) Any person discharging waste to the System shall provide a discharge sampling point and District personnel shall have access to the sampling point, at all reasonable times. The District has the right to observe any waste sampling conducted by the Discharger.

Section 802. Self-monitoring Requirements. The District can require Dischargers to monitor their discharge to the System and report the results of the monitoring to the District periodically. These monitoring and reporting requirements are specific to the Discharger and are listed in the Wastewater Permit. The District can require additional monitoring and reporting to document compliance.

(a) The District can require waste Dischargers to install and operate monitoring facilities at the point of discharge to the System, at the expense of the Discharger. The District may also choose to install and operate monitoring facilities on the Premises of the Discharger to document compliance. These facilities, if required, will be provided at the expense of the Discharger. The monitoring facilities will be constructed, installed and operated to allow for inspection, sampling, and measurement of

flow or other parameters of the regulated discharge. The monitoring facilities shall be in accordance with the District's construction standards and specifications. The facilities also shall be maintained, at all times, in a safe and proper operating condition at the expense of the Discharger.

(b) The District can require the Discharger to conduct sampling and analysis of the discharge at a frequency and type as specified by the District or as required by the Federal Pretreatment Regulations to demonstrate compliance with the prescribed waste discharge limits.

Section 803. Sampling. The Discharger shall sample his discharge to the System at the frequency provided in the waste discharge permit or as deemed reasonable and necessary by the District to demonstrate compliance. The District may require sampling to be conducted by non-permitted Dischargers, at his discretion. In which case, non-permitted Dischargers will be subject to the same sampling and reporting requirements as permitted Dischargers. The Discharger shall use the sampling and test procedures described in 40 CFR Part 136 "Guidelines Establishing Test Procedures for the Analysis of Pollutants," or amendments thereto, or otherwise approved by EPA. The District also may specify additional sampling requirements or conduct sampling as necessary and reasonable to ensure compliance with this Ordinance and/or the Wastewater Permit.

Initial sampling equipment and methods shall be observed by the District, or its Agent. Before conducting initial sampling, the Discharger shall notify the District three (3) days in advance and schedule a time for District personnel to be present to observe the sampling procedure. All sampling required by the waste discharge permit, this Ordinance, or the District is at the expense of the Discharger. The installation of sampling equipment and/or the conducting of sampling on the Discharger's Premises is at the expense of the Discharger. All Discharger samples for monitoring and reporting shall be analyzed at a laboratory facility approved by the District. Any attempt to tamper with a sampling procedure or to misrepresent a sampling analysis will be grounds for criminal prosecution and /or termination of services.

Section 804. Pretreatment. Dischargers shall install and operate any necessary wastewater treatment facilities or equipment as required by the District to achieve

compliance with this Ordinance and all National Pretreatment Standards within the time limitations specified in the Federal Pretreatment Regulations, this Ordinance, or the waste discharge permit, whichever occurs first. Any pretreatment facilities or equipment required to bring the discharge into compliance with the requirements of the Federal Pretreatment Regulations, of this Ordinance, or of the Wastewater Permit shall be provided by the Discharger at his expense.

Detailed plans for the construction and operation of the pretreatment facilities shall be provided to the District for review and approval prior to commencing construction. However, the review and approval of such plans shall in no way relieve the Discharger of the responsibility to modify the pretreatment facilities, equipment, or operating procedures as necessary to bring the effluent to an acceptable level of treatment. Any subsequent changes to the design, installation, construction, or operation of the pretreatment facilities or equipment shall be reported to the District in writing and shall be acceptable to the District prior initiating such changes.

The District may specify operational and/or recording procedures relative to routine operation of the pretreatment facilities. Such requirements may include, but are not limited to, Operation and Maintenance Manuals, operation logbooks, operator training, and on-site storage of spare parts and reserve treatment chemicals.

ARTICLE IX. CONTAMINATED GROUNDWATER. The discharge of contaminated groundwater is a special service outside of the normal service provided by the District and is therefore a privilege and not a right. Acceptance of this discharge by the District is done as a service to the community. Prior to any discharge, Dischargers must obtain a Wastewater Permit from the District.

The discharge of contaminated groundwater is subject to all of the guidelines, standards, and limitations and requirements of this Ordinance. The District reserves the right to impose additional or more stringent requirements than those contained herein where appropriate. Only contaminated groundwater generated within the District's service area will be accepted.

Section 901. Sources. Contaminated groundwater may include continuous discharges (e.g., from groundwater cleanup or from construction in areas of contaminated

soil) and batch or one-time discharges (e.g., from monitoring wells from underground tanks). These discharges may be either treated or untreated.

Section 902. Permitting. The discharge of contaminated groundwater is subject to the waste discharge permit requirements presented in Article VI of this Ordinance as well as any additional requirements stated in this section.

Section 903. Suspension of Discharge. The Discharger may be required to stop discharging during periods of rainfall or at other times and/or conditions determined appropriate by the District.

ARTICLE X. CONFIDENTIALITY. All information and reports obtained from a User or submitted by a User in accordance with this Ordinance shall be available for public review or review by other public agencies without restriction, unless the User specifies that the release of such information and reports to the general public would divulge information on processes or methods of production entitled to protection as trade secrets. The constituents and/or characteristics of the waste discharge will not be recognized as confidential information. Any such claim must be asserted at the time of submission in the manner prescribed in the application for permit to discharge, or in the case of other submissions, by stamping the words "confidential business information" on each page containing such information. If no claim is made at the submission, the District may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR part 2 (Public Information).

Request for public review of a User file shall be submitted in writing to the District. Such requests are subject to reasonable conditions regarding scheduling of access to files and fees for photocopied material. Release of information to other public agencies, on a strict confidentiality basis, will not be considered a violation of this confidentiality clause.

ARTICLE XI. ENFORCEMENT. This section presents the enforcement mechanisms and Penalties available to the District to respond to instances of noncompliance. The remedies for noncompliance, enforcement mechanisms and Penalties are cumulative.

Section 1101. Enforcement Mechanisms. It is the intent of this enforcement section to provide adequate mechanisms to achieve a maximum degree of compliance with this Ordinance by all Users. These enforcement provisions apply to all classes of Users to the extent such User violates any provision of this Ordinance or administrative order of the District pursuant to this Ordinance. The enforcement mechanisms set forth range from informal administrative action to formal criminal prosecution. The District may, in its discretion, implement the use of any mechanism or the concurrent use of several mechanisms in order to enforce the provisions of this Ordinance. The enforcement mechanisms provided herein may be cumulative in respect to such other enforcement mechanisms or civil and criminal penalties as may be otherwise available under the laws of the State of California and the United States of America. Nothing in this Ordinance is intended to prevent state and/or federal regulatory agencies from undertaking enforcement actions as may otherwise be available due to a violation of this Ordinance which also constitutes a violation of federal or state statutes and regulations, such as: (1) the Clean Water Act (33 U.S.C.A. Section 1251, et seq.); (2) the California Porter-Cologne Water Quality Act (California Water Code Section 13000, et seq.); (3) the California Hazardous Waste Control Law (California Health and Safety Code Section 25100 - Section 25250); (4) the Resource Conservation and Recovery Act (42 U.S.C.A. Section 6901, et seq.) and (5) California Government Code Section 54739 - Section 54740.6. The referenced state and federal laws, along with other pertinent laws, provide authority for the District's enforcement mechanisms.

- (a) Notice of Violation (NOV). An NOV will be issued to the User and property owner in writing. An NOV may be issued by the District in response to any violation of this Ordinance or the Wastewater Permit. The District shall issue an NOV within fifteen (15) days of a violation or notification that a violation has occurred. The violator shall be required to sign the NOV to acknowledge that it was issued to him.
- An NOV may contain specific actions for the User to take, such as conducting additional sampling, monitoring, or reporting, or applying for a permit or permit renewal.

- (b) Suspend Service. The District has the authority to suspend service to any User found in violation of the Ordinance, the Wastewater Permit, state and/or federal regulations, or the local limits. The suspension may remain in force until the User becomes in compliance.
- (c) Administrative Order. The District has the authority to issue an Administrative Order to bring a User into compliance. An Administrative Order may be either a Cease and Desist Order, Show Cause Order, or Compliance Order. The filing of an Administrative Order is under the discretion of the District and is considered to be an intermediate step to enforcing compliance.
- (d) Administrative Civil Penalties. Pursuant to the authority of California Government Code Sections 54739 to 54740.6, the District may issue administrative complaints, conduct administrative hearings and/or impose civil penalties in accordance with the procedures set forth in these sections for violation of District requirements relating to pretreatment of waste or the prevention of the entry of waste into the system.

These penalties shall be as follows:

- (i) In an amount which shall not exceed Two Thousand Dollars (\$2,000.00) for each day for failing or refusing to furnish technical or monitoring reports.
- (ii) In an amount which shall not exceed Three Thousand Dollars (\$3,000.00) for each day for failing or refusing to comply in a timely manner with any compliance schedule established by the District.
- (iii) In an amount which shall not exceed Five Thousand Dollars (\$5,000.00) 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.

Unless appealed, orders setting administrative civil penalties shall become effective and final upon issuance thereof, and payment shall be made within thirty (30) days. As to court actions authorized by the above-referenced sections, the Special Counsel designated by the Board shall institute appropriate actions to effect statutorily authorized remedies upon order of the Board.

(e) Civil Actions for Penalties.

1. Any User who violates any provision of the Ordinance or permit condition or who violates any Cease and Desist Order, prohibition or effluent limitation, shall be liable civilly for a Penalty not to exceed Twenty-five Thousand Dollars (\$25,000.00) for each day in which such violation occurs pursuant to California Government Code Section 54740. The Special Counsel designated by the Board, upon order of the Board, shall institute such actions as may be appropriate in a court of competent jurisdiction to impose, assess and recover such sums.
2. Pursuant to the authority of the Clean Water Act (33 U.S.C.A. Section 1251, et seq.), any Discharger committing a violation of any provision of the Ordinance, which is also a violation of a pretreatment standard, effluent standard or limitation or other applicable provisions of the Clean Water Act shall be liable civilly for a sum not to exceed Twenty- Five Thousand Dollars (\$25,000.00) per violation for each day in which such violation occurs. The General Manager may bring an action under the Act as a citizen's suit at the discretion of the Board.

- (f) Other Noncompliance Penalties. The following enforcement measures will be used in instances of serious noncompliance, usually resulting in extreme damage to the System, or from fraudulent practices, criminal noncompliance, violation of an Administrative Order, violation of a compliance schedule, or negligent or intentional discharge of waste which

causes a threat to the health and/or safety of the public, District personnel, or the environment.

- (i) Terminate Service. Waste discharge service to the System may be terminated by disconnection of a User's sewer connection, upon written notice by the District, for any of the following reasons:
 - Violation of an Administrative Order.
 - Refusal to cooperate with District personnel or comply with District policies.
 - Refusal to allow District personnel reasonable access to a Premises for purposes of inspection, monitoring, or abating an illegal discharge.
 - Fraudulent actions concerning reporting, self-monitoring, or District sampling or inspection.
 - One or more serious violations which endanger the health and/or safety of the public or District personnel or which endanger the System and/or the environment.
- (ii) Pursuit of Criminal Prosecution. Where the District determines that a violation of the Ordinance has occurred, the District may pursue criminal prosecution, pursuant to Health & Safety Code Section 6523. The offender faces thirty (30) days in jail, per violation, or a fine of One Thousand Dollars (\$1,000.00) per day per violation, or both.
- (iii) Pursuit of Civil Action. Where deemed appropriate by the District, it will pursue civil action, other than that referenced in Article XI, Section 1101(e)

above. Actions taken may include, but are not limited to, civil suits for damage to the System and/or injunctive relief. Civil actions may be pursued on a strict liability basis, regardless of intent, and shall include reimbursement for all costs incurred by the District, including costs for repair and/or administrative costs.

Section 1102. Costs for Enforcement Actions. All costs accrued by the District to undertake enforcement actions shall be paid by the User in violation. These costs include, but are not limited to, all fees mentioned above in this section of this Ordinance, attorney's fees and fees associated with termination of service. All such fees are payable to the District. All such fees are due and payable upon receipt of notice. Delinquent fees will result in delinquent charges and/or enforcement actions, as described in Article VI, Section 605 of this Ordinance.

Section 1103. Additional Emergency Measures. The General Manager shall have full power and authority to take any necessary precautions against a condition that is likely to result in a discharge which presents an imminent hazard to the public health, safety, or welfare; or which, either singularly or by interaction with other discharges, is an imminent hazard to the System; or which places the District in violation of its NPDES permit or any other federal, state, or local permits. The precautions include, but are not limited to, decontamination, sewer closure, packaging, diking, and transportation of materials in order to protect life, protect property, or prevent further damage to the environment or the System. In the pursuit of such an operation, District personnel, any person contracting with the District, or the duly authorized representative of another governmental agency shall have immediate access to the Premises. The District may prohibit approach to the scene of such emergency by any Person, vehicle, vessel, or thing and all Persons not actually employed in the correction of the conditions or the preservation of lives and property in the vicinity thereof.

ARTICLE XII. HEARINGS AND APPEALS. Any User, permit applicant or permittee, found in violation of this Ordinance or the Wastewater Permit, or adversely affected by a

decision, action, or determination of the District in interpreting or implementing this Ordinance, or in any permit enforcement action issued herein, may file a written request for reconsideration of the decision, action, or determination within ten (10) working days of notification of said decision, action, or determination. The written request for reconsideration shall detail facts supporting the User's request, and such facts must include a statement listing all relevant facts which must be considered, including such facts that may not have been known or available to the District at the date of such decision, action, or determination.

The General Manager will render a decision in writing on the request for reconsideration within ten (10) working days of receiving such request. If the decision on the request for reconsideration still is unacceptable to the User, the User may file a request for appeal to the District Board, within ten (10) working days of notice of the General Manager's decision. When a written request for appeal has been received and logged with the Board, the Board shall schedule a hearing within forty-five (45) days from receipt of the request for appeal, and the Board shall make a final ruling on the General Manager's decision within ninety (90) days from receiving the request for appeal.

Except where deemed appropriate by the General Manager, this reconsideration and appeal process described in this section of this Ordinance shall not halt or delay any enforcement action taken by the District.

The District reserves the authority to designate a hearing officer to hear all testimony presented for a hearing or appeal.

Prior to any court challenge of any LGVSD action, decision, or determination, the User shall exhaust all administrative remedies contained in this Ordinance.

Notwithstanding the foregoing, the statutory appeal procedures set forth in California Government Code Section 54739, et seq., applicable to administrative civil penalties imposed or sought pursuant to Article XI, Section 1101(d) of the Ordinance shall exclusively apply to such penalties.

ARTICLE XIII. SEVERABILITY. If any provision, paragraph, word, section or article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining

provision, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

ARTICLE XIV. REVISION. The Board of the Las Gallinas Valley Sanitary District reserves the right to update, change or modify this Ordinance when deemed advisable and necessary.

ARTICLE XV. REPEAL OF ORDINANCE. Ordinance No. 63 is hereby repealed, together with other ordinances and parts of ordinances inconsistent herewith.

ARTICLE XVI. EFFECTIVE DATE. Upon adoption of this Ordinance, it shall be entered in full in the minutes of the Board, shall be posted for one (1) week in three (3) public places in the District (there being no newspaper published in the District), and shall take effect upon the expiration of said week of posting.