

**DRAFT ORDINANCE NO. SRRRA-2019-Z-Z**

**ORDINANCE OF THE SANTA ROSA REGIONAL RESOURCES AUTHORITY  
ADOPTING REGULATIONS FOR WASTE DISCHARGE AND SEWER USE**

WHEREAS, the Waste Discharge Requirements imposed upon the Santa Rosa Regional Resources Authority (“Authority”) by the Regional Water Quality Control Board (“RWQCB”) requires that the Authority adopt an ordinance regulating the discharge of wastewater to Authority’s Santa Rosa Water Reclamation Facility (“SRWRF”) in accordance with all provisions of the General Pretreatment Regulations (Title 40 CFR Part 403.8); and

WHEREAS, the Authority currently owns facilities for the collection, metering, pumping, conveyance, treatment and disposal of wastewater including the SRWRF; and

WHEREAS, pursuant to Section 1.4.12 of the Joint Exercise of Powers Agreement of the Santa Rosa Regional Resources Authority, the Board of Directors has the power to adopt industrial pretreatment regulations that comply with federal and state pretreatment regulations; and

WHEREAS, pursuant to Section 1.4.13 of the Joint Exercise of Powers Agreement of the Santa Rosa Regional Resources Authority, the Board of Directors has the power to review and amend the industrial pretreatment regulations from time to time as the need arises; and

WHEREAS, pursuant to Section 1.4.14 of the Joint Exercise of Powers Agreement of the Santa Rosa Regional Resources Authority, the Board of Directors has the power to implement all requirements of the pretreatment regulations and all aspects of the Authority’s service area pretreatment program, including permitting, inspection, monitoring, reporting, and enforcement activities; and

WHEREAS, pursuant to Section 1.4.15 of the Joint Exercise of Powers Agreement of the Santa Rosa Regional Resources Authority, the Board of Directors has the power to charge and bill the industrial dischargers for their respective share of the Authority’s cost to implement the pretreatment regulations, including application review, permit issuance, sampling, monitoring, inspection and enforcement costs; and

WHEREAS, each member agency is required to comply with all applicable laws, rules and regulations including their regulatory obligations associated with the discharge of wastewater into the Authority-owned collections system and the SRWRF; and

WHEREAS, each member agency shall minimize to the maximum extent practicable, the infiltration and inflow of surface, ground or stormwaters into the Authority-owned collections system; and

WHEREAS, each member agency shall attempt to deliver only wastewater that is Domestic Quality Wastewater to the Authority, and

WHEREAS, each member agency is responsible for enforcing their individual agency's industrial discharge rules, sewer use ordinances and source control programs.

BE IT ORDAINED by the Board of Directors of the Santa Rosa Regional Resources Authority as follows:

Section 1. Pursuant to Sections 1.4.12 and 1.4.14 of the Joint Exercise of Powers Agreement of the Santa Rosa Regional Resources Authority, the Authority adopts the Regulations for Waste Discharge and Sewer Use.

Section 2. Pursuant to Section 1.4.13 of the Joint Exercise of Powers Agreement of the Santa Rosa Regional Resources Authority, the Board of Directors will review and amend these industrial pretreatment regulations from time to time as the need arises.

Section 3. Pursuant to Section 1.4.15 of the Joint Exercise of Powers Agreement of the Santa Rosa Regional Resources Authority, the Authority will charge and bill the Authority's industrial dischargers for their respective share of the Authority's cost to implement the pretreatment regulations, including application review, permit issuance, sampling, monitoring, inspection and enforcement costs.

Section 4. Public Hearing. The Board of Directors called a public hearing for July 9, 2019 at 9:00 a.m. at the office of the Rancho California Water District for the purpose of receiving public comments on this Ordinance. The Board of Directors authorized and directed the Administrator to give notice of the public hearing, and notice was given by publication in a newspaper of general circulation within the District once a week for two successive weeks commencing at least fourteen (14) days prior to the public hearing, and by giving mailed out notice to each person that so requested. The Authority Administrator was further authorized and directed to make available for public inspection at least ten (10) days prior to the public hearing, this Ordinance adopting regulations for waste discharge and sewer use, enforcement response plan, and "local limits". On July 9, 2019, at the time and place set for public hearing, this Ordinance was considered and the Board of Directors heard and considered the comments of all persons appearing at the hearing and all written comments submitted prior to the time of the hearing.

Section 5. This Ordinance shall become effective thirty (30) days after its adoption.

ADOPTED, SIGNED, and APPROVED this 9th day of July 2019.

SANTA ROSA REGIONAL RESOURCES AUTHORITY

By \_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Richard R. Aragon  
Secretary-Treasurer

**DRAFT REGULATIONS  
FOR  
WASTE DISCHARGE  
AND SEWER USE**

**PROPOSED REVISIONS**

**MAY 2019 VERSION**

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## ARTICLE 1

### GENERAL PROVISIONS

#### 1.0100 INTENT

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

Each Member Agency is responsible for continuing to enforce their individual agency's industrial discharge rules, sewer use ordinances, and source control programs. This includes compliance with all applicable laws, rules, and regulations, including each Member Agency's regulatory obligations associated with the discharge of wastewater into the Authority-owned collections system and the Santa Rosa Water Reclamation Facility (SRWRF). Only the issuance of a Waste Discharge Permit to a Significant Industrial User must be co-issued by the Administrator and the appropriate Member Agency, with all other elements of each Member Agency's source control program unaffected by the Authority's pretreatment program.

Pretreatment and source control programs are conducted by each Member Agency that has the appropriate jurisdiction. Routine inspections of Users' facilities are not performed by the Authority's Inspectors, as the responsibility to determine the compliance status of a User rests with the appropriate Member Agency. Excluding an emergency situation, the initial response of the Authority's Enforcement Response Plan is always informing the Member Agency with jurisdiction over a User and requiring the Member Agency to begin enforcement action. Only in the event that a Member Agency does not begin enforcement action within five (5) days of identifying Non-compliance, would the Authority proceed with additional enforcement response actions. Additionally, as all Users are under the jurisdiction of a Member Agency, Users will only receive bills directly from the appropriate Member Agency. Member Agencies are required to collect any necessary fees on behalf of the Authority.

#### 1.0200 PURPOSE

The purpose of this Ordinance is to set forth:

A. Conditions and limitations on the use of the Authority's sewer system.

- B. Specific enforcement provisions to resolve non-compliance with the Authority's Ordinance, thereby allowing the Authority to:
  - 1. Comply with the laws, regulations, and rules imposed upon it by Regulatory Agencies.
  - 2. Ensure that the Authority's sewerage facilities and treatment processes are protected and are able to operate with the highest degree of efficiency.
  - 3. Protect the beneficial use of recycled water and municipal sludge.
  - 4. Protect the public health and environment.

1.0300 POLICY

- A. This Ordinance shall be interpreted in accordance with the definitions set forth in Article 2. The provisions of this Ordinance shall apply to the direct and indirect discharge of all wastes to facilities of the Authority.
- B. The Authority shall seek the cooperation of the Users of the Collection System to ensure compliance with this Ordinance. Reasonable approaches shall be utilized when applying applicable regulations without compromising the intent, purpose, and policies of this Ordinance.
- C. The Authority shall adopt more stringent quality requirements on wastewater discharges regulated by 40 CFR, Chapter I, Subchapter N, Parts 405-471, in the event that more stringent quality requirements are necessary to protect beneficial use of recycled water and municipal sludge.
- D. The Authority shall encourage conservation and pollution prevention through source control strategies which reduce the amount of pollutants entering the environment, prior to recycling, Pretreatment, or disposal.
- E. The Authority shall use the revenues derived from the application of this Ordinance to defray the cost of regulating sewer usage to include, but not be limited to, administration, monitoring, permitting, reporting, and enforcement.
- F. All costs and expenses incurred by the Authority's plan check and inspection procedures shall be paid by the Applicant. Plan check and inspection fees shall be in an amount adopted in the **Customer Guide-**

***Rates and Charges*** (reviewed during annual budget cycle), and any amendments thereto.

- G. The Authority shall ensure that all parties are afforded due process of law. An Applicant or User shall be given written notice of rejection of an application, or Violation of a Control Mechanism, or of any enforcement action. Such notice shall include a statement of reasons in support thereof and proposed actions to be taken, if any. Affected Applicants or Users shall have the right to a hearing. Decisions/determinations may be appealed, as set forth in Article 5.
- H. The Authority, at its discretion, may utilize any one, combination, or all enforcement remedies provided in subsection 1.0600(J) in response to any Violation.

1.0400      SCOPE

The provisions of these Regulations shall apply to sewer construction, use, maintenance, discharge, deposit, or disposal of wastewater, both directly and indirectly, into and through all Authority Collection Systems and to the issuance of Control Mechanisms and assessment/imposition of fees, fines, and penalties thereof.

1.0500      APPLICABILITY

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

1.0600      POWERS

The Administrator is authorized to:

- A. Request enforcement from a Member Agency in regards to a Member Agency's waste discharge rules and enforcement plan.
- B. Co-issue Waste Discharge Permits with the appropriate Member Agency.
- C. Require the installation and maintenance of Pretreatment and/or monitoring facilities and equipment.

- D. Conduct inspections of facilities, including, but not limited to, inspecting and copying records.
- E. Require monitoring and reporting of discharges to the public sewer system.
- F. Monitor the quality of wastewater entering the sewer system.
- G. Require the development of Spill Containment Plans and reporting of accidental discharges.
- H. Require the development of a Slug Control Plan (per Title 40 of the Code of Federal Regulations (40 CFR) 403.8(f)(2)(v)).
- I. Deny, approve, or approve with conditions new or increased discharges or change in the quantity or characteristics of discharges, when such discharges do not meet applicable Pretreatment Requirements, as specified in 40 CFR 403.8(f)(1)(I).
- J. Take enforcement actions against those who violate or cause violation of this Ordinance or discharge permit conditions. These actions may include, but are not limited to, the following:
  - 1. Requesting enforcement action from a Member Agency.
  - 2. Issuing letters.
  - 3. Issuing Notices of Violation.
  - 4. Issuing Administrative Orders.
  - 5. Issuing Cease and Desist Orders.
  - 6. Initiating and conducting non-compliance meetings.
  - 7. Initiating and conducting administrative hearings.
  - 8. Petitioning the courts for injunctions or civil penalties.
  - 9. Signing criminal complaints.
  - 10. Terminating services.
  - 11. Requiring payment of Violation charges.
  - 12. Revoking and/or suspending the discharge permit.
- K. Delegate authority to the Division Head or Department Head of any power granted to or the carrying out of any duty imposed upon the Administrator pursuant to this Ordinance.

1.0700 ACCESS

The Authority (and Regulatory Agencies when accompanied by Authority staff or staff from an agency managing the Authority's facilities) shall have the right to enter the premises of any User to determine whether the User

is complying with all requirements of this Ordinance and any individual Waste Discharge Permit. Users shall allow the Authority ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- A. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Authority shall be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Authority shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
- C. The Authority may require the User to install and maintain monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User, at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at a frequency to be determined by the Authority to ensure their accuracy.
- D. The location of the monitoring facility shall provide ample room in or near the monitoring facility to allow accurate sampling and preparation of samples and analysis. Whether constructed on public or private property, the monitoring facilities should be provided in accordance with the Administrator's requirements and all applicable local construction standards and specifications. Such facilities shall be constructed and maintained in such manner so as to enable the Authority to perform independent monitoring activities.
- E. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Administrator and shall not be replaced. The costs of clearing such access shall be borne by the User.
- F. Unreasonable delays in allowing the Authority access to the User's premises shall be a Violation of this Ordinance.

INFORMATION REQUIRED

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

The Authority shall not limit the access of Regulatory Agencies to any information provided by the Discharger.

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

1. Wastewater discharge peak flow rates and volume over a specified time period.
2. Physical, chemical, bacteriological, or radiological analysis of wastewaters.
3. Information on raw materials, processes, and products.
4. Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials.
5. Details of wastewater Pretreatment facilities and their operation and maintenance.
6. Details of systems to prevent and control the losses of materials through spills to the public sewer main.
7. Detailed plumbing plans indicating all sources discharging to the on- or off-site pretreatment or sewerage facilities.
8. Information on slug discharges or a slug control program, per 40 CFR 403.8(f)(2)(v).

9. Notification of discharges of a listed hazardous waste (section 3001 of the Resource Conservation and Recovery Act [RCRA] to the sewer system, per 40 CFR 403.12(p)).
10. Baseline monitoring reports, per 40 CFR 403.12(b).
11. Compliance progress reports, in accordance with all provisions listed in 40 CFR 403.12(c)(d)(e).
12. Notification of potential problems, including slug loading, in accordance with all provisions listed in 40 CFR 403.12(f).
13. Notification of substantial changes in volume or character of pollutants discharged, in accordance with all provisions listed in 40 CFR 403.12(j).
14. Monitoring and analysis reports demonstrating continued compliance, in accordance with all provisions listed in 40 CFR 403.12(g).

1.0900

#### AUTHORITY

The Authority is regulated by several agencies of the United States Government and the State of California, pursuant to the provisions of federal and state Law. Federal and state laws (including, but not limited to: 1) Federal Water Pollution Control Act, commonly known as the Clean Water Act (33 U.S.C., section 1251 et seq); 2) California Porter Cologne Water Quality Act (California Water Code, section 13000 et seq.); 3) California Health & Safety Code, sections 25100 to 25250; 4) Resource Conservation and Recovery Act of 1976 (42 U.S.C., section 6901 et seq.); and 5) California Government Code, sections 54739-54740) grant to the Authority the authority to regulate and/or prohibit, by the adoption of an ordinance, and by issuance of Control Mechanisms, the discharge of any waste, directly or indirectly, to the Authority sewerage facilities. Said authority includes the right to establish limits, conditions, and prohibitions; to establish flow rates or prohibit flows discharged to the Authority sewerage facilities; to require the development of compliance schedules for the installation of equipment systems and materials by all Users; and to take all actions necessary to enforce its authority, whether within or outside the Authority boundaries, including those Users that are tributary to the Authority or within areas for which the Authority has contracted to provide sewerage services.

Section 1.4.12 of the Joint Exercise of Powers Agreement of the Santa Rosa Regional Resources Authority allows the Board of Directors to adopt industrial pretreatment regulations that comply with federal and state pretreatment regulations. Section 1.4.13 provides the Board of Directors with the power to review and amend the industrial Pretreatment regulations from time to time as the need arises. Section 1.4.14 empowers the Board of Directors to implement all requirements of the Pretreatment regulations and all aspects of the Authority's service area Pretreatment program, including permitting, inspection, monitoring, reporting, and enforcement activities. Section 1.4.15 gives the Board of Directors the power to charge and bill the Industrial Users for their respective share of the Authority's cost to implement the Pretreatment regulations.

## ARTICLE 2

### DEFINITIONS

#### 2.0100 DEFINITIONS

- A. Unless otherwise defined herein, terms related to water quality shall be as adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association, and the Water Environment Federation. The testing procedures for waste constituents and characteristics shall be as provided in 40 CFR 136 (Code of Federal Regulations; Title 40; Protection of Environment; Chapter I, Environmental Protection Agency; Part 136, Test Procedures for the Analyses of Pollutants), or as specified. Other terms not herein defined are defined as being the same as set forth in the International Conference of Building Officials, Uniform Building Code, current edition, or the International Association of Plumbing and Mechanical Officials, Uniform Plumbing Code, current edition.
- B. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated.
1. Administrator shall mean the Administrator of the Santa Rosa Regional Resource Authority or their designee.
  2. Applicant shall mean any person or persons who has applied for permission to use the Authority's Collection System for commercial, domestic, or industrial purposes.
  3. Authority shall mean the Santa Rosa Regional Resources Authority (SRRRA).
  4. Best Management Practices (BMPs) are management or operational procedures that are intended to prevent pollutants from entering the wastewater system or reaching a discharge point or draining from raw materials storage. BMPs may include a schedule of activities, required practices, prohibitions against practices, required maintenance, or operational procedures, and any specific provisions required under 40 CFR 403.5(a)(1) and (b).
  5. Board shall mean the Board of Directors of Santa Rosa Regional Resources Authority.

6. Categorical Pretreatment Standards shall mean those final regulations promulgated and adopted by USEPA (as outlined in 40 CFR 413, and 40 CFR, Chapter I, Subchapter N, 405-471).
7. Categorical User shall mean any industrial User whose process or processes are subject to Categorical Pretreatment Standards.
8. Cease and Desist Order: An administrative order directing a User to immediately halt illegal or unauthorized discharges.
9. Cesspool shall mean a lined excavation in the ground which receives the discharge of a sewage drainage system, or part thereof, so designed as to retain the solids and organic matter, but permitting liquids to seep through the bottom and sides. This shall also mean Seepage Pit.
10. Code of Federal Regulations (CFR) shall mean the codification of the general and permanent rules published in the United States Federal Register by the executive departments and agencies of the Federal Government to include, but not limited to, the Environmental Protection Agency.
11. Collection System shall mean the combined pipes, conduits, manholes, and other structures, above and below ground, for which its purpose is to convey wastewater to the Authority's RWRf.
12. Compatible or Conventional Pollutant shall mean a combination of biochemical oxygen demand (BOD), Total Suspended Solids, pH, fecal coliform bacteria, plus other pollutants that the Authority's treatment facilities are designed to accept, treat, and/or remove. Some compatible pollutants may be considered incompatible when discharged in quantities that (1) have an adverse effect on the Authority's collection, treatment, or disposal systems; (2) have an adverse effect on the Authority's ability to comply with waste discharge requirements established by USEPA or the CRWQCB; or (3) cause interference or pass-through.
13. Control Mechanism shall mean Waste Discharge Permit, Waste Discharge Authorization, or Special Agreement.
14. Department Head shall mean that person duly designated by the agency appointed as Manager by the SRRRA to direct source control and perform the duties, as specified in this Ordinance.
15. Discharger shall mean any person who discharges or causes a discharge of wastewater directly or indirectly to a public sewer. All

Dischargers of the Authority's Collection System are within the jurisdiction of one of the Member Agencies. User shall mean the same as Discharger.

16. Discharge Requirements shall mean the requirements of federal (as listed in 40 CFR 403), state, or local public agencies having jurisdiction over the effluent discharges from Authority Regional Water Reclamation Facilities.
17. Division Head shall mean that person duly designated by the agency appointed as Manager by the SRRRA to direct source control and perform the duties, as specified in this Ordinance.
18. Domestic Wastewater shall mean the liquid and solid waterborne wastes derived from the ordinary living processes of humans of such character as to permit satisfactory disposal, without special treatment, into the public sewer or by means of a private disposal system.
19. Incompatible or Non-Conventional Pollutant shall mean any pollutant which is not a compatible pollutant, as defined herein.
20. Indirect Discharger shall mean any person, entity, or collection agency who discharges or causes a discharge of wastewater to a septic tank, cesspool, chemical toilet, or private sewer system that, from time to time, is serviced by a septic tank pumper permitted by the Authority to discharge to Authority sewerage facilities.
21. Industrial User shall mean any discharger of non-domestic wastewater to a collection agency's sewer main, either directly or indirectly.
22. Industrial Wastewater shall mean all liquid-carried wastes including, but not limited to, all wastewater from any producing, manufacturing, processing, institutional, commercial, restaurant, agriculture, or other operation where the wastewater discharged contains quantities of wastes of non-human origin and excluding domestic wastewater, rainwater, groundwater, storm water, and drainage of uncontaminated water.
23. Inspector shall mean a person authorized by the Administrator to inspect any establishment directly or indirectly discharging or anticipating discharge to a public sewer main or RWRP.
24. Interceptor shall mean a device designed to provide a quiescent environment for the separation of deleterious or undesirable matter

from normal wastes and permit normal sewage or liquid wastes to discharge into the public sewer main. This pretreatment is often called a trap.

25. Interference shall mean a discharge by a User that, alone or in conjunction with discharges by other sources, inhibits or disrupts the Authority's RWRf, its treatment processes or operations, or its sludge processes, use, or disposal; and that is a cause of a Violation of any requirement of the RWRf's discharge order (including an increase in the magnitude or duration of a Violation), or of the prevention of sewage sludge use or disposal, in compliance with applicable federal, state, and local regulations (per 40 CFR 403.3 (l)).
26. Local Limits shall mean a set of technically based discharge limits that are developed by the Authority to protect the public sewer collection, treatment, and discharge facilities, and to prevent sludge contamination or violation of Discharge Requirements. Local Limits established by the Authority may include numerical effluent standards or BMPs.
27. Mass Emission Rate shall mean the weight of material discharged to the sewer system during a given time interval. Unless otherwise specified, the Mass Emission Rate shall mean pounds per day of a particular constituent or combination of constituents.
28. Member Agency shall mean one of the agencies that comprises the Santa Rosa Regional Resources Authority, either the Rancho California Water District, the Elsinore Valley Municipal Water District or the Western Municipal Water District.
29. New Source shall mean any building, structure, facility, or installation from which there is or may be a discharge of Pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards (refer to 40 CFR 403.3(m)(1) Definitions).
30. Non-contact Cooling: shall mean water used to reduce temperature and does not come into direct contact with any raw material, intermediate product, waste product (other than heat), or finished product.
31. Non-domestic Wastewater shall mean all wastewater, except Domestic Wastewater and Pollutant-free wastewater. This shall also mean Industrial Wastewater.

32. Normal Working Day shall mean the period of time during which production and/or operation is taking place.
33. Pass-through shall mean the discharge of Pollutants through the RWRf in quantities or concentrations which are a cause in whole or in part of a Violation of any requirement of the RWRf's discharge order (per 40 CFR 403.3(p)).
34. Permittee shall mean a person who has applied for and received permission to discharge into the Authority's Collection System, subject to the requirements and conditions established by the Authority.
35. Person shall mean any individual, partnership, firm, association, corporation, or public agency, including the State of California and the United States of America.
36. Pollutant shall mean any constituent or characteristic of wastewater on which a discharge limitation or prohibition may be imposed either by the Authority or the regulatory agencies empowered to regulate the Authority.
37. Pretreatment shall mean the reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutant properties in wastewater to a less harmful state prior to discharge of the wastewater into a collection agency's system. The reduction or alteration may be accomplished by physical, chemical or biological process or process changes, or by other means.
38. Pretreatment Facility shall mean any works or devices for the treatment or flow control of wastewater prior to discharge.
39. Pretreatment Requirements shall mean any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.
40. Pretreatment Standard or Standards shall mean prohibited discharge standards, categorical pretreatment standards, and Local Limits, including BMPs established as Categorical Pretreatment Standards or Local Limits.
41. Priority Pollutants shall mean the listing of the toxic Pollutants causing the greatest environmental concern and requiring Pretreatment prior to discharge (in 40 CFR 403, Appendix B).

42. Public Agency shall mean the State of California or any city, county, district, other local authority, or public body within this state.
43. Public Nuisance shall mean anything which: (1) is injurious to health, indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property; (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal; and (3) occurs during or as a result of the treatment or disposal of wastes.
44. Public Sewer Main shall mean any closed conduit, excluding building sewers, which is financed, installed, owned, operated, or maintained by a collection agency for the purpose of transporting wastewater from building sewers.
45. RCRA shall mean Resource Conservation and Recovery Act of 1976 Public Law (PI) 94-580 and amendments thereto.
46. Regional Water Reclamation Facility (RWRF) shall mean the Authority sewage treatment plant designed to serve a specific area of the Authority.
47. Regulatory Agencies shall mean those agencies having oversight of the operation of the Authority, including, but not limited to, the following:
- a. United States Environmental Protection Agency (USEPA).
  - b. California Environmental Protection Agency (Cal-EPA).
  - c. California State Water Resources Control Board (SWRCB).
  - d. California Regional Water Quality Control Board, San Diego Region, and Santa Ana Region, as applicable (jointly, CRWQCB).
48. Residential User shall mean a household which discharges only domestic wastewater from a dwelling unit.
49. Responsible Party shall mean:
- a. if the User is a corporation, a responsible corporate officer, that is:

- i. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or
    - ii. The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$30-million (in first-quarter 2019 dollars), if authority to sign documents has been assigned or delegated to the manager, in accordance with corporate procedures.
  - b. If the User is a partnership or sole proprietorship, a general partner or proprietor, respectively.
  - c. If the User is a federal, state, or local governmental entity, or its agents, the principal executive officer or director having responsibility for the overall operation of the discharging facility.
  - d. By a duly authorized representative of the individual designated in paragraph (a), (b) or (c) of this definition if:
    - i. The authorization is made in writing by the individual described in paragraph (a), (b) or (c).
    - ii. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the discharge originates, such as the position of plant manager, operator of a well, well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company.
    - iii. The written authorization is submitted to the Authority.
  - e. If an authorization under paragraph (d) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (d) of this section must be submitted to the Authority.
50. Sanitary Wastewater shall mean domestic quality wastewater from other than a dwelling unit.
51. Septic Tank shall mean a watertight receptacle which receives the discharge from a sewer system and is designed and constructed to

retain solids, digest organic matter through a period of detention, and allow the liquids to discharge for disposal.

52. Sewerage Facilities shall mean any and all facilities used for collecting, conveying, pumping, treating, and disposing of wastewater.

53. Significant Industrial User shall mean:

- a. A User subject to categorical pretreatment standards.
- b. A User that:
  - i. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the Authority's Collection System (excluding sanitary, non-contact cooling, and boiler blow down wastewater).
  - ii. Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the RWRf.
  - iii. Is designated as such by the Authority on the basis that it has a reasonable potential for adversely affecting the RWRf's operation or for violating any pretreatment standard or requirement.
- c. Upon a finding that a User meeting the criteria in subsection (b) has no reasonable potential for adversely affecting the RWRfs operation or for violating any pretreatment standard or requirement, the Authority may at any time, on its own initiative or in response to a petition received from a User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

54. Significant Non-Compliance (SNC) shall mean any User with compliance Violations which meet one (1) or more of the following criteria:

- a. Chronic Violations of wastewater discharge limits, defined as those in which sixty-six percent (66%) or more of all of the measurements taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits.

- b. Technical review criteria (TRC) Violations, defined as those in which thirty-three percent (33%) or more of all of the measurements taken during a six (6) month period equal or exceed the product of the numeric Pretreatment Standard or Requirement, including instantaneous limits, multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other Pollutants, except pH).
  - c. Any other violation of a Pretreatment Standard (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Authority determines has caused, alone or in combination with other discharges, Interference or Pass-through (including endangering the health of Authority 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 Authority's exercise of its emergency authority to halt or prevent such a discharge.
  - e. Failure to meet, by ninety (90) days or more after the schedule date, a compliance schedule milestone contained in a local Control Mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.
  - f. Failure to provide required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules within thirty (30) days of the due date.
  - g. Failure to accurately report non-compliance.
  - h. Any other violations or group of violations which the Authority considers to be significant.
55. Slug shall mean any discharge of a periodic or episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge, at any flow or concentration which has a reasonable potential to cause Interference or Pass-through or in any other way violates the Authority's ordinances, Local Limits, permit conditions, or discharge requirements.
56. Source Control Division shall mean the division or group duly designated by the agency appointed as Manager by the SRRRA to direct source control.

57. Spill Containment shall mean a protection system installed by the User to prohibit the accidental discharge to the sewer of incompatible Pollutants.
58. Standard Industrial Classification (S.I.C.) shall mean the system of classifying industries identified in the S.I.C. Manual, issued by the Office of Management and Budget. The North American Industry Classification System (NAICS) replaced the S.I.C. in 1997.
59. Toxic Pollutants shall mean those substances which, individually or when combined with other substances normally found in domestic sewage, result in wastes in a collection agency sewer system in concentrations or quantities which could have an adverse or harmful effect on such sewer system facilities, sewer treatment plant operations and maintenance, personnel or equipment, treated sewage effluent quality, water reclamation procedures, public or private property, or which may endanger the public, local environment, or create a Public Nuisance.
60. User shall mean any person who discharges or causes a discharge of wastewater directly or indirectly to a public sewer. All Users of the Authority's Collection System are within the jurisdiction of one of the Member Agencies. User shall mean the same as Discharger.
61. Violation shall mean an event or condition at a User's facility that is prohibited by Ordinance, Control Mechanism, or Order.
62. Violation Charge shall mean that charge levied against a permittee for costs incurred by the Authority as a result of a waste discharge Violation.
63. Waste Discharge Authorization shall mean the revocable permission to discharge wastewater to the public sewer main, subject to technically-based limits on wastewater constituents and characteristics. This authorization is not required to be renewed periodically.
64. Waste Discharge Permit (WDP) shall mean the periodically renewable, revocable permission to discharge Industrial Wastewater to the public sewer main, subject to technically-based limits on wastewater constituents and characteristics.
65. Waste Discharge Violation shall mean the failure by a User to comply with this Ordinance or any conditions or reporting requirements as contained in their Control Mechanism.

66. Waste Hauler shall mean any commercial pumper that is permitted by THE Riverside County Department of Health as a Non-Hazardous Liquid Waste Hauler, discharging domestic and sanitary wastewater only. This shall also mean septic tank pumper.

2.0101 OTHER MEANINGS

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

## ARTICLE 3

### GENERAL SEWER USE REQUIREMENTS

#### 3.0100 PROHIBITED DISCHARGE STANDARDS

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

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

3.0200

NATIONAL CATEGORICAL PRETREATMENT STANDARDS

- A. The Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.
- B. Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a Pollutant in wastewater, the Administrator may impose equivalent concentration or mass limits, in accordance with 40 CFR 403.6(c).
- C. BMPs required by a USEPA categorical pretreatment standard shall be included among the numerical effluent limits established by the Authority in the Categorical User's Control Mechanism.
- D. When wastewater subject to a Categorical Pretreatment Standard is mixed with wastewater not regulated by the same standard, the Administrator shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).
- E. A User may obtain a variance from a Categorical Pretreatment Standard if the User can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by USEPA when developing the Categorical Pretreatment Standard.
- F. A User may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

3.0300

LOCAL LIMITS

- A. No User shall discharge or cause to be introduced directly or indirectly into the Authority's Collection System, a quantity or quality of wastewater which exceeds the Local Limits on discharges to public sewer mains established by the Authority. The Local Limits specific to the Authority's RWRF are set forth in Resolution No. **SRRRA-2019-X-X**.
- B. These limits apply at the point where the wastewater is discharged to the Authority's Collection System. The Administrator may impose limitations based on concentrations of Pollutants in milligrams per liter or as an amount of Pollutants in pounds per day. As an alternative to (or to supplement) numerical Local Limits, the Administrator may impose as Local Limits BMPs that protect against Pass-through or Interference, provided that such BMPs allow for verification of compliance.

- C. The Authority shall periodically update its Local Limits, in accordance with requirements established by USEPA or the CRWQCB. In updating Local Limits, the Authority shall evaluate BMPs as a means of protecting wastewater treatment facilities, ensuring compliance with applicable RWRf effluent limits, and ensuring compliance with application sludge limits.

### 3.0400 ACCIDENTAL DISCHARGE/SLUG CONTROL PLANS

The Administrator shall evaluate whether each Significant Industrial User needs an accidental discharge/slug discharge control plan or other action to control slug discharges. The Administrator may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges. Alternatively, the Administrator may develop such a plan for any User. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including non-routine batch discharges.
- B. Description of stored chemicals.
- C. Procedures for immediately notifying the Administrator of any accidental or slug discharge, as required by this Ordinance.
- D. Procedures or BMPs to prevent adverse impact from any accidental or slug discharge. Such procedures or BMPs may include, but are not limited to, inspection and maintenance of storage areas; handling and transfer of materials; loading and unloading operations; control of plant site runoff; worker training; building of containment structures or equipment; measures for containing toxic organic pollutants, including solvents; and/or measures and equipment for emergency response.

The Authority shall evaluate each Significant Industrial User for accidental discharge/slug discharge control plans within one (1) year of the User being identified as significant. The Authority shall re-evaluate the need for an accidental discharge/slug discharge control plan for each User prior to reissuance or revision of the User's Control Mechanism or following notification of changed discharge conditions pursuant to 40 CFR 403.12(j) or 40 CFR 403.8(f)(2)(vi).

3.0500

DISCHARGES OF OXYGEN-DEMANDING WASTES

The Administrator shall evaluate each User for impacts to RWRF treatment process that may occur as a result of the discharge of oxygen-demanding wastes. As part of this evaluation, the Administrator may require industries with the potential for discharges of wastewater containing high oxygen-demanding loads (which may include breweries, microbreweries, food processing facilities, or wine processing facilities) to submit information to the Authority that characterizes:

- A. The concentration of BOD or chemical oxygen demand (COD) in the discharge.
- B. Maximum and average anticipated discharge flows and oxygen-demanding loads.
- C. Times of the year and day when maximum discharges of oxygen-demanding wastes may occur.
- D. Any facilities, operations, BMPs, or other actions proposed by the discharger to mitigate impacts associated with oxygen-demanding wastes.

The Administrator shall consider site-specific and discharge-specific factors in assessing numerical or narrative BOD or COD discharge standards to be included within the User's Control Mechanism to ensure conformance with Prohibited Discharge Standard 3.100.B.4. Such site-specific factors may include evaluating: (1) Industrial User discharge flows, oxygen-demanding loads, and discharge timing; (2) the availability and allocation of wastewater Collection System assimilative capacity downstream from the User's discharge; (3) RWRF design specifications for treating oxygen-demanding waste loads; (4) potential economic impacts to the Authority associated with accepting the oxygen-demanding waste loads; and (5) potential facilities, operations, BMPs, or other actions proposed by the Discharger to mitigate impacts associated with the discharge of oxygen-demanding wastes.

3.0600

LIMITATIONS ON WATER SOFTENERS

Water softeners will be regulated in accordance with state law.

3.0700 RIGHT OF REVISION

The Authority reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the Authority's RWRf or Collection System.

3.0800 DILUTION

No User shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The Administrator may impose such limitations on the amount, in pounds per day, of Pollutants discharged by Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of such limitations is appropriate.

3.0900 CESSPOOL, SEPTIC TANK, AND HOLDING TANK WASTES

- A. Cesspool, septic tank, and holding tank pumpings containing only domestic and/or sanitary wastes will be accepted only at Authority-designated locations from holders of both a valid liquid Waste Hauler water discharge permit issued by the Authority and a valid Environmental Health Permit issued by the County of Riverside Health Services Agency Department of Environmental Health. The contents of any cesspool or septic tank may not be pumped directly into a public sewer main unless specifically approved by the Authority under emergency or other abnormal short duration circumstances. Wastes from industrial process sources are prohibited and may not be hauled and discharged to the public sewer system.
- B. No Waste Hauler discharging septic waste or sanitary waste shall discharge constituents in excess of the limits specified in the respective Waste Discharge Permit, based on the limits as set forth in Resolution No. **SRRRA-2019-X-X**.

## ARTICLE 4

### CONTROL MECHANISMS

#### 4.0100 GENERAL REQUIREMENTS

#### 4.0101 WASTEWATER ANALYSIS

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

#### 4.0102 CONTROL MECHANISM REQUIREMENT

- A. No Significant Industrial User shall discharge wastewater into the Authority's Collection System without first obtaining a Control Mechanism, except that a Significant Industrial User that has filed a timely application, pursuant to section 4.0103 of this Ordinance, may continue to discharge for the time period specified therein.
- B. The Administrator may require other Users to obtain Control Mechanisms, as necessary, to carry out the purposes of this Ordinance.
- C. Any violation of the terms and conditions of a Control Mechanism shall be deemed a Violation of this Ordinance and subject the User to the sanctions set out in Article 5 of this Ordinance. Obtaining a Control Mechanism does not relieve the User of its obligation to comply with all federal and state Pretreatment Standards or Requirements or with any other requirements of federal, state, and local law.

#### 4.0103 ISSUING CONTROL MECHANISMS: EXISTING CONNECTIONS

Any User required to obtain a Control Mechanism who was discharging wastewater into the Authority's Collection System prior to the effective date of this Ordinance and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the Administrator for a Control Mechanism, in accordance with section 4.0105 of this Ordinance, and shall not cause or allow discharges to the Authority's Collection System to continue after one hundred twenty (120) days of the effective date of this Ordinance, except in accordance with a Control Mechanism issued by the Administrator.

4.0104 ISSUING CONTROL MECHANISMS: NEW CONNECTIONS

Any User required to obtain a Control Mechanism who proposes to begin or recommence discharging into the Authority's Collection System must apply for such Control Mechanism prior to the beginning or recommencing of such discharge. An application for this Control Mechanism, in accordance with section 4.0105 of this Ordinance, must be filed at least sixty (60) days prior to the date upon which any discharge will begin or commence.

4.0105 WASTE DISCHARGE APPLICATION CONTENTS

All Users required to obtain a Control Mechanism must submit a Waste Discharge Application. The Administrator may require all Users to submit, as part of an application, the following information:

- A. All information required in subsection 4.0301(B) of this Ordinance.
- B. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are or could accidentally or intentionally be discharged to the Authority's Collection System.
- C. Number and type of employees and proposed or actual hours of operation.
- D. Each product produced by type, amount, process or processes, and rate of production.
- E. Type and amount of raw materials processed (average and maximum per day).
- F. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.
- G. Time and duration of discharges.
- H. Any other information as may be deemed necessary by the Administrator to evaluate the Waste Discharge Application, including projected discharge water quality concentrations or mass loads.

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

4.0106 APPLICATION SIGNATORIES AND CERTIFICATION

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

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

4.0107 CONTROL MECHANISM DECISIONS

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

4.0200 CONTROL MECHANISM ISSUANCE PROCESS

4.0201 CONTROL MECHANISM DURATION

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

WASTE DISCHARGE PERMIT CONTENTS

A. Waste Discharge Permit shall include such conditions as are deemed reasonably necessary by the Administrator to prevent Pass-through or Interference, protect the quality of the water body receiving the RWRf's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the RWRf and the Authority's Collection System.

Waste Discharge Permits must contain:

1. A statement that indicates Waste Discharge Permit duration, which in no event shall exceed five (5) years.
2. A statement that the Waste Discharge Permit is non-transferable without prior notification to the Authority, in accordance with section 4.0205 of this Ordinance, and provisions for furnishing the new owner or operator with a copy of the existing Waste Discharge Permit.
3. Effluent limitations based on applicable pretreatment standards, including: 1) numerical limits or BMPs applicable to categorical Industrial Users; and 2) numerical Local Limits or enforceable BMPs established by the Authority as a Local Limits.
4. Slug control requirements or slug discharge preventative actions for Significant Industrial Uses, as required by the Administrator.
5. Effluent concentration standards or BMPs determined by the Administrator to be required in order to ensure compliance with Prohibited Discharge Standards established in section 3.0100.
6. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of Pollutants to be monitored, sampling location, frequency, and sample type based on federal, state, and local law. The reporting requirements shall also include compliance information for BMPs required under USEPA Categorical Pretreatment Standards or BMPs required under Authority Local Limits.
7. A statement of applicable civil and criminal penalties for violations of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law.

- B. Waste Discharge Permits may contain, but need not be limited to, the following conditions:
1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.
  2. Requirements for the installation and maintenance of Pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of Pollutants into the Authority's Collection System.
  3. Requirements for the development and implementation of spill control plans or other special conditions, including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges.
  4. Development and implementation of waste minimization plans to reduce the amount of Pollutants discharged to the Authority's Collection System.
  5. The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the Authority's Collection System.
  6. Requirements for installation and maintenance of inspection and sampling facilities and equipment.
  7. Concentration or mass load limits determined by the Administrator as being required to ensure compliance with Prohibited Discharge Standards established in section 3.0100.
  8. A statement that compliance with the Waste Discharge Permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the Waste Discharge Permit.
  9. Other conditions as deemed appropriate by the Administrator to ensure compliance with this Ordinance and state and federal laws, rules, and regulations.

4.0203 WASTE DISCHARGE PERMIT APPEALS

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

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

#### 4.0204 WASTE DISCHARGE PERMIT MODIFICATION

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

- A. To incorporate any new or revised federal, state, or local Pretreatment Standards or Requirements.
- B. To address significant alterations or additions to the Discharger's operation processes, or wastewater volume or character, since the time of Waste Discharge Permit issuance.
- C. A change in the RWRP that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- D. Information indicating that the permitted discharge poses a threat to the Authority's Collection System, Authority personnel, or the receiving waters.

- E. Violation of any terms or conditions of the Waste Discharge Permit.
- F. Misrepresentation or failure to fully disclose all relevant facts in the Waste Discharge Application or in any required reporting.
- G. Revision of or a grant of variance from such categorical standards pursuant to 40 CFR 403.13.
- H. Correction of typographical or other errors in the Waste Discharge permit.
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

4.0205

WASTE DISCHARGE PERMIT TRANSFER

Waste Discharge Permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the Administrator, and if the Authority and the Member Agency in whose jurisdiction the User is located, both approve the Waste Discharge Permit transfer. The notice to the Administrator must include a written certification by the new owner or operator that:

- A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes.
- B. Identifies the specific date on which the transfer is to occur.
- C. Acknowledges full responsibility for complying with the existing Waste Discharge Permit.

Failure to provide advance notice of a transfer renders the Waste Discharge Permit void as of the date of facility transfer.

WASTE DISCHARGE PERMIT REVOCATION

- A. A Waste Discharge Permit may be revoked for good cause including, but not limited to, the following reasons:
1. Failure to notify the Administrator of significant changes to the wastewater prior to the changed discharge.
  2. Failure to provide prior notification to the Administrator of changed conditions, pursuant to section 4.0305 of this Ordinance.
  3. Misrepresentation or failure to fully disclose all relevant facts in the Waste Discharge Application.
  4. Falsifying self-monitoring reports.
  5. Tampering with monitoring equipment.
  6. Refusing to allow the Administrator timely access to the facility premises and records.
  7. Failure to meet effluent limitations.
  8. Failure to pay fines.
  9. Failure to pay sewer charges.
  10. Failure to meet compliance schedules.
  11. Failure to complete a wastewater survey or the Waste Discharge Application.
  12. Failure to provide advance notice of the transfer of business ownership of a permitted facility.
  13. Violation of any Pretreatment Standard or Requirement, or any terms of the Waste Discharge Permit or this Ordinance.
- B. Waste Discharge Permits shall be voidable upon cessation of operations or transfer of business ownership. All Waste Discharge Permits issued to a particular User are void upon the issuance of a new Waste Discharge Permit to that User.
- C. Waste Discharge permit revocation is subject to appeal, as set forth in section 5.1000

4.0207 WASTE DISCHARGE PERMIT REISSUANCE

A User with an expiring Waste Discharge Permit shall apply for Waste Discharge Permit reissuance by submitting a complete Waste Discharge Application (or a statement signed by the responsible party that there are no changes to the application previously submitted), in accordance with section 4.0105 of this Ordinance, a minimum of sixty (60) days prior to the expiration of the User's existing Waste Discharge Permit.

4.0300 REPORTING REQUIREMENTS

4.0301 BASELINE MONITORING REPORTS

A. Within either one hundred eighty (180) days after the effective date of a Categorical Pretreatment Standard or the final administrative decision on a category determination under 40 CFR 403.6 (a)(4), whichever is later, existing Categorical Users currently discharging to or scheduled to discharge to the Authority's Collection System shall submit to the Administrator a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of its discharge, new sources, and sources that become Categorical Users subsequent to the promulgation of an applicable Categorical Pretreatment Standard shall submit to the Administrator a report which contains the information listed in paragraph B, below. A new source shall report the method of pretreatment it intends to use to meet applicable Categorical Pretreatment Standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants to be discharged.

B. Users described above shall submit the information set forth below:

1. Identifying information. The name and address of the facility, including the name of the operator and owner.
2. Environmental Permits. A list of any environmental control permits held by or for the facility.
3. Description of Operations. A brief description of the nature, average rate of production, and Standard Industrial Classifications of the operation(s) carried out by such User. This description should include a schematic process diagram which indicates points of discharge to the Authority's Collection System from the regulated processes.

4. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the Authority's Collection System from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).
5. Measurement of Pollutants.
  - a. The Categorical Pretreatment Standards applicable to each regulated process.
  - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Administrator, of the regulated Pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in section 4.0309 of this Ordinance.
  - c. Sampling must be performed in accordance with procedures set out in section 4.0310 of this Ordinance.
6. Certification. A statement, reviewed by the User's authorized representative and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional Pretreatment is required to meet the Pretreatment Standards and Requirements.
7. Compliance Schedule. If additional Pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional Pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this section must meet the requirements set out in section 4.0302 of this Ordinance.
8. Signature and Certification. All baseline monitoring reports must be signed and certified, in accordance with section 4.0106 of this Ordinance.

4.0302 COMPLIANCE SCHEDULE PROGRESS REPORTS

The following conditions shall apply to the compliance schedule required by subsection 4.0301(B)(7) of this Ordinance:

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional Pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation).
- B. No increment referred to above shall exceed nine (9) months.
- C. The User shall submit a progress report to the Administrator no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule.
- D. In no event shall more than nine (9) months elapse between such progress reports to the Administrator.

4.0303

REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a new source following commencement of the introduction of wastewater into the Authority's Collection System, any User subject to such Pretreatment Standards and Requirements shall submit to the Administrator a report containing the information described in subsections 4.0301(B)(4-6) of this Ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the User's long-term production rate. For 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. For Users subject to BMPs as part of the federal Categorical Pretreatment Standards, such reports shall include BMP compliance information required by the Administrator or required as part of federal Categorical Pretreatment Standards. All compliance reports must be signed and certified, in accordance with section 4.0106 of this Ordinance.

#### 4.0304 PERIODIC COMPLIANCE REPORTS

- A. If a permitted User monitors any Pollutant using the procedures prescribed in section 4.0310 of this Ordinance, the results of this monitoring shall, at a frequency determined by the Administrator, but in no case less than twice per year (in June and December), be reported. The report shall indicate the nature and concentration of Pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. All such reports must be signed and certified, in accordance with section 4.0106 of this Ordinance.
- B. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

#### 4.0305 REPORTS OF CHANGED CONDITIONS

Each User must notify the Administrator of any planned significant changes to the User's operations or system which might alter the nature, classification from non-categorical to categorical, quality, or volume of its wastewater at least thirty (30) days before change is made. Each User must also notify the Administrator of any planned changes which may affect the potential for slug discharge.

- A. The Administrator may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a Waste Discharge Application under section 4.0105 of this Ordinance.
- B. The Administrator may issue a Waste Discharge Permit under section 4.0107 of this Ordinance or modify an existing Waste Discharge Permit under section 4.0204 of this Ordinance in response to changed conditions or anticipated changed conditions.
- C. For the purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater and the discharge of any previously unreported Pollutants.

4.0306 REPORTS OF A DISCHARGE OF HAZARDOUS WASTE

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

4.0307 REPORTS OF POTENTIAL PROBLEMS

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

4.0308 REPORTS FROM UNPERMITTED USERS

All Users not required to obtain a Waste Discharge Permit shall provide appropriate reports to the Administrator, as the Administrator may require.

4.0309 REPORTS OF SAMPLING VIOLATIONS/REPEAT SAMPLING

If sampling performed by a User indicates a Violation, the User must notify the Administrator 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 Administrator within thirty (30) days after becoming aware of the Violation. The User is required to resample even if the Authority monitors at the User's facility at least once a month, or if the Authority samples between the User's initial sampling and when the User receives the results of this sampling.

If the Authority performs the sampling and analysis in lieu of requiring User to perform such sampling and analysis, the Authority shall perform the repeat sampling and analysis unless the Authority notifies the User of the Violation and requires the User to conduct the repeat sampling and analysis.

#### 4.0310 ANALYTICAL REQUIREMENTS

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

#### 4.0311 SAMPLE COLLECTION

- A. If a User wishes to collect its own samples (rather than have a contract lab do so), they have to submit an SOP to SRRRA. Once this has been approved, the User can collect the samples. If the User deviates from the SOP they are required to use a contract lab to collect the samples.
- B. Except as indicated in subsection B, below, the User must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Administrator may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the User demonstrates that this will provide a representative sample of the effluent being discharged and is appropriate for assessing compliance with applicable Pretreatment Standards. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
- C. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

#### 4.0312 TIMING

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

#### 4.0313 RECORD KEEPING

Users subject to the reporting requirements of this Ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to monitoring activities undertaken by the User, independent of such requirements. Records shall be maintained in accordance with 40 CFR 403.12(o), and shall include the date, exact place, method, time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; the results of such analyses, and the results of BMP monitoring and compliance. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the Authority, or where the User has been specifically notified of a longer retention period by the Administrator. The Authority shall also maintain records of Discharger reports, in accordance with 40 CFR 403.

## ARTICLE 5

### ENFORCEMENT

#### 5.0100 NON-COMPLIANCE MONITORING PROCEDURES AND APPLICABLE FEES

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

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

##### B. Non-compliance Sampling Fees

1. If analysis of any sample of a User's discharge obtained by the Authority shows a Violation by the User of the mass emission rates or concentration limits specified in the User's discharge permit or in this Ordinance, then the User shall be subject to non-compliance sampling fees, pursuant to fee schedules adopted and set forth in the ***Customer Guide-Rates and Charges***.
2. The fees specified in subsection 5.0100(B)(1) herein shall be imposed for each date on which the Authority conducts sampling as a result of a Violation by a User.

C. Non-compliance Inspection Fees

1. Each User is subject to routine inspection. When non-compliance with any of the provisions of this Ordinance is determined, a follow-up inspection may be required. Each User shall receive one (1) follow-up inspection to verify compliance for each routine inspection, without being subject to noncompliance inspection fees.
2. When it becomes necessary to perform additional inspections (i.e., more than the initial follow-up inspection referenced in the prior paragraph) in order to determine compliance with the provisions of this Ordinance, then the User shall pay non-compliance inspection fees to the Authority pursuant to fee schedules adopted and set forth in the ***Customer Guide-Rates and Charges***.
3. The fees specified in subsection 5.0100(C)(2), herein, shall be imposed for each date (excluding one (1) follow-up inspection) on which the Authority conducts an inspection as a result of a Violation by a User.

5.0200 ELECTION OF ENFORCEMENT REMEDIES

The Administrator, upon finding a Violation, may employ any of the remedies set forth in this Article, subject to due consideration of the following:

- A. The magnitude of the Violation.
- B. The duration of the Violation.
- C. The effect of the Violation on RWRF compliance with CRWQCB Discharge Requirements.
- D. The effect of the Violation on the operation of the RWRF or Authority wastewater collection facilities.
- E. The effect of the Violation on Authority wastewater facilities, Authority personnel, personnel acting on behalf of the Authority's management or administration, the environment, or the public.
- F. The compliance history of the User.
- G. The good faith of the User.

Enforcement of Violations will generally be in accordance with the Authority's Enforcement Response Plan. The Administrator, however, may take additional actions against a violator when circumstances warrant.

Further, the Administrator is empowered to take more than one enforcement action against any non-compliant User.

5.0300 NOTICE OF VIOLATION

- A. SRRRA will notify Member Agencies to begin appropriate enforcement action.
- B. Upon finding a Violation, the Administrator may issue a notice of Violation. Within ten (10) working days of the delivery of this notice, the User shall respond to the Source Control Division with either an objection contesting the finding, or an explanation of the Violation and a plan for the satisfactory correction and prevention thereof, to include specific required action. Said response in no way relieves the User of liability for any Violations occurring before or after the receipt of the notice of Violation.
- C. Upon receipt of an objection contesting a finding of Violation, the Division Head will schedule a hearing, within ten (10) working days, at which the User may present information supporting the objection. Within five (5) working days of the hearing, the Division Head shall determine the validity of the objection, either rescinding the notice of Violation or denying the objection, thereby requiring submission of the plan for the satisfactory correction and prevention of the Violation. The User may appeal the Division Head's determination, as set forth in section 5.1000.

5.0400 ADMINISTRATIVE ORDERS

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

5.0401 CONSENT ORDERS

The Administrator may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any User responsible for non-compliance. Such documents will include specific action to be taken by the User to correct the non-compliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued, pursuant to section 5.0403 of this Ordinance, and shall be judicially enforceable.

5.0402 SHOW CAUSE ORDERS

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

5.0403 COMPLIANCE ORDERS

- A. When the Administrator finds a Violation, he or she may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated.
- B. Compliance Orders also may contain other requirements to address the non-compliance, including additional self-monitoring and management practices designed to minimize the amount of Pollutants discharged to the sewer. A Compliance Order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a Compliance Order relieve the User of liability for any Violation, including any continuing Violation.
- C. Issuance of a Compliance Order shall not be a bar against, or a prerequisite for, taking any other action against the User.

5.0500 ADMINISTRATIVE FINES

- A. When, subsequent to a Show Cause hearing, the Administrator finds a Violation, he may fine the User in an amount not to exceed \$5,000 per Violation, per day of discharge in Violation of any Control Mechanism or order issued hereunder, or any other Pretreatment Standards or Requirement.
- B. The User may be responsible for the Authority's costs of preparing administrative enforcement actions, such as notices and orders.
- C. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of five percent (5%) of the unpaid balance, and interest shall accrue thereafter at a rate of one and one half percent (1.5%) per month. A lien against the User's property will be sought for unpaid charges, fines, and penalties.
- D. Users desiring to dispute an administrative fine must file a written request for the Administrator to reconsider the fine, along with full payment of the fine amount, within thirty (30) days of the User's receipt of notice of the fine. Assessment of fines may be appealed, pursuant to section 5.1000. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User.
- E. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

5.0600 EMERGENCY SUSPENSIONS

- A. The Administrator may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons.
- B. The Administrator may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of a RWRf, or which presents or may present an endangerment to the environment.
- C. 1. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to

immediately comply voluntarily with the suspension order, the Administrator may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the Authority's Collection System, the Authority's RWRf, the receiving stream, or endangerment to any individuals. The Administrator may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Administrator that the period of endangerment has passed, unless the termination proceedings in section 5.0700 of this Ordinance are initiated against the User.

2. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Administrator prior to the date of any show cause or termination hearing under sections 5.0402 or 5.0700 of this Ordinance.

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

#### 5.0700 TERMINATION OF DISCHARGE

In addition to the provisions in section 4.0206 of this Ordinance, any User who violates the following conditions is subject to discharge termination:

- A. Violation of Waste Discharge Permit conditions.
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge.
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge.
- D. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling.
- E. Violation of the Pretreatment Standards in section 3.0200 of this Ordinance.
- F. The threat of, or actual physical harm, to a SRRRA employee or agent.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under section 5.0402 of this Ordinance why the proposed action should not be taken. Exercise of this

option by the Authority shall not be a bar against, or a prerequisite for, taking any other action against the User.

5.0800 PUBLISHED NOTICES FOR SIGNIFICANT NON-COMPLIANCE

In accordance with federal regulations, the Authority shall annually cause to be published the names of all Users in significant non-compliance. Said publication shall be made in the newspaper of the largest daily circulation published in the Authority's service area.

5.0900 JUDICIAL ENFORCEMENT REMEDIES

In certain circumstances, judicial enforcement may be appropriate. The remedies which may be sought in any such enforcement action may include, but are not limited to, injunctive relief, civil penalties, and criminal prosecution.

5.0901 INJUNCTIVE RELIEF

When the Administrator finds a Violation, the Authority may petition the Superior Court for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the Control Mechanism, order, or other requirement imposed by this Ordinance on activities of the User. The Authority may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation.

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

5.0902 CIVIL PENALTIES

A. Authority

All Users of the Authority's system and facilities are subject to administrative or judicial enforcement actions by the Authority, USEPA, CRWQCB, SWRCB, or the County of Riverside District Attorney. Said actions may be taken pursuant to the authority and provisions of several laws, including, but not limited to: 1) Federal Water Pollution Control Act, commonly known as the Clean Water Act (33 U.S.C.A., section 1251 et seq.); 2) California Porter-Cologne Water Quality Act (California Water Code, section 13000 et seq.); 3) California Hazardous Waste Control Law (California Health & Safety Code, sections 25100 to 25250); 4) Resource Conservation and Recovery Act of 1976 (42 U.S.C.A., section 6901 et seq.); and 5) California Government Code, sections 54739-54740.

B. Recovery of Fines or Penalties

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

C. Ordinance

Pursuant to the authority of California Government Code, sections 54739-54740, any person who violates any provision of this Ordinance, any permit condition, prohibition or effluent limit, or any suspension or revocation order, shall be liable civilly for a sum not to exceed \$25,000 per Violation for each day in which such Violation occurs. Pursuant to the authority of the Clean Water Act, 33 U.S.C., section 1251 et seq., any person who violates any provision of this Ordinance, or any permit condition, prohibition, or effluent limit shall be liable civilly for a sum not to exceed \$25,000 per Violation for each day in which such Violation occurs. The Authority shall petition the Superior Court to impose, assess, and recover such penalties, or such penalties as the Authority may impose, assess, and recover pursuant to federal and/or state law.

D. Administrative Civil Penalties

1. Pursuant to the authority of California Government Code, sections 54740.5 and 54740.6, the Authority may issue an administrative complaint against any person who violates:
  - a. any provision of this Ordinance.
  - b. any permit condition, prohibition, or effluent limit.
  - c. any suspension or revocation order.
2. The administrative complaint shall be served by personal delivery or certified mail and shall specify a date and time for a hearing, which will be held within sixty (60) days following service of the administrative complaint. The administrative complaint must allege the act or failure to act that constitutes the Violation of the Authority's requirements, the provisions of law authorizing civil liability to be imposed, and the proposed civil penalty. The matter shall be heard by a hearing officer designated by the Board. The person against

whom an administrative complaint has been issued may waive the right to a hearing.

3. At the hearing, the person shall have an opportunity to respond to the allegations set forth in the administrative complaint by presenting written or oral evidence.
4. After the hearing, the hearing officer shall deliver a written report to the Administrator, setting forth findings of fact, conclusions, and a recommendation. Upon receipt of the written report, the Administrator shall issue his or her decision and order in writing within thirty (30) calendar days after the hearing. The decision and order shall be served by personal delivery or certified mail.
5. In determining the amount of civil penalties, the Administrator may take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the Violation, the economic benefit derived through any non-compliance, the nature and persistence of the Violation, the length of time over which the Violation occurs, and corrective action, if any, attempted or taken by the person involved.
6. Civil penalties may be assessed, as follows:
  - a. In an amount which shall not exceed \$2,000 for each day for failing or refusing to furnish technical or monitoring reports.
  - b. In an amount which shall not exceed \$3,000 for each day for failing or refusing to timely comply with any compliance schedules established by the Authority.
  - c. In an amount which shall not exceed \$5,000 per Violation for each day of discharge in violation of any waste discharge limit, permit condition, or requirement issued, reissued, or adopted by the Authority.
  - d. In any amount which does not exceed \$10 per gallon for discharges in violation of any suspension, revocation, cease and desist order or other orders, or prohibition issued, reissued, or adopted by the Authority.
7. The Administrator's order assessing administrative civil penalties shall be final on the 31st day after it is served on the person, unless an appeal and request for hearing is filed with the Board before the 31st day. Copies of the administrative order shall be served on the party served with the administrative complaint, either by personal

service or by registered mail, and a copy forwarded to other persons who appeared at the hearing and requested a copy.

8. The Administrator's decision and order is subject to appeal to the Board, pursuant to section 5.1001. Any person aggrieved by a final order issued by the Board may obtain review of the order of the Board in the Superior Court, pursuant to Government Code, section 54740.6, by filing a petition for writ of mandate within thirty (30) days following service of the Board's decision or order.
9. Payment of any order setting administrative civil penalties shall be made within thirty (30) days of the date the order becomes final. The amount of any administrative civil penalties imposed which have remained delinquent for a period of sixty (60) days shall constitute a lien against the real property of the discharger from which the discharge resulting in the imposition of the civil penalty originated. The lien shall have no effect until recorded with the county recorder in the county where the subject property is located. The Authority may record the lien for any unpaid administrative civil penalties on the 91st day following the date the order becomes final.
10. No administrative civil penalties shall be recoverable under section 5.0902(D), for any Violation for which the Authority has recovered civil penalties through a judicial proceeding filed pursuant to Government Code, section 54740.

E. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

5.0903 CRIMINAL PROSECUTION

A User who willfully or negligently violates any provision of this Ordinance, a Control Mechanism, order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed \$25,000. Each Violation and each day in which a Violation occurs may constitute a new and separate violation of this Ordinance and shall be subject to the penalties contained herein.

5.1000 APPEALS TO ADMINISTRATOR

A. General

Any User or Applicant affected by any decision, action, or determination may file with the Administrator a written request for an appeal hearing. The Authority must receive the request within thirty (30) days of mailing

of notice of the decision, action, or determination to the User or Applicant. The request for hearing shall set forth in detail all facts supporting the request.

B. Notice

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

C. Hearing

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

D. Written Determination

After the hearing, the Hearing Officer shall deliver a written report to the Administrator setting forth findings of fact, conclusions, and a recommendation whether to uphold, modify, or reverse the original decision, action, or determination. Upon receipt of the written report, the Administrator shall issue his or her decision and order within thirty (30) calendar days of the hearing. The written decision and order of the Administrator shall be sent by certified mail. The order of the Administrator shall be final on the 16th day after it is mailed, unless a request for hearing is filed with the Board, pursuant to section 5.1001, no later than 5:00 p.m. on the 15th day following such mailing.

5.1001 APPEALS TO THE BOARD OF DIRECTORS

A. General

1. Any User or Applicant may appeal a decision, action, or determination made by the Administrator prior to the date that the Administrator's order becomes final, by filing a written request for hearing with the Board accompanied by an appeal fee of \$100. The request for hearing shall set forth in detail all the issues in dispute and all facts supporting the request.

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

B. Granting Request for Hearing

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

C. Appeal Fee Refund

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

D. Written Determination

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

5.1002 APPEAL OF CHARGES AND FEES

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

- B. Notwithstanding the foregoing, appeals of non-compliance sampling fees shall be made pursuant to the appeal procedure set forth in sections 5.1000 and 5.1001.

5.1003 PAYMENT OF CHARGES

- A. Except as otherwise provided, all fees, charges, and penalties established by this Ordinance or by resolution are due and payable upon notice thereof. All such amounts are delinquent if unpaid thirty (30) days after date of invoice.
- B. Any charge that becomes delinquent shall have added to it a penalty in accordance with the following:
  - 1. Thirty-one (31) days after date of invoice, a basic penalty of 5% of the base invoice amount, not to exceed a maximum of \$1,000; and
  - 2. Interest at a rate of 1.5% per month, calculated on the total of the base invoice amount and basic penalty, shall accrue from and after the 31st day after date of invoice.
- C. Any invoice outstanding and unpaid after sixty (60) days shall be cause for immediate initiation of permit revocation proceedings or immediate suspension of the permit.
- D. Penalties charged under this section shall not accrue to those invoices successfully appealed.

5.1004 REMEDIES NON-EXCLUSIVE

The remedies provided for in this Ordinance are not exclusive. The Administrator may take any, all, or any combination of these actions against a non-compliant User. Enforcement of Pretreatment Violations will be in accordance with the Authority's Enforcement Response Plan; however, the Administrator may take other action against any User when the circumstances warrant. Further, the Administrator is empowered to take more than one (1) enforcement action against any non-compliant User.

5.1005 COLLECTION OF DELINQUENT ACCOUNTS

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

5.1006 RECOVERY COSTS INCURRED BY AUTHORITY

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

5.1007 FINANCIAL SECURITY/AMENDMENTS TO PERMIT

A. Compliance Deposit

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

B. Delinquent Accounts

The Authority shall review and examine the User's account to determine whether previously incurred fees and charges have been paid, in accordance with time requirements prescribed by this Ordinance. The Authority may thereafter issue an amendment to the User's Control Mechanism, in accordance with the provisions of Article 4 and subsection 5.1007(E) of this Ordinance.

C. Bankruptcy

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

D. Permit Amendments

The Authority shall review and examine the User's account to determine whether previously incurred fees and charges have been paid, in accordance with time requirements prescribed by this Ordinance. The Authority may thereafter issue an amendment to the User's permit, in accordance with the provisions of Article 4 and subsection 5.1007(E) of this Ordinance.

E. Security

An amendment to a Control Mechanism issued pursuant to sections 5.0401, 5.0402, and 5.0403, may be conditioned upon the User depositing financial security in an amount equal to the average total fees and charges for three (3) calendar months during the preceding year. Said deposit shall be used to guarantee payment of all fees and charges incurred for future services and facilities furnished by Authority and shall not be used by the Authority to recover outstanding fees and charges incurred prior to the User filing and receiving protection from creditors in the United States Bankruptcy Court.

F. Return of Security

In the event the User makes payment in full within the time prescribed by this Ordinance of all fees and charges incurred over a period of two (2) years following the issuance of an amendment to the Control Mechanism pursuant to subsections 5.1007(B-D), the Authority shall either return the security deposit posted by the User or credit its account.

G. Water Supply Severance

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

5.1008

JUDICIAL REVIEW

A. Purpose and Effect

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

B. Definitions

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

1. Decision shall mean and include adjudicatory administrative decisions that are made after a hearing, or after revoking, suspending, or denying an application for a permit or a license.

2. Complete Record shall mean and include the transcript, if any, of the proceedings, all pleadings, all notices and orders, any proposed decision by the Administrator, the final decision, all admitted exhibits, all rejected exhibits in the possession of the Authority or its offices or agents, all written evidence, and any other papers in the case.
3. Party shall mean a person whose permit or service has been denied, suspended, or revoked.

C. Time Limit for Judicial Review

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

D. Preparation of the Record

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

E. Extension

If the petitioner files a request for the record within ten (10) days after the date the decision becomes final, the time within which a petition, pursuant to section 1094.5 of the Code of Civil Procedure, may be filed shall be extended to no later than the 30th day following the date on which the record is either personally delivered or mailed to the petitioner or the petitioner's attorney of record, if appropriate.

F. Notice

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

G. Administrative Civil Penalties

Notwithstanding the foregoing in Section 5.1007, and pursuant to Government Code, section 54740.6, judicial review of an order of the Board imposing administrative civil penalties pursuant to subsection 5.0902(D) may be made only if the petition for writ of mandate is filed no later than the 30th day following the day on which the order of the Board becomes final.

## ARTICLE 6

### SEVERABILITY

#### 6.0100 SEVERABILITY

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

**ARTICLE 7**

**EFFECTIVE DATE**

7.0100 EFFECTIVE DATE

The effective date of this Ordinance shall be \_\_\_\_\_, 2019.