

ORDINANCE NO. 62

AN ORDINANCE OF THE BOARD OF DIRECTORS OF CHINO
BASIN MUNICIPAL WATER DISTRICT REGULATING THE
AVAILABILITY AND USE OF A NON-RECLAIMABLE
WASTEWATER SYSTEM IN CHINO BASIN
MUNICIPAL WATER DISTRICT, SAN BERNARDINO
COUNTY, STATE OF CALIFORNIA

BE IT ORDAINED BY THE Board of Directors of Chino Basin Municipal Water District as follows:

INDEX

	PAGE
PART I - ADMINISTRATION	1
SECTION 101 - AUTHORIZATION	1
SECTION 102 - PURPOSE, OBJECTIVES, AND SHORT TITLE	1
SECTION 103 - APPLICABILITY	1
SECTION 104 - ADMINISTRATOR	2
SECTION 105 - DEFINITION OF TERMS	2
SECTION 106 - NON-RECLAIMABLE WASTEWATER DISPOSAL POLICY	8
SECTION 107 - ORDINANCE IN FORCE	9
 PART II - DISCHARGE QUALITY REQUIREMENTS	 9
SECTION 201 - GENERAL LIMITATIONS ON NON-RECLAIMABLE WASTEWATER	9
 PART III - OBTAINING THE ABILITY TO DISCHARGE INTO THE DISPOSAL SYSTEM	 12
SECTION 301 - ACQUIRING CAPACITY	12
SECTION 302 - CAPACITY OPTION	12
SECTION 303 - CONVERSION OF CAPACITY OPTION TO CAPACITY RIGHT PROCEDURES	14
SECTION 304 - CAPACITY RIGHT	14
SECTION 305 - CONNECTION TO NON-RECLAIMABLE WASTE SYSTEM	17
SECTION 306 - WASTE AND TRUCKING PERMITS	18
SECTION 307 - SPECIAL WASTE DISCHARGES	19
SECTION 308 - SPECIAL STUDIES	19
SECTION 309 - INSPECTION AND ENTRY	19

PART IV - WASTE AND TRUCKING PERMIT CONDITIONS20

SECTION 401 - STATE AND FEDERAL REQUIREMENTS20
SECTION 402 - DUTY TO COMPLY20
SECTION 403 - NEED TO HALT OR REDUCE ACTIVITY NOT A
DEFENSE.....20
SECTION 404 - PROPER OPERATION AND MAINTENANCE.....21
SECTION 405 - PERMIT ACTIONS21
SECTION 406 - DUTY TO PROVIDE INFORMATION21
SECTION 407 - INSPECTION AND ENTRY21
SECTION 408 - ACCIDENTAL DISCHARGE PREVENTION21
SECTION 409 - MONITORING FACILITIES22
SECTION 410 - COMPLIANCE SCHEDULES.....22
SECTION 411 - SAMPLE ANALYSIS23
SECTION 412 - MONITORING REPORTS AND RECORD KEEPING.....23
SECTION 413 - NOTIFICATION OF ACCIDENTAL DISCHARGE, SLUG
LOADING OR OTHER NON-COMPLIANCE.....23
SECTION 414 - ANALYSIS TO DEMONSTRATE CONTINUED
COMPLIANCE24
SECTION 415 - BYPASS24
SECTION 416 - REOPENER CLAUSE.....25
SECTION 417 - MODIFICATION OF WASTE PERMITS25
SECTION 418 - AVAILABILITY OF REPORTS.....25
SECTION 419 - REMOVED SUBSTANCES25
SECTION 420 - SEVERABILITY.....25
SECTION 421 - PERMIT DURATION AND DUTY TO REAPPLY26
SECTION 422 - PERMIT TRANSFER.....26
SECTION 423 - NOTIFICATION OF HAZARDOUS WASTE IN THE
NON-RECLAIMABLE WASTE DISCHARGE27
SECTION 424 - NOTIFICATION OF CHANGED DISCHARGE.....27
SECTION 425 - OTHER PERMIT CONDITIONS AND LIMITATIONS27
SECTION 426 - CIVIL AND CRIMINAL LIABILITY.....27

PART V - ENFORCEMENT27

SECTION 501 - PROTECTION FROM DAMAGE27
SECTION 502 - NOTIFICATION OF VIOLATION27
SECTION 503 - EMERGENCY ACTION.....28
SECTION 504 - WASTE PERMIT SUSPENSION28
SECTION 505 - WASTE PERMIT REVOCATION30
SECTION 506 - APPEALS32
SECTION 507 - INJUNCTION34
SECTION 508 - CIVIL PENALTIES34
SECTION 509 - CRIMINAL PENALTIES36

SECTION 510 -	NON-COMPLIANCE COSTS	37
SECTION 511 -	RECOVERY OF COSTS FOR DAMAGE.....	37
SECTION 512 -	SEPARATE ACTIONS.....	37
PART VI - RATES		37
SECTION 601 -	INITIAL CHARGE.....	37
SECTION 602 -	MONTHLY CAPACITY CHARGE	37
SECTION 603 -	QUANTITY CHARGES	38
SECTION 604 -	QUALITY CHARGES.....	38
SECTION 605 -	APPLICATION FEE.....	39
SECTION 606 -	BILLING AND PAYMENT.....	39
PART VII - SIGNATORY REQUIREMENT.....		40
PART VIII - NOTICE PROCEDURE.....		40
PART IX - TIME LIMITS 46		
PART X - CONFIDENTIALITY		40
PART XI - FALSIFYING INFORMATION.....		40
PART XII - PUBLICATION OF NAMES OF DISCHARGERS IN SIGNIFICANT NON-COMPLIANCE		41
PART XIII - RIGHT OF REVISION		41
PART XIV - VALIDITY		41

PART I - ADMINISTRATION

SECTION 101 - AUTHORIZATION

This Ordinance is enacted pursuant to the authority contained in the Municipal Water District Law of 1911, California Water Code, as amended.

SECTION 102 - PURPOSE, OBJECTIVES, AND SHORT TITLE

The purpose of this Ordinance is to provide for the maximum possible beneficial use of the District's Non-Reclaimable Wastewater Disposal System through regulation of wastewater discharges by establishing terms, limits, and conditions of discharge through Waste Permits, whether from existing, new or increased pollutant contributions, to provide for equitable distribution of the District's costs, and to provide procedures for complying with requirements placed upon the District by contract requirements and by local, state, and federal regulations.

The objectives of this Ordinance are:

(A) To prevent the introduction of pollutants into the District's Non-Reclaimable Wastewater collection or other downstream systems which may harm the collection system or other downstream systems, cause Interference with the operation of the Disposal Agencies treatment plants, to prevent exposure of District and Disposal Agency employees to chemical hazards created by Industrial Dischargers, or contaminate the resulting sludge;

(B) To prevent the introduction of pollutants to the Non-Reclaimable Wastewater Disposal System which may not be amenable to treatment and may Pass Through the Disposal Agency treatment plant, if inadequately treated, into the Receiving Waters or the atmosphere; and

(C) To improve the Disposal Agencies' options for the Disposal of the sludge resulting from wastewater treatment.

This Ordinance shall be known as the Non-Reclaimable Wastewater Ordinance and may be cited as such.

SECTION 103 - APPLICABILITY

This Ordinance shall apply to all discharges whether direct or indirect, to the District's Disposal System which are contributory to treatment and disposal facilities owned and operated by the County Sanitation Districts of Los Angeles County (CSDLA) or by the County Sanitation Districts of Orange County (CSDOC) and shall be interpreted in accordance with definitions set forth in Section 105 of the Ordinance.

This Ordinance provides for the regulation of the connection to the Disposal System, the quantity and quality of wastewater to be discharged to the Disposal System, the degree of waste Pretreatment required, the setting of charges to provide for equitable distribution of costs, the approval of plans for sewer construction, the issuance of permits for Non-Reclaimable Wastewater discharge and all other permits as required, and the establishment of penalties for violation of this Ordinance.

SECTION 104 - ADMINISTRATOR

Except as otherwise provided herein, the General Manager shall administer, implement, and enforce the provisions of this Ordinance. The General Manager may, at his discretion, delegate any or all of these powers and duties.

SECTION 105 - DEFINITION OF TERMS

(A) APPRAISED VALUE - Shall mean the value of constructed improvements on a parcel of land, as said value is reflected from year to year on the last equalized assessment roll of the County of San Bernardino, or in the case of utilities and public agencies, as equalized by the State Board of Equalization.

(B) APPROVED LABORATORY PROCEDURE - Shall mean any method specified in Section 411 or approved by the General Manager and the Disposal Agency for the determination of flow measurement of pollution concentration of discharges to the Disposal System.

(C) AUTHORIZED REPRESENTATIVE - Shall mean:

(1) A Responsible Corporate Officer as defined herein; or

(2) A general partner or proprietor, if the Discharger of Industrial Waste is a partnership or sole proprietorship, respectively; or

(3) A duly Authorized Representative of 1 or 2 above, if:

(a) The authorization is made in writing by the individual described in (1) or (2) above;

(b) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field Superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company;

(c) The written authorization is submitted to the Control Authority; and

(d) If an authorization under (3) above 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 (3) above must be submitted to the Control Authority prior to or together with any reports to be signed by an Authorized Representative.

(D) BIOCHEMICAL OXYGEN DEMAND (BOD) - Shall mean the results obtained using an Approved Laboratory Procedure to measure the quantity of oxygen utilized in the biochemical oxidation of organic matter or in satisfying the oxygen demand of other materials present.

(E) BOARD - Shall mean the Board of Directors of Chino Basin Municipal Water District.

(F) **BYPASS** - Shall mean the diversion of wastestreams from any portion of a Discharger's treatment facility.

(G) **CAPACITY OPTION** - Shall mean a right for a period of time to enter into a Capacity Right Agreement for permanent Capacity Units within the Disposal System.

(H) **CAPACITY OPTION AGREEMENT** - Shall mean a uniform agreement between the District and a Person for future use of the District's Disposal System.

(I) **CAPACITY RIGHT** - Shall mean a right to discharge Non-Reclaimable Wastewater into the Disposal System in accordance with the Waste Permit issued by the District and the Capacity Right Agreement between the District and a User of the Disposal System.

(J) **CAPACITY RIGHT AGREEMENT** - Shall mean a uniform agreement between the District and each User of the District's Disposal System.

(K) **CAPACITY UNIT** - Shall mean maximum instantaneous peak flow of not to exceed 0.0333 cubic feet per second. The number of capacity units designated in any Capacity Right Agreement or Capacity Option Agreement entered into prior to November 5, 1997 shall be multiplied by three. The total capacity the District is obligated to provide the User shall remain unchanged.

(L) **CLEAN WATER ACT (CWA)** - Shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et.seq. and the regulations adopted thereto.

(M) **CONFIDENTIAL INFORMATION** - Shall mean information and data on a Discharger including products used industrial processes or methods of production, etc., which the Discharger can demonstrate, to the satisfaction of the General Manager and the Disposal Agency, constitute trade secrets. Effluent constituents and characteristics shall not be considered Confidential Information.

(N) **CONTROL AUTHORITY** - Shall mean Chino Basin Municipal Water District or the Disposal Agencies as defined.

(O) **CSDOC** - Shall mean the County Sanitation Districts of Orange County.

(P) **DISCHARGER** - Shall mean any Person that discharges or causes a discharge of Industrial Wastes directly or indirectly to the Disposal System.

(Q) **DISPOSAL AGENCY** - Shall mean the County Sanitation Districts of Los Angeles County for discharges contributory to CSDLA or the Santa Ana Watershed Project Authority or the County Sanitation Districts of Orange County, for discharges contributory to SAWPA and CSDOC.

(R) **DISPOSAL SYSTEM** - Shall mean facilities and rights owned by the District for disposal of Non-Reclaimable Waste, including but not limited to, collection lines, mains and trunks, booster facilities and appurtenant equipment, and the Capacity Rights with Disposal Agencies.

(S) DISTRICT - Shall mean the Chino Basin Municipal Water District (CBMWD) and its duly authorized officers, agents, and representatives.

(T) DISTRICT NO. 21 OR CSDLA - Shall mean the County Sanitation Districts of Los Angeles County.

(U) ENVIRONMENTAL PROTECTION AGENCY (EPA) - Shall mean the Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

(V) FEDERAL CATEGORICAL PRETREATMENT STANDARDS - Shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Clean Water Act (33 U.S.C. 1347) which apply to a specific category of Discharger.

(W) GENERAL MANAGER - Shall mean the General Manager of Chino Basin Municipal Water District.

(X) GREASE, OIL, OR FATS - Shall mean any material which is extractable from an acidified sample of a waste by hexane or other designated solvent.

(Y) INDUSTRIAL WASTES - Shall mean all liquid-carried wastes of the Discharger, excluding sanitary wastes from normal human living processes. Industrial Wastes may include all wastewater sludges, centrate, filtrate, centrifuged solids, compost or any other semi-liquid suspensions of solids from any processing, institutional, commercial, agricultural, producing, manufacturing or other operation where the wastewater discharged includes all wastes of non-human origin. Industrial Wastes includes Non-Reclaimable Wastewater and industrial wastewater.

(Z) INITIAL CHARGE - Shall mean a monetary payment for a Capacity Unit.

(AA) INTERFERENCE - Shall mean any discharge which alone or in conjunction with discharges from other sources, inhibits or disrupts the District's Wastewater Treatment System, its treatment processes or operations, its sludge processes, use, or disposal, or causes violation of CSDLA's or CSDOC's NPDES discharge permit requirements or prevents lawful sludge use or disposal.

(BB) JOINT DISPOSAL AGREEMENT - Shall mean a wastewater capacity agreement between the District and a Disposal Agency, which provides for the acceptance and disposal by the Disposal Agency of the Non-Reclaimable Wastewater discharged within the District's Disposal System.

(CC) MAY - is permissive.

(DD) MONITORING FACILITY - Shall mean a safely accessible facility located at the Discharger's connection to the Disposal System or at the end of an industrial process or Pretreatment system, which allows for the inspection, sampling, and flow measurement of a discharge.

(EE) MONITORING PERSONNEL - Shall mean Persons authorized by the General Manager or the Disposal Agencies to install and operate analytical instruments, sampling equipment, flow meters, and to perform other similar work at wastewater generation, conveyance, and disposal facilities.

(FF) MONTHLY CAPACITY CHARGE - Shall mean a monthly charge based upon the number of Capacity Units owned by each User.

(GG) NEW SOURCE - Shall mean:

(1) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, provided that:

(a) The building, structure, facility or installation is constructed at a site at which no other source is located; or

(b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of (ii) or (iii) above, but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:

(a) Begun, or caused to begin as part of a continuous onsite construction program:

- Any placement, assembly, or installation of facilities or equipment; or

- Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of New Source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment, which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

(HH) **NON-RECLAIMABLE WASTEWATER** - Shall mean wastewater that is required to comply with the quality standards and requirements of applicable Joint Disposal Agreements and contains dissolved solids in a concentration which exceeds local water quality standards and cannot be economically treated to meet such standards.

Wastewater that complies with the dissolved solids standards of a Contracting Agency cannot be mixed with wastewater that conforms to the above definition.

(II) **ORDINANCE** - Shall mean, unless otherwise specified, this Ordinance.

(JJ) **PASS THROUGH** - Shall mean the discharge of pollutants which exits the Disposal Agencies' facilities into waters of the United States in quantities or concentrations which alone, or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Disposal Agencies' NPDES permits (including an increase in the magnitude or duration of a violation).

(KK) **PERSON** - Shall mean any individual or entity including but not limited to any Person, firm, company, or corporation, partnership or association, any public corporation, political subdivision, city, county, District, the State of California, the United States of America or any department or agency thereof. The singular in each case shall include the plural.

(LL) **PRETREATMENT** - Shall mean the application of physical, chemical and/or biological processes to reduce the amount of pollutants in or alter the nature of the pollutant properties in wastewater prior to discharging such wastewater to the Disposal System.

(MM) **PRETREATMENT STANDARDS AND REQUIREMENTS** - Shall mean all applicable Federal, State or local standards or requirements related to Pretreatment or discharge of Industrial Wastes.

(NN) **pH** - Shall mean the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.

(OO) **PREMISES** - Shall mean any lot, parcel of land, building or establishment, residential, commercial, or industrial, both public and private, including schools, churches, and institutions without limitation.

(PP) **QUALITY CHARGE** - Shall mean a charge payable by each Discharger based upon the quality of actual discharge, multiplied by a rate to be established by the Board.

(QQ) **QUANTITY CHARGE** - Shall mean a charge payable by each Discharger based upon the quantity of actual discharge of User, multiplied by a rate to be established by the Board.

(RR) **RESPONSIBLE CORPORATE OFFICER** - Shall mean 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 the manager of one or more manufacturing, production, or operation facilities employing more than 250 Persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980

dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(SS) RECEIVING WATERS - Shall mean a natural watercourse or body of water into which treated sanitary sewage and/or treated Industrial Waste is discharged.

(TT) SAWPA - Shall mean the Santa Ana Watershed Project Authority.

(UU) SEVERE PROPERTY DAMAGE - Shall mean substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a Bypass. Severe Property Damage does not mean economic loss caused by delays in production.

(VV) SHALL - is mandatory.

(WW) SIGNIFICANT NON-COMPLIANCE - Shall mean that one or more of the following criteria are met upon review of the industry compliance record:

(1) Violations of wastewater discharge limits:

(a) Chronic violations: Sixty-six percent or more of all of the measurements taken during a six-month period exceed, by any magnitude, the daily maximum limit or the average limit for the same pollutant parameter.

(b) Technical Review Criteria (TRC) violations: Thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC.

There are two TRCs:

1. Group I for conventional pollutants (BOD, TSS, fats, oil and grease) TRC = 1.4

2. Group II for all other pollutants (except pH) TRC = 1.2

(c) Any other violation(s) of an effluent limit (average or daily maximum) that has caused, alone or in combination with other discharges, Interference or Pass Through including endangering the health of the District or Disposal Agency personnel or the 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 exercise of emergency authority to halt or prevent such a discharge.

(2) Violations of compliance schedule milestones, contained in an enforcement action, for starting construction, completing construction, and attaining final compliance by 90 days or more after the schedule date.

(3) Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, 90-day compliance reports, and periodic reports) within 30 days from the due date.

(4) Failure to meet, within 90 days after the scheduled date, a compliance schedule milestone contained in a Waste Permit or enforcement order, for starting or completing construction or attaining final compliance.

(5) Failure to accurately report non-compliance.

(6) Any other violation or group of violations that will adversely affect the operation or implementation of the Pretreatment program.

(XX) SLUG LOAD - Shall mean any discharge of Industrial Wastes or Non-Reclaimable Wastewater in which the concentration level and/or mass emission level of any given constituent exceeds by five (5) times the applicable concentration or mass emission discharge standard.

(YY) STORMWATER - Shall mean any flow occurring during or following any form of natural precipitation and resulting therefrom.

(ZZ) TRUCKING PERMIT - Shall mean a permit issued by the District establishing terms and conditions for acceptance of truck or rail-hauled Non-Reclaimable Wastewater into the Disposal System in lieu of purchasing capacity in the Disposal System.

(AAA) USER - Shall mean any Person that has entered into a Capacity Right Agreement with the District for the use of the Disposal System.

(BBB) WASTE PERMIT - Shall mean any permits issued jointly by the District and a Disposal Agency establishing terms and conditions for discharging Non-Reclaimable Wastewater into the Disposal System.

(CCC) WASTEWATER TREATMENT SYSTEM - Shall mean any device, facility, structure, or equipment owned or operated by the District for the purpose of transmission, storage, treatment, recycling, or reclamation of non-domestic or domestic wastes, including intercepting sewers, outfall sewers, sewer collection systems, pumps, power plants and other equipment and their appurtenance, extensions, improvements, remodeling, additions, and alterations thereof, any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

SECTION 106 - NON-RECLAIMABLE WASTEWATER DISPOSAL POLICY

The District owns and operates the Disposal System for the purpose of disposing of Non-Reclaimable Wastewater which cannot be treated and reclaimed through local wastewater reclamation facilities, but which can be disposed of through the facilities of CSDLA, SAWPA or CSDOC.

The effects of certain types of Non-Reclaimable Wastewater upon the Disposal System and the treatment processes utilized by Disposal Agencies are such that careful consideration of every

Discharger is required. The District and CSDLA or the District, CSDOC and SAWPA shall work jointly in processing applications for discharge of Non-Reclaimable Wastewater to the Disposal System.

In accordance with this Ordinance and with the regulations of CSDLA, SAWPA, CSDOC, other local, State and Federal agencies, the District shall investigate the Non-Reclaimable Wastewater to determine, in each instance, whether said Non-Reclaimable Wastewater is acceptable in the form in which it is generated and/or whether it must be subject to Pretreatment prior to discharge into the Disposal System.

Should events occur which are beyond the control of the District which stop or restrict the intended uses of the Disposal System, the District shall not incur any liability which may be a result of these events.

SECTION 107 - ORDINANCE IN FORCE

Upon adoption of this Ordinance, District Ordinance 59 and Resolution 69-9-1 are hereby repealed and rescinded in their entirety. This Ordinance shall be in full force and effect from and after its passage and approval. To the extent the provisions of this ordinance are in conflict with any prior ordinance or resolution, this ordinance shall prevail.

PART II - DISCHARGE QUALITY REQUIREMENTS

SECTION 201 - GENERAL LIMITATIONS ON NON-RECLAIMABLE WASTEWATER

No Person shall discharge or cause to be discharged to the Disposal System a quantity or quality of material which will cause damage to any part of the Disposal System, cause abnormal maintenance of the Disposal System or become a nuisance or a menace to public health. As used herein, "excessive" shall mean any concentration or quantity of material or substance that may by itself or in combination with other discharges, create a hazard to maintenance personnel and/or cause physical damage to the Disposal System or cause Disposal Agencies to violate State or Federal regulations.

The following is a non-exclusive list of prohibited wastes:

(A) Any gasoline, benzene, naphtha, solvent, fuel oil or any liquid, solid, or gas that would cause or tend to cause flammable or explosive conditions to result in the sewerage system. This prohibition includes, but is not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.

(B) Any waste containing toxic or poisonous solids, liquids or gases in such quantities that, alone or in combination with other waste substances, may create a hazard for humans, animals or the local environment, interfere detrimentally with wastewater treatment processes, cause a public nuisance, or cause any hazardous condition to occur in the sewerage system.

(C)(1) Any waste having at any time a pH lower than 6.0, greater than 12.4, or having any corrosive or detrimental characteristics that may cause injury to wastewater treatment or

maintenance personnel or may cause damage to structures, equipment, or other physical facilities of the sewerage system.

(2) Any waste which by its chemical nature or in combination with other wastes entering the sewerage system will cause the pH of the receiving wastewater to be depressed below a pH of 6.0.

(D) Any solids or viscous substances of such size or in such quantity that may cause obstruction to flow in the sewer or be detrimental to proper wastewater treatment plant operations. These objectionable substances include, but are not limited to: asphalt, dead animals, offal, ashes, sand, mud, straw, industrial process shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, bones, hair and fleshings, entrails, paper dishes, paper cups, milk containers, or other similar paper products, either whole or ground.

(E) Any rainwater, stormwater, groundwater, street drainage, sub-surface drainage, roof drainage, yard drainage, water from yard fountains, ponds or lawn sprays or any other uncontaminated water.

(F) Any water added for the purpose of diluting wastes.

(G) Any amounts of petroleum, non-biodegradable cutting oil, or products of mineral origin which form persistent water emulsions or that will cause Interference or Pass Through.

(H) Any excessive concentrations of non-biodegradable oil, petroleum oil or refined petroleum products.

(I) Any dispersed biodegradable oils, fats and greases, such as lard, tallow, or vegetable oil in excessive concentrations that would tend to cause adverse effects on the Disposal System.

(J) Any excessive amounts of dissolved or undissolved solids.

(K) Any wastes with excessively high BOD, COD, or other oxygen demanding substances.

(L) Excessive quantities or concentrations of mercaptans, phenols, or any strongly odorous waste or waste tending to create odors.

(M) Any wastes containing dissolved sulfides above a concentration of 0.1 milligram/liter or wastes that contribute to excessive sulfide production in the Disposal System.

(N) Any wastes containing excessive quantities or concentrations of dissolved silica, dissolved aluminum, or other substances including high pH material which cause incrustations, scale, or precipitates on sewer walls or other adverse effects on the Disposal System.

(O) Any substance promoting or causing the promotion of toxic gases, including but not limited to, a discharge that results in toxic gases, vapors or fumes in a quantity that may cause acute worker health and safety problems.

(P) Any waste having a temperature of 140 degrees Fahrenheit or higher, or causes the wastewater influent to a Disposal Agency's treatment plant to exceed 104 degrees Fahrenheit.

(Q) Any wastes requiring an excessive quantity of chlorine or other chemical compound used for disinfection purposes.

(R) Any excessive amounts of toxic organic, chlorinated hydrocarbon or organic phosphorus-type compounds.

(S) Any waste containing substances that may precipitate, solidify gel, polymerize, or become viscous under conditions normally found in the Disposal System.

(T) Any waste producing excessive discoloration of wastewater or treatment plant effluent.

(U) Any waste that is not ground sufficiently to Pass Through a 3/8-inch screen.

(V) Any wastes containing excessive quantities of iron, boron, chromium, phenols, plastic resins, copper, nickel, zinc, lead, mercury, cadmium, selenium, silver, arsenic, manganese or any other materials toxic to humans, animals, the local environment, or to biological or other wastewater treatment processes.

(W) Any single pass cooling or heating water. Single pass means the water is circulated once through the equipment that uses the water for heating or cooling purposes.

(X) Any excessive quantities of radioactive material wastes.

(Y) Any recognizable portion of the human anatomy.

(Z) Any waste containing detergents, surface-active agents, or other substances which may cause excessive foaming in the Disposal System.

(AA) Any "Slug Loads" as defined herein.

(BB) Any waste of a quality or quantity which causes or contributes to or may cause or contribute to "Pass Through" or "Interference" as defined.

(CC) Any waste that is generated in violation of or which violates applicable Federal standards or State regulations or Disposal Agency discharge limitations, or discharge limitations or requirements established by the Board as described in Waste Permits or within Ordinances, resolutions or other rules adopted by the Board.

(DD) Any blow-down or bleed water from cooling towers or other evaporative coolers exceeding one-third of the makeup water.

(EE) Any hazardous wastes discharged directly or indirectly to any portion of the Disposal System by truck, rail, or dedicated pipeline.

(FF) Any infectious wastes unless approved by the Disposal Agency and the General Manager.

(GG) Any wastes containing excessive quantities or concentrations of thiosulfate or any other waste constituent which requires chemical applications above levels used in the normal operation of the Disposal System or the Disposal Agencies' treatment system.

(HH) Any excessive quantities of deionized water, steam, condensate, or distilled water.

(II) Any waste containing excessive quantities or concentrations of ammonia.

(JJ) Any waste containing excessive quantities or concentrations of chlorides, fluorides, sulfates, borates, or any other materials that can Pass Through treatment facilities and degrade water quality or limit reuse of the wastewater.

(KK) Any waste containing excessive quantities or concentrations of benzene or other volatile organic compounds or any other waste constituent that alone or in combination with other materials adversely affects air quality.

The General Manager may establish quantitative or other limitations applicable to Non-Reclaimable Wastewater when, in his judgement, it is necessary to protect the Disposal System. Non-Reclaimable Wastewater or industrial wastewater discharges in excess of the limits established by the General Manager or any state law or applicable Federal Categorical Pretreatment Standard shall constitute excessive concentrations or quantities prohibited by this Section 201. The General Manager shall promulgate and maintain a list of limitations established for restricted wastes which are generally applicable to all Dischargers and shall provide such lists to all Users and potential Users.

The General Manager may establish quantitative limitations for Dischargers which, because of their location, quantity or quality of discharge, can degrade the quality of wastewater treatment plant effluent or residue or air quality to a level that prevents or inhibits Disposal Agency efforts to reuse or dispose of the water or residue or causes any unusual operation or maintenance problems in the Disposal System.

PART III - OBTAINING THE ABILITY TO DISCHARGE INTO THE DISPOSAL SYSTEM

SECTION 301 - ACQUIRING CAPACITY

Any Person desiring to use the Disposal System may request such use through application to the District for either a Capacity Option Agreement, a Capacity Right Agreement, or a Trucking Permit.

SECTION 302 - CAPACITY OPTION

(A) A Capacity Option is created by execution of a Capacity Option Agreement between the District and any Person. A Person may initiate Capacity Option Agreement procedures by completion and submittal to the District of application for Capacity Option Agreement and payment of required application fee. Such application form will be provided by the District. Upon filing of such application, the District shall within thirty (30) days after receipt of said

application, in writing, request from the applicant any additional information determined to be necessary for the District to complete review of the application.

Upon receipt of all necessary information, the District shall review the application and information submitted therewith and approves or deny such Application. Conversion of a Capacity Option to a Capacity Right is subject to the provisions of Section 303 of this Ordinance.

(B) The Capacity Option shall pertain to a single parcel or contiguous parcels which shall not exceed six hundred forty (640) acres per Capacity Unit or one (1) mile on any exterior dimension unless approved by the Board. The maximum number of Capacity Units any Person may hold under a Capacity Option Agreement is thirty (30) unless the Board approves a higher number. A Person may request more than thirty (30) Capacity Units by filing a written request with the Board. The Board shall hold a hearing upon the written request within thirty (30) days after receipt of such request and shall make a final ruling on the request within thirty (30) days after the hearing is closed. Designation of the subject land shall be subject to approval by the District and shall be limited by available capacity in the Disposal System adjacent to or serving subject land.

(C) After execution of the Capacity Option Agreement and payment of the Initial Charge, the term of the Capacity Option Agreement shall be one (1) year, with a right to three (3) annual extensions. Extension of the Capacity Option shall be conditioned upon payment of twelve (12) Monthly Capacity Charges on or before the beginning of the next option year. After the fourth year, the Capacity Option may be extended annually upon approval by the Board and upon payment of the next year's Monthly Capacity Charges. In the event the holder of the Capacity Option fails to pay said Monthly Capacity Charges in full on or before the beginning of the next option year, the Capacity Option Agreement shall cease and terminate, and all payments made therefor shall be forfeited and inure to the sole benefit of the District.

(D) At any time after the fourth year of the Capacity Option Agreement, the Board may make an initial determination that the total capacity Option or any portion thereof, requires immediate conversion to a Capacity Right and subsequent use by another Person. The following rules shall apply to such conversion:

(1) Grounds

(a) Capacity is needed for other Users or applicants.

(b) Transfer of the Capacity Option or a portion thereof is required to protect the Disposal System from hydraulic overload or other adverse impacts which may occur if such transfer does not occur.

(c) Any other circumstances which may cause adverse impacts to either or both of the Disposal System or the Wastewater Treatment System.

(2) Notice/Hearing

(a) The Board Secretary shall, within fifteen (15) days of the Board's determination, provide written notice to the holder of the Capacity Option by certified mail of the hearing date, time, and place.

(b) At the hearing, the holder of the Capacity Option shall have the opportunity to present written or oral evidence supporting its position concerning the Board's decision, action or determination, in accordance with procedures established by the Board.

(3) Written Determination

After the hearing, the Board shall make a determination whether to uphold, modify or reverse their original decision, action, or determination. The decision of the Board shall be set forth in writing within forty-five (45) days after the close of the hearing and shall contain a finding of the facts found to be true, the determination of issues presented, and the conclusion. The written decision of the Board shall be sent by certified mail to the Capacity Option holder at their business address.

(4) Effect

The Person to whom the capacity shall be transferred shall pay the holder of the Capacity Option an amount equal to the initial Charge and any annual Monthly Capacity Charges paid to the District by the holder of the Capacity Option. The Capacity Option holder shall execute an assignment of the Capacity Option in writing and, in the absence of voluntary compliance with said requirements, shall pay all costs including reasonable legal fees and expenses of compelling specific performance there with.

(E) Upon written approval by the District, a Capacity Option may be assigned in whole or in part to another Person. Assignment shall pertain to the parcel or parcels for which the Capacity Option Agreement pertains to.

(F) A Person holding a Capacity Option may terminate the Capacity Option at any time by notifying the District of the desire to do so. Upon such termination, no reimbursement of Initial Charge or Monthly Capacity Charges will be made by the District.

SECTION 303 - CONVERSION OF CAPACITY OPTION TO CAPACITY RIGHT PROCEDURES

The holder of a valid Capacity Option may, at any time, institute proceedings for the conversion of the Capacity Option into a Capacity Right. The Capacity Right shall be acquired without payment of Initial Charges. The conversion of a Capacity Option to a Capacity Right shall comply with the rules and procedures applicable to the creation of a Capacity Right as set forth in Section 304.

SECTION 304 - CAPACITY RIGHT

(A) A Capacity Right is created by execution of a Capacity Right Agreement between the District and any Person. A Person may directly purchase a Capacity Right(s) without previously purchasing a Capacity Option(s). It is the intent of the Ordinance that a Capacity Right not be used at a location other than the property described in the Capacity Right Agreement.

It is also the intent of this Ordinance that the Person holding the Capacity Right is the owner of the property from which the Non-Reclaimable Wastewater is generated.

With prior approval of the Board, a Capacity Right holder may rent or lease the use of the Capacity Right for the purpose stated in the Capacity Right holder's Capacity Right application.

(B) A Person or User may initiate Capacity Right Agreement procedures by completion and submittal to the District of a Capacity Right application and payment of the application fee. The application shall be on a form provided by the District. Upon receipt of the application, the District shall within thirty (30) days notify the applicant in writing of any additional information determined to be necessary for the District to complete review of the Capacity Right application.

(C) The number of Capacity Units included in a Capacity Right Agreement shall be determined by the District, based upon the request of the Person or holder of a valid Capacity Option and after analysis by the District of the processes, the nature and character of effluent, and the provisions which have been or could be made for in-plant segregation of Non-Reclaimable Wastewater and flow equalization. The maximum number of Capacity Units any Person may hold is thirty (30), without approval of the Board to exceed such maximum number. A Person may request additional Capacity Units by filing a written request with the Board. The Board shall hold a hearing upon receipt of such request within thirty (30) days and shall make a final ruling on the request within thirty (30) days after the hearing is closed.

(D) After execution of the Capacity Right Agreement, the Capacity Right shall be retained from year to year, conditioned upon payment of Monthly Capacity Charges. The Capacity Right Agreement between a Person and the District shall not extend beyond the termination date of the Joint Disposal Agreements between the District and District 21 (Year 2018) for discharges contributory to CSDLA, or between the District and SAWPA for discharges contributory to SAWPA and CSDOC. If the Monthly Capacity Charges, and quantity and Quality Charges are not paid within thirty (30) days of the due date, the District may serve a written Notice of Default requiring payment of all Monthly Capacity Charges and quantity and Quality Charges within 90 days of the date of the Notice. The User shall pay interest on the unpaid balance from the date of receipt of notice at a rate to be established from time to time by Resolution of the Board. In the event that payment is not made within the period specified in the Notice of Default, which shall be a minimum of 90 days, the District may elect to cancel the User's Capacity Right Agreement and retain all funds paid by the User.

(E) In the event the User has not commenced discharge of Non-Reclaimable Wastewater to the Disposal System within twenty-four (24) months after execution of the Capacity Right Agreement, the District may declare all or any portion of the Capacity Right Agreement void. If the District declares all or any part of the Capacity Right Agreement to be void, all payments made theretofore shall be forfeited and inure to the sole benefit of the District.

(F) A Capacity Right may be assigned to a successive owner of the property, for the purpose stated in the Capacity Right applications upon written request from the Capacity Right holder and the successor and approval of the Board.

(G) The User may terminate all or any portion of his Capacity Right Agreement to capacity in the Disposal System and thereby be relieved of all or a portion relative to its continuing obligation to pay Monthly Capacity Charges upon completion of the following:

(1) The User shall give ninety (90) days advance written notice to the District of its intention to so terminate, and

(2) The User shall pay to the District at least thirty (30) days prior to the termination date a sum equal to the estimated cost by the District to physically terminate or decrease flow of Industrial Wastes through the User's connection to the Disposal System.

The User shall be required to pay a sum equal to the amount obtained by multiplication of that portion of the User's current monthly capacity charges representing the amount of capacity being terminated by 10% of the number of months between termination date and May 31, 2018.

Upon payment of the required sums, all or that portion of the rights and obligations of User being terminated in the Disposal System shall cease as of the identified termination date.

(3) On November 5, 1997, the District decreased the size of a Capacity Unit from 0.1 (45 gpm) to 0.0333 cubic feet per second (15 gpm). If, as a result of this change, a User determines that they no longer require a portion of the combined capacity designated in their Capacity Right Agreement or Capacity Option Agreement or both, the User may relinquish a portion of their Capacity Right or Capacity Option, in increments of 0.0333 cubic feet per second, and not be subject to the payment required by Part 3 Section 304 (G). To qualify for a waiver of the capacity termination charge under this section, the User must meet the following conditions:

(a) The Capacity Right Agreement or Capacity Option Agreement must have an effective date before November 5, 1997, and

(b) The User may not relinquish more than two-thirds of the total combined capacity held in the Capacity Right and Capacity Option if the total combined capacity designated in the Capacity Right and Capacity Option is equal to or less than 6 (six) Capacity Units (0.2 cfs or 90 gpm), and

(c) The User may not relinquish more than one-third of the total combined capacity held in the Capacity Right and Capacity Option if the total combined capacity designated in the Capacity Right and Capacity Option is greater than 6 (six) Capacity Units (0.2 cfs or 90 gpm), and

(d) The User shall give advance written notice to the District of its intention to so terminate by December 31, 1998.

(H) In the event the User has ceased discharge for a period of twenty-four (24) months without assigning the Capacity Right pursuant to Section 304 (F) of this Ordinance, or terminating the Capacity Right pursuant to Section 304(G), the District may declare all or any portion of the Capacity Right Agreement void. If the District declares all or part of the Capacity Right Agreement to be void, all payments made theretofore shall be forfeited and inure to the sole benefit of the District and the provisions of Section 304.

(G) (2) of this Ordinance shall apply.

SECTION 305 - CONNECTION TO NON-RECLAIMABLE WASTE SYSTEM

(A) PIPELINE CONSTRUCTION

Each Person acquiring capacity in the Disposal System shall be entitled to a direct connection and/or a main extension to the Disposal System. The location of the connection and/or the main extension, meter vault, and plant-site connection will be determined by the District. All plans and designs for pipeline extensions, pipeline connections and appurtenant structures shall be submitted to the District for review and approval. The plans submitted shall be designed according to District standards and certified by a professional engineer registered in the State of California. The User shall provide all easements determined by the District to be necessary for the installation, inspection, testing, and maintenance of the pipeline, meter vault, and plant-site connection. All meters and recording devices shall be approved by the District and paid for by the User for each connection to the Disposal System. The User shall be required to deposit with the District the estimated cost of all meters and recording devices and any excess cost of pipeline installation prior to issuance of the Waste Permit by the District. The District shall have the continuing right to enter the plant-site to inspect pipeline extensions, connections, meters, and recording devices and to inspect the User's in-plant installations for segregation, storage, and treatment of Non-Reclaimable Wastewater to assure compliance with Waste Permit conditions imposed by the District.

Pipeline extensions shall be constructed with a minimum pipe diameter of 8 inches. The District shall have the right to increase the diameter size of any pipeline extension at the time of construction thereof. In the event the District increases the diameter size of any extension in excess of the minimum size, or in excess of the pipe diameter required solely for a User's discharge, the District shall bear the percentage of the total cost thereof which is equal to the percentage of the total capacity in the enlarged extension which exceeds either the User's capacity requirement, or the capacity of an 8 inch diameter pipeline, whichever is greater.

(B) PIPELINE CONSTRUCTION COST REIMBURSEMENT CONTRACTS

In the event an approved User's capacity requirements are less than the capacity of an 8 inch diameter pipeline, and in the event the approved User has paid the cost of any extension on the basis of a minimum 8 inch diameter pipeline, the approved User shall be entitled to enter into a Construction Cost Reimbursement Contract with the District.

The contract shall provide, among other things, that in the event any other User discharges at any point in the extension, a sum equal to the percentage of capacity in the extension used thereby, based on the original cost thereof, shall be reimbursed by the District to the approved User who incurred the expense of construction. The contract term shall be for 10 years after which no further reimbursement payments shall be made. The approved User must request a reimbursement contract within 120 days of completion of construction of the pipeline extension.

After execution of a Construction Cost Reimbursement Contract, any new User that connects to and discharges wastewater through the pipeline extension shall bear a proportional cost of the pipeline extension construction cost. The cost shall be equal to the total number of Capacity units and Option units purchased by the new User, multiplied by the cost of construction per Capacity Unit for the pipeline extension. The cost of construction per Capacity Unit shall exclude all costs for the pipeline extension that were paid by the District. The total of all reimbursements paid to a approved User shall not exceed an amount equal to the cost of construction per capacity unit of the pipeline extension multiplied by the number of capacity units in the pipeline extension which

are not devoted to the approved User. The approved User's right to reimbursement shall not convey any interest in the pipeline extension or other facilities of the District. Construction Cost Reimbursement Contracts may not be assigned, transferred or otherwise disposed of without the prior written consent of the District; and any such purported or attempted assignment, transfer or disposal without the prior written consent of the District shall be null, void and of no legal effect whatsoever.

SECTION 306 - WASTE AND TRUCKING PERMITS

(A) WASTE PERMITS

(1) No Person shall discharge or cause discharge of Industrial Waste or Non-Reclaimable Wastewater to the Disposal System without obtaining a Waste Permit from the District and the respective Disposal Agency. Waste Permits and associated waste discharge requirements issued for wastes discharged into the Disposal System, are limited to those wastes which originate within the District service area unless otherwise approved by the District and CSDLA or the District, SAWPA and CSDOC. No Person shall discharge Non-Reclaimable Wastewater in excess of the quantity or quality discharge limitations stated in the Waste Permit or Capacity Right Agreement. Upon execution of the Capacity Right Agreement or approval of a Trucking Permit, the District may issue a Waste Permit provided that all other requirements of this Ordinance and local, State, and Federal regulations have been met. A Person may request a Waste Permit through completion and submittal to the District of a Waste Permit application and payment of the required application fees. Application forms shall be provided by the District. Applications shall be signed and certified in accordance with Part VII. The Waste Permit shall set forth terms and conditions for the waste to be discharged as may be determined by the District and CSDLA or the District, SAWPA and CSDOC.

(2) Prior to issuance of a Waste Permit, the District and the Disposal Agency shall determine if the proposed Industrial Waste discharge will comply with applicable wastewater quality standards including the requirements of CSDLA, SAWPA, CSDOC, Federal Categorical Pretreatment Standards and/or the State of California requirements and standards. Based upon this assessment and approval by the Disposal Agency, the District may issue the Waste Permit to allow the discharge, subject to conditions imposed by the District pursuant to Part IV of this Ordinance.

(3) Prior to commencing any change in Non-Reclaimable Wastewater quantity or quality or making any process modifications, a Waste Permit holder must apply for and receive a new Waste Permit.

(4) Prior to issuance of a Waste Permit for wastes to be delivered by truck or rail to the District for disposal, a permit applicant must submit certification pursuant to Section 66305, Chapter 30, Division 4, Title 22 of the California Code of Regulations, that the wastewater is classified as non-hazardous.

(B) TRUCKING PERMIT

(1) Trucking Permits may be issued in lieu of purchasing capacity in the Disposal System. Trucking Permits are issued for hauled liquid wastes to be discharged to the Disposal System and

shall be limited to those wastes which originate within the District service area unless otherwise approved by the District and CSDLA or the District, SAWPA and CSDOC.

(2) A Person may request a Trucking Permit through completion and submittal to the District of a Trucking Permit Application and payment of required application fees. Application forms shall be provided by the District. Applications shall be signed and certified in accordance with Part VII. Upon filing of the application, the District shall within thirty (30) days after receipt of the application, by written letter, request from the applicant any additional information determined to be necessary for the District to complete review of the application. Upon receipt of the necessary information, the District shall approve or deny the application. Denial of the application shall be supported by written documentation from the District.

(3) Upon approval of the Trucking Permit Application, the District shall establish a site-specific Waste Permit, for the Non-Reclaimable Wastewater to be discharged, in accordance with Section 306 (A) above. It shall be the responsibility of the Trucking Permit holder to discharge wastes in such a manner as to keep the area clean and free from spills or other debris. Any spill shall be promptly cleaned up. It shall be the responsibility of the Trucking Permit holder to ensure that the vehicle used to transport wastes from the site to the District's trucked waste discharge facility is clean and therefore will not alter the quality of wastes placed in the vehicle at the site.

SECTION 307 - SPECIAL WASTE DISCHARGE PERMITS

Should the Board determine that a proposed discharge of wastewater to the Disposal System is appropriate due to special circumstances not generally applicable to existing Users, the Board may authorize the discharge of such wastewater under a separate capacity contract. The contract shall set forth the terms and conditions for discharge of such wastes as may be determined by the District and CSDLA or District, SAWPA and CSDOC.

SECTION 308 - SPECIAL STUDIES

Special studies may be required in the processing of a Capacity Option application, Capacity Right application, Trucking Permit application, Waste Permit, or a Waste Permit update. In the event a special study is required, the District shall notify the applicant or the User of the Disposal System, in writing, of the need for the special study, and what parameters shall be addressed in the study. If the District performs the study, the applicant or User shall deposit with the District the estimated cost of performing said study. All costs shall be borne by the applicant or User. Final costs will be based upon actual costs incurred by the District.

SECTION 309 - INSPECTION AND ENTRY

The District, or a representative of the respective Disposal Agency accompanied by the District representative shall be authorized at any reasonable time to enter the Premises of all applicants to determine compliance with all applicable requirements to inspect Non-Reclaimable Wastewater facilities and monitoring equipment, take photographs and to take samples of the wastes to be discharged the Disposal System, insofar as such inspection and sampling is reasonably related to enforcement and compliance with this Ordinance.

Inspection may include every facility that is directly or indirectly involved with the discharge of Non-Reclaimable Wastewater to the Disposal System as determined by the District, and the respective Disposal Agency.

Adequate identification shall be provided to all inspectors, Monitoring Personnel and other authorized personnel, and these Persons shall make themselves known when entering any applicant's property for inspection or sampling purposes.

PART IV - WASTE PERMIT CONDITIONS AND LIMITATIONS

SECTION 401 - FEDERAL, STATE AND LOCAL REQUIREMENTS

A Discharger shall comply with all applicable Federal regulations or Pretreatment Standards, contained in 40 CFR 403-471 and all amendments thereto or any applicable more stringent State regulations or standards contained in California Water Code Sections 13000 et. seq. and all amendments thereto, and all local regulations and standards, including but not limited to those contained in the Waste Permit and in this Ordinance.

SECTION 402 - DUTY TO COMPLY

The Discharger shall comply with all conditions of the Waste Permit. Any Waste Permit non-compliance constitutes a violation of the Ordinance and is grounds for enforcement action as provided for in Part V. The Discharger shall comply with effluent standards or prohibitions established under Section 307 (a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the Waste Permit has not yet been modified to incorporate the requirement.

SECTION 403 - NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

It shall not be a defense for a Discharger in an enforcement action that it would be necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the Waste Permit.

SECTION 404 - PROPER OPERATION AND MAINTENANCE

The Discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Discharger to achieve compliance with the conditions of the Waste Permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a Discharger when the operation is necessary to achieve compliance with the conditions of the Waste Permit.

SECTION 405 - PERMIT ACTIONS

The Waste Permit may be modified for cause. The Waste Permit may be suspended, for cause as set forth in Sections 503 and 504. The Waste Permit may be revoked for cause as set forth in Section 505. The filing of a request by the Discharger for a Waste Permit modification, reissuance or a notification of planned changes or anticipated non-compliance does not stay any Waste Permit condition.

SECTION 406 - DUTY TO PROVIDE INFORMATION

The Discharger shall furnish to the General Manager, within a reasonable time, any documents or records maintained by the Discharger which the General Manager may request to determine whether cause exists for modifying, revoking, reissuing, or to determine compliance with the Waste Permit. The Discharger shall also furnish to the General Manager upon request, copies of records required to be kept by the Waste Permit.

SECTION 407 - INSPECTION AND ENTRY

(A) The District, or a representative of the respective Disposal Agency accompanied by a District representative shall be authorized at any reasonable time to enter the Premises of all Dischargers to determine compliance with all applicable requirements, to inspect Non-Reclaimable Wastewater facilities and monitoring equipment, take photographs and to take samples of the wastes discharged to the Disposal System therefrom, insofar as such inspection and sampling is reasonably related to enforcement and compliance with this Ordinance and the Dischargers' Waste Permit conditions, requirements and discharge limitations. Such inspection shall also include the right to inspect and copy records required to be maintained by the permittee under Federal, State, local or permit requirements.

(B) Inspection may include every facility that is directly or indirectly involved with the discharge of Non-Reclaimable Wastewater to the Disposal System as determined by the District, and the respective Disposal Agency. Authorized personnel of the District shall be provided immediate access to all of the above facilities. No Person shall interfere with, delay, resist or refuse entrance to authorized District's personnel attempting to inspect any facility involved directly or indirectly with a discharge of wastewater to the Disposal System.

(C) Adequate identification shall be provided to all inspectors, Monitoring Personnel and other authorized personnel, and these Persons shall make themselves known when entering any Discharger's property for inspection or sampling purposes.

(D) Any permanent or temporary obstruction to the safe and easy access to any sewage facility to be inspected shall promptly be removed by the Discharger or property owner at the written or verbal request of the General Manager and shall not be replaced.

SECTION 408 - ACCIDENTAL DISCHARGE PREVENTION

All Dischargers shall provide protection from the accidental discharge of prohibited materials or other substances regulated by this Ordinance. When required by the District, the Discharger shall develop an accidental discharge prevention plan to be approved by the General Manager. Facilities required to prevent accidental discharges shall be provided and maintained at the Discharger's own expense.

SECTION 409 - MONITORING FACILITIES

(A) Any Discharger who discharges Industrial Wastes and/or Non-Reclaimable Wastewater as defined herein, to the Disposal System may be required by the General Manager to provide, at his own expense, sampling and flow measurement of such discharge. The Monitoring Facility shall be approved by the General Manager. The General Manager may require that the entire Monitoring Facility or any portion of the required monitoring facilities be owned and maintained by the District. If the General Manager requires District ownership of a Monitoring Facility the Discharger shall warrant the facility against any defects and improper installation of the facility and its equipment for a period of one year after completion of construction and approval of proper construction and operation by the District.

(B) District owned monitoring facilities should be situated within an easement on the Discharger's Premises adjacent to the street, but the General Manager, may, when such location would be impractical or cause undue hardship on the Discharger, allow the facility to be constructed in the public street or sidewalk area located so that it will not be obstructed by landscaping or parking vehicles, provided that appropriate permits are obtained by the Discharger from the appropriate local agency or agencies.

(C) There shall be ample room in or near a Monitoring Facility to allow accurate sampling and preparation of samples for analysis. All plans and construction of a Monitoring Facility shall be approved by the District. Access to monitoring facilities not owned by the District shall be granted immediately upon request during any time the Discharger's business is open, any time wastewater is being discharged and at any reasonable time.

(D) Dischargers whose security procedures or plant configurations restrict or delay access shall provide an approved secured Monitoring Facility which is directly accessible to District's personnel without having to Pass Through other secured property of the Discharger. The costs of providing facilities with such access shall be borne by the Discharger.

SECTION 410 - COMPLIANCE SCHEDULES

If the General Manager determines that additional Operations and Maintenance (O&M) or Pretreatment of Industrial Waste and/or Non-Reclaimable Wastewater is required for a Discharger to comply with applicable Federal Categorical Pretreatment Standards other federal discharge requirements, State limitations, local limitations, or permit requirements, the General Manager may issue a schedule by which the Discharger shall provide such O&M or Pretreatment. In no instance shall this compliance as described in the compliance schedule supersede the compliance date established for an applicable Federal Categorical Pretreatment Standard, nor shall it waive the District's right to take timely enforcement action for non-compliance with a Federal Categorical Pretreatment Standard.

SECTION 411 - SAMPLE ANALYSIS

All samples, sample preservation and handling, measurements, tests, and analyses under this Ordinance or a Waste Permit, required to determine the characteristics of wastes discharged to the Disposal System shall be made in accordance with the test procedures described in 40 CFR 136 of the EPA regulations. Any alternate test procedures desired by the Discharger shall be approved by the General Manager, the respective Disposal Agency and EPA Region IX Administrator.

SECTION 412 - MONITORING REPORTS AND RECORD KEEPING

All Significant Industrial Users, as defined by 40 CFR 403.3(t), shall be required to submit to the District, in a manner described in the permit application and/or the permit, all reports required by the Federal Regulations in 40 CFR 403.12 including baseline monitoring, compliance schedule progress, final compliance, periodic reports on continued compliance and any other reports as required in the Waste Permit. The General Manager may require Non-Significant Industrial Users to submit any or all of the above reports or other reports. The General Manager may require any Discharger to submit reports related to the discharge quality or quantity, or reports as needed to correct discharge violations or other discharge related issues. All reports or information submitted to the General Manager shall be signed and certified pursuant to Part VII herein.

If a Discharger monitors any pollutant more frequently than required by a Waste Permit, the results of the monitoring shall be included in the applicable periodic monitoring report.

Record keeping for each compliance sample taken shall, at a minimum, include the type of container used, sample preservation used, test method used, results of test analysis, name of the Person taking the sample, name of technician performing the analysis and signature of the Director or duly Authorized Representative of a State Certified Laboratory.

All Dischargers shall be required to retain records with respect to quantity and quality of flow and other data as indicated in the permit for at least three (3) years following sampling and analysis or other data generation.

SECTION 413 - NOTIFICATION OF ACCIDENTAL DISCHARGE, SLUG LOADING OR OTHER NON-COMPLIANCE.

In the event of an accidental discharge, Slug Loading or any other non-compliance, Discharger shall follow the following notification procedures:

(A) Immediate Notification. In the event of upset, accidental discharge, spill, or Slug Load which may endanger health, the environment, the Disposal System or the facilities of a Disposal Agency, the Discharger shall notify the District and the Disposal Agency by telephone immediately upon discovery of the occurrence. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions both performed and planned.

(B) Twenty-four Hour Notification. The Discharger shall notify the District of the circumstances surrounding any discharge which exceeds any maximum discharge limitation for any of the pollutants listed in the Waste Permit or Ordinance within 24 hours following discovery of the discharge violation.

(C) Follow-up. Within five (5) days following notification pursuant to Sections 414(A) and/or 414(B), the Discharger shall submit to the General Manager a detailed written report containing information describing the cause of the discharge and measures to be taken by the Discharger to prevent similar future occurrences. Such notification shall not relieve the Discharger of any expense, loss, damage, fines, civil penalties or other liability which may be incurred as a result of damage to the Disposal System or facilities of a Disposal Agency, or any other liability which may be imposed pursuant to this Ordinance or other applicable law.

SECTION 414 - ANALYSIS TO DEMONSTRATE CONTINUED COMPLIANCE

Should testing and analysis of a sample obtained by the Discharger indicate a discharge violation, the Discharger shall also repeat the sampling and analysis and submit the results to the District within 30 days following discovery of the violation.

SECTION 415 - BYPASS

(A) Bypassing is prohibited and the District may take enforcement action against a Discharger, unless:

(1) Bypass was unavoidable to prevent loss of life, personal injury, or Severe Property Damage;

(2) There were no feasible alternatives to the Bypass, such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment down time. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgement to prevent a Bypass which occurred during normal periods of equipment down time or preventative maintenance; and

(3) The Discharger submitted notice as required in section 415(B).

(B) If a Discharger knows in advance of the need for a Bypass, the Discharger shall submit prior notice to the District and the respective Disposal Agency at least ten (10) days before the date of the Bypass.

(C) The District may approve an anticipated Bypass, after considering its adverse effects, if the District determines that it will meet the conditions listed in section 415(A)(1-3).

(D) A Discharger shall orally notify the District and the respective Disposal Agency of an unanticipated Bypass within 24 hours from the time the Discharger becomes aware of the Bypass.

The Discharger shall submit a written report to the District and the respective Disposal Agency, within five (5) days of the time the Discharger becomes aware of the Bypass. The written report shall contain a description of the Bypass and its cause, the duration of the Bypass including exact dates and times, and if the Bypass has not been corrected, an estimate of the anticipated time the Bypass is expected to continue and the steps planned to reduce, eliminate, and prevent reoccurrence of the Bypass.

(E) Notification provided pursuant to section 415 shall not relieve the Discharger of any expense, loss, damage, or other liability which may be incurred as a result of damage or loss to the District or any other damage or loss to Person or property; nor shall such notification relieve the

Discharger of any fees or other liability which may be imposed under this Ordinance or other applicable law.

SECTION 416 - REOPENER CLAUSE

The Waste Permit shall be modified to incorporate an applicable standard or limitation which is promulgated or approved after the Waste Permit is issued if that standard or limitation is more stringent than the limitation in the Waste Permit, or controls a pollutant not limited in the Waste Permit.

SECTION 417 - MODIFICATION OF WASTE PERMITS

The Waste Permit may be modified to require corrections or allow for changes in the permitted activity. The General Manager may upon reasonable notice to the Discharger, change or modify the restrictions or conditions of a Waste Permit from time to time to effectuate the purposes of this Ordinance. Alternatively, the General Manager may require the Discharger to apply for a new or revised Waste Permit. The General Manager shall allow a Discharger a reasonable period of time to comply with any changes required in the permit.

SECTION 418 - AVAILABILITY OF REPORTS

Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of the Waste Permit shall be available for public inspection after General Manager approval. Waste Permit applications, Waste Permits and effluent data shall not be considered confidential.

SECTION 419 - REMOVED SUBSTANCES

Regulated wastes or other pollutants removed in the course of Pretreatment or control of wastewaters shall be properly disposed of in a manner such as to prevent any pollutant from such materials from entering the Disposal System.

SECTION 420 - SEVERABILITY

The provisions of the Waste Permit are severable, and if any provision of the Waste Permit, or the application of any provision of the Waste Permit to any circumstance, is held invalid, the application of such provision to other circumstances, and remainder of the Waste Permit, shall not be affected thereby.

SECTION 421 - PERMIT DURATION AND DUTY TO REAPPLY

Waste Permits shall be issued for a specified time period, not to exceed five years. The Discharger shall submit a new Waste Permit application with appropriate fees 180 days before the existing Waste Permit expires.

SECTION 422 - PERMIT TRANSFER

A Waste Permit is not transferable to a new business location or to a new business or to the new owner of existing business. A Discharger shall immediately notify the District and respective disposal Agency in writing of any change in the name or legal capacity of the Discharger. The new owner shall be required to apply for a new Waste Permit.

SECTION 423 - NOTIFICATION OF HAZARDOUS WASTES IN THE NON-RECLAIMABLE WASTE DISCHARGE

Any Discharger shall notify the District and the respective Disposal Agency in writing of any discharge into the Disposal System of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the Discharger discharges more than 100 kilograms of such waste per calendar month to the Disposal System, the notification shall also contain the following information to the extent such information is known and readily available to the Discharger: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months. Dischargers who commence discharging after the effective date of this section shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 40 CFR 403.12(j). The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of 40 CFR 403.12(b), (d), and (e).

Dischargers are exempt from the requirements of this section during a calendar month in which they discharge no more than fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification.

Subsequent months during which the Discharger discharges more than such quantities of any hazardous waste do not require additional notification.

In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the Discharger must notify the District of the discharge of such substance within 90 days of the effective date of such regulations.

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

SECTION 424 - NOTIFICATION OF CHANGED DISCHARGE

All Dischargers shall promptly notify the District and the respective Disposal Agency in advance of any substantial change in the volume or character of pollutants in their discharge, including listed or characteristic hazardous wastes for which the Discharger has submitted notification under Section 423 of this Ordinance.

SECTION 425 - OTHER PERMIT CONDITIONS AND LIMITATIONS

The Waste Permit may contain any of the following conditions or limitations:

- (A) Mass emission rates regulating prohibited wastes.
- (B) Limits on rate and time of discharge or requirements for flow regulations and equalization.
- (C) Requirements for submission of technical reports, production data, and/or waste manifests.
- (D) Requirements to self-monitor.
- (E) Predetermined rates or values for wastewater strength characteristics.
- (F) Requirements to submit copies of tax and/or water bills.
- (G) Other provisions which may be applicable to ensure compliance with the Ordinance.
- (H) Other terms and conditions determined by the General Manager to be necessary to protect the Disposal System.

SECTION 426 - CIVIL AND CRIMINAL LIABILITY

Nothing in the Waste Permit shall be construed to relieve the Discharger from civil or criminal liabilities.

PART V - ENFORCEMENT

SECTION 501 - PROTECTION FROM DAMAGE

No Person shall maliciously, willfully, or negligently break, damage, destroy, impair the usefulness, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the Disposal System, or facilities owned and operated by the District, or the respective Disposal Agency.

SECTION 502 - NOTIFICATION OF VIOLATION

No Person shall violate any provision of this Ordinance. Whenever the General Manager finds that any Discharger has violated or is in violation of this Ordinance or its Waste Permit, or any prohibition, limitation, or requirement herein, the General Manager may notify the Discharger in writing stating the nature of the violation and the enforcement action to be taken. The General Manager may order the Discharger in writing to correct the violation, specify actions to be taken

to determine the cause of the violation, require additional monitoring to verify compliance and require the submittal of a plan to satisfactorily correct the violation or require any other action which, the General Manager determines is appropriate to correct the violation.

SECTION 503 - EMERGENCY ACTION

(A) If the General Manager determines that a violation constitutes a serious threat, of an immediate or emergency nature, to the health and welfare of the community or to the environment, or may cause Interference or Pass Through, or may cause the District to violate any State or Federal law, regulation or permit requirement, the General Manager may order an immediate cessation of the discharge and suspend the Dischargers' permission to discharge into the Disposal System. If the Discharger does not cease discharging at once, the General Manager may disconnect the Discharger from the Disposal System.

(B) As soon as reasonably practicable following the issuance of a cessation order and/or suspension order, but in no event more than seven (7) days following the issuance of such order, the General Manager shall hold a hearing to provide the Discharger an opportunity to present information in opposition to the issuance of the cessation or suspension order. The hearing shall be conducted in accordance with procedures established by the General Manager. The General Manager shall issue a written decision and order within seven (7) days following the hearing, which decision shall be sent by certified mail to the Discharger and/or its legal counsel/representative at the Dischargers' business address. Any cessation or suspension order included within the General Manager's written statement shall be deemed final upon delivery to the Discharger.

SECTION 504 - WASTE PERMIT SUSPENSION

(A) GROUNDS

The General Manager may suspend any Waste Permit when it is determined that a Discharger meets any of the following conditions:

- (1) Fails to comply with the terms and conditions of an enforcement order.
- (2) Knowingly provides a false statement, representation, record, report, or other document to the District.
- (3) Refuses to provide records reports, plans, or other documents required by the District to determine permit terms, conditions, limitations, discharge compliance, or compliance with this Ordinance.
- (4) Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or sample collection method.
- (5) Fails to report significant changes in operations or wastewater constituents and characteristics.
- (6) Refuses reasonable access to the permittee's Premises for the purpose of inspection and monitoring.

(7) Does not make timely payment of all amounts owed to the District for User charges, non-compliance fees, or any other fees.

(8) Discharges Slug Loads to the Disposal System.

(9) Makes a material or substantial alteration or addition to the operational process, discharge volume, or discharge character which is not covered in the effective permit.

(10) Violates any condition or limitation of its Waste Permit or any provision of the District's Ordinance.

(B) NOTICE/HEARING

When the General Manager has reason to believe that grounds exist for Waste Permit suspension, he shall give written notice thereof by certified mail to the permittee setting forth a statement of the facts and grounds deemed to exist, together with the time and place where the charges shall be heard by the General Manager's designee. The hearing date shall be not less than fifteen (15) calendar days and not more than forty-five (45) calendar days after the mailing of such notice.

(1) At the suspension hearing, the permittee shall have an opportunity to respond to the allegations set forth in the notice by presenting written or oral evidence. The hearing shall be conducted in accordance with procedures established by the General Manager and approved by the District's General Counsel.

(2) After the conclusion of the hearing, the General Manager's designee shall submit a written report to the General Manager setting forth a brief statement of facts found to be true, a determination of the issues presented, conclusions, and a recommendation.

Upon receipt of the written report, the General Manager shall make his determination and should he find that grounds exist for suspension of the Waste Permit, he shall issue his decision and order in writing within thirty (30) calendar days after the conclusion of the hearing by his designee. The written decision and order of the General Manager shall be sent by certified mail to the permittee or its legal counsel/representative at the permittee's business address.

(C) EFFECT

(1) Upon an order of suspension by the General Manager becoming final, the permittee shall have no right to discharge any industrial wastewater or Non-Reclaimable Wastewater, directly or indirectly to the District's system for the duration of the suspension. All costs for physically terminating and reinstating service shall be paid by the permittee.

(2) Any owner or responsible management employee of the permittee shall be bound by the order of suspension.

(3) An order of permit suspension issued by the General Manager shall be deemed final upon delivery to the permittee, unless appealed to the Board of Directors pursuant to Section 506(B).

SECTION 505 - WASTE PERMIT REVOCATION

(A) GROUNDS

The General Manager may revoke any Waste Permit when it is determined that a Discharger meets any of the following conditions:

- (1) Knowingly provides a false statement, representation, record, report, or other document to the District.
- (2) Refuses to provide records, reports, plans, or other documents required by the District to determine Waste Permit terms, conditions, or Limitations, discharge compliance, or compliance with this Ordinance.
- (3) Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or sample collection method.
- (4) Fails to report significant changes in operations or wastewater constituents and characteristics.
- (5) Fails to comply with the terms and conditions of an enforcement or Waste Permit suspension order.
- (6) Discharges effluent to the District's sewerage while its Waste Permit is suspended.
- (7) Refuses reasonable access to the permittee's Premises for the purpose of inspection and monitoring.
- (8) Does not make timely payment of all amounts owed to the District for User charges, non-compliance fees, or any other fees.
- (9) Discharges a Slug Load to the District's sewerage system.
- (10) Discharges effluent that causes Pass Through or Interference with the District's collection, treatment, or Disposal System.
- (11) Fails to submit oral notice or written report of Bypass occurrence.
- (12) Makes a material or substantial alteration or addition to the operational processes, discharge volume, or discharge character which was not covered in the effective Waste Permit.
- (13) A change in any condition that requires an elimination of the authorized discharge.
- (14) Ceases operation and discharge of the permitted wastewaters as a result of a closure of business.
- (15) Violates any condition or limitation of its Waste Permit or any provision of the District's Ordinance.

(B) NOTICE/HEARING

When the General Manager has reason to believe that grounds exist for the revocation of a Waste Permit, he shall give written notice by certified mail thereof to the permittee setting forth a statement of the facts and grounds deemed to exist together with the time and place where the charges shall be heard by the General Manager's designee. The hearing date shall be not less than fifteen (15) calendar days nor more than forty-five (45) calendar days after the mailing of such notice.

(1) At the hearing, the permittee shall have an opportunity to respond to the allegations set forth in the notice by presenting written or oral evidence. The revocation hearing shall be conducted in accordance with the procedures established by the General Manager and approved by the District's General Counsel.

(2) After the conclusion of the hearing, the General Manager's designee shall submit a written report to the General Manager setting forth a brief statement of facts found to be true, a determination of the issues presented, conclusions, and a recommendation.

Upon receipt of the written report, the General Manager shall make his determination and should he find that grounds exist for permanent revocation of the Waste Permit, he shall issue his decision and order in writing within thirty (30) calendar days after the conclusion of the hearing by his designee. The written decision and order of the General Manager shall be sent by certified mail to the permittee or its legal counsel/representative at the permittee's business address.

In the event the General Manager determines to not revoke the permit, he may order other enforcement actions, including, but not limited to, a temporary suspension of the Waste Permit, under terms and conditions that he deems appropriate.

(C) EFFECT

(1) Upon an order of revocation by the General Manager becoming final, the permittee shall permanently lose all rights to discharge any industrial or Non-Reclaimable wastewater directly or indirectly to the District's system. All costs for physical termination shall be paid by the permittee.

(2) Any owner or responsible management employee of the permittee shall be bound by the order of revocation.

(3) Any future application for a Waste Permit at any location within the District by any Person subject to an order of revocation will be considered by the District after fully reviewing the records of the revoked Waste Permit, which records may be the basis for denial of a new Waste Permit.

(4) An order of Waste Permit revocation issued by the General Manager shall be deemed final upon delivery to the permittee, unless appealed to the Board of Directors pursuant to Section 506(B).

SECTION 506 - APPEALS

(A) APPEALS TO THE GENERAL MANAGER

(1) General

Any User, Waste Permit applicant, or Discharger affected by any decision, action or determination made by the General Manager's staff may file with the General Manager a written request for an appeal hearing. The request must be made within fifteen (15) days of mailing of the staff's original decision. The request for hearing shall set forth in detail all facts supporting the appellant's request.

(2) Notice

The General Manager shall, within fifteen (15) days of receiving the request for appeal, designate himself or another Person to hear the appeal and provide written notice to the User 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 to the appellant unless a later date is agreed to by the appellant. If the hearing is not held within said time due to actions or inactions of the appellant, then the staff decision shall be deemed final.

(3) Hearing

At the hearing, the appellant shall have the opportunity to present information supporting its position concerning the staff's original decision, action or determination. The hearing shall be conducted in accordance with procedures established by the General Manager and approved by the District's General Counsel.

(4) Written Determination

After the conclusion of the hearing, the General Manager's designee shall submit a written report to the General Manager setting forth a brief statement of facts found to be true, a determination of the issues presented, conclusions, and a recommendation whether to uphold, modify or reverse the staff's original decision, action or determination. Upon receipt of the written report, the General Manager shall make his determination and shall issue his decision and order within thirty (30) calendar days of the hearing by his designee. The written decision and order of the General Manager shall be sent by certified mail to the appellant or its legal counsel/representative at the appellant's business address.

The order of the General Manager shall be final in all respects fifteen (15) days after it is mailed to the appellant unless a request for hearing is filed with the Board of Directors pursuant to Section 506(B).

(B) APPEALS TO THE BOARD OF DIRECTORS

(1) General

If the General Manager's order is adverse to the User, Waste Permit applicant, or Discharger, it may, prior to the date that the General Manager's order becomes final, file a written request for hearing to the Board of Directors. The request for hearing shall set forth in detail all the issues in dispute for which the appellant seeks determination and all facts supporting appellant's request.

No later than sixty (60) days after receipt of the request for hearing, the Board of Directors shall either set the matter for a hearing, or deny the request for a hearing.

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

A hearing shall be held by the Board within sixty-five (65) days from the date of determination granting a hearing, unless a later date is agreed to by the Discharger, User or Waste Permit applicant and the Board. If the matter is not heard within the required time, due to actions or inactions of the appellant, the General Manager's order shall be deemed final.

(2) Notice

The Board Secretary shall, within fifteen (15) days of the Board of Directors' determination, provide written notice to the appellant by certified mail of the hearing date, time, and place, or the denial. If a hearing is denied, the General Manager's decision shall be final fifteen (15) days after the date such notice is mailed.

(3) Hearing

At the hearing, the appellant shall have the opportunity to present written or oral evidence supporting its position concerning the original decision, action or determination, in accordance with procedures established by the Board.

(4) Written Determination

After the hearing, the Board shall make a determination whether to uphold, modify, or reverse the staff's original decision, action, or determination as ordered by the General Manager.

The decision of the Board shall be set forth in writing within sixty-five (65) days after the close of the hearing and shall contain a finding of the facts found to be true, the determination of issues presented, and the conclusions. The written decision and order of the Board shall be sent by certified mail to the appellant or its legal counsel/representative at the appellant's business address.

The order of the Board shall be final upon its adoption. In the event the Board fails to reverse or modify the General Manager's order, it shall be deemed affirmed.

The District's determination may also include issuance of an order to a Discharger responsible for violations, directing that following a specified period of time, sewer service be discontinued unless adequate Pretreatment facilities, devices or other related appurtenances shall have been installed and are properly operated. Such an order shall not relieve the violator of other penalties assessed for the period of violation. Further orders and directives as necessary and appropriate may be

used. The District may seek injunctive relief in order to require compliance with all provisions of this Ordinance.

SECTION 507 - INJUNCTION

Whenever a Discharger of wastewater is in violation of or may potentially violate the provisions of this Ordinance, the Discharger's permit conditions, or any Federal Pretreatment Standards or Requirements for Dischargers, as set forth in 40 CFR Part 403, or fails to submit required reports or refuses to allow the Districts entry to inspect the Premises, the District may petition the Superior Court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate to restrain the continued violation, order corrective action and/or to prevent discharge violations by the Discharger.

SECTION 508 - CIVIL PENALTIES

(A) AUTHORITY

All Users of the Disposal System are subject to enforcement actions administratively or judicially by the District, U.S. EPA, State of California Water Resources or Regional Water Quality Control Boards, or the County of San Bernardino District Attorney. Said actions may be taken pursuant to the authority 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. Section 1251 et. seq.), (2) California Porter-Cologne Water Quality Act (California Water Code Section 13000 et. seq.), and The California Government Code Section 54725 - et. Seq.

(B) RECOVERY OF FINES OR PENALTIES

In the event District is subject to the payment of fines, penalties or damages pursuant to the legal authority and actions of other regulatory or enforcement agencies or Disposal Agencies based on a violation of law or regulation or its permits, and said violation can be established by District as caused by the discharge of any Discharger of the Disposal System which is in violation of any provision of the District's Ordinance, the User's permit or any other applicable law or regulation relating to the discharge of Industrial Waste, District shall be entitled to recover from the User all costs and expenses, including, but not limited to, the full amount of said fines, penalties, or damages to which it has been subjected.

(C) ORDINANCE

Pursuant to the authority of California Government Code Section 54739 - et. seq., any Person who violates any provision of this Ordinance; any permit condition, prohibition or effluent limitation; or any suspension or revocation order shall be liable civilly for a penalty not to exceed \$25,000.00 for each day in which such violation occurs. The General Counsel of the District, upon order of the General Manager, shall petition the Superior Court to impose, assess, and recover such penalties.

(D) ADMINISTRATIVE CIVIL PENALTIES

(1) Pursuant to the authority of California Government Code Sections 54740.5 and 54740.6, the District may issue an administrative complaint to any Person who violates (a) any provision of this Ordinance; (b) any Waste Permit condition, prohibition or effluent limit; or (c) any Waste Permit suspension or revocation order.

(2) The administrative complaint shall be served by personal delivery or certified mail on the Person subject to the provisions of Section 508(D)(1) and shall inform the Person that a hearing will be conducted on a date which shall be within sixty (60) days following service. The administrative complaint will allege the act or failure to act that constitutes the violation of the District's requirements, the provision of law authorizing civil penalty. The matter shall be heard by the General Manager or his designee. The Person to whom an administrative complaint has been issued may waive the right to a hearing, in which case a hearing will not be conducted.

(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. The hearing shall be conducted in accordance with the procedures established by the General Manager and approved by the District's General Counsel.

(4) After the conclusion of the hearing, the General Manager's designee shall submit a written report to the General Manager setting forth a brief statement of the facts found to be true, a determination of the issues presented, conclusions, and a recommendation.

(5) Upon receipt of the written report, the General Manager shall make his determination and should he find that grounds exist for assessment of a civil penalty against the Person, he shall issue his decision and order in writing within thirty (30) calendar days after the conclusion of the hearing by his designee.

(6) If after the hearing, or appeal, if any, it is found that the Person has violated reporting or discharge requirements, the General Manager or Board may assess a civil penalty against that Person. In determining the amount of the civil penalty, the General Manager or Board of Directors 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.

(7) Civil penalties may be assessed as follows:

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

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

(c) In an amount which shall not exceed five thousand dollars (\$5,000) per violation for each day of discharge in violation of any waste discharge limit, Waste Permit condition, or requirement issued, reissued or adopted by the District; and

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

(8) An order assessing administrative civil penalties issued by the General Manager shall be final in all respects on the thirty-first (31st) day after it is served on the Person unless an appeal and request for hearing is filed with the Board pursuant to Section 506(B) no later than the thirtieth (30th) day following such mailing. An order assessing administrative civil penalties issued by the Board shall be final upon issuance.

(9) Copies of the administrative order shall be served on the party served with the administrative complaint, either by personal service or by registered mail to the Person at his business or residence address, and upon other Persons who appeared at the hearing and requested a copy of the order.

(10) Any Person aggrieved by a final order issued by the Board, after granting review of the order of the General Manager, may obtain review of the final order of the Board in the superior court, pursuant to Government Code Section 54740.6, by filing in the court a petition for writ of mandate within thirty (30) days following the service of a copy of the decision or order issued by the Board.

(11) Payment on any order setting administrative civil penalties shall be made within 30 days after the date the order becomes final. The amount of any administrative civil penalties imposed which have remained delinquent for a period of sixty (60) days shall constitute a lien against the real property of the Discharger from which the discharge resulting in the imposition of the civil penalty originated. The lien shall have no effect until recorded with the county recorder. The District may record the lien for any unpaid administrative civil penalties on the ninety-first (91st) day following the date the order becomes final.

(12) No administrative civil penalties shall be recoverable under Section 508D for any violation for which the District has recovered civil penalties through a judicial proceeding filed pursuant to Government Code Section 54740.

SECTION 509 - CRIMINAL PENALTIES

Any Person who violates any provision of this Ordinance is guilty of a misdemeanor, which upon conviction is punishable by a fine not to exceed \$1,000, or imprisonment for not more than thirty (30) days, or both. Each day in which a violation occurs shall constitute a new and separate violation of this Ordinance and shall be subject to the penalties contained herein.

SECTION 510 - NON-COMPLIANCE COSTS

The District may recover its costs incurred in processing notices of violation and in performing sampling, monitoring, laboratory analysis related to any violations of the Ordinance or Waste Permit by any Discharger or User.

Non-compliance costs shall be in addition to and not in lieu of any civil or criminal liability specified in this Ordinance.

SECTION 511 - RECOVERY OF COSTS FOR DAMAGE

In the event that a User or Discharger causes any damage pursuant to Section 501, the User or Discharger shall be liable for all costs, including administrative and legal costs, incurred by the District.

SECTION 512 - SEPARATE ACTIONS

Any judicial proceeding initiated because of a violation of any section of this Ordinance shall not exempt a Discharger from any Judicial proceedings initiated because of a violation of any other Provision of the Ordinance or because of any separate violation of the same provision of the Ordinance.

PART VI - RATES

SECTION 601 - INITIAL CHARGE

Upon execution of the Capacity Right or Capacity Option Agreement by the District, the applicant shall be required to pay an Initial Charge for each Capacity Unit purchased. The Initial Capacity Charge shall be established from time to time by resolution of the Board. The Initial Charge shall be deposited in the District's Non-Reclaimable Capital Improvement Fund.

SECTION 602 - MONTHLY CAPACITY CHARGE

The Monthly Capacity Charge shall be established from time to time by resolution of the Board. The following provisions shall apply to Monthly Capacity Charges:

(A) Capacity Option Agreements:

Monthly Capacity Charges shall not be assessed during the first Capacity Option year. Until the Capacity Option is converted to a Capacity Right and discharge of wastewater into the system has commenced, the following rules shall apply:

(1) On or prior to the beginning of the subsequent Capacity Option year and continuing each year thereafter in which the Capacity Option exists, the holder of a Capacity Option Agreement shall make a (1) yearly payment of Monthly Capacity Charges covering the succeeding 12 month period. Payment shall be based on the number of Capacity Units optioned and the monthly rate for the months of the year covered by the Capacity Option year.

(2) If discharge to the Disposal System commences during any Capacity Option year, the User of the system shall be exempt from the Monthly Capacity Charges until the end of the option year

for which the Monthly Capacity Charges have been prepaid. After that time, the User will be obligated to pay Monthly Capacity Charges on a monthly basis.

(B) Capacity Right Agreements:

(1) A User holding a Capacity Right Agreement shall not be required, during the first year after execution of the Capacity Right Agreement, to make payment of the Monthly Capacity Charge unless the User commences discharge to the Disposal System. Monthly capacity charges will commence beginning with the thirteenth (13th) month after execution of the Capacity Right Agreement or in the month discharge to the Disposal System starts, whichever occurs first.

(2) In the event all or any portion of said service to User is not available through the Disposal System due to disruption not caused by User for a continuous period of time in excess of 72 hours, costs relating to that portion of service disrupted shall be reduced during the period of disruption by 80% until such time as service is again restored to User. In the event the User elects to terminate all or any portion of his Capacity Right during such a period of disruption, the reduced Monthly Capacity Charges then being paid shall not be used to compute that portion of the User's termination charges as set forth in this Ordinance, provided, however, that if such election to terminate is to be effective following a period of three hundred (300) days of continuous disruption of service, the User may terminate that portion of Capacity Right disrupted without payment of any prorated Monthly Capacity Charges as set forth in this Ordinance.

SECTION 603 - QUANTITY CHARGES

The quantity (volumetric) charges shall be established from time to time by resolution of the Board.

Quantity Charges shall be a charge based upon metered discharge to the Disposal System. At the option of the District, other methods of determining the amount of discharge to the Disposal System may be used. Quantity charges will commence beginning with the thirteenth (13th) month after execution of the Capacity Right Agreement or in the month discharge to the Disposal System starts, whichever occurs first. If discharge has not commenced by the thirteenth (13th) month after execution of the Capacity Right Agreement, monthly minimum quantity charges shall apply. Each User shall pay a monthly minimum quantity charge per capacity unit, in the event that the total flow discharged in a given month is less than 100,000 gallons per capacity unit (15% of the maximum amount of discharge of a capacity unit for 1 month). The monthly minimum quantity charge per capacity unit shall be the dollar charge per million gallons times 0.1 million gallons. This charge shall apply regardless of whether or not flow occurred during the month.

SECTION 604 - QUALITY CHARGES

The Quality Charges shall be established from time to time by resolution of the Board.

Quality Charges shall be a charge based upon the quality of the Non-Reclaimable Wastewater discharged to the Disposal System. Quality of wastewater shall be determined in accordance with the results of analytical tests performed on samples collected by the District or by the User as part of the Waste Permit issued by the District.

In accordance with the Waste Permit issued, the frequency of sampling to determine wastewater quality shall be determined by the District. The District may determine that the sampling frequency is such that all costs incurred by the District to complete the sampling shall be recovered from the User.

SECTION 605 - APPLICATION FEES

The application fees shall be established from time to time by resolution of the Board.

The application fees shall be based upon the estimated cost of processing a Capacity Option Application, a Capacity Right Application, a Trucking Permit Application, or a Waste Permit Application.

SECTION 606 - BILLING AND PAYMENT

(A) FEES AND CHARGES FOR NON-PUBLIC ENTITIES

All fees and charges imposed under the provisions of this Ordinance upon a non-public entity are due and payable upon serving an invoice. An invoice shall be served by first-class mail or such other procedure as will reasonably assure receipt. Unpaid fees or charges shall become delinquent 30 days after postmark date or the date the invoice is personally served. The date a payment is postmarked by the United States Postal Service will be considered the date of receipt by the District unless payment is personally made to the District.

A penalty of 10 percent of the original unpaid invoice amount shall be added to any fee or charge that becomes delinquent. Interest at the maximum rate provided by law shall accrue on the total of all delinquent fees or charges including the penalty, commencing on the 31st day, and shall be added to any fee or charge that becomes delinquent.

(B) FEES AND CHARGES FOR PUBLIC ENTITIES

All fees and charges imposed under the provisions of this Ordinance upon a public entity, as defined by California Government Code Section 811.2, are due and payable upon serving an invoice. An invoice shall be served by first-class mail or such other procedure as will reasonably assure receipt. Unpaid fees or charges shall become delinquent 60 days after postmark date or the date the invoice is personally served. The date a payment is postmarked by the United States Postal Service will be considered the date of receipt by the district unless payment is personally made to the District.

A penalty of 10 percent of the original unpaid invoice amount shall be added to any fee or charge that becomes delinquent. Interest at the maximum rate provided by California Government Code Section 926.10 shall accrue on the total of all delinquent fees or charges, commencing on the 61st day, and shall be added to any fee or charge that becomes delinquent.

(C) WAIVERS OF FEES AND CHARGES

The General Manager shall have the authority to waive payment of any fee, charge, or penalty billed pursuant to this Ordinance, up to the amount authorized by the Board.

PART VII - SIGNATORY REQUIREMENT

All permit applications and reports required by the District shall be signed by an Authorized Representative of the User or Discharger. Any Person signing such documents shall make the following certification:

I have personally examined and am familiar with the information submitted in the attached document, and I hereby certify under penalty of law that this information was obtained in accordance with the requirements of the Non-Reclaimable Wastewater Ordinance. Moreover, based upon my inquiry of those individuals immediately responsible for obtaining the information reported herein, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

PART VIII - NOTICE PROCEDURE

Unless otherwise provided herein, any notice required to be given by the General Manager under this Ordinance shall be in writing and served in Person or by certified mail, return receipt requested. The notice shall be served upon an Authorized Representative, at the last address known to the General Manager or the occupants or owners or owners of record of property upon which the alleged violations occurred.

PART IX - TIME LIMITS

Any time limit provided in any written notice or in any provision of this Ordinance may be extended only by a written approval of the District.

PART X - CONFIDENTIALITY

All information provided by a Discharger or obtained by the District through monitoring and inspection shall be made available without restriction, unless the Discharger specifically requests confidentiality and can demonstrate to the District that release of such information will violate the Discharger's right to protection of trade secrets. Wastewater quantity and quality data shall not be treated as Confidential Information. Information determined by the District to be confidential shall not be disclosed without providing the Discharger with a reasonable opportunity to seek judicial protection from such release.

PART XI - FALSIFYING INFORMATION

No Person shall knowingly make false statements, representation, or certification in any application, record, report, plan, or other document provided to the District or required to be maintained pursuant to this Ordinance or Waste Permit, or falsify, tamper with, or knowingly render inaccurate any monitoring device or method required under this Ordinance. The reports and other documents required to be submitted or maintained by this Ordinance shall be subject to the provisions of 18 U.S.C. Section 1001 relating to fraud and false statements, Section 309(c)(4)

of the Clean Water Act, as amended, governing false statements, representation or certification and Section 309 (c)(6) regarding Responsible Corporate Officers.

**PART XII - PUBLICATION OF NAMES OF DISCHARGERS IN
SIGNIFICANT NON-COMPLIANCE**

As required by Federal Law, the General Manager shall, at least annually, provide public notice in a local newspaper of the identity of those Dischargers who are deemed, under federal regulation, to be in Significant Non-compliance with the provisions of this Ordinance which implements the Federal Industrial Waste Pretreatment program.


PART XIII - RIGHT OF REVISION

The District reserves the right to amend this Ordinance as it deems appropriate.

PART XIV - VALIDITY


If any part of this Ordinance is held invalid, the invalidity of that part shall not affect the validity of any other part of this Ordinance.

ADOPTED THIS 5th day of November, 1997.



President of Chino Basin
Municipal Water District and
the Board of Directors thereof

ATTESTED:



Secretary of the Chino Basin
Municipal Water District and
the Board of Directors thereof

(SEAL)

STATE OF CALIFORNIA)
)SS
COUNTY OF)
SAN BERNARDINO)

I, Terry Catlin, Secretary of the Chino Basin Municipal Water District, DO HEREBY CERTIFY that the foregoing Ordinance being No. 62, was adopted at a regular Board Meeting on November 5, 1997, of said District by the following vote:

AYES: Troxel, Catlin, Anderson
NOYES: None
ABSTAIN: None
ABSENT: Dunihue, Borba.


Secretary

(SEAL)