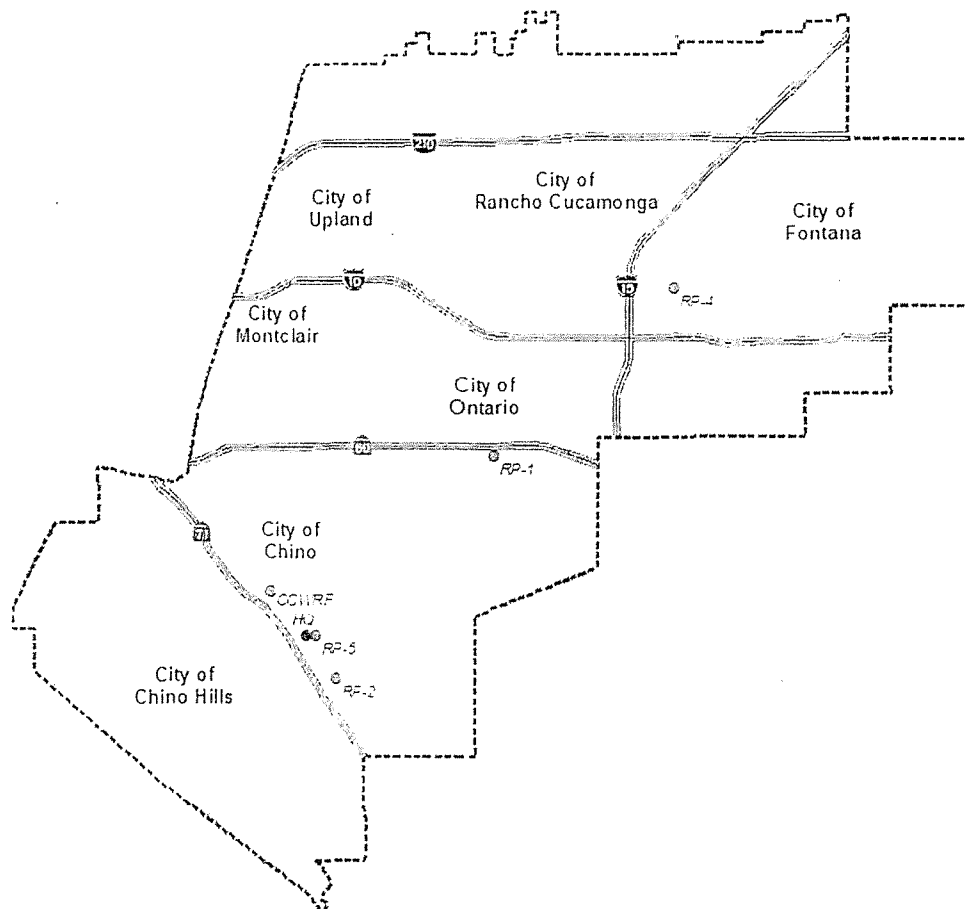




Inland Empire Utilities Agency

A MUNICIPAL WATER DISTRICT

REGIONAL WASTEWATER



ORDINANCE No. 87

(as amended on July 20, 2011)

REGIONAL WASTEWATER ORDINANCE

ORDINANCE NO. 87

(as amended on July 20, 2011)

AN ORDINANCE OF THE BOARD OF DIRECTORS OF INLAND EMPIRE UTILITIES AGENCY, A MUNICIPAL WATER DISTRICT, REGULATING THE AVAILABILITY AND USE OF THE REGIONAL SEWERAGE SYSTEM IN INLAND EMPIRE UTILITIES AGENCY, SAN BERNARDINO COUNTY, STATE OF CALIFORNIA

BE IT ORDAINED BY THE Board of Directors of Inland Empire Utilities Agency as follows:

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SECTION 1 - GENERAL PROVISIONS

1.1 AUTHORIZATION

This Ordinance is enacted pursuant to the authorization of the Municipal Water District Law of 1911, California Water Code Section 71000 et seq., California Government Code Section 54739 et seq., the Clean Water Act (33 U.S.C. 1251 et seq.), California Water Code 13148, California Regional Water Quality Control Board Order No. R8-2010-0008, and the General Pretreatment Regulations (40 C.F.R. 403).

1.2 PURPOSE, OBJECTIVES, AND SHORT TITLE

The purpose of this Ordinance is to provide for the maximum possible beneficial use of the Regional Sewerage System, ground water resources, effluent-receiving waterways and operating personnel 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 Inland Empire Utilities Agency (IEUA) costs, and to provide procedures for complying with requirements placed upon the IEUA by local, State of California, and federal regulations. This is accomplished in compliance with the National Pollutant Discharge Elimination System (NPDES) Permits issued by the California Regional Water Quality Control Board in conformity with 40 CFR Part 403 the Clean Water Act as amended by the Water Quality Act of 1987 and the California Water Code as amended.

It is the intent of this Ordinance to recognize that IEUA with its approved pretreatment program is designated as the primary Control Authority over wastewater discharges within its service area including the Cities of Chino, Chino Hills, Fontana, Montclair, Ontario, Upland, and the Cucamonga Valley Water District, collectively known as Contracting Agencies, to administer and enforce pretreatment regulations. IEUA in cooperation with the Contracting Agencies have the primary responsibility for permitting, compliance monitoring, and enforcement of the federal, state and locally mandated pretreatment regulations. The objectives of this Ordinance are:

To prevent the introduction of Pollutants into the IEUA Regional Sewerage System which may harm or cause Interference with the operation of the Publicly Owned Treatment Works (POTW), to prevent exposure of IEUA employees to chemical hazards created by Industrial Users, and maintain the quality of recycled water and biosolids; and

To prevent the introduction of Pollutants to the Regional Sewerage System which may not be amenable to treatment and/or may Pass Through the POTW if inadequately treated, into the Receiving Waters or the atmosphere; and

To extend the use of recycled water in place of more costly imported water for industrial, irrigation, landscaping, and replenishment of groundwater; and .

To beneficially reuse 100 percent of the organic biosolids generated by Agency facilities.

This Ordinance shall be known as the Regional Wastewater Ordinance and may be cited as such.

1.3 APPLICABILITY

This Ordinance shall apply to all discharges, whether direct or indirect, to the Regional Sewerage System and shall be interpreted in accordance with definitions set forth in Section 1.7 of the

Ordinance. If any conflicting provisions regulating such discharges are contained in any existing IEUA Ordinance, the provisions in this Ordinance shall control.

This Ordinance provides for the regulation of the quantity and quality of Wastewater to be discharged to the Regional Sewerage System, the degree of waste Pretreatment required, the setting of charges to provide for equitable distribution of costs, the issuance of Permits for Non-Domestic Wastewater discharge, all other Permits as required, and the establishment of penalties for violation of this Ordinance.

1.4 ORDINANCE IN FORCE

Upon adoption of this Ordinance, Inland Empire Utilities Agency Regional Wastewater Ordinance No. 82 is hereby repealed and rescinded in its entirety. This Ordinance shall be in full force and effect from its passage and approval.

1.5 ADMINISTRATOR

Except as otherwise provided herein, the Chief Executive Officer/General Manager (CEO/GM) shall administer, implement, and enforce the provisions of this Ordinance. The CEO/GM may, at his/her discretion, delegate any or all of these powers and duties.

1.6 ABBREVIATIONS

NPDES - National Pollutant Discharge Elimination System

CFR - Code of Federal Regulations

COD - Chemical Oxygen Demand

BOD - Biochemical Oxygen Demand

TOC - Total Organic Carbon

TSS - Total Suspended Solids

1.7 DEFINITION OF TERMS

(A) ACT – Shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

(B) APPROVAL AUTHORITY - Shall mean the California Regional Water Quality Control Board - Santa Ana Region.

(C) AUTHORIZED REPRESENTATIVE - Shall mean:

- 1. A "Duly Authorized Employee" as defined herein;
- 2. A general partner or proprietor, if the User 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) BEST MANAGEMENT PRACTICES – Shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillages or leaks, sludge or waste disposal, or drainage from raw materials storage.
 - (E) BOARD - Shall mean the Board of Directors of Inland Empire Utilities Agency.
 - (F) BYPASS - Shall mean the intentional diversion of wastestreams from any portion of an Industrial User's treatment facility.
 - (G) CHEMICAL SUBSTANCES - Shall mean any substance placed in the waste receptacle of a portable toilet for the purpose of controlling odors or decomposition.
 - (H) CHIEF EXECUTIVE OFFICER/GENERAL MANAGER (CEO/GM) - Shall mean the CEO/GM or his/her/his designee of Inland Empire Utilities Agency.
 - (I) 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.
 - (J) COMMUNITY SEWER SYSTEM - Shall mean all facilities owned, controlled or operated by a Contracting Agency for the purpose of collecting and conducting sewage to a Delivery Point, including collector sewers conducting sewage from the originating premises, trunk sewers conveying sewer from tributary collector sewers or other trunk sewers and any facilities appurtenant to the foregoing.
 - (K) CONFIDENTIAL INFORMATION - Shall mean information and data on a User including products used, industrial processes or methods of production, etc. which the User can demonstrate, to the satisfaction of the CEO/GM, constitute trade secrets. Effluent constituents and characteristics shall not be considered Confidential Information.
 - (L) CONTRACTING AGENCY - Shall mean any Sewage Collection Agency located, in whole or in part, within the boundaries of IEUA which has entered into a service contract with IEUA.

- (M) CONTROL AUTHORITY - Shall mean Inland Empire Utilities Agency that has an approved Pretreatment program.
- (N) DELIVERY POINT - Shall mean the transfer point at which sewage is delivered from a Community Sewer System into the Regional Sewerage System.
- (O) DIRECT DISCHARGE - Shall mean the intentional or unintentional release of treated or untreated Sewage, Wastewater or other Pollutants into the Regional Sewerage System.
- (P) DISPOSAL FACILITIES - Shall mean all facilities owned, controlled and operated by IEUA to meet effluent discharge requirements, excluding water recycling facilities operated by IEUA to meet obligations under the judgment entered in the action entitled Orange County Water District v. City of Chino, et al. (Case No. 117628, Superior Court, County of Orange), or to meet the requirements of contracting agencies exercising the right of first purchase of recycled effluent.
- (Q) DISPOSAL OR DISPOSE - Shall mean any process or method for the elimination of beneficial use of sewage and any effluent or solid waste residuals thereof, including exportation from the Chino Basin.
- (R) DOMESTIC WASTE HAULER - Shall mean any Person engaged in the vehicular transport of Sanitary Wastes which are discharged into the Regional Sewerage System as a part of, or incidental to, any business.
- (S) DOMESTIC WASTE HAULER PERMIT - Shall mean a Permit issued by the IEUA establishing terms and conditions for discharging vehicular-hauled Sanitary Wastes into the Regional Sewerage System.
- (T) DULY AUTHORIZED EMPLOYEE – Shall mean a responsible corporate officer, if the User is a corporation. A responsible corporate officer means:
1. a president, secretary, treasurer, vice president of the corporation in charge of a principal business function, or any other Person who performs similar policy or decision-making functions for the corporation or
 2. the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (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 OR CATEGORICAL 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. 1317) which apply to a specific category of Industrial user and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

- (W) HAZARDOUS SUBSTANCE - Shall mean, but is not limited to, those substances listed in 40 CFR Part 300.5 (1995). Hazardous Substance shall include any substance designated pursuant to section 311(b)(2)(A) of the CWA; any element, compound, mixture, solution, or substance designated pursuant to section 102 of CERCLA; any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) has been suspended by Act of Congress); any toxic pollutant listed under section 307(a) of the CWA; any hazardous air pollutant listed under section 112 of the Clean Air Act (42 U.S.C. 7521 et seq.); and any imminently hazardous chemical substance or mixture with respect to which the EPA Administrator has taken action pursuant to section 7 of the Toxic Substances Control Act (15 U.S.C. 2601 et seq.). The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance in the first sentence of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).
- (X) HAZARDOUS WASTE - Shall mean a Hazardous Waste as defined in 40 CFR Part 261.3 or Title 22, California Code of Regulations.
- (Y) IEUA - Shall mean the Inland Empire Utilities Agency and its duly authorized officers, agents, and representatives.
- (Z) INDIRECT DISCHARGE - Shall mean the intentional or unintentional release of treated or untreated Sewage, Wastewater, or other Pollutants from any source into a Community Sewer System.
- (AA) INDUSTRIAL USER - Shall mean all persons, entities, public or private, industrial, commercial, governmental, or institutional which discharge or cause to be discharged, industrial wastewater and waterborne waste into the community sewer system or regional sewerage system or POTW.
- (BB) INDUSTRIAL WASTEWATER - Shall have the same meaning as Non-Domestic Wastewater.
- (CC) INDUSTRIAL WASTEWATER DISCHARGE PERMIT - Shall mean a written authorization issued by the IEUA, or by a Contracting Agency in accordance with the Regional Sewage Service Contract, for the discharge of Non-Domestic Wastewater from any Industrial User of the Regional Sewerage System.
- (DD) INTERFERENCE - Shall mean a discharge which, alone or in conjunction with a discharge or discharges from other sources, either:
1. Inhibits or disrupts the Regional Sewerage System, its treatment processes or operations, or its sludge processes use or disposal; or
 2. Causes a violation of any requirement of the NPDES Permit including an increase in the magnitude or duration of a violation or adversely affects the IEUA's method of sewage sludge use or disposal.
- (EE) MAY - is permissive.

(FF) NEW SOURCE - Shall mean any building, structure, facility or installation from which there is or may be a Discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307 (c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

1. The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - (a) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (b) 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 will be considered.

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 paragraphs (a) or (b) above, but otherwise alters, replaces, or adds to existing process or production equipment.

2. 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 on-site construction program;
 - (b) Any placement, assembly, or installation of facilities or equipment; or
 - (c) 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
 - (d) 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.

(GG) NON-DOMESTIC WASTEWATER (or Industrial Wastewater) - Shall mean the Wastewater resulting from or associated with waste flows from commercial, governmental, institutional, and industrial sources including, but not limited to, the following:

Production or refining of petroleum; production, processing, packing, or canning of fruits, vegetables, meat, or beverages; laundering of clothes in public laundries; racks, and garages; production of fertilizer; keeping of livestock or poultry; operation of dairies; production of refuse; washing of equipment or facilities used in non-domestic operations; production and processing of plastic; cleaning of tanks, tank cars, or barrels; plating or processing metals; processing or reclamation of refuse; and the washing of equipment or spaces used in non-

domestic operations and any other similar manufacturing, processing, and servicing operations.

Any Wastewaters containing portions of Non-Domestic Wastewaters shall be considered Non-Domestic Wastewaters. Non-Domestic Wastewater shall not include Wastewater from single or multiple residences, and places engaged exclusively in retail business.

- (HH) ORDINANCE - Shall mean this Ordinance, unless otherwise specified.
- (II) PASS THROUGH - Shall mean a discharge which exits the Regional Sewerage System 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 IEUA's NPDES Permit including an increase in the magnitude or duration of a violation.
- (JJ) PERMIT - The term Permit when used by itself means either an Industrial Wastewater Discharge Permit or a Domestic Waste Hauler Permit.
- (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) pH - Shall mean the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.
- (MM) POLLUTANT - Shall mean something that causes pollution, including but not limited to solid waste, incinerator residue, sewage screenings, sewage sludge, chemical wastes, biological materials, radioactive materials, heat, rock, sand, and industrial, municipal, or agricultural garbage.
- (NN) PREMISES - Shall mean any lot, parcel of land, building or establishment, either residential, commercial, or industrial, both public and private, including schools, churches, and institutions without limitation.
- (OO) PRETREATMENT - Shall mean the application of physical, chemical, 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 Regional Sewerage System.
- (PP) PRETREATMENT STANDARDS AND REQUIREMENTS - Shall mean all applicable federal, State of California or local standards or requirements related to Pretreatment or discharge of non-domestic wastes.
- (QQ) PUBLICLY OWNED TREATMENT WORKS (POTW) – Shall mean a treatment works as defined by section 212 of the Act, which is owned by a State or municipality (as defined by section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.
- (RR) RECEIVING WATERS - Shall mean a natural water course or body of water into which treated sanitary sewage and/or treated non-domestic waste is discharged.

- (SS) REGIONAL SEWAGE SERVICE CONTRACT - Shall mean the Chino Basin Regional Service Contract or any subsequent supplemental or successor contracts.
- (TT) REGIONAL SEWERAGE SYSTEM - Shall mean all facilities owned, controlled or operated by IEUA and any interest or capacity rights of IEUA in facilities owned, controlled, or operated by others, for purpose of transmitting, treating and disposing of sewage, including interceptor sewers, sewage treatment and disposal plants, outfall sewers, facilities for the disposal of effluent and solid waste residuals and any facilities appurtenant to the foregoing. The Regional Sewerage System shall not include any recycling facilities or portions of recycling facilities which are operated by or for the benefit of IEUA to meet obligations under the judgment entered in the action entitled Orange County Water District v. City of Chino, et al. (Case No. 117628, Superior Court, County of Orange), or to meet the requirements of contracting agencies exercising the right of first purchase of recycled effluent; provided that the Regional Sewerage System shall include all other Disposal Facilities which are required to meet the requirements of the NPDES Permit or Permits or Waste Discharge Requirements issued to IEUA by the Regional Water Quality Control Board, Santa Ana Region, for the operation of the Regional Treatment Plants.
- (UU) REGIONAL TREATMENT PLANT - Shall mean a Regional Water Recycling Plant operated by IEUA as part of the Regional Sewerage System.
- (VV) RESIDENCE - Shall mean the structure which is, or is intended to be, in whole or in part, a place of dwelling whether occupied or not, whether fully constructed or not, and includes, without limitation, homes, whether attached to another structure or not, apartments, condominiums and mobile homes.
- (WW) SANITARY WASTE(S) - Shall mean liquid or semi-liquid wastes contained within septic tanks, seepage pits, cesspools, sewage holding tanks or other repositories of only human body wastes and/or Chemical Substances as defined herein. Sanitary Waste does not include non-domestic waste or wastes from grease and oil interceptors. For the purposes of this Ordinance, Sanitary Wastes shall be considered Non-Domestic Wastewater with respect to California Government Code, Section 54739-54740 et seq.
- (XX) SELF-REGENERATING WATER SOFTENING APPLIANCE - Shall mean a water softening device located within, or adjacent to, a Residence or Industrial User located within the IEUA service area and which discharges to a Community Sewer System that is tributary to the Regional Sewerage System owned and operated by IEUA, whereby the capability of the appliance to remove hardness from water is renewed by the on-site application of a salt-containing brine solution to the active softening or conditioning material contained therein, followed by a subsequent rinsing of the active softening or conditioning material.
- (YY) SERVICE AREA - Shall mean all territory now or hereafter provided Sewage service by the Community Sewer System owned, controlled or operated by any Contracting Agency.
- (ZZ) 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.
- (AAA) SEWAGE - Shall mean any liquid waste and water borne solid waste resulting from residential, commercial, industrial, or institutional activities or uses.

- (BBB) SEWAGE COLLECTION AGENCY - Shall mean the County of San Bernardino and any city or special district, other than IEUA, which is located in whole or in part within IEUA and which is authorized to own, control and operate a Community Sewer System.
- (CCC) SEWER - Shall mean any pipeline conducting sewage, either by gravity or by pressure, and any facilities appurtenant thereto.
- (DDD) SHALL - is mandatory.
- (EEE) SIGNIFICANT INDUSTRIAL USER (SIU) - Shall mean any Industrial User of the Community Sewer System tributary to the Regional Sewerage System who:
1. Is a Categorical User as defined in 40 CFR 403.6 and 40 CFR chapter I, Subchapter N (Parts 401 - 471); or,
 2. Has a discharge flow rate of 25,000 gallons or more per average workday of processed Wastewater; excluding sanitary, non-contact cooling and boiler blowdown wastewater; or contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW Treatment Plant, or;
 3. Is designated as such by the Control Authority on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement in accordance with 40 CFR 403.8(f)(6).
- (FFF) SIGNIFICANT NON-COMPLIANCE - Shall mean that one or more of the following criteria are met upon review of the industry compliance record:
1. Chronic violations of wastewater Discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l):
 2. Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
 3. Any other violation of a Pretreatment Standard or Requirement as defined by 40CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the POTW determines has caused, alone or in combination with other Discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public);
 4. Any discharge of a Pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under 40 CFR 403.8. to halt or prevent such a discharge;

- 5. Failure to meet, within 90 days after the scheduled date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- 6. Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- 7. Failure to accurately report non-compliance;
- 8. Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local Pretreatment program.

(GGG) SLUG LOAD – Shall mean any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, local limits or Permit conditions.

(HHH) TOXIC POLLUTANT - Shall mean any Pollutant listed as toxic under Section 307(a)(1) of the Clean Water Act (CWA) of 1977 as amended by the Water Quality Act of 1987.

(III) USER - Shall mean any Person who contributes, causes, or permits the contribution of Wastewater directly or indirectly into the Regional Sewerage System.

(JJJ) UPSET - Shall mean an exceptional incident in which there is unintentional and temporary noncompliance with discharge limits because of factors beyond the reasonable control of the Contracting Agency. An Upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, and lack of preventive maintenance or careless or improper operation.

(KKK) WASTEWATER - Shall mean the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated.

1.8 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 Regional Sewerage System.

1.9 NOTICE PROCEDURE

Unless otherwise provided herein, any notice required to be given by the CEO/GM 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 CEO/GM or the occupants or owners, or owners of record of property upon which the alleged violations occurred.

1.10 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 IEUA.

1.11 FALSIFYING INFORMATION

No Person shall knowingly make false statements, representation, or certification in any application, record, report, plan, or other document provided to the IEUA or required to be maintained pursuant to this Ordinance or 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) of the Clean Water Act regarding Responsible Corporate Officers.

1.12 RIGHT OF REVISION

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

1.13 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.

SECTION 2 - DISCHARGE PROHIBITIONS AND LIMITATIONS

2.1 GENERAL LIMITATIONS ON WASTEWATER

No Person other than a Contracting Agency or a permitted waste hauler shall discharge Wastewater directly into the Regional Sewerage System. No Person shall discharge or cause to be discharged directly or indirectly to the Regional Sewerage System or to a Community Sewer System which is tributary to the Regional Sewerage System a quantity or quality of material which causes, or is capable of causing, either alone or by interaction with other substances, Pass Through, Interference, damage to any part of the Regional Sewerage System, abnormal maintenance of the Regional Sewerage 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 Regional Sewerage System or causes or threatens to cause the IEUA to violate State of California or federal regulations.

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

- (A) Any liquids, solids, gases or Pollutants such as gasoline, benzene, naphtha, solvents, and fuel oils that would cause or tend to cause flammable or explosive conditions including, but not limited to wastestreams with a closed cup flashpoint of less than 60 °C (140 °F) using the test methods specified in 40 CFR 261.21.
- (B) Any solids or viscous substances of such size or in such quantities that they may cause obstruction to flow in the sewer or be detrimental to POTW operations. These objectionable substances include, but are not limited to, asphalt, dead animals, ashes, mud, straw, industrial process shavings, metal, glass, rags, feathers, grass clippings, tar, plastics, wood, blood, paunch manure, grease, bones, hair, fleshings, entrails, paper cups, paper dishes, milk cartons, or other similar paper products, either whole or ground.
- (C) Any waste of a size that will not readily pass through a 3/8 inch screen.
- (D) Any waste except Sanitary Wastes discharged directly into the Regional Sewerage System with a pH less than 5.0 or greater than 12.5 pH units. Sanitary Wastes are prohibited if they have a pH less than 6.0 or greater than 10.0 pH units.
- (E) Any discharge that results in toxic gases, vapors or fumes within the regional sewage system in a quantity that may cause acute worker health and safety problems.
- (F) 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.
- (G) Any amounts of petroleum oil, non-biodegradable cutting oil, or products of mineral origin which form persistent water emulsions or that will cause Interference or Pass Through.
- (H) Any biodegradable oils, fats and greases, such as lard, tallow or vegetable oil, in concentrations that may cause adverse effects on the Regional Sewerage System except as allowed in Section 2.2.
- (I) Any wastes which cause excessive incrustations or scale, or precipitates on sewer walls; or having any corrosive or detrimental characteristics that may cause damage to the Regional Sewerage System or injury to service and maintenance personnel.

- (J) Any excessive amounts of dissolved or undissolved solids.
- (K) 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.
- (L) Any amount of a Hazardous Substance or Toxic Pollutant except as allowed in Section 2.2.
- (M) Any Hazardous Waste discharged to any portion of the Regional Sewerage System or treatment plants by truck, rail or dedicated pipeline.
- (N) Any Slug Load.
- (O) Any radioactive wastes except:
1. When the Industrial User is authorized to use radioactive materials by the State Department of Health or other governmental agency empowered to regulate the use of radioactive materials; and
 2. When the waste is discharged in strict conformity with current California Radiation Control Regulations (California Code of Regulations, Title 17) for safe disposal; and
 3. When the Industrial User is in compliance with the sewer use ordinance of the Contracting Agency and all other applicable rules and regulations.
- (P) 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 local environment, interfere with Wastewater treatment processes, cause a public nuisance, cause any hazardous condition in the Regional Sewerage System, or which cause Interference, Upset or Pass Through.
- (Q) Any strongly odorous waste or waste tending to create odors.
- (R) Any substance listed in Section 307(a) of the Clean Water Act containing quantities toxic to humans, animals, the local environment, or to biological Wastewater treatment processes except as allowed in Section 2.2.
- (S) Any rainwater, storm water, groundwater, street drainage, sub-surface drainage, roof drainage, yard drainage, water from yard fountains, ponds or lawn sprays, or any other uncontaminated water. Any discharges from swimming pools, wading pools, and therapy pools will be admitted to the Regional Sewerage System between midnight and 6:00 a.m. subject to Permit by the Contracting Agency which will provide for restricted flow.
- (T) Any wastes with excessively high BOD, COD, TOC, or other oxygen demanding substances.
- (U) Any waste containing excessive quantities or concentrations of ammonia.
- (V) Any single pass cooling or heating water. Single pass means once through the equipment or process and does not come in contact with the object being cooled or heated.
- (W) Any excessive quantities of deionized water, steam, condensate, or distilled water.
- (X) Any waste having a temperature of 60 °C (140 °F) or higher, or causes the Wastewater influent to a Regional Treatment Plant to exceed 40 °C (104 °F).

- (Y) 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 Regional Sewerage System.
- (Z) Any recognizable portions of the human anatomy.
- (AA) Any waste containing substances that may precipitate, solidify, gel, polymerize, or become viscous at temperatures between 4.5 °C (40 °F) and 38 °C (100 °F).
- (BB) Any quantity of chlorinated hydrocarbons, pesticides or fertilizers which cause Interference, Upset or Pass Through.
- (CC) Any water added for the purpose of diluting wastes.
- (DD) Any waste generated outside the IEUA boundaries unless otherwise approved by the Board.
- (EE) Any wastes requiring an excessive quantity of chlorine or other chemical compound used for disinfection purposes.
- (FF) Any waste containing detergents, surface active agents, or other substances which may cause excessive foaming in the Regional Sewerage System.
- (GG) Any Wastewater that discolors normal treatment plant influent such that it is detrimental to treatment plant operations or causes violation of the NPDES Permit.
- (HH) Any discharge of trucked or hauled Pollutants except at discharge points designated by the IEUA or a Contracting Agency.
- (II) Any infectious waste except where prior written approval for such discharges is given by the CEO/GM of IEUA.
- (JJ) Any waste that is generated in violation of or which violates applicable federal standards or state regulations or discharge limitations or requirements established by the Board as described in Industrial Wastewater Discharge Permits or within Ordinances, resolutions or other rules adopted by the Board.

2.2 LOCAL LIMITS

The Board may establish quantitative or other limitations or restrictions applicable to Wastewater or Sanitary Wastes when, in its judgment, it is necessary to protect the Regional Sewerage System. Wastewater or Sanitary Waste discharges in excess of the limits established by the Board or any State of California law or applicable Federal Categorical Pretreatment Standard shall constitute excessive concentrations or quantities prohibited by Section 2.1. The Board shall promulgate and maintain a list of limitations established for restricted wastes which are generally applicable to all Contracting Agencies or Domestic Waste Haulers. The Board may establish quantitative limitations for Contracting Agencies, Domestic Waste Haulers or Users that are not within the jurisdiction of IEUA, 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 efforts to reuse or dispose of the water or residue or causes any unusual operation or maintenance problems in the Regional Sewerage System.

2.3 RESTRICTIONS ON SELF-REGENERATING WATER SOFTENING APPLIANCES

The installation, replacement, or enlargement of any self-regenerating water softening appliance which discharges into the Community Sewer System that is tributary to the Regional Sewerage System shall not be allowed. Each Contracting Agency shall adopt a local ordinance to implement this restriction.

This section shall not apply to any portable exchange water softener of the type which is regenerated off-site at a lawfully regulated location. IEUA may make available to residential owners of (operational) self-regenerating water softeners a voluntary rebate program to compensate them for the reasonable value for removal and disposal of the self-regenerating water softener appliance.

SECTION 3 - COMPLIANCE MONITORING

3.1 INSPECTION AND ENTRY

Unless otherwise specified in the Regional Sewage Service Contract:

- (A) The IEUA shall be authorized at any reasonable time to enter the Premises of all Users to determine compliance with all applicable requirements, to inspect facilities and monitoring equipment, take photographs and to take samples of the wastes discharged to the Regional Sewerage System there from, insofar as such inspection and sampling is reasonably related to enforcement and compliance with this Ordinance and the Users' 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, or local Permit requirements.
- (B) Inspection may include every facility that is directly or indirectly involved with the discharge of Wastewater to the Regional Sewerage System as determined by the IEUA. Authorized personnel of the IEUA shall be provided immediate access to all of the above facilities. No Person shall interfere with, delay, resist or refuse entrance to authorized IEUA personnel attempting to inspect any facility involved directly or indirectly with a discharge of Wastewater to the Regional Sewerage System.
- (C) Adequate identification will be provided to all inspectors, monitoring personnel and other authorized personnel, and these Persons will make themselves known when entering any Users 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 User or property owner at the written or verbal request of the CEO/GM and shall not be replaced.
- (E) Where a User has security measures in force which require proper identification and clearance before entry into its Premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the IEUA employees shall be permitted to enter without delay for the purposes of performing specific responsibilities.
- (F) Unreasonable delays in allowing the CEO/GM access to the User's Premises shall be a violation of this Ordinance.

3.2 SEARCH WARRANTS

If the IEUA has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the IEUA designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the IEUA may seek issuance of a search or inspection warrant from a court of competent jurisdiction.

SECTION 4 - USER PERMITS AND CONDITIONS

4.1 CONDITIONS APPLICABLE TO ALL USERS

- (A) FEDERAL, STATE AND LOCAL REQUIREMENTS - A User 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 wastewater discharge regulations or standards contained in California Water Code Sections 13000 et seq., and all amendments thereto, and all local wastewater discharge regulations and standards, including but not limited to those contained in the Permit and in this Ordinance.
- (B) DUTY TO COMPLY - The User shall comply with all conditions of the Permit. Any Permit noncompliance constitutes a violation of the Ordinance and is grounds for enforcement action as provided for in Section 5. The User 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 Permit has not yet been modified to incorporate the requirement.
- (C) NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE - It shall not be a defense for a User 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 Permit.
- (D) PERMIT ACTIONS - The Permit may be modified for cause. The Permit may be suspended for cause as set forth in Section 5.3 or 5.4. The Permit may be revoked for cause as set forth in Section 5.5. The filing of a request by the User for a Permit modification, reissuance or a notification of planned changes or anticipated non-compliance does not stay any Permit condition.
- (E) DUTY TO PROVIDE INFORMATION - The User shall furnish to the CEO/GM, within a reasonable time, any documents or records maintained by the User which the CEO/GM may request to determine whether cause exists for modifying, revoking, reissuing, or to determine compliance with the Permit. The User shall also furnish to the CEO/GM upon request, copies of records required to be kept by the Permittee.
- (F) SAMPLE ANALYSIS - All samples, sample preservation and handling, measurements, tests, and analyses under this Ordinance or a Permit, required to determine the characteristics of wastes discharged to the Regional Sewerage 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 User shall be approved by the CEO/GM and EPA Region IX Administrator.
- (G) REOPENER CLAUSE - The Permit shall be modified to incorporate an applicable standard or limitation which is promulgated or approved after the Permit is issued if that standard or limitation is more stringent than the limitation in the Permit, or controls a Pollutant not limited in the Permit.
- (H) MODIFICATION OF PERMITS - The Permit may be modified to require corrections or allow for changes in the permitted activity. The CEO/GM may upon reasonable notice to the User, change or modify the restrictions or conditions of a waste permit from time to time to effectuate the purposes of this Ordinance. Alternatively, the CEO/GM may require the User to apply for a new or revised Industrial Wastewater Discharge Permit. The CEO/GM shall allow a User a reasonable period of time to comply with any changes required in the Permit.

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- (I) 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 Permit shall be available for public inspection after CEO/GM approval. Permit applications, Permits, and effluent data shall not be considered confidential.
 - (J) CONFIDENTIALITY - All information provided by a User or obtained by the IEUA through monitoring and inspection shall be made available to the public, unless the User specifically requests confidentiality and can demonstrate to the IEUA that release of such information will violate the User's right to protection of trade secrets under applicable State law. Wastewater quantity and quality data shall not be treated as Confidential Information. Information determined by the IEUA to be confidential shall not be disclosed without providing the User with a reasonable opportunity to seek judicial protection from such release.
 - (K) SEVERABILITY - The provisions of the Permits are severable, and if any provision of the Permit, or the application of any provision of the Permit to any circumstance, is held invalid, the application of such provision to other circumstances, and remainder of the Permit, shall not be affected thereby.
 - (L) PERMIT TRANSFER - A Permit is not transferable to a new business location or to a new business or to the new owner of existing business. A User shall immediately notify the IEUA in writing of any change in the name or legal capacity of the User. The new owner shall be required to apply for a new Permit.
 - (M) SIGNATORY REQUIREMENT - All Permit applications and reports required by the IEUA shall be signed by an Authorized Representative of the User. Any Person signing such documents shall make the following certification:

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

- (N) OTHER PERMIT CONDITIONS AND LIMITATIONS - The Permit may contain any of the following conditions or limitations:
 1. Mass emission rates regulating prohibited wastes.
 2. Limits on rate and time of discharge or requirements for flow regulations and equalization.
 3. Requirements for submission of technical reports, production data, and/or waste manifests.
 4. Requirements to self-monitor including the sampling of wastes and/or Wastewaters.
 5. Predetermined rates or values for Wastewater strength characteristics.
 6. Requirements to submit copies of tax and/or water bills.
 7. Other provisions which may be applicable to ensure compliance with the Ordinance.

8. Other terms and conditions determined by the CEO/GM to be necessary to protect the Regional Sewerage System.

(O) CIVIL AND CRIMINAL LIABILITY - Nothing in the Permit shall be construed to relieve the User from civil or criminal liabilities.

4.2 INDUSTRIAL WASTEWATER DISCHARGE PERMITS AND CONDITIONS

(A) For the purpose of this Section 4.2 only, a Contracting Agency shall not be considered an Industrial User.

1. The IEUA and/or Contracting Agency shall determine if a Person discharging Non-Domestic Wastewater to the Community Sewer System tributary to the Regional Sewerage System is required to obtain an Industrial Wastewater Discharge Permit.

2. The IEUA and/or Contracting Agency shall determine if an Industrial User is a SIU as defined in Section 1.7 of this Ordinance.

3. No SIU shall discharge or cause discharge of, either directly or indirectly, Non-Domestic Wastewater to the Community Sewer System tributary to the Regional Sewerage System without first obtaining an Industrial Wastewater Discharge Permit.

4. Industrial Users shall provide Wastewater treatment as necessary to comply with this Ordinance. Any Pretreatment necessary for compliance shall be provided, operated, and maintained by the Industrial Users at their expense. Detailed plans describing such Pretreatment and operating procedures shall be submitted to the IEUA and/or Contracting Agency for review, and shall be acceptable to IEUA and/or Contracting Agency before such pretreatment facilities are constructed. The review of such plans and operating procedures shall in no way relieve the Industrial User from the responsibility of modifying such pretreatment facilities as necessary to produce a discharge acceptable to the IEUA and/or Contracting Agency under the provisions of this Ordinance. The IEUA and/or Contracting Agency may issue an Industrial Wastewater Discharge Permit provided that all other requirements of this Ordinance and local, State of California, and federal regulations have been met.

5. No Person shall discharge Non-Domestic Wastewater in excess of the quantity or quality discharge limitations stated in the Industrial Wastewater Discharge Permit.

6. A Person may request an Industrial Wastewater Discharge Permit through completion and submittal to the IEUA and/or Contracting Agency an Industrial Wastewater Discharge Permit application and any applicable fees. Applications shall be signed and certified in accordance with Section 4.1(M).

(B) Prior to issuance of an Industrial Wastewater Discharge Permit, the IEUA and/or Contracting Agency will review the application to assess whether the proposed discharge will, if properly monitored and regulated by the User, comply with applicable Wastewater quality standards including the requirements of Federal Categorical Pretreatment Standards or the State of California requirements and standards. Based upon this assessment, the IEUA and/or Contracting Agency may issue the Industrial Wastewater Discharge Permit to allow the discharge, subject to conditions imposed by the IEUA and/or Contracting Agency pursuant to this Ordinance. Where applicable, the industrial user shall at all times maintain a valid hazardous waste facilities permit as required by the California Health and Safety Code, Section 25201. A copy of the permit must be made available to representatives of IEUA and/or Contracting Agencies upon request.

- (C) Prior to commencing any significant change in Non-Domestic Wastewater quantity or quality discharged or making any process modifications, an Industrial Wastewater Discharge Permit holder shall apply for and obtain a new Industrial Wastewater Discharge Permit.
- (D) Prior to issuance of an Industrial Wastewater Discharge Permit for wastes to be delivered by truck or rail to the IEUA for disposal, a Permit applicant shall 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.
- (E) SPECIAL STUDIES - Special studies may be required in the processing of an Industrial Wastewater Discharge Permit application, or an Industrial Wastewater Discharge Permit update. In the event a special study is required, the IEUA and/or Contracting Agency shall notify the applicant or the Industrial User of the Community Sewer System tributary to the Regional Sewerage System, in writing, of the need for the special study, and what parameters to be addressed in the study. If the IEUA and/or Contracting Agency performs the study, the applicant or Industrial User shall deposit with the IEUA and/or Contracting Agency the estimated cost of performing the study. All costs shall be borne by the applicant or Industrial User. Final costs will be based upon actual costs incurred by the IEUA.
- (F) PROPER OPERATION AND MAINTENANCE - The Industrial User 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 Industrial User to achieve compliance with the conditions of the 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 an Industrial User when the operation is necessary to achieve compliance with the conditions of the Permit.
- (G) ADDITIONAL PRETREATMENT MEASURES
1. Whenever deemed necessary, the CEO/GM may require Industrial Users to restrict their discharge during peak flow periods, designate that certain Wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the Regional Sewerage System and determine the Industrial User's compliance with the requirements of this Ordinance.
 2. The CEO/GM may require any Person discharging into the Regional Sewerage System to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An Industrial Wastewater Discharge Permit may be issued solely for flow equalization.
 3. Grease and oil interceptors shall be provided when, in the opinion of the CEO/GM and/or Contracting Agency, they are appropriate for the proper handling of Wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential Users. All interceptor units shall be of type and capacity approved by the CEO/GM and/or Contracting Agency and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as required by the Contracting Agency's Ordinance, at the User's expense.
 4. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(H) ACCIDENTAL DISCHARGE PREVENTION AND SLUG LOAD CONTROL PLANS - All Industrial Users shall provide protection from the accidental discharge of prohibited materials or other substances regulated by this Ordinance. When required by the IEUA, the Industrial User shall develop an accidental discharge prevention plan to be approved by the CEO/GM. Facilities required to prevent accidental discharges shall be provided and maintained at the Industrial User's own expense. The CEO/GM may require any Industrial User to develop, submit for approval, and implement such a plan. Alternatively, the CEO/GM may develop such a plan for any Industrial User. An accidental discharge/slug control plan shall address, at a minimum, the following:

1. Description of discharge practices, including non-routine batch discharges;
2. Description of stored chemicals;
3. Procedures for immediately notifying the CEO/GM of Slug Load discharges, including any discharge that would violate a prohibition under 40 CFR Section 403.5 and 4.2(L) of this Ordinance with procedures for follow up written notification within 5 days.
4. Procedures to prevent adverse impact from any accidental or Slug Load discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

(I) MONITORING FACILITIES

1. Any Industrial User may be required by the CEO/GM to provide, at their own expense, sampling and flow measurement of its wastewater discharge. The Industrial User shall obtain the CEO/GM's approval of the monitoring facility.
2. There shall be ample room in or near a monitoring facility to allow accurate sampling and preparation of samples for analysis. If required under (I) 1. of this section, all plans and construction of a monitoring facility shall be submitted to the IEUA for approval. Access to monitoring facilities not owned by IEUA shall be granted immediately upon request during any time the Industrial User's business is open, any time Wastewater is being discharged and at any other reasonable time.
3. Industrial Users whose security procedures or plant configurations restrict or delay access shall provide an approved secured monitoring facility which is directly accessible to IEUA's personnel without having to pass through other secured property of the Industrial User. The costs of providing facilities with such access shall be borne by the Industrial User.

(J) COMPLIANCE SCHEDULES - If the CEO/GM determines that additional operations and maintenance (O&M) or Pretreatment of Non-Domestic Wastewater is required for an Industrial User to comply with applicable Federal Categorical Pretreatment Standards other federal discharge requirements, State of California limitations, local limitations, or Permit requirements, the CEO/GM may issue a schedule by which the Industrial User shall provide such O&M or Pretreatment. In no instance shall the compliance schedule supersede any compliance date established for an applicable federal categorical pretreatment standard, nor shall it waive the IEUA's right to take timely enforcement action for non-compliance with a Federal Categorical Pretreatment Standard.

- (K) **MONITORING REPORTS AND RECORD KEEPING** - All Significant Industrial Users, as defined by 40 CFR 403.3(v), shall be required to submit to the IEUA and the Contracting Agency, 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 Permit. The CEO/GM may require other Industrial Users to submit any or all of the above reports or other reports. The CEO/GM may require any Industrial User 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 CEO/GM shall be signed and certified pursuant to Section 4.1(M) herein. If an Industrial User monitors any Pollutant more frequently than required by an Industrial Wastewater Discharge 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, date of 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 Industrial Users 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 3 years following sampling and analysis or other data generation.

- (L) **NOTIFICATION OF ACCIDENTAL DISCHARGE, SLUG LOADING OR OTHER NON-COMPLIANCE** - In the event of an accidental discharge, Slug Loading, or any other non-compliance, an Industrial User shall follow the following notification procedures:

1. **Immediate Notification.** In the event of Upset, accidental discharge, spill, or Slug Load which may endanger health, the environment, or the Regional Sewerage System, the Industrial User shall notify the IEUA by telephone immediately upon discovery of the occurrence. The notification shall include location of discharge, type of waste, concentration, volume, and corrective actions both performed and planned.
2. **Twenty-Four Hour Notification.** The Industrial User shall notify the IEUA of the circumstances surrounding any discharge which exceeds any maximum discharge limitation for any of the Pollutants listed in the Industrial Wastewater Discharge Permit or Ordinance within 24 hours following discovery of the discharge.
3. **Follow-up.** Within 5 days following notification pursuant to Sections 4.2(L) 1 and/or 4.2(L) 2, the Industrial User shall submit to the CEO/GM a detailed written report containing information describing the cause of the discharge and measures to be taken by the Industrial User to prevent similar future occurrences. Such notification shall not relieve the Industrial User of liability for any expense, loss, damage, fine, civil penalty or other liability which may be incurred as a result of damage to the Regional Sewerage System or any other liability which may be imposed pursuant to this Ordinance or other applicable law.

- (M) **ANALYSIS TO DEMONSTRATE CONTINUED COMPLIANCE** - Should testing and analysis of a sample obtained by a Significant Industrial User subject to Federal Categorical Pretreatment Standards indicate a discharge violation, the Industrial User shall repeat the sampling and analysis and submit the results to the IEUA within 30 days following discovery of the violation. The CEO/GM may require SIUs that are not subject to Federal Categorical Pretreatment Standards to comply with this subsection.

(N) BYPASS

1. Bypass is prohibited and the IEUA may take enforcement action against an Industrial User for a bypass, unless:
 - (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (b) There were no feasible alternatives to the Bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment down time. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a Bypass which occurred during normal periods of equipment down time or preventative maintenance; and
 - (c) The Industrial User submitted notice as required in Section 4.2(N)2.
2. If an Industrial User knows in advance of the need for a Bypass, the Industrial User shall submit prior notice to the IEUA at least 10 days before the date of the Bypass.
3. The IEUA may approve an anticipated Bypass, after considering its adverse effects, if the IEUA determines that it will meet the conditions listed in Section 4.2(N)(1).
4. An Industrial User shall verbally notify the IEUA of an unanticipated Bypass that exceeds applicable Pretreatment Standards within 24 hours from the time the Industrial User becomes aware of the Bypass. The Industrial User shall submit a written report to the IEUA within 5 days of the time the Industrial User 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, the anticipated time the Bypass is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the Bypass. The IEUA may waive the written report on a case-by-case basis if the verbal notification has been received within 24 hours.
5. Notification provided pursuant to Section 4.2(N) shall not relieve the Industrial User of liability for any expense, loss, damage, or other liability which may be incurred as a result of damage or loss to the IEUA or any other damage or loss to Person or property; nor shall such notification relieve the Industrial User of any fines, penalties, or other liability which may be imposed under this Ordinance or other applicable law.

(O) 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 Regional Sewerage System.

(P) INDUSTRIAL WASTEWATER DISCHARGE PERMIT DURATION AND DUTY TO REAPPLY - Industrial Wastewater Discharge Permits shall be issued for a specified time period, not to exceed 5 years. The Industrial User shall submit a new Industrial Wastewater Discharge Permit application with appropriate fees at least 90 days before the existing Industrial Wastewater Discharge Permit expires. The permit may be voidable by the CEO/GM upon non-use, cessation of operations, transfer of business ownership, or the issuance of a new Permit for the same sewer connection.

(Q) NOTIFICATION OF HAZARDOUS WASTES IN THE NON-DOMESTIC WASTE DISCHARGE Any Industrial User shall notify the IEUA in writing of any discharge into the Regional Sewerage System of a substance which, if otherwise disposed of, would be a Hazardous Waste under 40 CFR Part 261. Such notification shall 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 Industrial User discharges more than 100 kilograms of such waste per calendar month to the Regional Sewerage System, the notification shall also contain the following information to the extent such information is known and readily available to the Industrial User: 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 12 months. Industrial Users 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 to the IEUA 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).

1. Industrial Users 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.
2. Subsequent months during which the Industrial User discharges more than such quantities of any Hazardous Waste do not require additional notification.
3. 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 Industrial User must notify the IEUA of the discharge of such substance within 90 days of the effective date of such regulations.
4. In the case of any notification made under this section, the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of Hazardous Wastes generated to the degree it has determined to be economically practical.

(R) NOTIFICATION OF CHANGED DISCHARGE - All Industrial Users shall promptly notify the IEUA 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 Industrial User has submitted notification under Section 4.2(Q) of this Ordinance.

4.3 DOMESTIC WASTE HAULER PERMITS AND CONDITIONS

(A) PERMIT REQUIRED TO DISCHARGE SANITARY WASTES - No Person shall discharge or cause discharge of Sanitary Wastes as defined herein to the Regional Sewerage System without a Domestic Waste Hauler Permit from the IEUA and any required permit or license from the San Bernardino County Department of Environmental Health Services. Domestic Waste Hauler Permits shall be expressly subject to all provisions of the Ordinance and all other regulations, charges for use and fees established by the IEUA. The conditions of Domestic Waste Hauler Permits will be enforced by the IEUA in accordance with this Ordinance and applicable state and federal regulations.

(B) DOMESTIC WASTE HAULER PERMIT APPLICATIONS Persons seeking a Domestic Waste Hauler Permit shall complete and file with the IEUA, an application on the form prescribed by the IEUA. The Person shall be required to submit the following information:

1. Name, address, and telephone number of the Person applying for a Permit.
2. Name of Authorized Representative of the Person (as defined) applying for a Permit.
3. The specific types of Sanitary Wastes to which the application pertains.
4. The names and material safety data sheets for all Chemical Substances (as defined) which will be added to the Sanitary Wastes.
5. The California Department of Motor Vehicle license number for all vehicles used to transport Sanitary Wastes to the Regional Sewerage System.
6. Copies of Business License and all Permits issued by the San Bernardino County Department of Environmental Health Services.
7. Copy of current Certificate of Liability Insurance including: General Liability, Automobile Liability, Workers Compensation and Employer's Liability.
8. The holding capacity of each vehicle specified in 5 above.
9. The signature of an Authorized Representative of the Person (as defined) applying for a Permit. The signature must include the following certification statement:

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

(C) INSPECTION AND ENTRY - The IEUA shall be authorized to inspect the vehicles used to transport Sanitary Wastes to the Regional Sewerage System, take photographs and/or take samples of the wastes discharged to the Regional Sewerage System. Such inspection shall also include the right to inspect and copy records required to be maintained by the hauler under federal, State of California, or local requirements.

1. The IEUA shall be authorized to inspect the Premises of any Person where the Sanitary Waste(s) originates. The Domestic Waste Hauler shall, prior to removing the Sanitary Wastes from the Premises, have the Person give written consent of inspection by the IEUA in order to verify compliance with the provisions of this Ordinance. An inspection may include every facility that is directly or indirectly involved with the generation and/or discharge of wastes to the Sanitary Waste collection device(s). Adequate identification will be provided to all inspectors, monitoring personnel and other authorized personnel, and these Persons shall make themselves known when entering any property for inspection or sampling purposes.

- 2. Inadequate proof of consent to inspection may be cause for refusal by the IEUA to allow discharge of Sanitary Wastes into the Regional Sewerage System or other enforcement actions.

- (D) DOMESTIC WASTE HAULER RECORD KEEPING - Domestic Waste Haulers shall maintain records, indicating the number of loads, the source of the loads, the volume of the loads and the type of Sanitary Waste discharged into the Regional Sewerage System. A Domestic Waste Hauler shall retain all records and transport manifests for at least 3 years.

- (E) DOMESTIC WASTE HAULER PERMIT DURATION AND DUTY TO REAPPLY - Domestic Waste Hauler Permits shall be issued for a specified time period, not to exceed 2 years. The Domestic Waste Hauler shall submit a new application with appropriate fees no later than 45 days before the existing Permit expires.

- (F) SANITARY WASTE DISPOSAL LOCATION(S) - The CEO/GM shall designate locations and times acceptable for the discharge of Sanitary Waste by a Domestic Waste Hauler. Domestic Waste Haulers shall be notified of any change in the locations. It shall be the responsibility and liability of the Domestic Waste Hauler to discharge in such a manner as to keep the area clean and free from spills or other debris. The discharge of Sanitary Waste to any point in the Regional Sewerage System other than a designated location is prohibited.

- (G) SANITARY WASTE TRANSPORT MANIFESTS - A manifest of a type prescribed by the IEUA, shall be used to track the Sanitary Waste from its originating point to the disposal location. The manifest shall contain the customer name, address, telephone number, waste type, and gallons pumped of the originating location and shall provide the Sanitary Waste generator a place to give written consent of inspection by the IEUA. The manifest shall accompany the Sanitary Waste while it is on the transport vehicle until the Sanitary Waste is discharged at the disposal location. A Domestic Waste Hauler shall retain a copy of the manifest upon discharge.

- (H) SANITARY WASTE TESTING - The IEUA reserves the right to perform testing of any and all Sanitary Waste to determine its acceptability for discharge into the Regional Sewerage System. The IEUA may require a Domestic Waste Hauler to have chemical analysis performed, by an independent certified laboratory, of the Sanitary Waste to be discharged. The cost of the analysis shall be paid by the Domestic Waste Hauler.

SECTION 5 - ADMINISTRATIVE ENFORCEMENT REMEDIES

5.1 NOTIFICATION OF VIOLATION

When the CEO/GM finds that any Significant Industrial User, or any other User whose discharge has the potential, alone or in conjunction with other discharges, to adversely affect the Regional Sewerage System, has violated, or continues to violate, any provision of this Ordinance, any provisions of a wastewater discharge ordinance enacted by a Contracting Agency, a Permit hereunder, or any other Pretreatment Standard or Requirement, the CEO/GM may serve upon that User a Notice of Violation. Nothing in this section shall limit the authority of the CEO/GM to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

5.2 ADMINISTRATIVE ORDERS

The CEO/GM may require compliance with this Ordinance, Permit conditions or limitations by issuing Administrative Orders including but not limited to the following types of Administrative Orders:

- (A) **CORRECTIVE ACTION ORDERS** - Corrective Action Orders may contain requirements to address noncompliance, including but not limited to investigation of noncompliance, submission of an explanation of the violation and a plan for the satisfactory correction and prevention thereof, additional self-monitoring and management practices designed to minimize the amount of Pollutants discharged to the Regional Sewerage System, the preparation of reports, and the submittal of additional information related to the discharge of Wastewater.
- (B) **COMPLIANCE ORDERS** - Compliance Orders may direct a User to achieve or restore compliance by a specific date. If the User fails to achieve compliance within the time provided, sewer service may be discontinued in accordance with Section 5.3, 5.4 or 5.5. Compliance orders may also contain the requirements listed in 5.2(A).
- (C) **SHOW CAUSE ORDERS** - Show Cause Orders may require a User to appear at the IEUA office at a certain date and time to show cause to the IEUA as to why a proposed enforcement action(s) should not be taken.
- (D) **CONSENT ORDERS** - Consent Orders shall establish an agreement with any User responsible for noncompliance. Such orders may include specific actions to be taken by the User to correct the noncompliance within a time period specified by the Order. Such orders shall have the same force and effect as the administrative orders issued pursuant to Sections 5.2(B) and 5.2(E) of this Ordinance.
- (E) **CEASE AND DESIST ORDERS** - Cease and Desist Orders shall direct a User to cease and desist all discharge violations, to comply immediately with all discharge requirements and to take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened discharge violation, including halting operations and/or terminating the discharge. The issuance of any administrative order pursuant to this section shall not be a bar against, or prerequisite for, taking any other action against the User.

5.3 EMERGENCY ACTION

- (A) If the CEO/GM 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 IEUA to violate any State of California or federal law, regulation or permit requirement, the CEO/GM may order an immediate cessation of the discharge and suspend the User's permission to discharge into the Regional Sewerage System. If the User does not cease discharging at once, the CEO/GM may disconnect the User from the Regional Sewerage System.
- (B) As soon as reasonably practicable following the issuance of a cessation order and/or suspension order, but in no event more than 7 days following the issuance of such order, the CEO/GM shall hold a hearing to provide the User 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 CEO/GM. The CEO/GM shall issue a written decision and order within 7 days following the hearing to the User or its legal counsel/representative at the User's business address. Any cessation or suspension order included within the CEO/GM written statement shall be deemed final upon delivery to the User.

5.4 PERMIT SUSPENSION

- (A) GROUNDS - The CEO/GM may suspend any Permit when it is determined that a User meets any of the following conditions:
1. Fails to comply with the terms and conditions of an administrative order.
 2. Knowingly provides a false statement, representation, record, report, or other document to IEUA.
 3. Refuses to provide records, reports, plans, or other documents required by the IEUA 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 IEUA for User charges, non-compliance fees, or any other fees.
 8. Discharges Slug Load(s) to the Regional Sewerage 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 Permit or any provision of the IEUA's Ordinance.
- (B) NOTICE/HEARING - When the CEO/GM has reason to believe that grounds exist for Permit suspension, he/she shall give written notice 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 CEO/GM's designee. The hearing date shall be not less than 15 calendar days and not more than 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 CEO/GM and approved by the IEUA's General Counsel.
 - 2. After the conclusion of the hearing, the CEO/GM's designee shall submit a written report to the CEO/GM 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 CEO/GM shall make a determination and should he/she find that grounds exist for suspension of the Permit, he/she shall issue his/her decision and order in writing within 30 calendar days after the conclusion of the hearing by his/her designee. The written decision and order of the CEO/GM shall be sent to the Permittee or its legal counsel/representative at the Permittee's business address.

(C) EFFECT

- 1. Upon an order of suspension by the CEO/GM becoming final, the Permittee shall have no right to discharge any Non-Domestic Wastewater or Sanitary Wastes (which ever applies) directly or indirectly to the Regional Sewerage 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 CEO/GM shall be deemed final in all respects 16 days after it is mailed to the Permittee unless a request for hearing is filed with the Board pursuant to Section 5.6(B), within 15 days after mailing to the Permittee.

5.5 PERMIT REVOCATION

- (A) GROUNDS - The CEO/GM may revoke any Permit when it is determined that a User meets any of the following conditions:
- 1. Knowingly provides a false statement, representation, record, report, or other document to the IEUA.
 - 2. Refuses to provide records, reports, plans, or other documents required by the IEUA 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 Permit suspension order.
 6. Discharges effluent to the Regional Sewerage System while its 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 IEUA for User charges, non-compliance fees, or any other fees.
 9. Discharges a Slug Load to the Regional Sewerage System.
 10. Discharges effluent that causes Pass Through or Interference with the IEUA's collection, treatment, or Regional Sewerage System.
 11. Fails to submit verbal 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 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 Permit or any provision of the IEUA's Ordinance.
- (B) NOTICE/HEARING - When the CEO/GM has reason to believe that grounds exist for the revocation of a Permit, he/she shall give written notice 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 CEO/GM's designee. The hearing date shall be not less than 15 calendar days and not more than 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 CEO/GM and approved by the IEUA's General Counsel.
 2. After the conclusion of the hearing, the CEO/GM's designee shall submit a written report to the CEO/GM 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 CEO/GM shall make his/her determination and should he/she find that grounds exist for permanent revocation of the Permit, he/she shall issue his/her decision and

order in writing within 30 calendar days after the conclusion of the hearing by his/her designee. The written decision and order of the CEO/GM shall be sent to the Permittee or its legal counsel/representative at the Permittee's business address.

In the event the CEO/GM determines to not revoke the Permit, he/she may order other enforcement actions, including, but not limited to, a temporary suspension of the Permit, under terms and conditions that he/she deems appropriate.

(C) EFFECT

1. Upon an order of revocation by the CEO/GM becoming final, the Permittee shall permanently lose all rights to discharge any Non-Domestic Wastewater or Sanitary Wastes (which ever applies) directly or indirectly to the IEUA'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 Permit at any location within the IEUA by any Person subject to an order of revocation will be considered by the IEUA after fully reviewing the records of the revoked Permit, which records may be the basis for denial of a new Permit.
4. An order of Permit revocation issued by the CEO/GM shall be deemed final upon delivery to the Permittee, unless appealed to the Board pursuant to Section 5.6(B), within 15 days after mailing to the Permittee.

5.6 APPEALS

(A) ADMINISTRATIVE HEARINGS BEFORE THE CEO/GM

1. General - Any Permit applicant, or User affected by any decision, action or determination made by the CEO/GM's staff may file with the CEO/GM a written request for an administrative hearing regarding such action. The request shall be made within 15 days of mailing of the staff's original decision. The request for hearing shall set forth in detail all facts supporting the request.
2. Notice - The CEO/GM shall, within 15 days of receiving the request for hearing, designate himself or another Person to hear the matter and provide written notice to the applicant or User of the hearing date, time and place. The hearing date shall not be more than 30 days from the mailing of such notice to the applicant or User unless a later date is agreed to by the applicant or User. If the hearing is not held within said time, due to actions or inactions of the applicant or User, then the staff decision shall be deemed final.
3. Hearing - At the hearing, the applicant or User 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 CEO/GM and approved by the IEUA's General Counsel.
4. Written Determination - After the conclusion of the hearing, the CEO/GM's designee shall submit a written report to the CEO/GM 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 CEO/GM shall make his/her determination and shall issue his/her decision and order within 30 calendar days of the hearing by his/her designee. The written decision and order of the CEO/GM shall be sent to the applicant or User or its legal counsel/representative, at the applicant's or User's business address.

The order of the CEO/GM shall be final in all respects 16 days after it is mailed to the applicant or User unless a request for hearing is filed with the Board pursuant to Section 5.6(8), within 15 days after mailing to the applicant or User.

(B) APPEALS TO THE BOARD OF DIRECTORS

1. General - If the CEO/GM's order is adverse to the Permit applicant or User, it may, prior to the date that the CEO/GM's order becomes final, file a written request for hearing to the Board. 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.
 - (a) No later than 60 days after receipt of the request for hearing, the Board shall either set the matter for a hearing, or deny the request for a hearing.
 - (b) The Board shall grant all requests for a hearing on appeals concerning Permit suspension or revocation. Whether to grant or deny the request for a hearing on appeals of other decisions of the CEO/GM shall be within the sole discretion of the Board.
 - (c) A hearing shall be held by the Board within 65 days from the date of determination granting a hearing, unless a later date is agreed to by the User or Permit applicant and the Board. If the matter is not heard within the required time, due to actions or inactions of the appellant, the CEO/GM's order shall be deemed final.
2. Notice - The Board Secretary shall, within 15 days of the Board of Directors' determination, provide written notice to the appellant of the denial or acceptance of a hearing. If a hearing is accepted then a hearing date, time, and place will be indicated. If a hearing is denied, the CEO/GM's decision shall be final 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 CEO/GM.

The decision of the Board shall be set forth in writing within 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 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 CEO/GM's order, it shall be deemed affirmed.

The IEUA's determination may also include issuance of an order to a User responsible for violations, directing that following a specified period of time, sewer service be discontinued unless adequate Pretreatment facilities, devices or other related appurtenances 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 IEUA may seek injunctive relief in order to require compliance with all provisions of this Ordinance.

5.7 ADMINISTRATIVE CIVIL PENALTIES

- (A) Pursuant to the authority of California Government Code Sections 54740.5 and 54740.6, the IEUA may issue an administrative complaint to any Person who violates:
1. any provision of this Ordinance;
 2. any Permit condition, prohibition or effluent limit; or
 3. any Permit suspension or revocation order.
- (B) The administrative complaint shall be served by personal delivery or certified mail on the Person subject to the provisions of Section 5.7 and shall inform the Person that a hearing will be conducted on a date which shall be within 60 days following service. The administrative complaint will allege the act or failure to act that constitutes the violation of the IEUA's requirements, the provisions of law authorizing civil liability to be imposed and the proposed civil penalty. The matter shall be heard by the CEO/GM or his/her 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.
- (C) 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 CEO/GM and approved by the IEUA's General Counsel.
- (D) After the conclusion of the hearing, the CEO/GM'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.
- (E) Upon receipt of the written report, the CEO/GM shall make his/her determination. Should he/she find that grounds exist for assessment of a civil penalty against the Person, he/she shall issue his/her decision and order in writing within 30 calendar days after the conclusion of the hearing by his/her designee.
- (F) If after the hearing, or appeal, if any, it is found that the Person has violated reporting or discharge requirements, the CEO/GM or Board may assess a civil penalty against that Person. In determining the amount of the civil penalty, the CEO/GM or Board 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.
- (G) Civil penalties may be assessed as follows:

1. 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;
 2. 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 IEUA;
 3. 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, Permit condition, or requirement issued, reissued or adopted by the IEUA;
 4. In any amount which does not exceed ten dollars (\$10) per gallon for discharges in violation of any Permit suspension, Permit revocation, cease and desist order or other orders, or prohibition issued, reissued or adopted by the IEUA.
- (H) An order assessing administrative civil penalties issued by the CEO/GM shall be final in all respects on the 31st day after it is served on the Person unless an appeal and request for hearing is filed with the Board pursuant to Section 5.6(B) no later than the 30th day following such mailing. An order assessing administrative civil penalties issued by the Board shall be final upon issuance.
- (I) 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/her business or residence address, and upon other Persons who appeared at the hearing and requested a copy of the order.
- (J) Any Person aggrieved by a final order issued by the Board, after granting review of the order of the CEO/GM, 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 30 days following the service of a copy of the decision or order issued by the Board.
- (K) 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 60 days shall constitute a lien against the real property of the User 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 IEUA may record the lien for any unpaid administrative civil penalties on the 91st day following the date the order becomes final.
- (L) No administrative civil penalties shall be recoverable under Section 5.7 for any violation for which the IEUA has recovered civil penalties through a judicial proceeding filed pursuant to Government Code Section 54740.

5.8 NON-COMPLIANCE COSTS

The IEUA may recover its costs incurred in processing notices of violation and in performing sampling, monitoring, or laboratory analysis related to any violations of the Ordinance or Permit by any User. Non-compliance costs shall be in addition to and not in lieu of any civil or criminal liability specified in this Ordinance.

5.9 RECOVERY OF COSTS FOR DAMAGE

In the event that a User causes any damage pursuant to Section 1.8, the User shall be liable for all costs, including administrative and legal costs, incurred by the IEUA.

5.10 PUBLICATION OF NAMES OF INDUSTRIAL USERS IN SIGNIFICANT NON-COMPLIANCE

As required by 40 CFR part 25 in the enforcement of National Pretreatment Standards, the CEO/GM shall, at least annually, provide in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, the identity of those Industrial Users who are deemed, at any time during the previous 12 months, to be in Significant Non-Compliance with applicable Pretreatment Standards and Requirements.

5.11 SEPARATE ACTIONS

Any administrative proceeding initiated because of a violation of any section of this Ordinance shall not exempt a User from any administrative 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.

SECTION 6 - JUDICIAL ENFORCEMENT REMEDIES

6.1 INJUNCTION

Whenever a User is in violation of or may potentially violate the provisions of this Ordinance, the User's Permit conditions, or any Pretreatment Standards or Requirements for Industrial Users, as set forth in 40 CFR Part 403, or fails to submit required reports or refuses to allow the IEUA's entry to inspect the Premises, the IEUA 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 User.

6.2 CIVIL PENALTIES

- (A) **AUTHORITY** - All Users of the Regional Sewerage System are subject to enforcement actions administratively or judicially by the IEUA, 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 (3) The California Government Code Section 54725 et seq.
- (B) **RECOVERY OF FINES OR PENALTIES** - In the event IEUA is subject to the payment of fines, penalties or damages pursuant to the legal authority and actions of other regulatory or enforcement agencies based on a violation of law or regulation or its Permits, and said violation can be established by IEUA as caused by the discharge of any User of the Regional Sewerage System which is in violation of any provision of the IEUA's Ordinance, the User's Permit or any other applicable law or regulation relating to the discharge of Non-Domestic Wastewater, IEUA 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 for each day in which such violation occurs. The General Counsel of the IEUA, upon order of the CEO/GM, shall petition the Superior Court to impose, assess, and recover such penalties.

6.3 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 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.

6.4 SEPARATE ACTIONS

Any judicial proceeding initiated because of a violation of any section of this Ordinance shall not exempt a User 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.

SECTION 7 - RATES

7.1 DOMESTIC WASTE HAULER RATES

- (A) DOMESTIC WASTE HAULER APPLICATION AND RENEWAL FEES - Application and renewal fees shall be established from time to time by Resolution of the Board. Failure to pay the Permit renewal fee prior to the Permit expiration shall be cause for termination of service.
- (B) DOMESTIC WASTE HAULER DISPOSAL FEES - Disposal fees shall be established from time to time by Resolution of the Board.

7.2 OTHER PERMIT APPLICATION FEES

Other Permit 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 the Permit application.

7.3 BILLING AND PAYMENT

All fees and charges imposed under the provisions of this Ordinance 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 IEUA unless payment is personally made to the IEUA. 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.

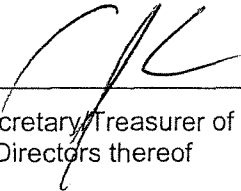
SECTION 8 - ADOPTION

ADOPTED AS AMENDED THIS 20th day of July 2011.



Terry Catlin, President of Inland Empire Utilities Agency
and the Board of Directors thereof
thereof

ATTESTED:



Steven J. Elie, Secretary/Treasurer of the Inland Empire Utilities Agency
and the Board of Directors thereof

STATE OF CALIFORNIA)
COUNTY OF)SS
SAN BERNARDINO)

I, Steven J. Elie, Secretary/Treasurer of the Inland Empire Utilities Agency, DO HEREBY CERTIFY that the foregoing Ordinance being No. 87, as amended, was adopted at a regular meeting on July 20, 2011 of said Agency by the following vote:

AYES: Santiago, Elie, Camacho, Koopman, Catlin

NOES: None

ABSTAIN: None

ABSENT: None



Steven J. Elie, Secretary/Treasurer

(SEAL)