



Regional Sewerage Program Technical Committee Meeting

AGENDA

Thursday, August 27, 2020

2:00 p.m.

Teleconference Call

PURSUANT TO THE PROVISIONS OF EXECUTIVE ORDER N-25-20 ISSUED BY GOVERNOR GAVIN NEWSOM ON MARCH 12, 2020, AND EXECUTIVE ORDER N-29-20 ISSUED BY GOVERNOR GAVIN NEWSOM ON MARCH 17, 2020 ANY COMMITTEE MEMBER MAY CALL INTO THE COMMITTEE MEETING WITHOUT OTHERWISE COMPLYING WITH ALL BROWN ACT'S TELECONFERENCE REQUIREMENTS.

In effort to prevent the spread of COVID-19, the Regional Sewerage Program Policy Committee Meeting will be held remotely by teleconference

Teleconference: (415) 856-9169/Conference ID: 747 889 453#

This meeting is being conducted virtually by video and audio conferencing. There will be no public location available to attend the meeting; however, the public may participate and provide public comment during the meeting by calling into the number provided above. Alternatively, you may email your public comments to the Recording Secretary Sally H. Lee at shlee@ieua.org no later than 24 hours prior to the scheduled meeting time.

Your comments will then be read into the record during the meeting.

Call to Order

Roll Call

Additions/Changes to the Agenda

1. Action Items

- A. Meeting Minutes for June 25, 2020

2. Informational Items

- A. Chino Basin Program Update (*Oral*)
- B. RP-5 Expansion Project Cost Management Overview
- C. Grants Department Semi-Annual Update
- D. Return to Sewer Pilot Study Updates (*Oral*)
- E. Operations & Compliance Updates (*Oral*)

(Continued)

Regional Sewerage Program Technical Committee Meeting Agenda

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3. Receive and File

- A. Draft Regional Sewerage Program Policy Committee Meeting Agenda
- B. Building Activity Report
- C. Recycled Water Distribution - Operations Summary

4. Technical Committee Items Distributed

- A. IEUA Draft Regional Wastewater Ordinance No. 109
- B. Draft Ordinance No. 109 Revision Summary Letter to RWQCB

5. Other Business

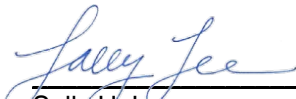
- A. IEUA General Manager's Update
- B. Committee Member Requested Agenda Items for Next Meeting
- C. Committee Member Comments
- D. Next Regular Meeting – September 24, 2020

6. Adjournment

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Recording Secretary (909) 993-1944, 48 hours prior to the scheduled meeting so that the Agency can make reasonable arrangements.

DECLARATION OF POSTING

I, Sally H. Lee, Executive Assistant of the Inland Empire Utilities Agency, A Municipal Water District, hereby certify that a copy of this agenda has been posted to the IEUA Website at www.ieua.org and posted in the foyer at the Agency's main office at 6075 Kimball Avenue, Building A, Chino, CA, on Thursday, August 20, 2020.



Sally H. Lee

**ACTION
ITEM**

1A



Regional Sewerage Program Technical Committee Meeting MINUTES OF JUNE 25, 2020

CALL TO ORDER

A regular meeting of the IEUA/Regional Sewerage Program – Technical Committee was held via teleconference on Thursday, June 25, 2020. Committee Chair Noel Castillo called the meeting to order at 2:05 p.m.

ATTENDANCE via Teleconference

Committee Members:

Amanda Coker	City of Chino
Eduardo Espinoza (Alternate)	Cucamonga Valley Water District
Ron Craig	City of Chino Hills
May Atencio (Alternate)	City of Fontana
Noel Castillo	City of Montclair
Courtney Jones (Alternate)	City of Ontario
Nicole deMoet	City of Upland
Shivaji Deshmukh	Inland Empire Utilities Agency

OTHERS PRESENT via Teleconference

Dave Crosley	City of Chino
Randall Reed	Cucamonga Valley Water District
Kathy Besser	Inland Empire Utilities Agency
Christiana Daisy	Inland Empire Utilities Agency
Randy Lee	Inland Empire Utilities Agency
Christina Valencia	Inland Empire Utilities Agency
Jerry Burke	Inland Empire Utilities Agency
Javier Chagoyen-Lazaro	Inland Empire Utilities Agency
Elizabeth Hurst	Inland Empire Utilities Agency
Sally Lee	Inland Empire Utilities Agency
Sylvie Lee	Inland Empire Utilities Agency
Jason Marseilles	Inland Empire Utilities Agency
Cathleen Pieroni	Inland Empire Utilities Agency
Ken Tam	Inland Empire Utilities Agency

ADDITIONS/CHANGES TO THE AGENDA

There were none.

1. ACTION ITEMS**A. APPROVAL OF THE MEETING MINUTES OF MAY 28, 2020**

Motion: By Courtney Jones/City of Ontario and seconded by May Atencio/City of Ontario to approve the meeting minutes of the May 28, 2020 Technical Committee meeting.

Motion carried: Unanimously

Ron Craig joined the meeting via teleconference at 2:14 p.m.

B. PROPOSED RATES AND FEES AND FY 2020/21 BUDGET AMENDMENT FOR REGIONAL WASTEWATER AND RECYCLED WATER PROGRAMS

Javier Chagoyen-Lazaro/IEUA gave a presentation on the proposed rates and fees, and the Fiscal Year (FY) 2020/21 budget amendment for the Regional Wastewater and Recycled Water Programs. Mr. Chagoyen-Lazaro gave an overview of the Committee's prior approval of the FY 2020/21 budget amendment, rates fees, and the proposed rates on May 28, 2020. Following the presentation to the IEUA Finance and Administration Committee, General Manager Shivaji Deshmukh recommended this item be brought back to the Regional Committees with more focus on the proposed rates and fees and a more specific request for approval for the proposed rates. Mr. Chagoyen-Lazaro presented the two-year and five-year proposed rates and fees for the Regional Wastewater and Recycled Water programs. He also presented the proposed rate increases to the Water Resources monthly meter equivalent rate as an information item only, as the Water Resources program is not part of the Regional Contract. He then summarized the review and approval timeline and staff's recommendation for the proposed rates, fees, and FY 2020/21 budget amendment for the Regional Wastewater and Recycled Water Programs.

Ron Craig/City of Chino Hills stated his appreciation for staff's work on this matter, especially during these times.

Motion: By Ron Craig/City of Chino Hills and seconded by Dave Crosley/City of Chino (on behalf of Amanda Coker/City of Chino due to technical difficulties) to recommend the IEUA Board of Directors approve the proposed:

1. Fees and Rates for the Agency's Regional Wastewater and Recycled Water Programs as follows:
 - A. Regional Wastewater connection fee for Fiscal Years (FYs) 2020/21 and 2021/22
 - B. One Water connection fee for FYs 2020/21 through 2024/25
 - C. Recycled Water rates for direct use and groundwater recharge for FYs 2020/21 and 2021/22, and

2. Approval of the updated FY 2020/21 Budget Amendment for the Regional Wastewater and Recycled Water Programs.
- 3.

Motion carried: Unanimously

C. RP-4 AERATION BASIN DIFFUSER REPLACEMENT AND WALL REINFORCEMENT CONSTRUCTION CONTRACT AWARD

Jerry Burke/IEUA gave a presentation on the RP-4 Aeration Basin Diffuser Replacement and Wall Reinforcement Construction contract award. He gave an overview of the project location, scope of work, contract selection process, budget and schedule, and staff's recommendation.

Courtney Jones/City of Ontario asked if the engineer's estimate included the contingency. Mr. Burke stated that it does not. Eduardo Espinoza/Cucamonga Valley Water District asked about prior work completed by Genesis Construction at the Agency. Mr. Burke stated that Genesis has completed projects for the Agency in the past, and staff is confident in their bid and ready to move forward with the project.

Motion: By Nicole deMoet/City of Upland and seconded by Eduardo Espinoza/Cucamonga Valley Water District to recommend that the IEUA Board of Directors award the construction contract for the RP-4 Aeration Basin Diffuser Replacement and Wall Reinforcement, Project No. EN17110.03, to the lowest, responsive bidder Genesis Construction in the amount of \$4,102,444.

Motion carried: Unanimously

D. RP-5 EXPANSION PROJECT CONSTRUCTION CONTRACT AWARD

Mr. Burke gave a presentation on the RP-5 Expansion Construction contract award. He gave an update on the project's location, scope of work, bid process and timeline, contractor bids, budget, schedule, and staff's recommendation.

Ms. Jones asked for the original project budget amount. Mr. Burke stated that the original project budget was \$365 million (M). Jason Marseilles/IEUA stated that the original project budget estimate was \$398M. This bid is an increase of approximately \$50M. Ms. Jones asked if the increase was due to the engineer's estimate. Mr. Marseilles stated that it was due to the increase in the bid amount and the \$40M contingency, increasing the amount to \$450M.

Mr. Craig asked if the previous budget of \$398M included the contingency. Mr. Marseilles stated that it did. Mr. Craig asked if the office facility was part of the offsite facilities bid estimate. Mr. Marseilles stated that the offsite facilities consist of external pump stations and pipelines that are required to relocate the RP-2 lift station, which is at the RP-2 site. For this reason, this separate project work will be brought back to the Regional Committees for recommendations. Mr. Craig asked what is included in the warehouse facilities costs. Mr. Marseilles stated that the warehouse facilities costs are for two butler buildings that were added to the project to serve as a location to hold large equipment such as high-speed turbo blowers and fine screen centrifuges. Once construction is completed, these

buildings can be used to store spare parts for the project. Mr. Craig stated that he has had experience working with the contractor recommended and they are highly ranked.

General Manager Shivaji Deshmukh/IEUA stated that two financial transactions took place recently in relative to this project. There was a fix-out of a variable rate debt from 2008. Staff took advantage of the market and refinanced for 15 years with an all-in Cost interest rate of 0.88 percent, realizing almost \$10M in savings. He stated that today, the 2020B revenue notes issuance, interim financing for RP-5 Expansion Project, was completed with an interest rate under 0.41 percent for the next five years. This is in combination with the WIFIA loan, which was secured at 1.36 percent with a 35-year term, paid back after substantial completion of the project. He stated that as the budget has increased upon opening the bids, the Agency has been in constant contact with funding partners to include it in the Agency financing. Christina Valencia/IEUA stated that the Agency has secured the lowest interest rate WIFIA loan to date. With the short term interest rates being so low, the Agency has issued the 2020B revenue notes at 0.41 percent with a cost savings of \$6.1M, in addition to the \$153M of cost savings from the WIFIA loan compared to publicly issued debt for that term period. The total gross savings will be approximately \$160M in financing costs for this project over the life of the loan. General Manager Deshmukh publicly thanked Ms. Valencia, Mr. Chagoyen-Lazaro, their team, and the consultants who assisted in situating the Agency to be ready to take advantage of the market conditions. He thanked them for their preparation during the unforeseen COVID-19 pandemic and the volatile market. He recognized that the low bid for the RP-5 Expansion Project was higher than the engineer's estimate; however, with the bids for large construction projects still continue to prove to be competitive, and the Agency is comfortable with the lowest, responsive bidder, W.M. Lyles, and noted that being a local company is also a benefit.

Mr. Craig stated that staff has articulated the financial savings and it will be helpful for staff to provide a cost comparison of bid costs, cost savings, and the impact on budget planning. General Manager Deshmukh stated that staff can provide this information at the next Technical Committee meeting.

Mr. Espinoza thanked IEUA's financial team in securing this financial opportunity. He also commended Mr. Burke, Mr. Marseilles, and their team for overseeing a project of this magnitude and securing a bid. He asked for clarity of the role of the Technical Committee. He asked if the budget recommendation should be amended. Mr. Burke stated that at this time, staff's recommendation is for the Technical Committee to recommend to the IEUA Board to award the contract. The amendment of the budget will be taken to the IEUA Board of Directors for approval. Ms. Valencia stated that the amendment for taking the budget up to \$450M was not included in the Ten-Year Forecast that the Regional Committees unanimously approved and adopted by the IEUA Board. Staff is waiting for this bid proposal to be reviewed, completed, and the contract award be given. Once approved, staff will come back to the Regional Committees to amend the project budget to \$450M. Mr. Espinoza stated it was mentioned in a previous presentation that equipment was pre-negotiated, and he asked if that was in the contract with W.M. Lyles and if they were included as allowance or procured separately. Mr. Burke stated that those were pre-selected equipment and those agreements are with the contractor. Mr. Marseilles stated that those documents are captured under the bid of \$330M. The Agency went out for bid and selected the best value and negotiated the price, the contractor worked with the supplier to procure the equipment for that price. Mr. Espinoza asked to be reminded of what some of the large equipment were and their value. Mr. Marseilles provided an overview of the seven

main pre-selections of equipment. Mr. Espinoza asked how much the cost of the allowances for the pre-negotiated equipment was for this project. Mr. Marseilles stated that it is approximately \$20M and they are included as line items in the bid. Mr. Espinoza asked if there are regulations tied to the special financing that the Agency has received. Mr. Marseilles stated that there were American iron and steel requirements and requirements regarding disadvantaged business enterprises as part of all the proposals, bids, and contracts.

May Atencio/City of Fontana thanked the Agency's financial team for their refinancing efforts. She reiterated the request made by Mr. Craig, stating that she would like to see a cost analysis on bid amounts and cost savings from financial planning. She asked with the cost savings, what other initiatives could be completed. Through the life of this project, she would like to see how the savings impact the member agencies and how it would allow other projects in the pipeline to move forward. She asked for this monetary savings and the effects on the project schedule to be quantified every year.

Ms. Valencia stated that staff will aim to complete a quantifiable report. She stated that the gross savings translates back to a reduced debt service cost over the life of the WIFIA loan, a 35-year term beginning after substantial completion of the project. Ms. Valencia noted that savings are not being realized today; however, it does give the Agency reduced cash flows for a significant amount of time and capacity for future debt. Ms. Atencio stated that lowering the payment of the loan, will translate to more cash flow. Ms. Valencia stated that staff can do the analysis on what debt service would be in a publicly issued debt compared to the current situation with all the cost saving measures. She stated that with these cost savings, the money could be used to invest on future projects or to lessen the impact on future rates.

Amanda Coker/City of Chino asked what the associated warranty terms were for the large pieces of equipment for the project. Mr. Marseilles stated that for all the major equipment, the Agency has requested an extended warranty of up to five years. For the pre-selected equipment, the Agency has requested an optional contract for extended service that the Agency can take advantage of up to the time the influent is placed into service.

Mr. Espinoza asked if there was value engineering done on the project given that the bid was higher than the estimate. Given the size of the project, he asked if there was a specialized consultant or contractor to review the plans/specs and see if there could be money saved in sequencing, phasing and scheduling. Mr. Marseilles said that there were four major design milestones, at 30, 50, 90, and 100 percent. At each design milestone, staff always ensured there was a value engineering component to continually review the cost and aimed to keep the cost reduced as much as possible. Staff was very conscientious of that as it is a very large project. With the pre-qualification for construction managers, staff took the 90 percent documents and sent them to the construction managers for additional review to see if there were any cost saving opportunities. When completing the pre-qualification for general contractors, the plans were also sent to them for comments.

Chair Castillo thanked the Committee members for their informative questions that help all Committee members get acquainted with the project.

Motion: By Amanda Coker/City of Chino and seconded by May Atencio/City of Fontana to award the construction contract for the Regional Water Recycling Plant No. 5 (RP-5) Expansion, Project Nos. EN19001 and EN19006, to W.M. Lyles in the amount of \$329,982,900.

Motion carried: Unanimously

E. 2020 LAND USE DEMAND MODEL UPDATE

Sylvie Lee/IEUA gave a brief background for the 2020 Land Use Demand Model update. She explained that the Land Use Demand Model was completed for the first time in 2015, through the Integrated Resources Plan (IRP) and the 2015 Urban Water Management Plan. The process was completed similar to what is being proposed today. It was used to look at demand projections at a regional level and for specific member agencies. Most member agencies found this model to be useful and used it for their Urban Water Management Plan. Through some of the regional contract discussions, there was a request to see how this model can be used to perform some wastewater flow projections and recycled water projections. The aim was to use this model as the Return to Sewer Pilot study is being completed, and use the available data, through a model-based, more technical basis on completing projections. The Agency sent out a Request for Proposal (RFP) based on the input from the Technical Committee on the scope of work. Staff received proposals coinciding with discussion at the Chino Basin Watermaster. This led staff to consider efficiencies that can be gained if both agencies are using similar data sets and aimed to set up a base that could be utilized by CBWM and IEUA. Staff approached the CBWM engineer, Wildermuth, and received a proposal. Staff sent out an email clarifying the scope, not adding any scope, and negotiated dollar amount. Staff is proposing the model update be completed through a task order with CBWM. As clarification, staff did not have a cost share agreement proposal included in the staff memo, but through discussion with CBWM, the best approach is through a 50-50 cost share on the overall project cost of \$232,277, the total amount including Pomona and JCSD. Water agencies with CBWM will pay for the land use model update, 50 percent funded by IEUA will be paid by the wastewater funds. Another question the Agency has received is why this plan use model update will be done if not all agencies have updated their general plans. This model is used for the urban water management plan to help with demand projections. The demand projections are based on the current regulations and building trends considered. For IEUA, this was a basis to complete a regional estimate of the projected demands. The Agency sees a need to complete every five years. This will be the first time the study will be completed with the intent to look for information for the wastewater flow projections and recycled water flow projections.

Ms. Coker asked in five years when the land use demand model is updated, will there be the same level of effort or is it anticipated to need less effort/cost. Ms. Lee stated that all that we know of how this data is collected, it's a lot of manual effort, not an automated process, because all agencies operate under different categories. The amount of work to bring it all together to a regional level and have specificity at a local agency level, it is a labor-intensive model. There is manual manipulation that needs to be complete to provide accurate data. The value is there to complete this model every five years, as each member agency updates the Urban Water Management Plan. Completed this way, the model should be able to provide the information that most agencies use in their own Urban Water Management Plan development. The hours spent this year could be considered the standard used every five years. Ms. Coker asked if IEUA staff will be managing this project. Ms. Lee stated yes. Ms.

Coker asked why the contract will be with CBWM rather than IEUA. Ms. Lee stated that IEUA is collaborating with CBWM to utilize the same data set. If the work is not completed with CBWM in a contract through their engineer, then any work that IEUA does on the side, CBWM needs to go through a process to assess that it was completed appropriately. IEUA could enter into a separate contract with Wildermuth, but that would not guarantee that CBWM will use that information as they would need to do their own due diligence. The work product produced with the Land Use Demand Model, and use factors are dictated by the scope that was agreed upon by all when it was developed, and similar work product will be produced for IEUA purposes.

Courtney Jones/City of Ontario asked why the cost would not be split between the wastewater and water resources fund. Ms. Lee stated that when the \$232,277 is split between CBWM and IEUA, she is assuming the 50 percent funded by CBWM is being paid by their water agencies through their water fund, the IEUA portion will be paid for from the wastewater fund. Ms. Lee stated that the full \$232,277 will be split between CBWM and IEUA. Ms. Jones asked if the updates will be aligned with the Land Use Demand Model moving forward with any general plan updates that agencies complete. That may have a bigger effect on the model's accuracy moving forward. Ms. Lee stated that IEUA can take those into consideration. If there is a need and benefit to updating the Land Use Demand Model more frequently than every five years, IEUA can always consider that as we move forward.

Eduardo Espinoza/Cucamonga Valley Water District thanked Ms. Lee for her presentation and outreach. Mr. Espinoza stated that staff is looking for a recommendation from the Regional Committees, but on the CBWM side, did they budget for their portion of funding this model, do they need to get funding by the Pools, and are we certain it will be approved on the CBWM side? Ms. Lee is planning on moving this item through the Pool process in July. Staff wanted to first have the conversation with the IEUA member agencies, and hope that they, through the CBWM process, will see the same benefit. Staff would like to begin the process now as it will take approximately six months to complete, and it was meant to go hand in hand with the Urban Water Management Plan that all member agencies must complete. If this proposal is rejected, IEUA will go out to bid again. Mr. Espinoza asked regarding the funding from wastewater and water resources funds. He asked Ms. Lee to share IEUA's Urban Water Management Plan, and how staff is using the Land Use Demand Model and what are the components of the Urban Water Management Plan. Ms. Lee stated that the Urban Water Management Plan is for wastewater and the Agency will aim to try to do recycled water. She stated that some agencies have the plan broken down. For example, the City of Ontario has it broken down from their plans with different acreages in the usage categories. IEUA is trying to get to a better reflection of that rate, as the Agency is having challenges with the wastewater flow projections because the numbers remain stable. Staff is trying to figure out if there a better way to forecast instead of continually adjusting the numbers. Mr. Espinoza stated that this a good tool to verify information provided by member agencies. He stated that member agencies submit forecasts for recycled water Equivalent Dwelling Units (EDUs) and this is a tool for IEUA to verify and adjust forecasts. Mr. Espinoza asked if Wildermuth has any key subs. Ms. Lee stated that the key sub is Karen Johnson, the primary representative in the prior effort to help set up the overall process. Mr. Espinoza stated that Karen Johnson was also part of the 2015 Land Use Demand Model. He asked how much her portion of the scope of the project entails. Ms. Lee stated that it was approximately 40 percent of the work, as she will be manually adjusting numbers and working with member agencies to get

that information, and this information must be translated back into GIS. Mr. Espinoza asked if Ms. Johnson's scope is to also do the reconnaissance. Ms. Lee stated yes.

May Atencio/City of Fontana asked how did Wildermuth account for the differences in the general plans, other plans, and sources, that were utilized for this study. Ms. Lee stated that each general plan has various levels of detail and data and the bulk of the work will be to standardize all the various data to compile accurate regional data. This process was established in 2015 and it worked well. Ms. Atencio asked if the standardization will remain true to each individual agency. Ms. Lee stated that standardization will be only for the regional level data. At each individual agency, they will still maintain their inequity. Ms. Atencio stated that this would be useful as another planning resource to cross-check how the member agencies are looking at their ten-year forecast. Ms. Atencio asked if IEUA will complete this study, whether CBWM does or not. Ms. Lee stated yes, IEUA will complete the study either way.

Ms. Jones asked when the model is anticipated to be completed. Ms. Lee stated that there is a six-month schedule, approximately January/February 2021 is when the model will be completed. Mr. Espinoza stated that it would be helpful for the study to be completed quicker for the member agencies who do plan to use the model. Ms. Lee stated that staff will do their best to accommodate the member agencies' schedules. Discussion ensued regarding how to best collaborate to get the model completed more efficiently.

Ron Craig/City of Chino Hills stated that, as he has stated previously, this regional Land Use Demand Model is a helpful tool to have available to cross-check allowances that are planned and land use bases relied upon at each of the member agencies. He stated that he appreciated IEUA taking the lead in their efforts in collaborating with CBWM. In regard to the process of aggregating the data, he stated that it is important that the various definitions are well documented. This will help in future studies, regardless of the consultant used. He mentioned that if the cities have a land use update or a general plan amendment, it would be nice to come up with a mechanism where cost is not incurred every five years, to offset the costs in real time, to have it be more of a reflection as it's happening, to improve it as a planning tool.

Motion: By Ron Craig/City of Chino Hills and seconded by Amanda Coker/City of Chino to recommend the Inland Empire Utilities Agency (IEUA) Board of Directors approve the task with Chino Basin Watermaster for the 2020 Land Use Demand Model Update by Wildermuth Environmental Inc.

Motion carried: Unanimously

2. INFORMATIONAL ITEMS

A. RETURN TO SEWER PILOT STUDY UPDATE

Ken Tam/IEUA stated that the Pilot Study is focused on the return to sewer factor for residential and commercial units within the City of Montclair and the Monte Vista Water District service area based on water consumption data. If the results of this pilot study show promising, the intent is to see if this study can be expanded to the rest of the service areas in order to refine and evaluate the definition

of the Equivalent Dwelling Unit (EDU). Mr. Tam gave an update on the Pilot Study preliminary findings, timeline, and schedule for the CASA study and IEUA EDU study.

B. OPERATIONS & COMPLIANCE UPDATES

There were no Operations & Compliance updates.

3. RECEIVE AND FILE

A. DRAFT REGIONAL SEWERAGE PROGRAM POLICY COMMITTEE MEETING AGENDA

The draft Regional Sewerage Program Policy Committee Meeting agenda was received and filed by the Committee.

B. BUILDING ACTIVITY REPORT

The Building Activity Report for April 2020 was received and filed by the Committee.

C. RECYCLED WATER DISTRIBUTION – OPERATIONS SUMMARY

The Recycled Water Distribution – Operations Summary for May 2020 was received and filed by the Committee.

4. TECHNICAL COMMITTEE ITEMS DISTRIBUTED

A. RECYCLED WATER INTERNAL AUDIT REVIEW

5. OTHER BUSINESS

A. IEUA GENERAL MANAGER'S UPDATE

IEUA General Manager Shivaji Deshmukh provided the following updates:

- Per the Regional Sewage Service Contract (Regional Contract), the Agency is required to provide a quarterly report on the Regional Wastewater Capital Improvement Fund summarizing the activities through the reporting of quarter-to-date actual and projections for the next six months. The quarterly capital call report for quarter ending May 31, 2020, will be distributed this week. A call of \$6M CCRA (Capital Construction Reimbursement Accounts) is needed to support the projected capital project expenditures through November 2020. This represents less than 7 percent of the \$88M CCRA account balance. Some key projects include the RP-1 Flare Improvements, RP-1 12kV Switchgear & Generator Control, RP-1 Headworks Primary and Secondary Upgrades and the RP-5 Expansion Project. The last capital call was made in January 2019 for \$5.5M. Based on the current capital improvement plan, we are anticipating more frequent capital calls of CCRA funds going forward.
- He acknowledged Noel Castillo's last day as chair and expressed the Committee's appreciation for serving as the Chair of the Technical Committee meeting.

B. COMMITTEE MEMBER REQUESTED AGENDA ITEMS FOR NEXT MEETING

None.

C. COMMITTEE MEMBER COMMENTS

Ron Craig, Eduardo Espinoza thanked Noel Castillo for his chairmanship.

D. NEXT MEETING – JULY 30, 2020

6. **ADJOURNMENT** – Chair Castillo adjourned the meeting at 4:00 p.m.

Transcribed
by:

Sally Lee, Executive Assistant

DRAFT

**INFORMATION
ITEM**

2B

RP-5 Expansion Project

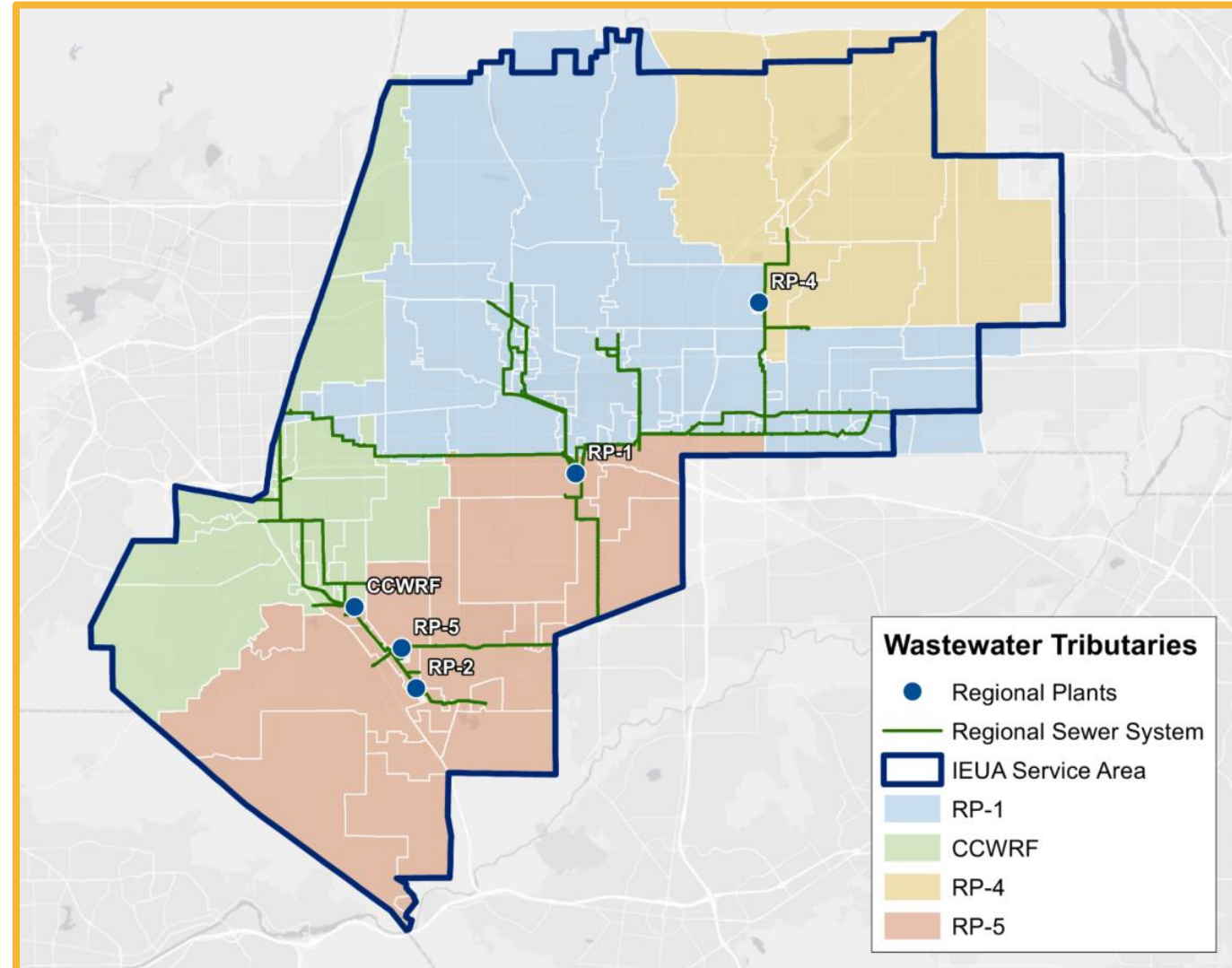
Cost Management Overview

EN19001 & EN19006



Regional System Supported by RP-5

- **Support Growth**
 - Can treat sewage from any point in service area
 - Projected 74,000 EDU within 10 years
- **System Redundancy**
 - RP-1 bypass
 - CCWRF bypass



RP-5 Expansion Project

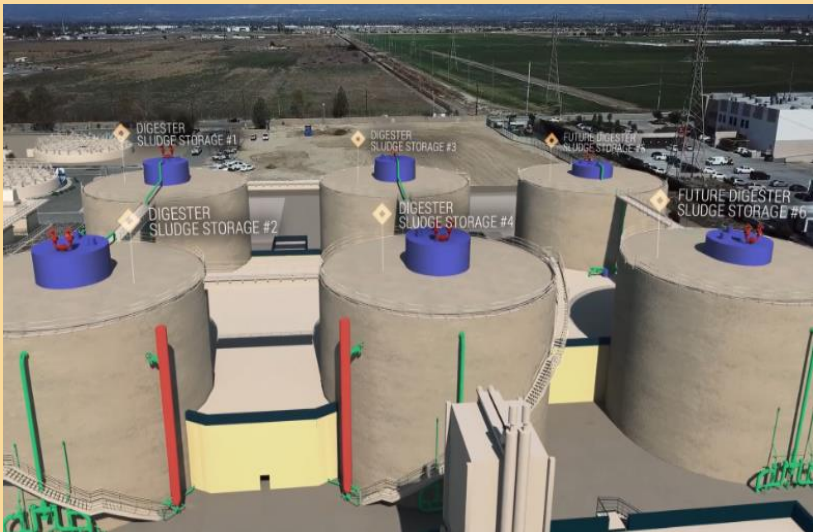


RP-5 Facility

**Liquid
Expansion**

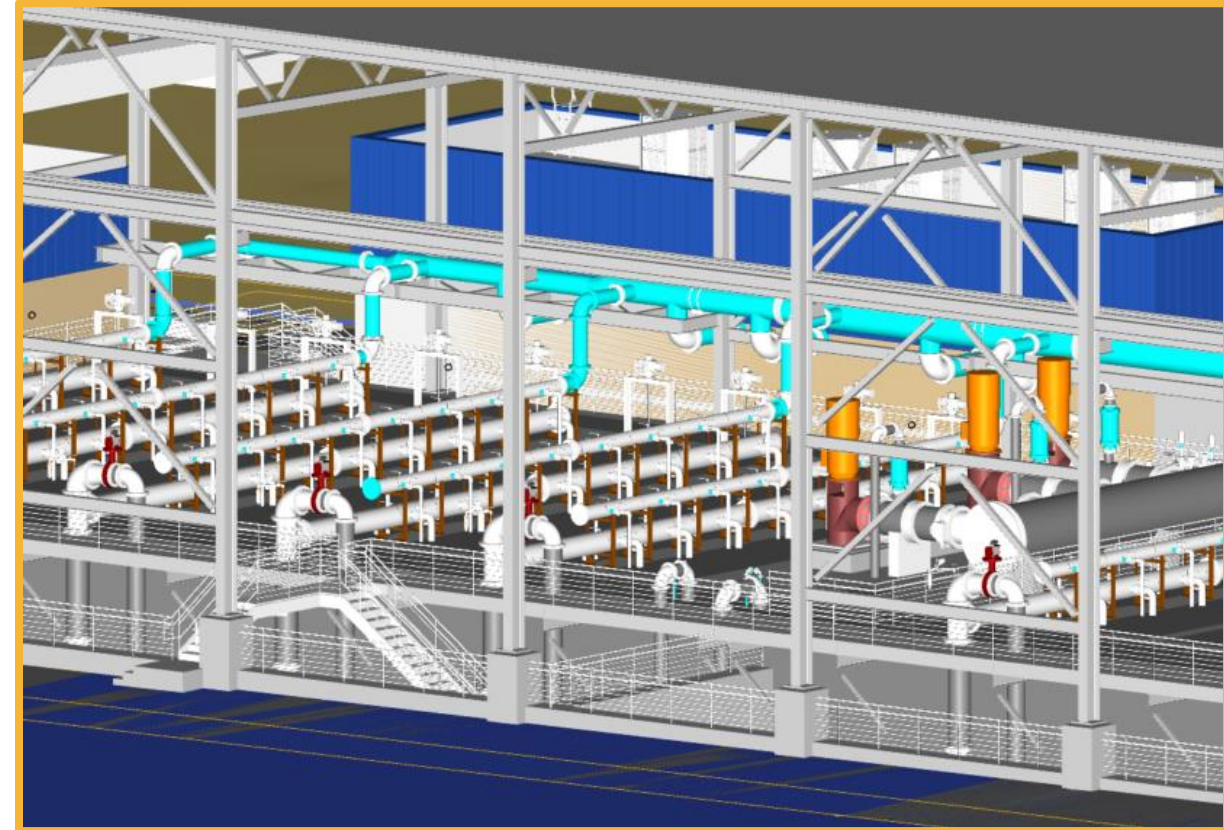


**Biosolids
Facility**



RP-5: Liquids Expansion

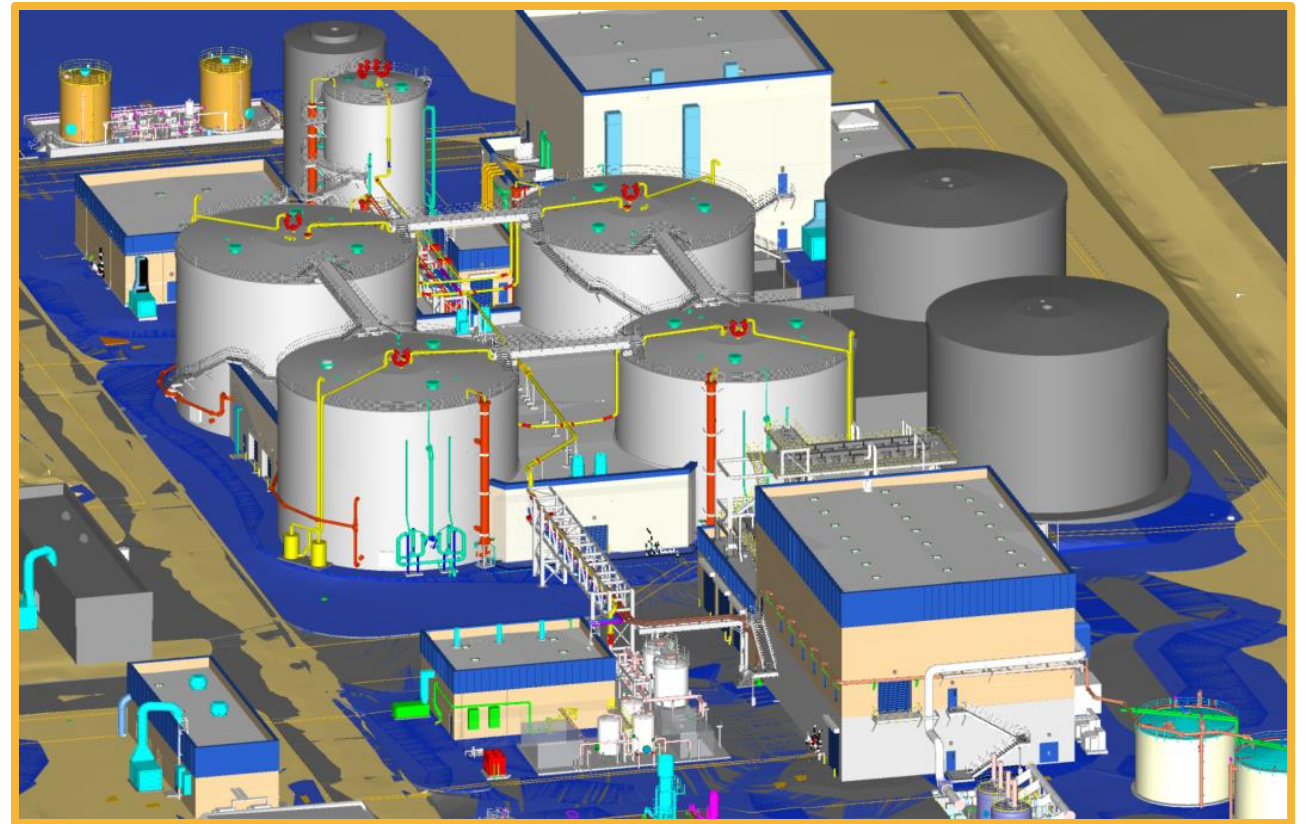
- **Liquids Treatment Capacity Increase**
 - Flow treatment capacity from 15 to 22.5 MGD
 - Concentration capacity increase
 - Total Suspended Solids (TSS) 28%
 - Biochemical Oxygen Demand (BOD5) 98%
 - Ammonia - Nitrogen (NH3-N) 17%
- **Major Improvements**
 - Influent pump station expansion
 - Headworks improvements
 - Two new primary clarifiers
 - Aeration basin improvements
 - New Membrane Bioreactor (MBR) system



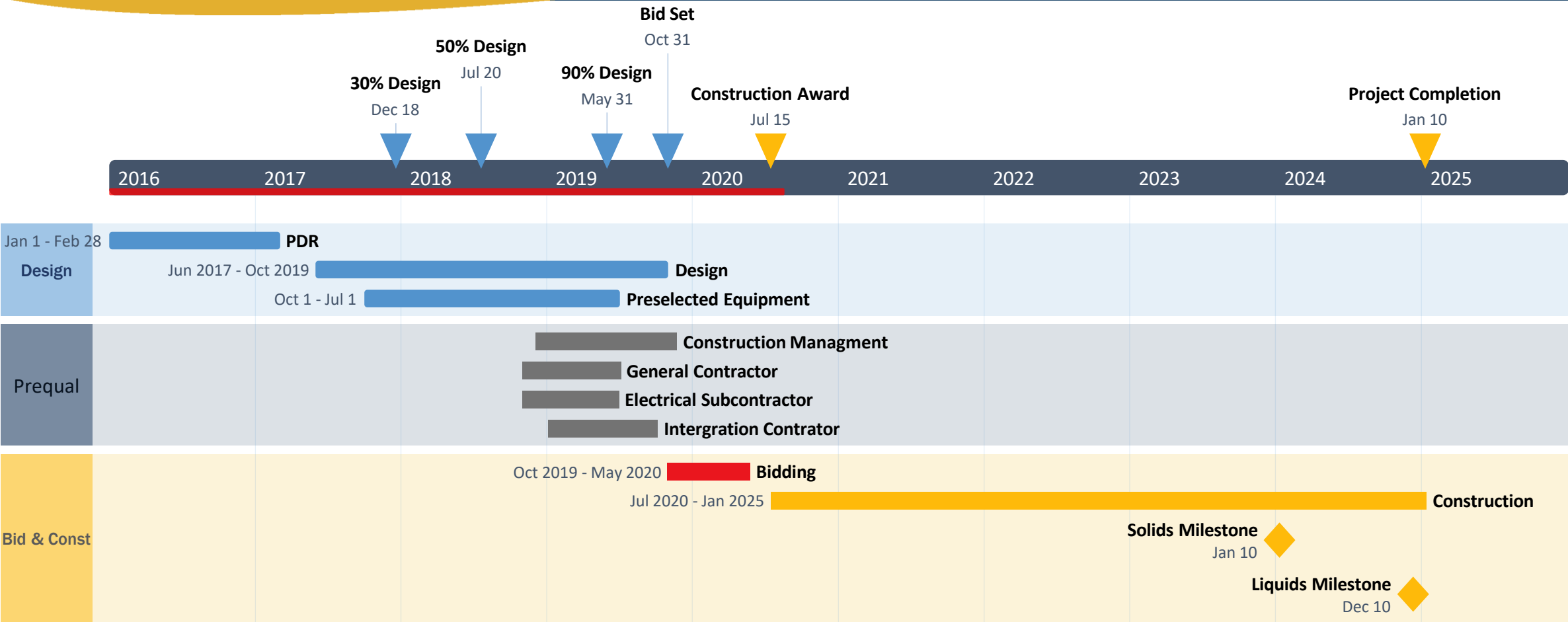
New MBR Basin Model

RP-5: Biosolids Facility

- **Replace RP-2 Prior to Decommissioning**
 - Prado Dam Floodplain once spillway raised 20'
 - RP-2 operation since 1960
- **Support Growth**
- **Major improvements**
 - Rotary drum thickening building
 - Digester facilities
 - Centrifuge dewatering building
 - Boiler building
 - Digester gas treatment and flaring
 - REEP Energy Improvements



Project Schedule



Cost Management Philosophy

- **Risk Reduction During Design**
 - **Design reviews**
 - **Prequalification**
 - **Preselection of Major Equipment**
- **Project Scope Reductions**
- **Project Financing**



Risk Reduction: Design Reviews

- Operable
- Maintainable
- Constructible

Design Reviews	PDR	30%	50%	90%	100%
IEUA Engr & CM	X	X	X	X	X
IEUA O&M	X	X	X	X	X
3 rd Party Design Firm			X	X	
Four CM Firms				X	
CM Firm					X
Contractors				X	



Risk Reduction: Prequalification

Prequalified Construction Managers



Jacobs



Prequalified Contractors

W.M. LYLES CO.
CONTRACTOR



Prequalified Electrical Subs

- Helix
- Mass
- Morrow Meadows
- Southern

Prequalified System Integrators

- Prime Controls
- Rovisys
- TSI
- Wunderlich-Malec

Risk Reduction: Preselected of Major Equipment

Preselected

1. Aeration Blowers: Neuros
2. Aeration Diffusers: SSI
3. Centrifuges: Centrisys
4. Coarse Screens: Duperon
5. Fine Screens: EnviroCare
6. MBR: Suez
7. Rotary Drum Thickeners: FKC

Selection

- Capital cost
- Life cycle cost
- Experience
- Operation
- Maintenance
- Service & Support
- Exceptions



Cost of preselected equipment: \$22M

Part of W.M. Lyles \$330M bid



Project Scope Reductions

Item	Type	Cost Reduction (Million)
Fine Screens Facility Canopy	Cost Control	\$2
Concrete Lining of Emergency Overflow Pond	Cost Control	\$4
Food Waste Receiving Station instead of Upgrades to Solids Handling Facility	Cost Control	\$6
Ultraviolet Disinfection	Cost Control	\$20
Methanol System	Design for 2035	\$1
Two New Generator instead of Three	Design for 2035	\$3
Inland Empire Brine Line Collection Station	Design for 2035	\$4
Phasing of liquids treatment capacity 22.5 MGD instead of 30MGD	Design for 2035	\$7
Phasing of solids treatment capacity four of digesters instead of six	Design for 2035	\$20
Total		\$67

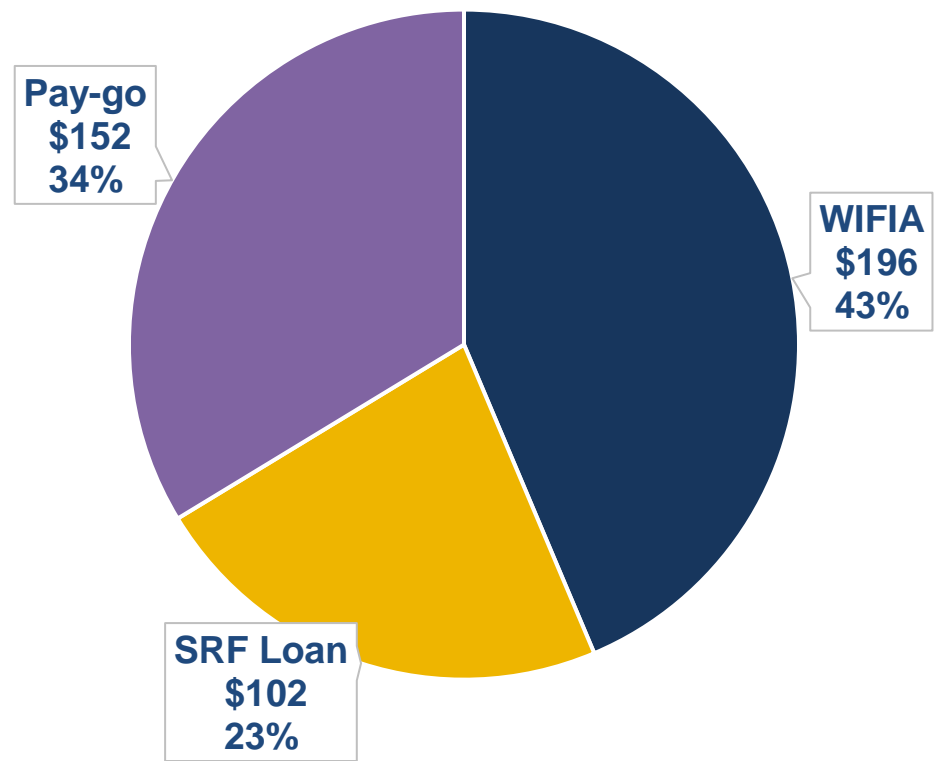
Project Financing

Timeline RP-5 Expansion Financing



Funding sources and financing

RP-5 Expansion sources of funds \$450M



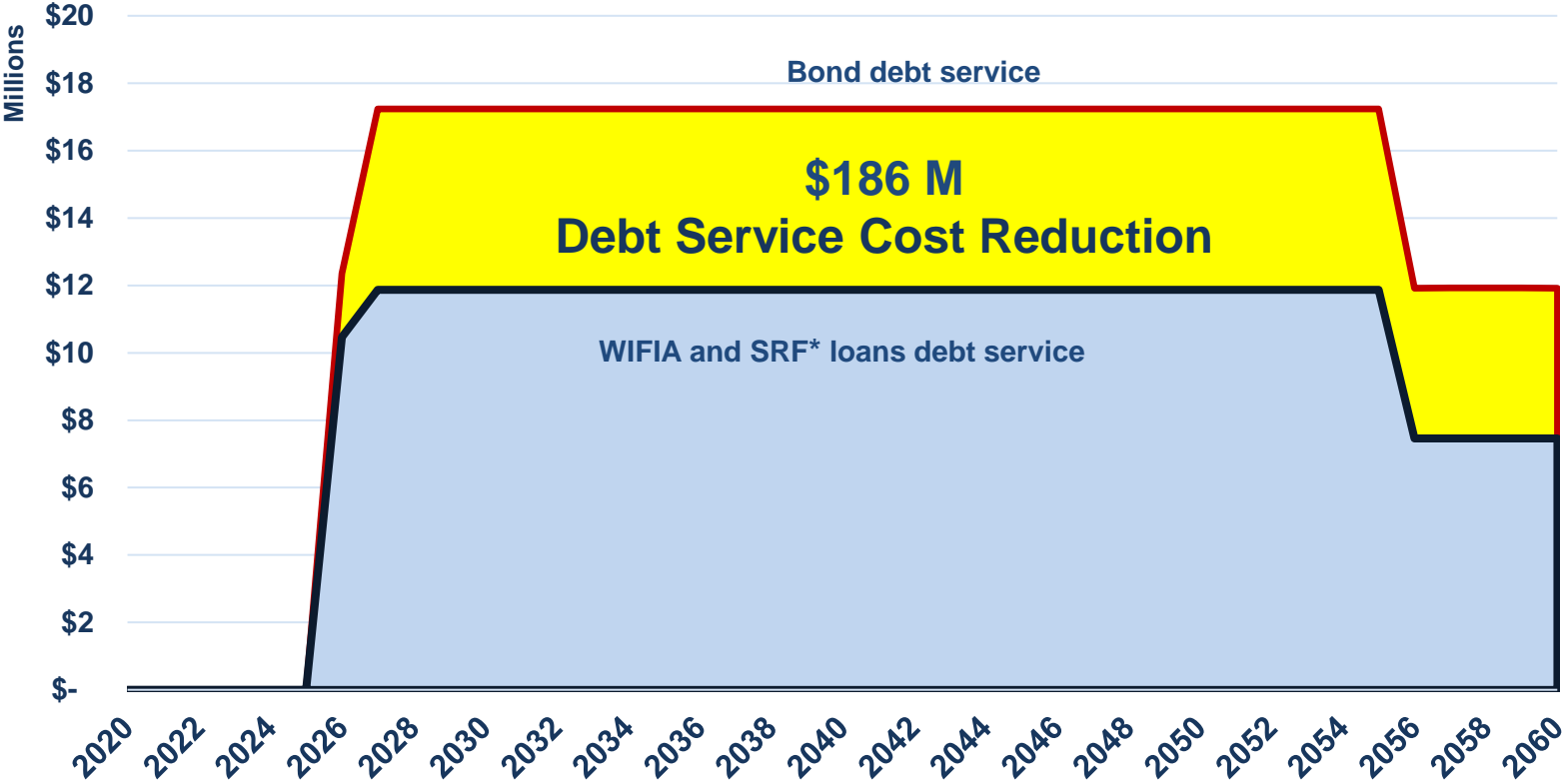
Cost reduction of current financing compared to Public Bond Sale

(\$ Million)	Constant Value	Present Value
WIFIA	\$152.8	\$74.4
Interim Financing (2020B)	6.1	4.9
SRF Loan (*)	<u>\$27.1</u>	<u>13.0</u>
TOTAL COST REDUCTION	\$186.0	\$93.2

(*) SRF Loan assumes interest rate of 1.8% versus Bonds cost of 3.2% with amortization of 30 years. The calculation does not include the impact of capitalized interest.

Regional Committee Questions

Annual Debt Service



- Annual debt service ~\$12 million.
 - ~ \$5 million lower than with public bond financing.
- Approximately 50% supported by EDU monthly sewer rate. Estimated impact \$1.80 per EDU.
- Remaining 50% supported by wastewater connection fees and property taxes.

(*) WIFIA Loan based on an interest rate of 1.36% and SRF Loan assumes interest rate of 1.8% versus Bonds cost of 3.2% with amortization of 30 years. The calculation does not include the impact of capitalized interest.

QUESTIONS?



**INFORMATION
ITEM**

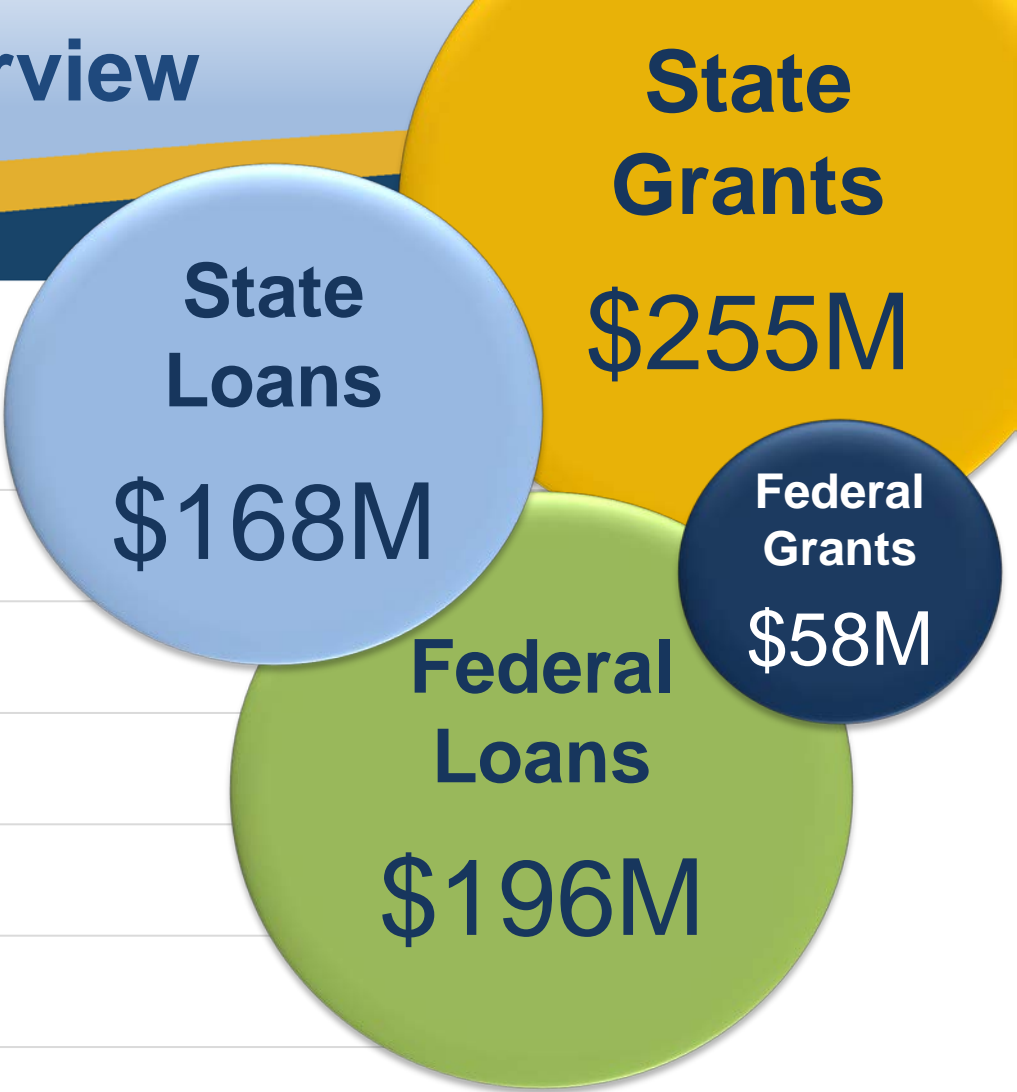
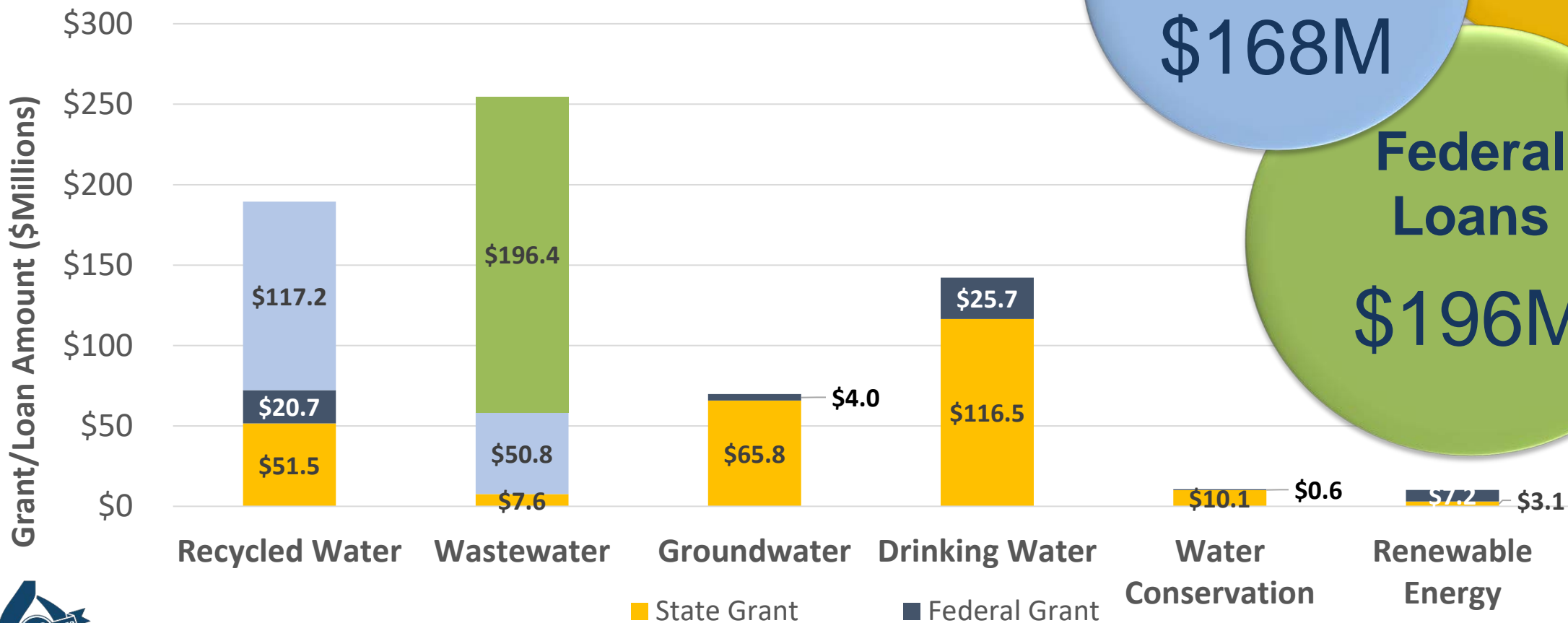
2C

Grants Department Semi-Annual Tech/Policy Update

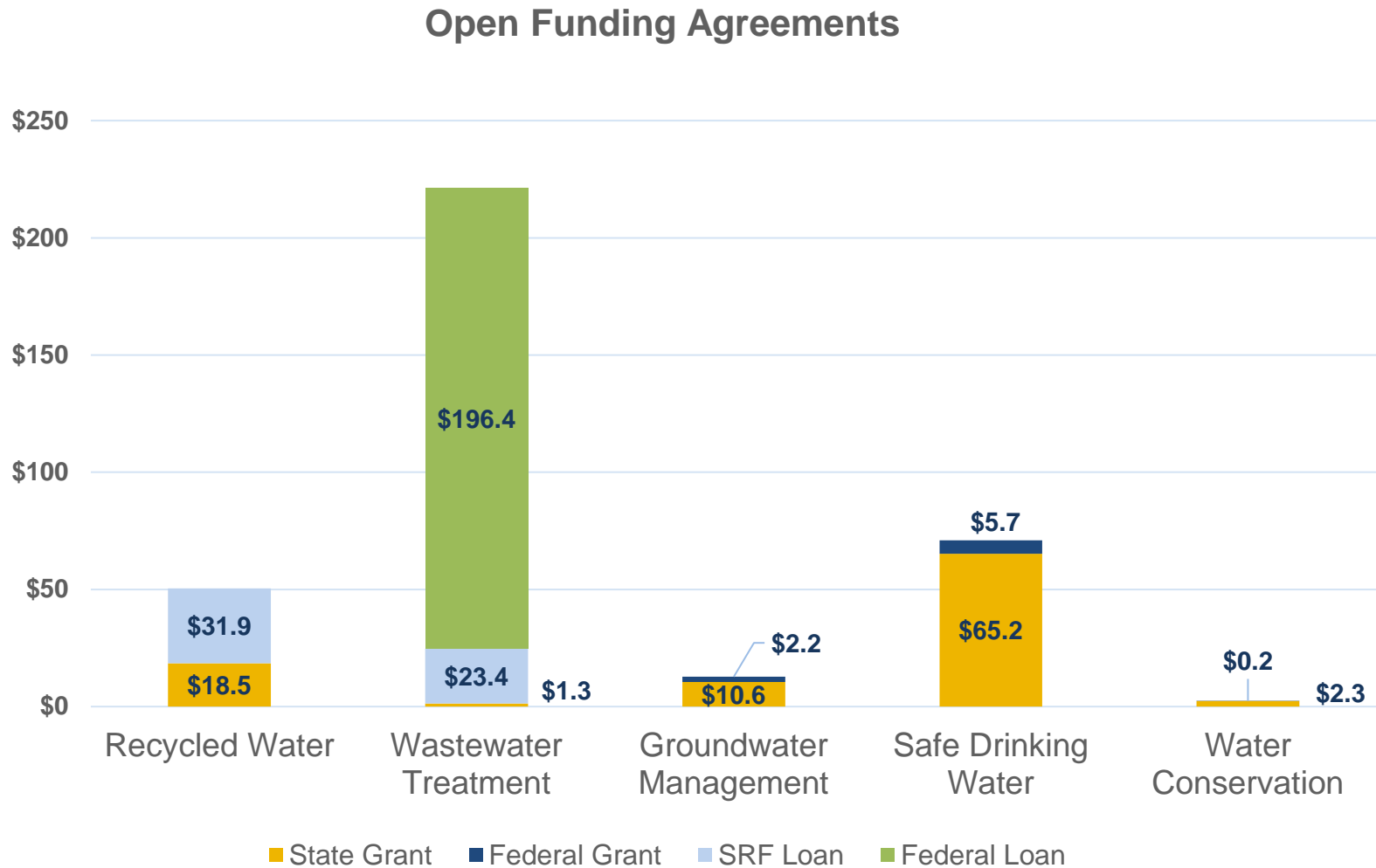
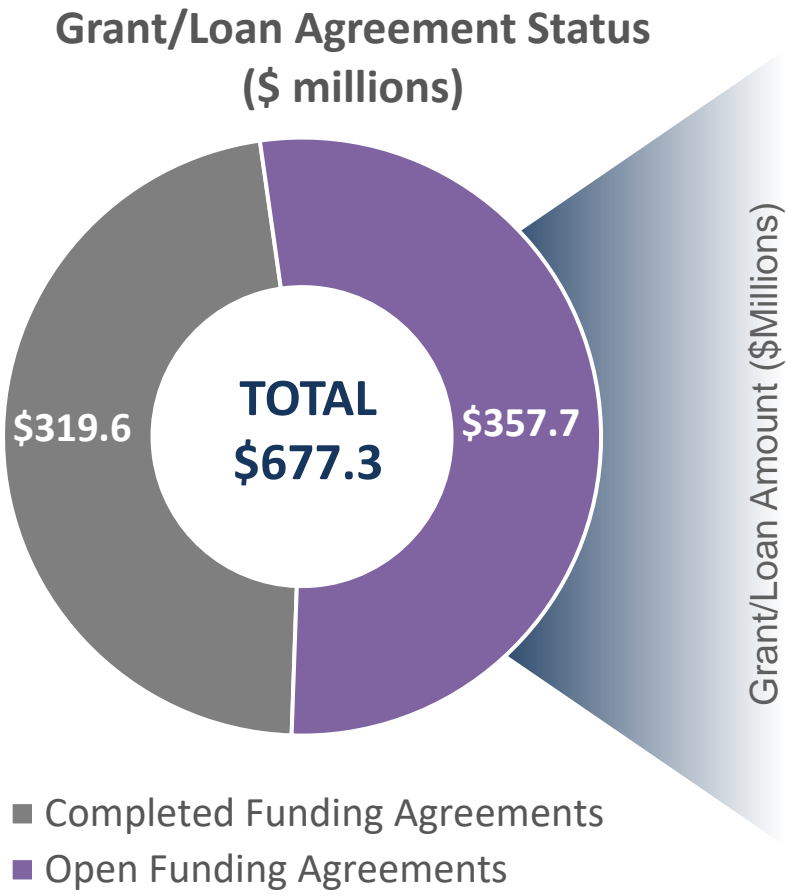


Grant & Loan Funding Programs Overview 2000 – Present

Total Grants + Loans = \$677M



Active Grants and Loans



Current Funding Applications

Applications in Preparation

Funding Agency	Project Name	Amount (\$M)
CWC	Chino Basin Program (CBP)	\$206.9
USBR	Water Efficiency Rebates	\$2.0
USBR	Montclair Basin Improvements	\$0.8
TOTAL		\$209.7

Applications Submitted, Pending Award Decision

Funding Agency	Project Name	Amount (\$M)
FEMA/Cal OES	COVID-19 Response Efforts	\$0.4
SWRCB (Loan)	RP-1 Disinfection Improvements	\$8.5
TOTAL		\$8.9

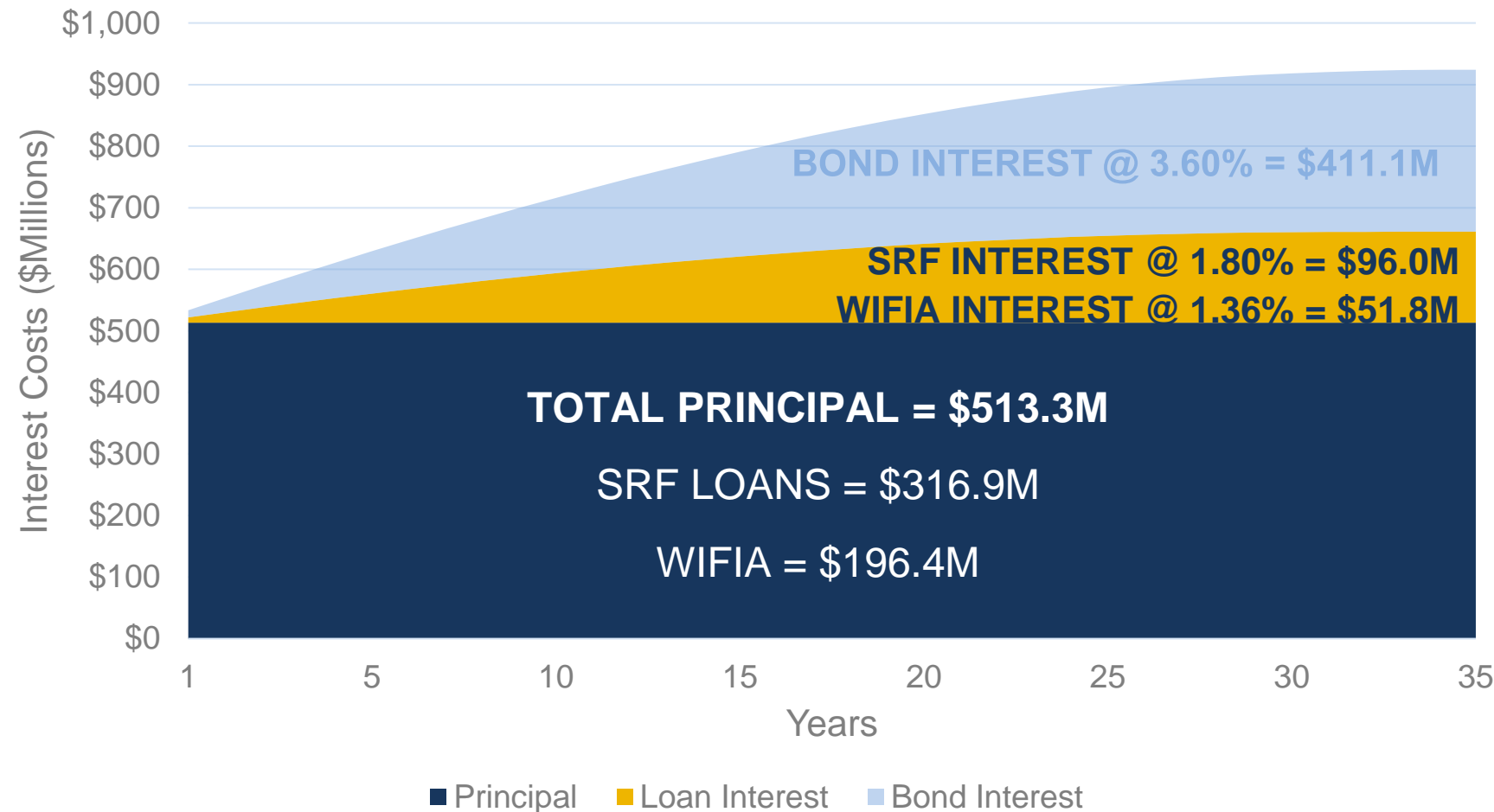
Awarded, Agreement in Negotiation

Funding Agency	Project Name	Amount (\$M)
SAWPA/DWR	IEUA-JCSD RW Intertie	\$2.6
USBR	Granular Activated Carbon Treatment Facility (Desalter I)	\$0.8
SWRCB (Loan)	RP-5 Expansion	\$101.5
SWRCB (Loan)	IEUA-JCSD RW Intertie	\$30.5
SWRCB (Loan)	Wineville/Jurupa/RP-3 Basin	\$8.8
SWRCB (Loan)	RP-1 1158 RWPS	\$6.7
SWRCB (Loan)	RP-5 RW Pipeline Bottleneck	\$3.1
SWRCB (Loan)	Montclair Basin	\$1.8
SWRCB (Loan)	Lower Day Basin	\$2.9
TOTAL		\$158.7

Total Loan Savings – Comparison Between Loan and Bond Interest

- SRF Loan Terms
 - 30-year at 1.8%
(50% of the State general obligation bond rate at 3.6%)
- EPA WIFIA Loan Terms
 - 35-year at 1.36%

Total Interest Savings = \$263.3M



Grant Program Highlights

- Water Infrastructure Finance and Innovation Act (WIFIA) – RP-5 Expansion Loan
 - Letter of Interest submitted on 7/26/18
 - Agreement executed on 5/27/20
 - Final funding amount = \$196.4M
- Drought Contingency Plan (DCP)
 - \$200,000 USBR grant
 - Collaborative planning effort with member agencies
 - DCP approved by USBR in April 2020
 - Will benefit IEUA, member agencies in future grant opportunities



RP-5 Expansion Project

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Regional Sewerage Program Policy Committee Meeting

Thursday, September 3, 2020

3:30 p.m.

Teleconference Call

PURSUANT TO THE PROVISIONS OF EXECUTIVE ORDER N-25-20 ISSUED BY GOVERNOR GAVIN NEWSOM ON MARCH 12, 2020, AND EXECUTIVE ORDER N-29-20 ISSUED BY GOVERNOR GAVIN NEWSOM ON MARCH 17, 2020 ANY COMMITTEE MEMBER MAY CALL INTO THE COMMITTEE MEETING WITHOUT OTHERWISE COMPLYING WITH ALL BROWN ACT'S TELECONFERENCE REQUIREMENTS.

In effort to prevent the spread of COVID-19, the Regional Sewerage Program Policy Committee Meeting will be held remotely by teleconference

Teleconference: 1-415-856-9169/Conference ID: 253 787 211#

This meeting is being conducted virtually by video and audio conferencing. There will be no public location available to attend the meeting; however, the public may participate and provide public comment during the meeting by calling into the number provided above. Alternatively, you may email your public comments to the Recording Secretary Sally H. Lee at shlee@ieua.org no later than 24 hours prior to the scheduled meeting time. Your comments will then be read into the record during the meeting.

Call to Order/Flag Salute

Roll Call

Public Comment

Members of the public may address the Committee on any item that is within the jurisdiction of the Committee; however, no action may be taken on any item not appearing on the agenda unless the action is otherwise authorized by Subdivision (b) of Section 54954.2 of the Government Code. Comments will be limited to three minutes per speaker.

Additions/Deletions to the Agenda

In accordance with Section 54954.2 of the Government Code (Brown Act), additions to the agenda require two-thirds vote of the legislative body, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted.

- 1. Technical Committee Report (Oral)**
 - Regional Contract Negotiations Update
- 2. Action Item**
 - A. Meeting Minutes for July 2, 2020
- 3. Informational Items**
 - A. Chino Basin Program Update (Oral)
 - B. RP-5 Expansion Project Cost Management Overview
 - C. Grants Department Semi-Annual Update
- 4. Receive and File**
 - A. Building Activity Report
 - B. Recycled Water Distribution – Operations Summary
- 5. Other Business**
 - A. IEUA General Manager's Update
 - B. Committee Member Requested Agenda Items for Next Meeting
 - C. Committee Member Comments
 - D. Next Meeting – October 1, 2020
- 6. Adjournment**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Recording Secretary (909) 993-1926, 48 hours prior to the scheduled meeting so that the Agency can make reasonable arrangements.

DECLARATION OF POSTING

I, Sally H. Lee, Executive Assistant of the Inland Empire Utilities Agency, A Municipal Water District, hereby certify that a copy of this agenda has been posted to the IEUA Website at www.ieua.org and posted in the foyer at the Agency's main office at 6075 Kimball Avenue, Building A, Chino, CA, on Thursday, August 27, 2020.

Sally H. Lee

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Building Activity Report - YTD Fiscal Year 2019/20



Legend

- Service Area
- Unincorporated

EDU (YTD)

Residential

- <=1.0
- 1.0 - 10.0
- >10.0

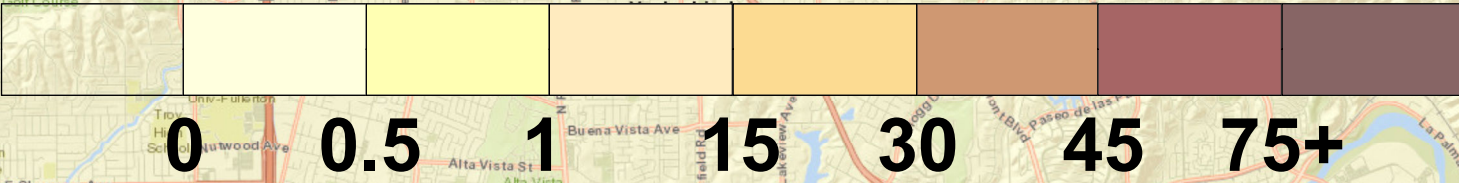
Commercial

- <=1.0
- 1.0 - 10.0
- >10.0

Industrial

- <=1.0
- 1.0 - 10.0
- >10.0

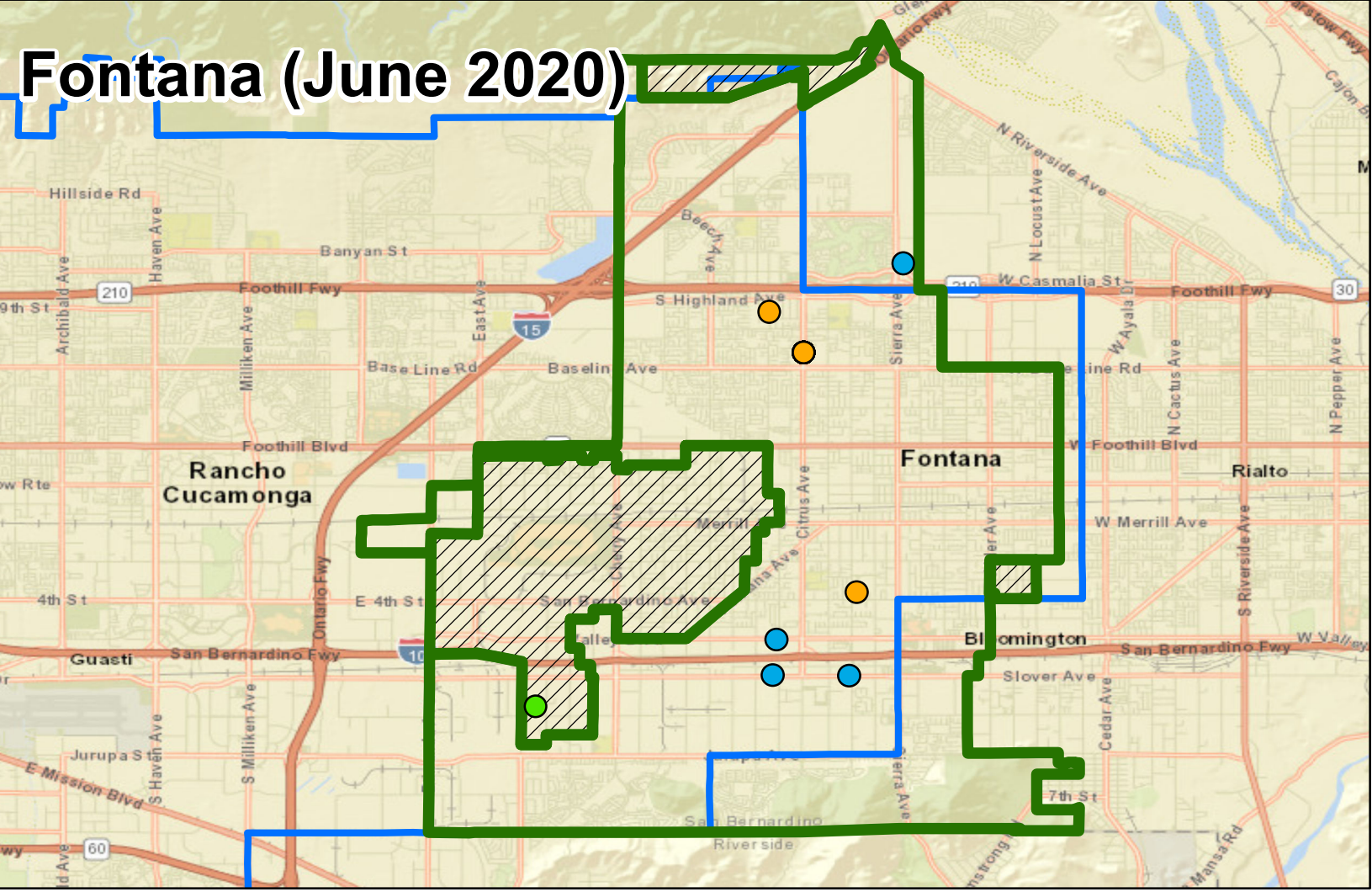
HALF MILE GRID: TOTAL EDU's (YTD)



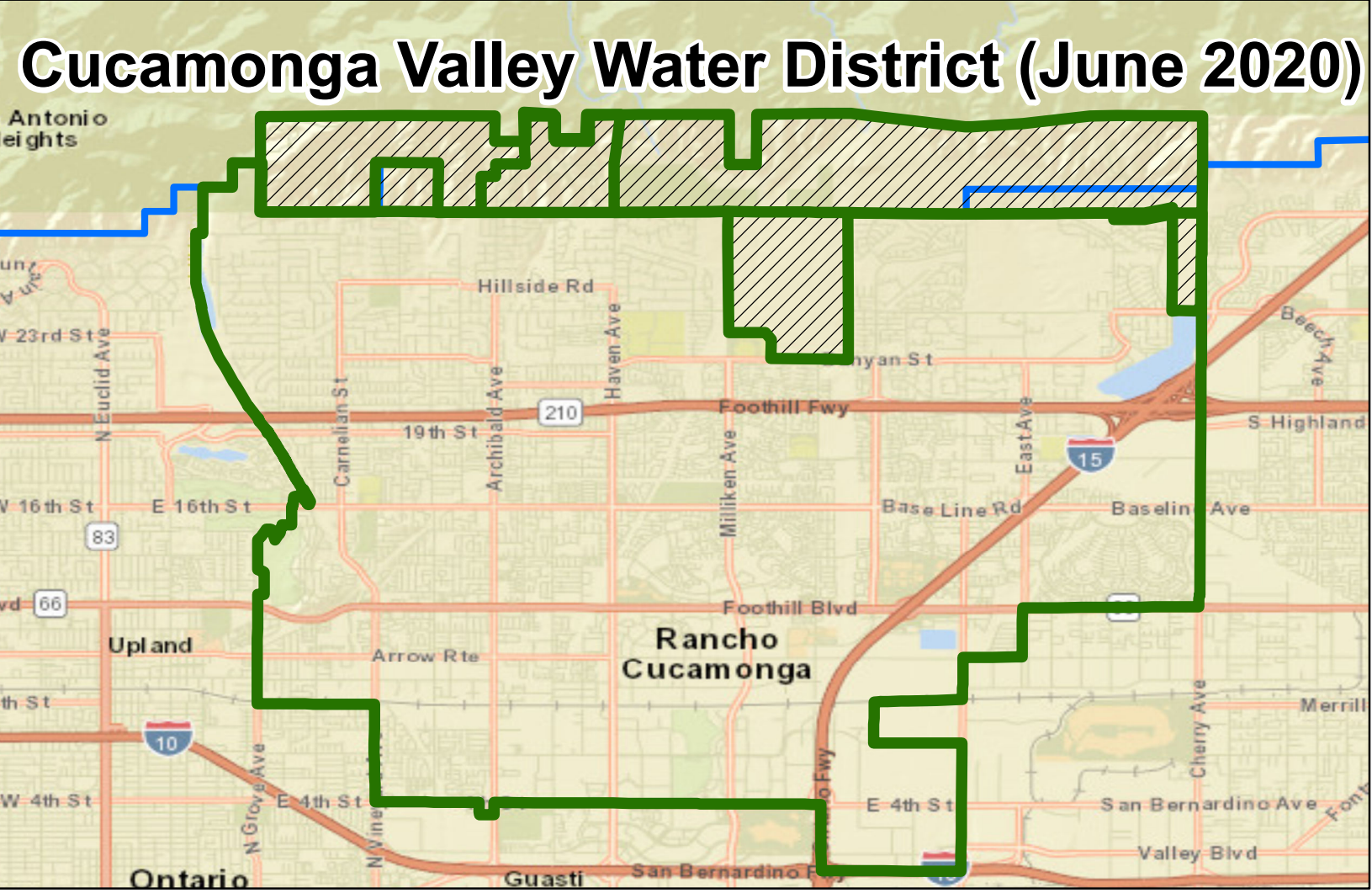
TOTAL EDU BY WASTEWATER CONNECTION TYPE (YTD)

Contracting Agency	YTD Actual				Projected
	Commercial (EDUs)	Industrial (EDUs)	Residential (EDUs)	Total (EDUs)	
Chino	61	40	384	485	470
Chino Hills	43	0	21	64	272
CVWD	82	1	134	217	1240
Fontana	68	11	623	702	595
Montclair	17	0	132	149	407
Ontario	143	108	1230	1481	2960
Upland	15	0	315	330	446
Total	430	160	2839	3429	6390

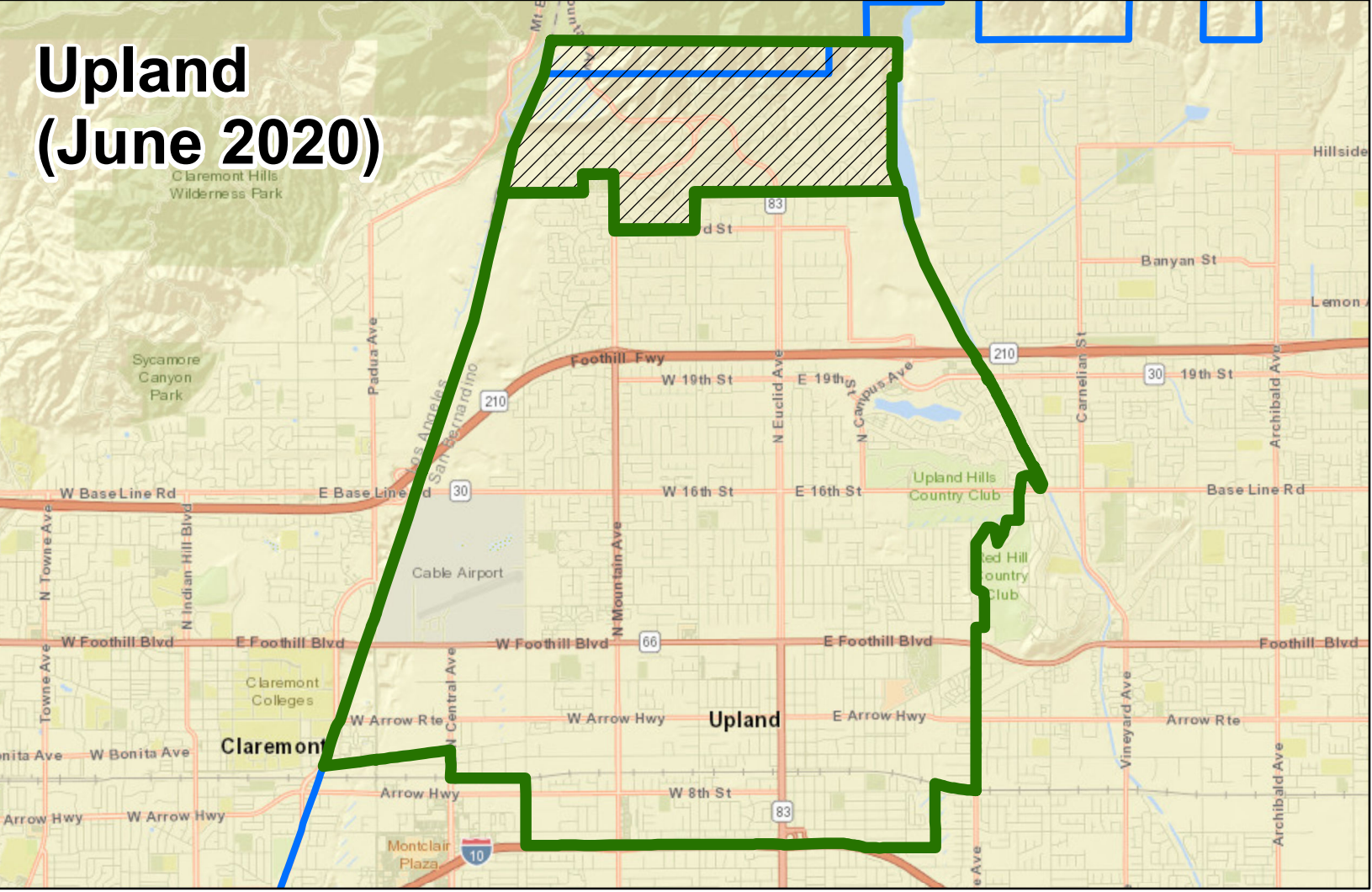
Fontana (June 2020)



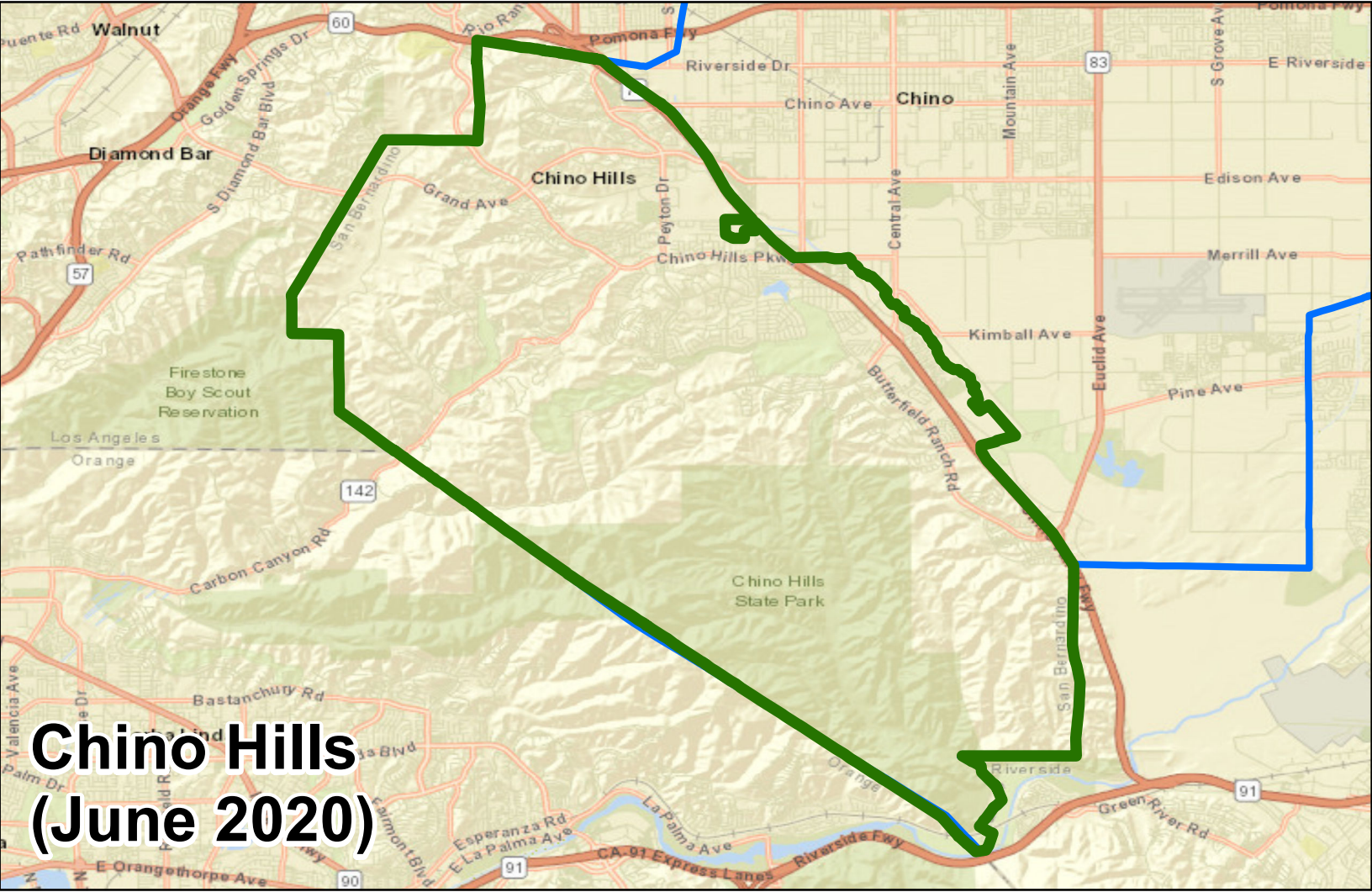
Cucamonga Valley Water District (June 2020)



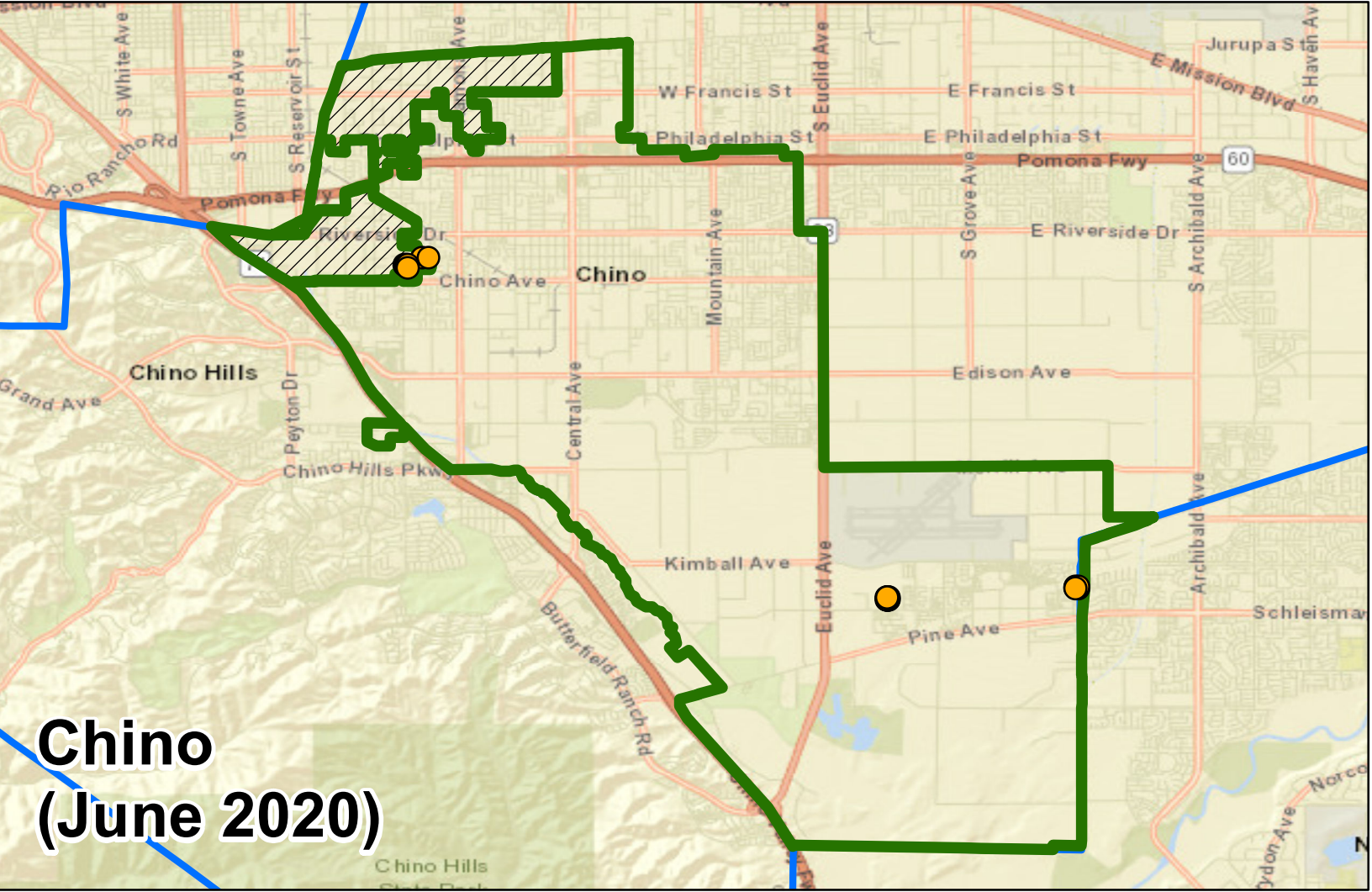
Upland (June 2020)



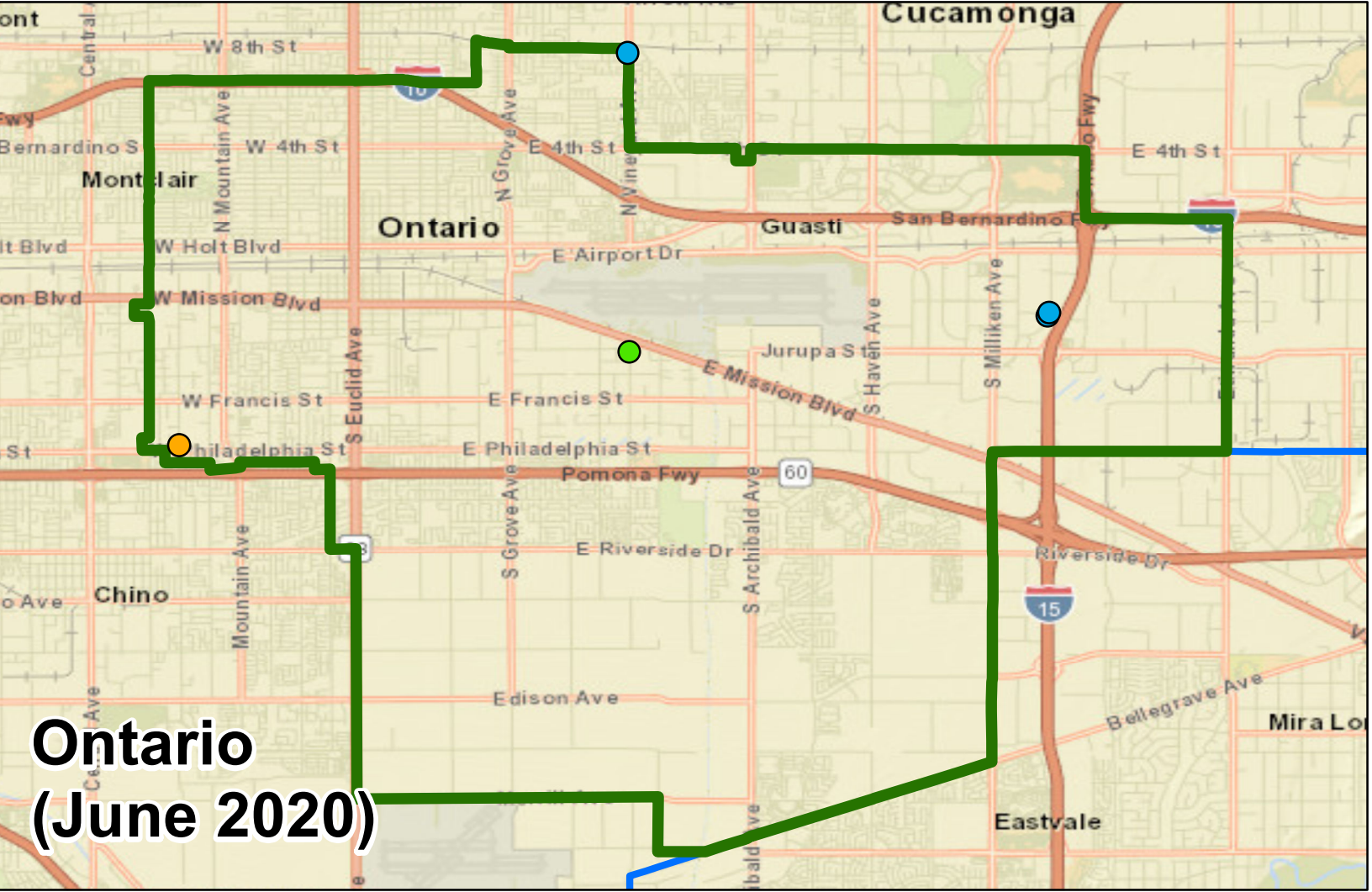
Chino Hills (June 2020)



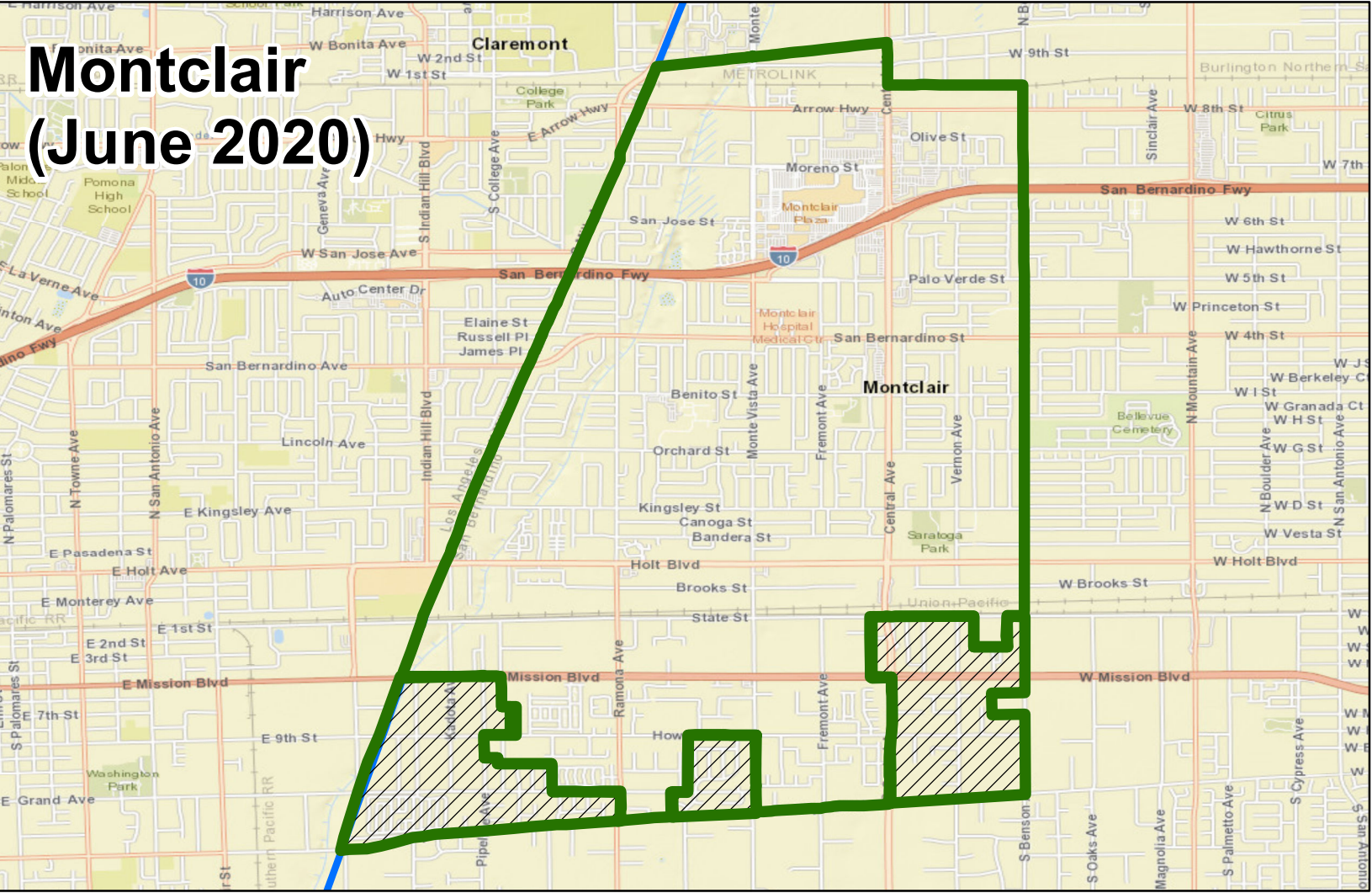
Chino (June 2020)



Ontario (June 2020)



Montclair (June 2020)



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IEUA RECYCLED WATER DISTRIBUTION – JULY 2020

TOTAL ALL PLANTS

Influent: 50.1 MGD

Delivered: 44.3 MGD

Percent Delivered: 88%

RP-4

Delivered: 8.7 MGD

RP-1

Delivered: 20.5 MGD

CCWRF

Delivered: 7.4 MGD

RP-5

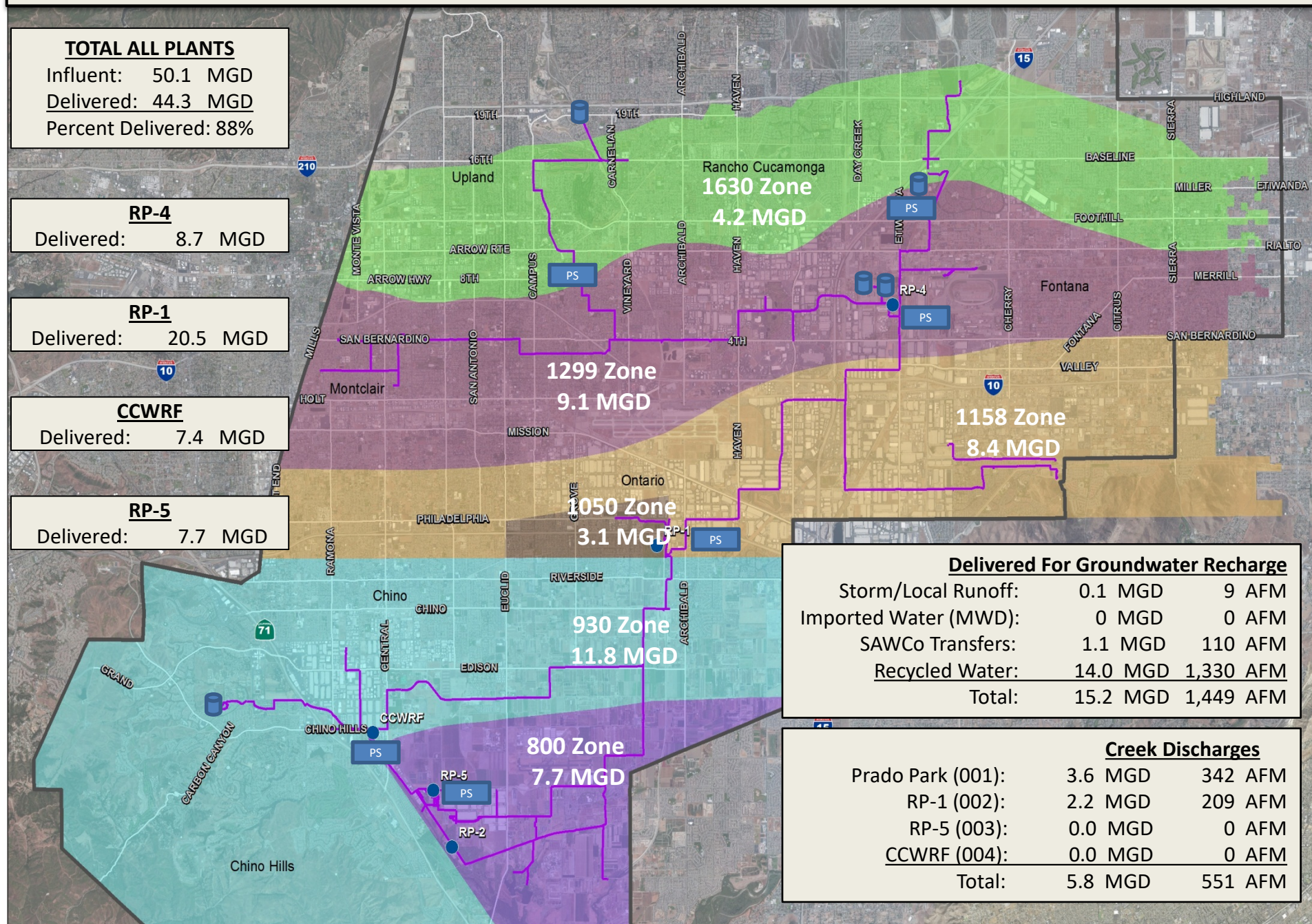
Delivered: 7.7 MGD

Delivered For Groundwater Recharge

Storm/Local Runoff:	0.1 MGD	9 AFM
Imported Water (MWD):	0 MGD	0 AFM
SAWCo Transfers:	1.1 MGD	110 AFM
Recycled Water:	14.0 MGD	1,330 AFM
Total:	15.2 MGD	1,449 AFM

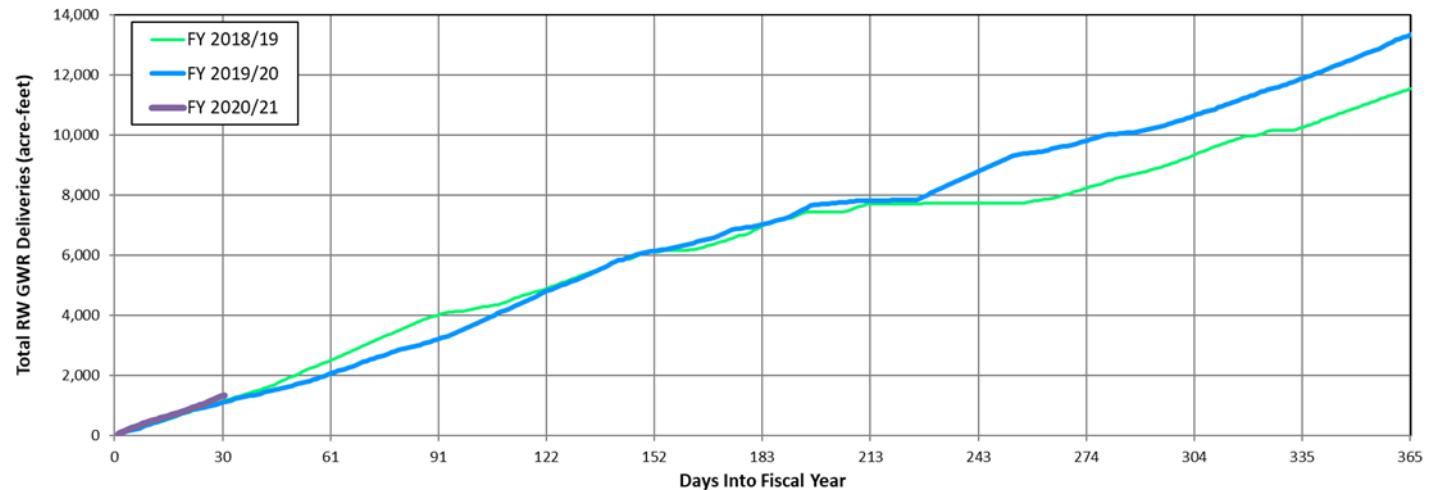
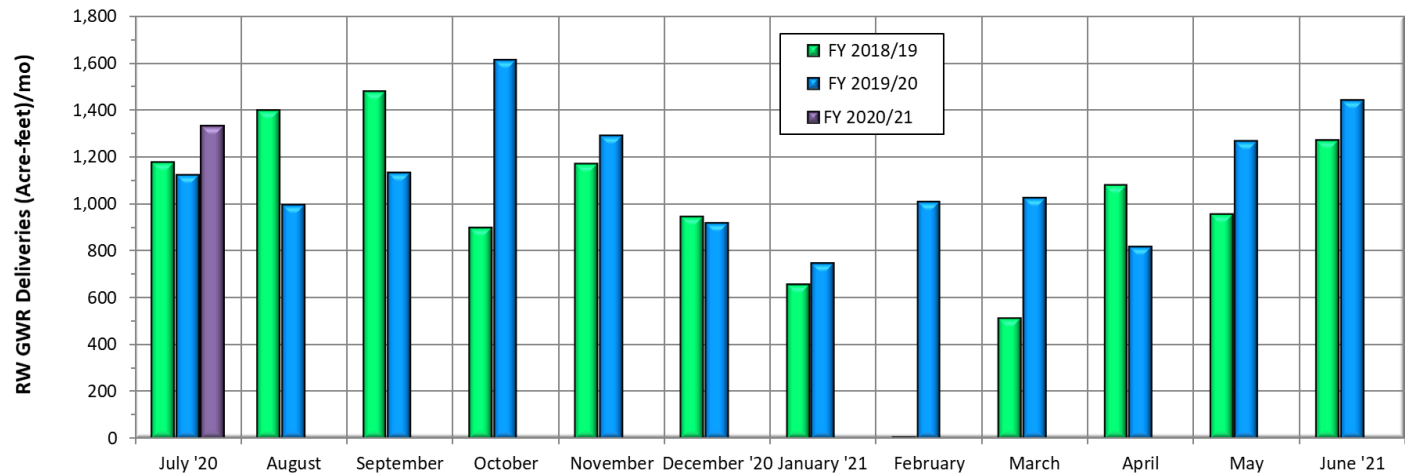
Creek Discharges

Prado Park (001):	3.6 MGD	342 AFM
RP-1 (002):	2.2 MGD	209 AFM
RP-5 (003):	0.0 MGD	0 AFM
CCWRF (004):	0.0 MGD	0 AFM
Total:	5.8 MGD	551 AFM



Recycled Water Recharge Actuals - July 2020 (Acre-Feet)

Basin	7/1-7/4	7/5-7/11	7/12-7/19	7/20-7/26	7/27-7/31	Month Actual	FY To Date Actual	Deliveries are draft until reported as final.
Ely	66.6	70.9	41.9	30.5	30.4	0.0	237	
Banana	0.0	0.0	0.0	0.0	0.0	0.0	0	
Hickory	14.3	4.9	0.0	25.0	25.9	70.1	57	
Turner 1 & 2	0.0	0.0	0.0	0.0	0.0	0.0	0	
Turner 3 & 4	0.0	0.0	0.0	0.0	0.0	0.0		
8th Street	27.8	45.2	48.8	34.8	33.6	190.2	194	
Brooks	20.1	31.9	8.6	52.3	48.4	161.3	156	
RP3	68.8	95.2	93.5	133.9	122.9	514.3	369	
Declez	0.0	0.0	0.0	0.0	0.0	0.0	121	
Victoria	27.6	49.2	59.3	32.4	39.4	207.9	196	
San Sevaine	0.0	0.0	0.0	0.0	0.0	207.9	0	
Total	225.2	297.3	252.1	308.9	300.6	1,351.7	1,330	1,123 AF previous FY to day actual



**DISTRIBUTED
ITEM**

4A

REGIONAL WASTEWATER ORDINANCE

ORDINANCE NO. 109

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 THE 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 PURPOSE AND POLICY

This Ordinance sets forth uniform requirements for Users of the Regional Sewerage System, a Publicly Owned Treatment Works (POTW), in the Inland Empire Utilities Agency (IEUA) in San Bernardino County, State of California and enables the IEUA to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] Section 1251 et seq.), the General Pretreatment Regulations (Title 40 of the *Code of Federal Regulations* [CFR] Part 403), and the California Water Code as amended. The objectives of this Ordinance are:

- A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
- B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- C. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- D. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works; and
- E. To enable IEUA to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and Disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject;
- F. To extend the use of recycled water in place of more costly imported water for industrial, irrigation, landscaping, and replenishment of groundwater; and
- G. To beneficially reuse 100 percent of the organic biosolids generated by IEUA facilities.

This ordinance shall apply to all Users of the Publicly Owned Treatment Works. The ordinance authorizes the issuance of individual wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; and requires User reporting.

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. Inland Empire Utilities Agency 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.

1.2 ADMINISTRATION

Except as otherwise provided herein, the General Manager of the IEUA shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the General Manager may be delegated by the General Manager to a Duly Authorized IEUA Employee.

1.3 ABBREVIATIONS

The following abbreviations, when used in this Ordinance, shall have the designated meanings:

BOD – Biochemical Oxygen Demand
BMP – Best Management Practice
BMR – Baseline Monitoring Report
CFR – *Code of Federal Regulations*
CIU – Categorical Industrial User
CWA – Clean Water Act
EPA – U.S. Environmental Protection Agency
gpd – gallons per day
IEUA – Inland Empire Utilities Agency
IU – Industrial User
mg/l – milligrams per liter
NPDES – National Pollutant Discharge Elimination System
POTW – Publicly Owned Treatment Works
RCRA – Resource Conservation and Recovery Act
SIU – Significant Industrial User
SNC – Significant Non-compliance
TSS – Total Suspended Solids
U.S.C. – United States Code

1.4 DEFINITIONS

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated.

- A. ACT OR “THE ACT” – The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. Section 1251 et seq.
- B. APPROVAL AUTHORITY – The California Regional Water Quality Control Board, Santa Ana Region.
- C. AUTHORIZED OR DULY AUTHORIZED REPRESENTATIVE OF THE USER
 - 1) If the User is a corporation:
 - a. The president, secretary, treasurer, or a 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

b. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that 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 individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

3) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

4) The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the Discharge originates or having overall responsibility for environmental matters for the company and the written authorization is submitted to IEUA.

D. **BEST MANAGEMENT PRACTICES OR BMPs** - Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1 (40 CFR 403.5(a)(1) and (b)). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste Disposal, or drainage from raw materials storage.

E. **BIOCHEMICAL OXYGEN DEMAND OR BOD** - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees Celsius, usually expressed as a concentration (e.g., mg/l).

F. **BOARD** - Board of Directors of Inland Empire Utilities Agency

G. **BYPASS** - Intentional diversion of wastestreams from any portion of a User's treatment facility.

H. **CATEGORICAL INDUSTRIAL USER** - An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.

I. **CLEAN WATER ACT** - 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.

- 216 J. COMMUNITY SEWER SYSTEM - All facilities owned, controlled or operated by
217 a Contracting Agency for the purpose of collecting and conducting Sewage to a
218 Delivery Point, including collector sewers conducting Sewage from the originating
219 premises, trunk sewers conveying sewer from tributary collector sewers or other
220 trunk sewers and any facilities appurtenant to the foregoing.
- 221 K. CONTRACTING AGENCY - Any Sewage collection agency located, in whole or
222 in part, within the boundaries of IEUA which has entered into a service contract with
223 IEUA.
- 224 L. CONTROL AUTHORITY - Inland Empire Utilities Agency
- 225 M. DAILY MAXIMUM - The arithmetic average of all effluent samples for a pollutant
226 collected during a calendar day.
- 227 N. DAILY MAXIMUM LIMIT - The maximum allowable discharge limit of a
228 pollutant during a calendar day. Where Daily Maximum Limits are expressed in
229 units of mass, the daily discharge is the total mass discharged over the course of the
230 day. Where Daily Maximum Limits are expressed in terms of a concentration, the
231 daily discharge is the arithmetic average measurement of the pollutant concentration
232 derived from all measurements taken that day.
- 233 O. DELIVERY POINT - Transfer point at which Sewage is delivered from a
234 Community Sewer System into the Regional Sewerage System.
- 235 P. DISPOSAL FACILITY - All facilities owned, controlled and operated by IEUA to
236 meet effluent Discharge requirements, excluding water recycling facilities operated
237 by IEUA to meet obligations under the judgment entered in the action entitled
238 Orange County Water District v. City of Chino, et al. (Case No. 117628, Superior
239 Court, County of Orange), or to meet the requirements of contracting agencies
240 exercising the right of first purchase of recycled effluent.
- 241 Q. DISPOSAL OR DISPOSE - Any process or method for the elimination of beneficial
242 use of Sewage and any effluent or solid waste residuals thereof, including
243 exportation from the Chino Basin.
- 244 R. DOMESTIC WASTE HAULER - Person transporting Septic Tank Waste in a
245 properly permitted vehicle equipped with a tank(s).
- 246 S. DULY AUTHORIZED REPRESENTATIVE - An IEUA employee designated by
247 the General Manager to act on his behalf in the administration of this Ordinance.
- 248 T. ENVIRONMENTAL PROTECTION AGENCY OR EPA - The U.S.
249 Environmental Protection Agency or, where appropriate, the Regional Water
250 Management Division Director, the Regional Administrator, or other duly
251 authorized official of said agency.
- 252 U. EXISTING SOURCE - Any source of discharge that is not a "New Source."

- V. **FEDERAL CATEGORICAL PRETREATMENT STANDARDS OR CATEGORICAL STANDARDS** - 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 and as amended thereto.
- W. **GENERAL MANAGER** - The person designated by IEUA to oversee and manage the operation of the POTW, and who is charged with certain duties and responsibilities by this Ordinance. The term also means a Duly Authorized Representative of the General Manager.
- X. **GRAB SAMPLE** - A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- Y. **HYDROLYSATE** – the resultant liquid from the hydrolysis of human or animal remains.
- Z. **HYDROLYSIS** – the reduction of the body of a deceased person or animal to its essential organic components and bone fragments by using heat or heat and applied pressure, water, and potassium hydroxide or sodium hydroxide either before or after processing of the remains after removal from the hydrolysis chamber.
- AA. **IEUA** - Inland Empire Utilities Agency and its duly authorized officers, agents, and representatives.
- BB. **IEUA FLOW MEASUREMENT REQUIREMENTS** – The document that establishes requirements and criteria for Users to provide IEUA with wastewater flow measurement data.
- CC. **INDIRECT DISCHARGE OR DISCHARGE** - The introduction of pollutants into the POTW from any non-domestic source or Septic Tank Wastes.
- DD. **INDUSTRIAL WASTEWATER** – All non-domestic, including all wastewater from any producing, manufacturing, processing, institutional, governmental, commercial, service, agricultural, or other operation.
- EE. **INTERFERENCE** - A Discharge that, alone or in conjunction with a Discharge or Discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or Disposal; and therefore, is a cause of a violation of IEUA’s NPDES permit or of the prevention of Sewage sludge use or Disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

FF. LOCAL LIMIT - Specific Discharge limits developed and enforced by IEUA upon industrial or commercial facilities to implement the general and specific Discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

GG. MAY - Permissive

HH. MONTHLY AVERAGE - The sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

II. NEW SOURCE -

1) 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 that will be applicable to such source if such Standards are thereafter promulgated in accordance with that Section, provided that:

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

b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the Discharge of pollutants at an Existing Source; or

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

2) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

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

a. Begun, or caused to begin, as part of a continuous onsite construction program

i. any placement, assembly, or installation of facilities or equipment; or

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

b. Entered into a binding contractual obligation for the purchase of facilities or equipment which is 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.

JJ. NON-CONTACT COOLING WATER - Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

KK. ORDINANCE - This Ordinance, unless otherwise specified.

LL. PASS THROUGH - A Discharge which exits the POTW 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 IEUA's NPDES permit, including an increase in the magnitude or duration of a violation.

MM. PERSON - Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

NN. pH - A measure of the acidity or alkalinity of a solution, expressed in standard units.

OO. POLLUTANT - Dredged spoil, solid waste, incinerator residue, filter backwash, Sewage, garbage, Sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, toxicity, or odor).

PP. PREMISES - Any lot, parcel of land, building or establishment, either residential, commercial, or industrial, both public and private, including schools, churches, and institutions without limitation.

QQ. PRETREATMENT - The reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutant properties in wastewater prior to, or in lieu of, introducing such Pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the Pollutants unless allowed by an applicable Pretreatment Standard.

RR. PRETREATMENT REQUIREMENTS - Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

SS. PRETREATMENT STANDARDS OR STANDARDS - Pretreatment Standards shall mean Prohibited Discharge standards, categorical Pretreatment Standards, and Local Limits.

366 TT. PROHIBITED DISCHARGE STANDARDS OR PROHIBITED DISCHARGES -
367 Absolute prohibitions against the Discharge of certain substances; these prohibitions
368 appear in Section 2.1 of this Ordinance.

369 UU. PUBLICLY OWNED TREATMENT WORKS OR POTW - A treatment works, as
370 defined by Section 212 of the Act (33 U.S.C. Section 1292), which is owned by
371 IEUA or Contracting Agency. This definition includes any devices or systems used
372 in the collection, storage, treatment, recycling, and reclamation of Sewage or
373 industrial wastes of a liquid nature and any conveyances, which convey wastewater
374 to a treatment plant.

375 VV. REGIONAL TREATMENT PLANT - Regional Water Recycling Plant operated by
376 IEUA as part of the Regional Sewerage System.

377 WW. SELF-REGENERATING WATER SOFTENING APPLIANCE - Water softening
378 device located within, or adjacent to, a User located within the IEUA service area
379 and which discharges to a Community Sewer System that is tributary to the Regional
380 Sewerage System owned and operated by IEUA, whereby the capability of the
381 appliance to remove hardness from water is renewed by the on-site application of a
382 salt-containing brine solution to the active softening or conditioning material
383 contained therein, followed by a subsequent rinsing of the active softening or
384 conditioning material.

385 XX. SEPTIC TANK WASTE - Any Sewage from holding tanks such as vessels,
386 campers, trailers, cesspools, seepage pit waste, and septic tanks.

387 YY. SEVERE PROPERTY DAMAGE – Substantial physical damage to property,
388 damage to treatment facilities, which causes them to become inoperable, or
389 substantial and permanent loss of natural resources which can reasonably be
390 expected to occur in the absence of a bypass. Severe Property Damage does not
391 mean economic loss caused by delays in production.

392 ZZ. SEWAGE - Human excrement and gray water (household showers, dishwashing
393 operations, etc.).

394 AAA. SHALL - Mandatory

395 BBB. SIGNIFICANT INDUSTRIAL USER OR SIU -

396 Except as provided in paragraphs (3) and (4) of this Section, a Significant Industrial
397 User is:

398 (1) An Industrial User subject to Categorical Pretreatment Standards; or

399 (2) An Industrial User that:

400 (i) Discharges an average of twenty-five thousand (25,000) gpd or
401 more of process wastewater to the POTW (excluding sanitary, non-
402 contact cooling and boiler blowdown wastewater);

(ii) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(iii) Is designated as such by IEUA and/or the Contracting Agency on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.

CCC. SLUG LOAD OR SLUG DISCHARGE - Any Discharge at a flow rate or concentration, which could cause a violation of the Prohibited Discharge standards in Section 2.1 of this Ordinance. A Slug Discharge is 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.

DDD. STORM WATER - Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

EEE. TOTAL SUSPENDED SOLIDS OR SUSPENDED SOLIDS - The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

FFF. USER OR SIGNIFICANT INDUSTRIAL USER - A source of Indirect Discharge.

GGG. WASTEWATER - Liquid and water-carried industrial wastes and Sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

HHH. WASTEWATER TREATMENT PLANT OR TREATMENT PLANT - That portion of the POTW which is designed to provide treatment of municipal Sewage and industrial waste.

1.5 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.

1.6 NOTICE PROCEDURE

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

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

SECTION 2 - GENERAL SEWER USE REQUIREMENTS

2.1 PROHIBITED DISCHARGE STANDARDS

A. General Prohibitions.

No User shall introduce or cause to be introduced into the POTW any Pollutant or wastewater which causes Pass Through or Interference or would cause IEUA to violate any federal, state, or local regulatory requirement. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.

B. Specific Prohibitions.

No User shall introduce or cause to be introduced into the POTW the following Pollutants, substances, or wastewater:

- 1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius) using the test methods specified in 40 CFR 261.21;
- 2) Wastewater having a pH less than 5.0 or more than 12.5, or otherwise causing corrosive structural damage to the POTW or equipment;
- 3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in Interference, but in no case solids greater than three-eighths inches (3/8") in any dimension, including, but not limited to, asphalt, concrete, dead animals, ashes, mud, straw, shavings, stone or marble dust, spent lime, diatomaceous earth, metal, glass, rags, spent grains, spent hops, feathers, grass clippings, tar, plastics, wood, paunch manure, bones, hair, fleshings, animal guts and tissues, waste paper.
- 4) Pollutants, including oxygen-demanding Pollutants (BOD, etc.), released in a Discharge at a flow rate and/or Pollutant concentration which, either singly or by interaction with other Pollutants, will cause Interference with the POTW;
- 5) Wastewater having a temperature greater than 140 degrees Fahrenheit (60 degrees Celsius), or which will inhibit biological activity in the treatment plant resulting in

- 475 Interference, but in no case wastewater which causes the temperature at the introduction
476 into the treatment plant to exceed 104 degrees Fahrenheit (40 degrees Celsius);
- 477 6) Any wastes containing petroleum oil, non-biodegradable cutting oil, refined petroleum
478 products, dispersed biodegradable oils, fats and greases, such as lard, tallow, vegetable
479 oil, or products of mineral oil origin, in amounts that will cause Interference or Pass
480 Through, obstruct flows within the collection system, or contributes to or causes a
481 sanitary sewer overflow;
- 482 7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the
483 POTW in a quantity that may cause acute worker health and safety problems;
- 484 8) Trucked or hauled Pollutants, except at discharge points designated by the General
485 Manager in accordance with Section 3.4 of this Ordinance;
- 486 9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly
487 or by interaction with other wastes, are sufficient to create a public nuisance or a hazard
488 to life, or to prevent entry into the sewers for maintenance or repair;
- 489 10) Wastewater which imparts color which cannot be removed by the treatment process,
490 such as, but not limited to, dye wastes and vegetable tanning solutions, which
491 consequently imparts color to the treatment plant's effluent, thereby violating IEUA's
492 NPDES permit;
- 493 11) Wastewater containing any radioactive wastes or isotopes except in compliance with
494 applicable State or Federal regulations;
- 495 12) Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface
496 drainage, swimming pool drainage, condensate, deionized water, Non-contact Cooling
497 Water, and unpolluted wastewater, unless specifically authorized by the General
498 Manager;
- 499 13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- 500 14) Solid wastes from hospitals, clinics, offices of medical doctors, convalescent homes,
501 medical laboratories or other medical facilities including, but not limited to,
502 hypodermic needles, syringes, instruments, utensils, paper or plastic items of a
503 disposable nature, or recognizable portions of the human anatomy or laboratory
504 animals;
- 505 15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's
506 effluent to fail toxicity test;
- 507 16) Detergents, surface-active agents (surfactants), or other substances that causes
508 excessive foaming in the POTW;
- 509 17) Waste generated outside the IEUA service area unless otherwise approved by the
510 Board.

18) Wastewater containing excessive quantities of bromide causing, alone or in conjunction with other sources, the treatment plant's effluent to violate the NPDES permit for Chlorodibromomethane or Dichlorobromomethane.

19) Wastewater containing excessive quantities of 2,3,7,8-TCDD (Dioxin).

20) Hydrolysate, Wastes, or wastewater resulting from Hydrolysis.

21) Unused, unwanted, or expired pharmaceuticals (both over the counter and prescription-only medications), except in accordance with federal and state regulations, or in the absence of such regulations, using Best Management Practices.

22) Septic Waste originating from portable toilets or chemical toilets.

23) Any quantity of wastewater flow in excess of permitted limits or purchased capacity.

24) Wastewater containing excessive quantities of 1,2,3 Trichloropropane.

Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

2.2 NATIONAL CATEGORICAL PRETREATMENT STANDARDS

Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471.

A. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of Pollutant per unit of production, the General Manager may convert the limits to equivalent limitations expressed either as mass of Pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Significant Industrial Users.

B. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the General Manager shall impose an alternate limit in accordance with 40 CFR 403.6(e).

C. The General Manager may convert the mass limits of the categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the General Manager.

D. Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section 2.2 in lieu of the promulgated categorical Standards from which the equivalent limitations were derived

E. Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

- F. Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the General Manager within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the General Manager of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long-term average production rate.

2.3 LOCAL LIMITS

- A. The General Manager is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).
- B. Local Limits are established to protect against Pass Through and Interference. No Significant Industrial User shall discharge wastewater containing in excess of the limits established by the General Manager and adopted by the Board Resolution.
- C. The Local Limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The General Manager may impose mass limitations in addition to the concentration-based limitations.
- D. The General Manager may develop BMP, by ordinance or in individual wastewater discharge permits to implement Local Limits and the requirements of Section 2.1.

2.4 IEUA'S RIGHT OF REVISION

IEUA reserves the right to establish, by ordinance or in individual wastewater discharge permits, more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this Ordinance.

2.5 DILUTION

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

2.6 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 - PRETREATMENT OF WASTEWATER

3.1 PRETREATMENT FACILITIES

Users shall provide wastewater treatment as necessary to comply with this Ordinance and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 2.1 of this Ordinance within the time limitations specified by EPA, the State, or the General Manager, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be signed by a California Registered Engineer, submitted to the General Manager for review, and shall be acceptable to the General Manager before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to IEUA under the provisions of this Ordinance.

3.2 ADDITIONAL PRETREATMENT MEASURES

- A. Whenever deemed necessary, the General Manager may require 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 POTW and determine the User's compliance with the requirements of this Ordinance.
- B. The General Manager may require any Person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.
- C. The 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 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.
- D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
- E. Waste solids and/or liquids containing pollutants removed in the course of the Users pretreatment processes shall be properly disposed of in a manner such as to prevent any pollutant from such materials from entering the Regional Sewerage System.

3.3 ACCIDENTAL DISCHARGE/SLUG DISCHARGE CONTROL PLANS

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

- A. Description of discharge practices, including non-routine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the General Manager of any accidental or Slug Discharge, as required by Section 6.6 of this Ordinance; and
- D. Procedures to prevent adverse impact from any accidental or Slug 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.

3.4 BYPASS

- A. For the purposes of this Section,
 - 1) Bypass means the intentional diversion of wastestreams from any portion of a User's treatment facility.
 - 2) Severe property damage means 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.
- B. A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C), and (D) of this Section.
- C. Bypass Notifications
 - 1) If a User knows in advance of the need for a bypass, it shall submit prior notice to the General Manager, at least ten (10) days before the date of the bypass, if possible.
 - 2) A User shall submit oral notice to the General Manager of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall

also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission 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 it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass. The General Manager may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

- 3) Notification provided pursuant to paragraph C. 2 shall not relieve the 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 User of any fines, penalties, or other liability which may be imposed under this Ordinance or other applicable law.

D. Bypass

1. Bypass is prohibited, and the General Manager may take an enforcement action against a 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 downtime. 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 downtime or preventive maintenance; and
 - c. The User submitted notices as required under paragraph (C) of this section.
2. The General Manager may approve an anticipated bypass, after considering its adverse effects, if the General Manager determines that it will meet the three conditions listed in paragraph (D)(1) of this section.

3.5 HAULED WASTEWATER

- A. Septic Tank Waste may be introduced into the POTW only at locations designated by the General Manager, and at such times as are established by the General Manager. The General Manager shall notify Haulers of any change in the locations. Haulers shall be the responsible and liable to discharge in such a manner as to keep the IEUA designated area clean and free from spills or other debris. Discharge to any point in the Regional Sewerage System other than a designated location is prohibited. Such waste shall not violate Section SECTION 2 of this Ordinance including Local Limits established by the General Manager and adopted by the Board or any other requirements established by IEUA. The General Manager will

require Septic Tank Waste haulers to obtain individual wastewater discharge permits and any required permit or license from the San Bernardino County Department of Environmental Health Services.

- B. A manifest and/or chain-of-custody of a type prescribed by the IEUA, shall be used by the Hauler to track the Septic Tank Waste from its originating point through any transfers to another Hauler vehicle or Hauler's on-site tank to the IEUA Disposal location. The manifest shall accompany the Septic Tank Waste on the transport vehicle, through any transfers, and until the Septic Tank Waste is discharged at the Disposal location.
- C. Haulers of Septic Tank Waste shall, prior to removing the 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. IEUA staff and other authorized personnel are required to provide identification to Persons when entering any Premises for inspection or sampling purposes.
- D. Haulers shall maintain all manifests and records in an organized manner, indicating the number of loads, the source of the loads, the volume of the loads and the type of Septic Tank Waste discharged into the Regional Sewerage System. A Hauler shall retain all records and transport manifests for three (3) years.
- E. IEUA reserves the right to perform sample collection and testing of any and all Septic Tank Waste to determine its acceptability for discharge into the Regional Sewerage System. IEUA may require a Hauler to have the Septic Tank Wastes analyzed at their own expense by an independent certified laboratory approved by IEUA.
- F. IEUA reserves the right to inspect the vehicles used to transport Septic Tank 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.

SECTION 4 - INDIVIDUAL WASTEWATER DISCHARGE PERMITS

4.1 WASTEWATER ANALYSIS

When requested by the General Manager, a User must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The General Manager is authorized to prepare a form for this purpose and may periodically require Users to update this information.

4.2 INDIVIDUAL WASTEWATER DISCHARGE PERMIT REQUIREMENTS

- A. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit from the General Manager, except that a Significant Industrial User that has filed a timely application

pursuant to Section 4.3 of this Ordinance may continue to discharge for the time period specified therein.

B. The General Manager may require other Users to obtain individual wastewater discharge permits as necessary to carry out the purposes of this Ordinance.

C. Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of this Ordinance and subjects the wastewater discharge permittee to the sanctions set out in Section SECTION 10 through Section SECTION 12 of this Ordinance. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

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

4.3 INDIVIDUAL WASTEWATER DISCHARGE PERMITTING: EXISTING CONNECTIONS

Any existing Significant Industrial User without an individual wastewater discharge permit discharging wastewater into the POTW prior to the effective date of this Ordinance and who wishes to continue such discharges, shall, within sixty (60) days after said date, apply to the General Manager for an individual wastewater discharge permit in accordance with Section 4.5. The existing Significant Industrial User shall not cause or allow discharges to the POTW to continue after ninety (90) days of the filing the of the wastewater discharge permit application, except in accordance with an individual wastewater discharge permit issued by the General Manager.

4.4 INDIVIDUAL WASTEWATER DISCHARGE PERMITTING: NEW CONNECTIONS

Any Significant Industrial User required to obtain an individual wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit, in accordance with Section 4.5 of this Ordinance, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

4.5 INDIVIDUAL WASTEWATER DISCHARGE PERMIT APPLICATION CONTENTS

A. All Users required to obtain an individual wastewater discharge permit must submit a permit application. The General Manager may require Users to submit all or some of the following information as part of a permit application:

777 (1) Identifying Information.

- 778 a. The name and address of the facility, including the name of the
779 operator, Duly Authorized Representative, and owner.
- 780 b. Copies of business licenses; tax or utility bills; vehicle licenses and
781 capacity of waste hauler tank; general, automobile, workers
782 compensation, and employer's liability insurances;
- 783 c. Contact information, description of activities, facilities, and plant
784 production processes on the premises;

785 (2) Environmental Permits. A list of any environmental control permits held
786 by or for the facility including, but not limited to permits issued by the
787 San Bernardino County Department of Environmental Health Services,
788 State of California, and South Coast Air Quality Control Board.

789 (3) Description of Operations.

- 790 a. A brief description of the nature, average rate of production
791 (including each product produced by type, amount, processes, and
792 rate of production), and standard industrial classifications of the
793 operation(s) carried out by such User. This description should
794 include a schematic process diagram, which indicates points of
795 water usage, wastewater generation, treatment, and discharge to the
796 POTW from the regulated processes.
- 797 b. Types of wastes generated, and a list of all raw materials and
798 chemicals used or stored at the facility which are, or could
799 accidentally or intentionally be, discharged to the POTW;
- 800 c. Number and type of employees, hours of operation, and proposed or
801 actual hours of operation;
- 802 d. Type and amount of raw materials processed (average and
803 maximum per day);
- 804 e. Site plans, floor plans, mechanical and plumbing plans, and details
805 to show all sewers, floor drains, and appurtenances by size, location,
806 and elevation, and all points of discharge;

807 (4) Time and duration of discharges;

808 (5) The location for monitoring all wastes covered by the permit;

809 (6) Flow Measurement. Information showing the measured average daily and
810 maximum daily flow, in gallons per day, to the POTW from regulated
811 process streams and other streams, as necessary, to allow use of the
812 combined wastestream formula set out in Section 2.2B (40 CFR 403.6(e)).

813 (7) Measurement of Pollutants.

- 814 a. The categorical Pretreatment Standards applicable to each regulated
815 process and any new categorically regulated processes for Existing
816 Sources.
- 817 b. The results of sampling and analysis identifying the nature and
818 concentration, and/or mass, where required by the Standard or by
819 the General Manager, of regulated pollutants in the discharge from
820 each regulated process.
- 821 c. Daily Maximum and long-term average concentrations, or mass,
822 where required, shall be reported.
- 823 d. The sample shall be representative of daily operations and shall be
824 analyzed in accordance with procedures set out in Section 6.10 of
825 this Ordinance. Where the Standard requires compliance with a
826 BMP or pollution prevention alternative, the User shall submit
827 documentation as required by the General Manager or the applicable
828 Standards to determine compliance with the Standard.
- 829 e. Sampling must be performed in accordance with procedures set out
830 in Section 6.11 of this Ordinance.

831 (8) Special studies may be required in the processing of an application, or an
832 individual wastewater discharge permit update. In the event a special
833 study is required, the IEUA and/or Contracting Agency shall notify the
834 applicant or the User in writing, of the need for the special study, and what
835 parameters the study should address. If the IEUA and/or Contracting
836 Agency perform the study, the applicant or User shall deposit with the
837 IEUA and/or Contracting Agency the estimated cost of performing the
838 study. All costs shall be borne by the applicant or User. Final costs will
839 be based upon actual costs incurred by the IEUA.

840 (9) Any other information as may be deemed necessary by the General
841 Manager to evaluate the permit application.

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

844 **4.6 APPLICATION SIGNATORIES AND CERTIFICATIONS**

- 845 A. All wastewater discharge permit applications, User reports and certification
846 statements must be signed by an Authorized Representative of the User, contain the
847 certification statement in Section 6.14, identify the name and contact information
848 of the Authorized Representative.
- 849 B. If the designation of an Authorized Representative is no longer accurate because a
850 different individual or position has responsibility for the overall operation of the

851 facility or overall responsibility for environmental matters for the company, a new
852 written authorization satisfying the requirements of this Section must be submitted
853 to the General Manager prior to or together with any reports to be signed by an
854 Authorized Representative.

855 **4.7 INDIVIDUAL WASTEWATER DISCHARGE PERMIT DECISIONS**

856 A. The General Manager will evaluate the data furnished by the User and may require
857 additional information. Within sixty (60) days of receipt of a complete permit
858 application, the General Manager will determine whether to issue an individual
859 wastewater discharge permit.

860 B. The General Manager shall deny or condition new or increased contributions of
861 pollutants, or changes in the nature of pollutants, to the POTW by Industrial Users
862 where such contributions do not meet applicable Pretreatment Standards and
863 Requirements or where such contributions would cause the POTW to violate its
864 NPDES permit.

865 **SECTION 5 - INDIVIDUAL WASTEWATER DISCHARGE PERMIT ISSUANCE**

866 **5.1 INDIVIDUAL WASTEWATER DISCHARGE PERMIT DURATION**

867 An individual wastewater discharge permit shall be issued for a specified time period, not to exceed
868 five (5) years from the effective date of the permit. An individual wastewater discharge permit
869 may be issued for a period less than five (5) years, at the discretion of the General Manager. Each
870 individual wastewater discharge permit will indicate a specific date upon which it will expire.

871 **5.2 INDIVIDUAL WASTEWATER DISCHARGE PERMIT CONTENTS**

872 An individual wastewater discharge permit shall include such conditions as are deemed reasonably
873 necessary by the General Manager to prevent Pass Through or Interference, protect the quality of
874 the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate
875 sludge management and Disposal, and protect against damage to the POTW.

876 A. Individual wastewater discharge permits must contain:

877 (1) A statement that indicates the wastewater discharge permit issuance date,
878 expiration date and effective date;

879 (2) A statement that the wastewater discharge permit is non-transferable
880 without prior notification to IEUA in accordance with Section 5.4 of this
881 Ordinance, and provisions for furnishing the new owner or operator with
882 a copy of the existing wastewater discharge permit;

883 (3) Effluent limits, including Best Management Practices, based on
884 applicable Pretreatment Standards;

885 (4) Self-monitoring, sampling, reporting, notification, and record-keeping
886 requirements. These requirements shall include an identification of

- 887 pollutants (or Best Management Practice) to be monitored, sampling
888 location, sampling frequency, and sample type based on Federal, State,
889 and local law.
- 890 (5) A statement of applicable civil and criminal penalties for violation of
891 Pretreatment Standards and Requirements, and any applicable compliance
892 schedule. Such schedule may not extend the time for compliance beyond
893 that required by applicable Federal, State, or local law.
- 894 (6) Requirements to control Slug Discharge, if determined by the General
895 Manager to be necessary.
- 896 (7) Predetermined rates or values for Wastewater strength characteristics
- 897 (8) Requirements to submit copies of tax and/or water bills
- 898 (9) Requirement to furnish to the General Manager, within a reasonable time,
899 any documents or records maintained by the User and/or required to be
900 kept by the User which the General Manager may request to determine
901 whether cause exists for modifying, revoking, reissuing, or to determine
902 compliance with the Permit.
- 903 B. Individual wastewater discharge permits may contain, but need not be limited to,
904 the following conditions:
- 905 (1) Limits on the average and/or maximum rate of discharge, time of
906 discharge, and/or requirements for flow regulation and equalization;
- 907 (2) Requirements for the installation of pretreatment technology, pollution
908 control, or construction of appropriate containment devices, designed to
909 reduce, eliminate, or prevent the introduction of pollutants into the
910 treatment works;
- 911 (3) Requirements for the development and implementation of spill control
912 plans or other special conditions including management practices
913 necessary to adequately prevent accidental, unanticipated, or non-routine
914 discharges;
- 915 (4) Development and implementation of waste minimization plans to reduce
916 the amount of pollutants discharged to the POTW;
- 917 (5) Requirements for installation and maintenance of inspection and sampling
918 facilities and equipment, including flow measurement devices and/or
919 combustible gas metering devices;
- 920 (6) A statement that compliance with the individual wastewater discharge
921 permit does not relieve the Permittee of responsibility for compliance with
922 all applicable Federal and State Pretreatment Standards, including those
923 which become effective during the term of the individual wastewater
924 discharge permit; and

(7) Other conditions as deemed appropriate by the General Manager to ensure compliance with this Ordinance, and State and Federal laws, rules, and regulations.

(8) The requirement to comply with all aspects of the individual wastewater discharge permit, or all requirements of this Ordinance shall not be stayed pending during the appeal.

5.3 PERMIT MODIFICATION

A. The General Manager may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

(1) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;

(2) To address significant alterations or additions to the User's operation or wastewater volume or character since the time of the individual wastewater discharge permit issuance;

(3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(4) Information indicating that the permitted discharge poses a threat to the POTW, beneficial use of the biosolids, IEUA personnel, or the receiving waters;

(5) Violation of any terms or conditions of the individual wastewater discharge permit;

(6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

(7) Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;

(8) To correct typographical or other errors in the individual wastewater discharge permit.

5.4 INDIVIDUAL WASTEWATER DISCHARGE PERMIT TRANSFER

Individual wastewater discharge permits may not be transferred to a new owner or operator. Any change in ownership or operator requires that the new owner/operator apply for a new permit using the requirements set forth in Section 4.4 and 4.5. The new owner/operator is prohibited from discharging without a valid permit.

5.5 INDIVIDUAL WASTEWATER DISCHARGE PERMIT REVOCATION

The General Manager may revoke an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons, as set forth in Section 10.8:

Individual wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits issued to a User are void upon the issuance of a new individual wastewater discharge permit to that User.

5.6 INDIVIDUAL WASTEWATER DISCHARGE PERMIT REISSUANCE

A User with an expiring individual wastewater discharge permit shall apply for individual wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 4.5 of this Ordinance, a minimum of one hundred eighty (180) days prior to the expiration of the User's existing individual wastewater discharge permit.

5.7 REGULATION OF WASTE RECEIVED FROM OTHER JURISDICTIONS

A. IEUA accepts wastes from the Contracting Agencies under agreements with each of the Contracting Agencies. The agreements allow for IEUA to administer the pretreatment program within the agency's boundaries or for IEUA to allow the Contracting Agency to administer the pretreatment program under IEUA review.

B. If another municipality, agency, or User located within another municipality or agency, contributes wastewater to the POTW, the General Manager shall enter into an interjurisdictional agreement with the contributing municipality or agency.

C. For those pretreatment programs administered by the Contracting Agency and as part of the interjurisdictional agreement, the General Manager shall require the Contracting Agency or contributing agency to submit annually or as requested by the General Manager, the following information:

(1) A description of the quality and volume of wastewater discharged to the IEUA POTW by the contributing municipality;

(2) An inventory of all Users located within the contributing municipality that are discharging to the POTW; and

(3) Such other information as the General Manager may deem necessary.

D. An interjurisdictional agreement, as required by paragraph B, above, shall contain the following conditions:

(1) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this Ordinance and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 2.3 of this Ordinance and as established by the General Manager and adopted by Board Resolution. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to IEUA's Ordinance or Local Limits;

(2) A requirement for the contributing municipality to submit a revised Significant Industrial User inventory on at least an annual basis;

- 997 (3) A provision specifying which pretreatment implementation activities,
998 including individual wastewater discharge permit issuance, inspection
999 and sampling, and enforcement, will be conducted by the contributing
1000 municipality; which of these activities will be conducted by the General
1001 Manager; and which of these activities will be conducted jointly by the
1002 contributing municipality and the General Manager;
- 1003 (4) A requirement for the contributing municipality to provide the General
1004 Manager with access to all information that the contributing municipality
1005 obtains as part of its pretreatment activities;
- 1006 (5) Limits on the nature, quality, and volume of the contributing
1007 municipality's wastewater at the point where it discharges to the POTW;
- 1008 (6) Requirements for monitoring the contributing municipality's discharge;
- 1009 (7) A provision ensuring the General Manager access to the facilities of Users
1010 located within the contributing municipality's jurisdictional boundaries
1011 for the purpose of inspection, sampling, and any other duties deemed
1012 necessary by the General Manager; and
- 1013 (8) A provision specifying remedies available for breach of the terms of the
1014 interjurisdictional agreement.

1015 **SECTION 6 - REPORTING REQUIREMENTS**

1016 **6.1 BASELINE MONITORING REPORTS**

- 1017 A. Within either one hundred eighty (180) days after the effective date of a categorical
1018 Pretreatment Standard, or the final administrative decision on a category
1019 determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical
1020 Industrial Users currently discharging to or scheduled to discharge to the POTW
1021 shall submit to the General Manager a report which contains the information listed
1022 in paragraph B, below. At least ninety (90) days prior to commencement of their
1023 discharge, New Sources, and sources that become Categorical Industrial Users
1024 subsequent to the promulgation of an applicable categorical Standard, shall submit
1025 to the General Manager a report which contains the information listed in paragraph
1026 B, below. A New Source shall report the method of pretreatment it intends to use
1027 to meet applicable categorical Standards. A New Source also shall give estimates
1028 of its anticipated flow and quantity of pollutants to be discharged.
- 1029 B. Users described above shall submit the information set forth below.
- 1030 (1) All information required in Section 4.5A(1)(a), Section 4.5A(2), Section
1031 a, and Section 4.5A(6).
- 1032 (2) Measurement of pollutants.

- 1033 a. The User shall provide the information required in Section 4.5(7) a
1034 through e.
- 1035 b. The User shall take a minimum of one representative sample to
1036 compile that data necessary to comply with the requirements of this
1037 paragraph.
- 1038 c. Samples should be taken immediately downstream from
1039 pretreatment facilities if such exist or immediately downstream from
1040 the regulated process if no pretreatment exists. If other wastewaters
1041 are mixed with the regulated wastewater prior to pretreatment the
1042 User should measure the flows and concentrations necessary to
1043 allow use of the combined wastestream formula in 40 CFR 403.6(e)
1044 to evaluate compliance with the Pretreatment Standards. Where an
1045 alternate concentration or mass limit has been calculated in
1046 accordance with 40 CFR 403.6(e) this adjusted limit along with
1047 supporting data shall be submitted to the Control Authority;
- 1048 d. Sampling and analysis shall be performed in accordance with
1049 Section 6.11;
- 1050 e. The General Manager may allow the submission of a Baseline
1051 Monitoring Report which utilizes only historical data so long as the
1052 data provides information sufficient to determine the need for
1053 industrial pretreatment measures;
- 1054 f. The Baseline Monitoring Report shall indicate the time, date and
1055 place of sampling and methods of analysis, and shall certify that
1056 such sampling and analysis is representative of normal work cycles
1057 and expected pollutant Discharges to the POTW.
- 1058 (3) Compliance Certification - A statement, reviewed by the User's
1059 Authorized Representative as defined in Section 1.4C and certified by a
1060 Registered California professional engineer, indicating whether
1061 Pretreatment Standards are being met on a consistent basis, and, if not,
1062 whether additional operation and maintenance (O&M) and/or additional
1063 pretreatment is required to meet the Pretreatment Standards and
1064 Requirements.
- 1065 (4) Compliance Schedule - If additional pretreatment and/or O&M will be
1066 required to meet the Pretreatment Standards, the shortest schedule by
1067 which the User will provide such additional pretreatment and/or O&M
1068 must be provided. The completion date in this schedule shall not be later
1069 than the compliance date established for the applicable Pretreatment
1070 Standard. A compliance schedule pursuant to this Section must meet the
1071 requirements set out in Section 6.2 of this Ordinance.

- (5) Signature and Report Certification - All Baseline Monitoring Reports must be certified in accordance with Section 6.14 of this Ordinance and signed by an Authorized Representative as defined in Section 1.4C.

6.2 COMPLIANCE SCHEDULE PROGRESS REPORTS

The following conditions shall apply to the compliance schedule required by Section 6.1B(4) of this Ordinance:

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

6.3 REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the General Manager a report containing the information described in Section 4.5A(6) and (7) and 6.1B(2) of this Ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 2.2, this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 6.14 of this Ordinance. All sampling will be done in conformance with Section 6.11.

6.4 PERIODIC COMPLIANCE REPORTS

- A. All Users must, at a frequency determined by the General Manager submit no less than twice per year (July and January) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the

1111 measured or estimated average and maximum daily flows for the reporting period.
1112 In cases where the Pretreatment Standard requires compliance with a Best
1113 Management Practice (BMP) or pollution prevention alternative, the User must
1114 submit documentation required by the General Manager or the Pretreatment
1115 Standard necessary to determine the compliance status of the User.

1116 B. All periodic compliance reports must be signed and certified in accordance with
1117 Section 6.14 of this Ordinance.

1118 C. All wastewater samples must be representative of the User's discharge. Wastewater
1119 monitoring and flow measurement facilities shall be properly operated, kept clean,
1120 and maintained in good working order at all times. The failure of a User to keep its
1121 monitoring facility in good working order shall not be grounds for the User to claim
1122 that sample results are unrepresentative of its discharge.

1123 D. If a User subject to the reporting requirement in this Section monitors any regulated
1124 pollutant at the appropriate sampling location more frequently than required by the
1125 General Manager, using the procedures prescribed in Section 6.11 of this
1126 Ordinance, the results of this monitoring shall be included in the report.

1127 **6.5 REPORTS OF CHANGED CONDITIONS**

1128 Each User must notify the General Manager of any significant changes to the User's operations or
1129 system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days
1130 before the change. For the purposes of this section, "significant changes" shall include any
1131 sustained twenty (20) percent increase or decrease in industrial wastewater flow or strength
1132 discharged or in production capacity, changes including additions or deletions to processes or
1133 equipment, and experimentation with new processes and/or equipment that will affect the quantity
1134 or quality of wastewater discharged.

1135 A. The General Manager may require the User to submit such information as may be
1136 deemed necessary to evaluate the changed condition, including the submission of a
1137 wastewater discharge permit application under Section 4.5 of this Ordinance.

1138 B. The General Manager may issue an individual wastewater discharge permit under
1139 Section 5.6 of this Ordinance or modify an existing wastewater discharge permit
1140 under Section 5.3 of this Ordinance in response to changed conditions or anticipated
1141 changed conditions.

1142 **6.6 REPORTS OF POTENTIAL PROBLEMS**

1143 A. In the case of any discharge, including, but not limited to, accidental discharges,
1144 discharges of a non-routine, episodic nature, a non-customary batch discharge, a
1145 Slug Discharge or Slug Load, that might cause potential problems for the POTW,
1146 the User shall immediately telephone and notify the General Manager of the
1147 incident. This notification shall include the location of the discharge, type of waste,
1148 concentration and volume, if known, and corrective actions taken or planned by the
1149 User.

- 1150 B. Within five (5) days following such discharge, the User shall, unless waived by the
1151 General Manager, submit a detailed written report describing the cause(s) of the
1152 discharge and the measures to be taken by the User to prevent similar future
1153 occurrences. Such notification shall not relieve the User of any expense, loss,
1154 damage, or other liability which might be incurred as a result of damage to the
1155 POTW, natural resources, or any other damage to person or property; nor shall such
1156 notification relieve the User of any fines, penalties, or other liability which may be
1157 imposed pursuant to this Ordinance.
- 1158 C. A notice shall be permanently posted on the User's bulletin board or other
1159 prominent place advising employees who to call in the event of a discharge
1160 described in paragraph A, above. Employers shall ensure that all employees, who
1161 could cause such a discharge to occur, are advised of the emergency notification
1162 procedure.
- 1163 D. Significant Industrial Users are required to notify the General Manager
1164 immediately of any changes at its facility affecting the potential for a Slug
1165 Discharge.
- 1166 E. User shall notify the General Manager at least 10 days in advance of any planned
1167 production, operational change, maintenance activity that may cause a violation of
1168 the User's permit or the Ordinance. The notification shall describe the potential
1169 problem, actions the User is taking to prevent a discharge violation, and the
1170 contingency plans that will be used if a violation were to occur.

1171 **6.7 REPORTS FROM UNPERMITTED USERS**

1172 All Users not required to obtain an individual wastewater discharge permit shall provide
1173 appropriate reports to the General Manager as the General Manager may require.

1174 **6.8 NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING**

1175 If sampling performed by a User indicates a violation, the User must notify the General Manager
1176 or, when a Contracting Agency is administering the pretreatment program under IEUA review, the
1177 Contracting Agency within twenty-four (24) hours of becoming aware of the violation. The User
1178 shall also repeat the sampling and analysis and submit the results of the repeat analysis to the
1179 General Manager or, when a Contracting Agency is administering the pretreatment program under
1180 IEUA review, the Contracting Agency within thirty (30) days after becoming aware of the
1181 violation. Resampling by the User is not required if the IEUA or Contracting Agency performs
1182 sampling at the User's facility at least once a month, or if the IEUA or Contracting Agency
1183 performs sampling at the User's facility between the time when the initial sampling was conducted
1184 and the time when the User or the Contracting Agency receives the results of this sampling, or if
1185 the IEUA or Contracting Agency has performed the sampling and analysis in lieu of the User.

1186 **6.9 NOTIFCATION OF THE DISCHARGE OF HAZARDOUS WASTE**

- 1187 A. Any User who commences the discharge of hazardous waste shall notify the
1188 Agency, the EPA Regional Waste Management Division Director, and State
1189 hazardous waste authorities, in writing, of any discharge into the POTW of a

substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the Agency, the notification also shall contain the following information to the extent such information is known and readily available to the 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 twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 6.5 of this ordinance. The notification requirement in this Section does not apply to pollutants already reported by Users subject to categorical Pretreatment Standards under the self-monitoring requirements of this Ordinance.

B. Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than fifteen (15) 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 (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.

C. In the case of any new regulations under section 3001 of RCRA (42 U.S.C. § 6921) identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the General Manager, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

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

E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Ordinance, a permit issued thereunder, or any applicable Federal or State law.

6.10 ANALYTICAL REQUIREMENTS

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable

1232 categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical
1233 techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling
1234 and analytical techniques are inappropriate for the pollutant in question, sampling and analyses
1235 shall be performed by using validated analytical methods or any other applicable sampling and
1236 analytical procedures, including procedures suggested by the General Manager and may require
1237 approval by RWQCB and EPA.

1238 **6.11 SAMPLE COLLECTION**

1239 Samples collected to satisfy reporting requirements must be based on data obtained through
1240 appropriate sampling and analysis performed during the period covered by the report, based on
1241 data that is representative of conditions occurring during the reporting period.

- 1242 A. Except as indicated in Section B and C below, the User must collect wastewater
1243 samples using 24-hour flow-proportional composite sampling techniques, unless
1244 time-proportional composite sampling or grab sampling is authorized by the
1245 General Manager. Where time-proportional composite sampling or grab sampling
1246 is authorized by IEUA, the samples must be representative of the discharge. Using
1247 protocols (including appropriate preservation) specified in 40 CFR Part 136 and
1248 appropriate EPA guidance, multiple Grab Samples collected during a 24-hour
1249 period may be composited prior to the analysis as follows: for cyanide, total
1250 phenols, and sulfides the samples may be composited in the laboratory or in the
1251 field; for volatile organics and oil and grease, the samples may be composited in
1252 the laboratory. Composite samples for other parameters unaffected by the
1253 compositing procedures as documented in approved EPA methodologies may be
1254 authorized by IEUA, as appropriate. In addition, Grab Samples may be required to
1255 show compliance with Limits.
- 1256 B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and
1257 volatile organic compounds must be obtained using grab collection techniques.
- 1258 C. For sampling required in support of baseline monitoring and 90-day compliance
1259 reports required in Section 6.1 and 6.3 (40 CFR 403.12(b) and (d)), a minimum of
1260 four (4) Grab Samples must be used for pH, cyanide, total phenols, oil and grease,
1261 sulfide and volatile organic compounds for facilities for which historical sampling
1262 data do not exist; for facilities for which historical sampling data are available, the
1263 General Manager may authorize a lower minimum. For the reports required by
1264 paragraphs Section 6.4 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is
1265 required to collect the number of Grab Samples necessary to assess and assure
1266 compliance by with applicable Pretreatment Standards and Requirements.

1267 **6.12 DATE OF RECEIPTS OF REPORTS**

1268 Written reports will be deemed to have been submitted on the date postmarked if mailed, postage
1269 prepaid, into a mail facility serviced by the United States Postal Service. For reports, which are
1270 not mailed, the date of receipt of the report shall govern.

6.13 RECORDKEEPING

Users subject to the reporting requirements of this Ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 2.3D. Records shall include the date, exact place, method, and time of sampling, and the name of the Person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or IEUA, or where the User has been specifically notified of a longer retention period by the General Manager.

6.14 CERTIFICATION STATEMENTS

Certification of Permit Applications, User Reports and Initial Monitoring Waiver—The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 4.5; Users submitting Baseline Monitoring Reports under Section 6.1B(5); Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 6.3; Users submitting periodic compliance reports required by Section 6.4 A–D. The following certification statement must be signed by an Authorized Representative as defined in Section 1.4C and include the printed name of the Authorized Representative, signature date, and contact information:

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.

SECTION 7 - COMPLIANCE MONITORING

7.1 RIGHT OF ENTRY: INSPECTION AND SAMPLING

The General Manager shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this Ordinance and any individual wastewater discharge permit or order issued hereunder. Users shall allow the General Manager ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, photographing, and the performance of any additional duties.

- A. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable

1310 identification, the General Manager shall be permitted to enter without delay for
1311 the purposes of performing specific responsibilities.

1312 B. The General Manager shall have the right to set up on the User's property, or require
1313 installation of, such devices as are necessary to conduct sampling and/or metering
1314 of the User's operations.

1315 C. The General Manager may require the User to install monitoring equipment as
1316 necessary. Ample room in or near a monitoring facility to allow accurate sampling
1317 and preparation of samples for analysis whether the monitoring facility is
1318 constructed on public or private property shall be provided. Plans for construction
1319 of a monitoring facility shall be prepared by a California Registered Professional
1320 Engineer and submitted to the IEUA for approval prior to construction. The
1321 monitoring facility shall be constructed in accordance with IEUA, local
1322 construction standards and specifications.

1323 The General Manager may require the User to install flow measurement equipment
1324 as necessary. The design and installation of the flow measurement equipment shall
1325 comply with the conditions and requirements in the IEUA Wastewater Flow
1326 Measurement Requirements.

1327 The facility's sampling and monitoring equipment shall be maintained at all times
1328 in a safe and proper operating condition by the User at its own expense. All devices
1329 used to measure wastewater flow and quality shall be calibrated as specified in the
1330 User's permit and the IEUA Wastewater Flow Measurement Requirements to
1331 ensure their accuracy.

1332 D. Any temporary or permanent obstruction to safe and easy access to the facility to
1333 be inspected and/or sampled shall be promptly removed by the User at the written
1334 or verbal request of the General Manager and shall not be replaced. The costs of
1335 clearing such access shall be borne by the User.

1336 E. Unreasonable delays in allowing the General Manager access to the User's
1337 premises shall be a violation of this Ordinance.

1338 F. When the Contracting Agency is administering the pretreatment program for IEUA
1339 and if there is a need to enter and inspect a User in a Contracting Agency's
1340 jurisdiction, the General Manager will notify the Contracting Agency of the reason
1341 to inspect and/or sample the User, and work cooperatively with the Contracting
1342 Agency to perform the inspection and/or sample the User.

1343 **7.2 SEARCH WARRANTS**

1344 If the General Manager has been refused access to a building, structure, or property, or any part
1345 thereof, and is able to demonstrate probable cause to believe that there may be a violation of this
1346 Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and
1347 sampling program of IEUA designed to verify compliance with this Ordinance or any permit or
1348 order issued hereunder, or to protect the overall public health, safety and welfare of the community,
1349 the General Manager may seek issuance of a search warrant from a court of competent jurisdiction.

SECTION 8 - CONFIDENTIAL INFORMATION

Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, and monitoring programs, and from the General Manager's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the General Manager, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

SECTION 9 - PUBLICATION OF USERS IN SIGNIFICANT NON-COMPLIANCE

The General Manager shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the IEUA, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Non-Compliance with applicable Pretreatment Standards and Requirements. The term Significant Non-Compliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (C), (D) or (H) of this Section) and shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section SECTION 2;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section SECTION 2 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- C. Any other violation of a Pretreatment Standard or Requirement as defined by Section SECTION 2 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the General Manager 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;
- D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the General Manager's exercise of its emergency authority to halt or prevent such a discharge;

- 1391 E. Failure to meet, within ninety (90) days of the scheduled date, a compliance
1392 schedule milestone contained in an individual wastewater discharge permit or
1393 enforcement order for starting construction, completing construction, or attaining
1394 final compliance;
- 1395 F. Failure to provide within forty-five (45) days after the due date, any required
1396 reports, including Baseline Monitoring Reports, reports on compliance with
1397 categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and
1398 reports on compliance with compliance schedules;
- 1399 G. Failure to accurately report non-compliance; or
- 1400 H. Any other violation(s), which may include a violation of Best Management
1401 Practices, which the General Manager determines will adversely affect the
1402 operation or implementation of the local pretreatment program.

1403 **SECTION 10 - ADMINISTRATIVE ENFORCEMENT REMEDIES**

1404 **10.1 NOTICE OF VIOLATION/ORDER FOR CORRECTIVE ACTION**

1405 When the General Manager finds that a User has violated, or continues to violate, any provision
1406 of this Ordinance, an individual wastewater discharge permit, or order issued hereunder, or any
1407 other Pretreatment Standard or Requirement, the General Manager may serve upon that User a
1408 written Notice of Violation. Within ten (10) business days of the receipt of such notice, an
1409 explanation of the violation and a plan for the satisfactory correction and prevention thereof, to
1410 include specific required actions, shall be submitted by the User to the General Manager.
1411 Submission of such a plan in no way relieves the User of liability for any violations occurring
1412 before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority
1413 of the General Manager to take any action, including emergency actions or any other enforcement
1414 action, without first issuing a Notice of Violation.

1415 **10.2 COMPLIANCE MEETING**

1416 A Compliance Meeting shall be required of all Users who have failed to achieve compliance after
1417 the issuance of a Notice of Violation, or violation(s) resulting in significant noncompliance. This
1418 meeting shall be for the General Manager to consider drafting a Consent Order or Compliance
1419 Order and for the User to propose solutions, request time extensions, or file an appeal.

1420 **10.3 CONSENT ORDER**

1421 The General Manager may enter into Consent Orders, assurances of compliance, or other similar
1422 documents establishing an agreement with any User responsible for non-compliance. Such
1423 documents shall include specific action to be taken by the User to correct the non-compliance
1424 within a time period specified by the document. Such documents shall have the same force and
1425 effect as the administrative orders issued pursuant to Sections 10.5 and 10.6 of this Ordinance and
1426 shall be judicially enforceable.

1427 **10.4 SHOW CAUSE HEARING**

1428 The General Manager may order a User which has violated, or continues to violate, any provision
1429 of this Ordinance, an individual wastewater discharge permit, or order issued hereunder, or any
1430 other Pretreatment Standard or Requirement, to appear before the General Manager and show
1431 cause why the proposed enforcement action should not be taken. Notice shall be served on the
1432 User specifying the time and place for the hearing, the proposed enforcement action, the reasons
1433 for such action, and a request that the User show cause why the proposed enforcement action
1434 should not be taken. The notice of the hearing shall be served personally or by certified mail at
1435 least thirty (30) business days prior to the hearing. Such notice may be served on any Authorized
1436 Representative of the User as defined in Section 1.4C and required by Section 4.6A. A show cause
1437 hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

1438 **10.5 COMPLIANCE ORDER**

1439 When the General Manager finds that a User has violated, or continues to violate, any provision
1440 of this Ordinance, an individual wastewater discharge permit, or order issued hereunder, or any
1441 other Pretreatment Standard or Requirement, the General Manager may issue an order to the User
1442 responsible for the discharge directing that the User come into compliance within a specified time.
1443 If the User does not come into compliance within the time provided, sewer service may be
1444 discontinued unless adequate treatment facilities, devices, or other related appurtenances are
1445 installed and properly operated. Compliance orders also may contain other requirements to address
1446 the non-compliance, including additional self-monitoring and management practices designed to
1447 minimize the amount of pollutants discharged to the sewer. A compliance order may not extend
1448 the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a
1449 compliance order relieve the User of liability for any violation, including any continuing violation.
1450 Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other
1451 action against the User.

1452 **10.6 CEASE AND DESIST ORDER**

1453 When the General Manager finds that a User has violated, or continues to violate, any provision
1454 of this Ordinance, an individual wastewater discharge permit, or order issued hereunder, or any
1455 other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur,
1456 the General Manager may issue an order to the User directing it to cease and desist all such
1457 violations and directing the User to:

- 1458 A. Immediately comply with all requirements; and
- 1459 B. Take such appropriate remedial or preventive action as may be needed to properly
1460 address a continuing or threatened violation, including halting operations and/or
1461 terminating the discharge. Issuance of a cease and desist order shall not be a bar
1462 against, or a prerequisite for, taking any other action against the User.

1463 **10.7 PERMIT SUSPENSION**

- 1464 A. The General Manager may suspend an individual wastewater discharge permit for
1465 any violation of any provision of the Ordinance. These violations can include but
1466 are not limited to:

- 1467 (1) Failure to comply with the terms and conditions of an Administrative Order;
- 1468 (2) Failure to notify the General Manager of significant changes to the
- 1469 wastewater prior to the changed discharge;
- 1470 (3) Failure to provide prior notification to the General Manager of changed
- 1471 conditions pursuant to Section 6.5 of this Ordinance;
- 1472 (4) Misrepresentation or failure to fully disclose all relevant facts in the
- 1473 wastewater discharge permit application;
- 1474 (5) Falsifying self-monitoring reports and certification statements;
- 1475 (6) Falsifying, tampering with, or knowingly rendering inaccurate any
- 1476 monitoring equipment or sample collection method;
- 1477 (7) Refusing to allow the General Manager timely access to the facility
- 1478 premises and records;
- 1479 (8) Failure to meet effluent limitations;
- 1480 (9) Failure to pay non-compliance fees or fines;
- 1481 (10) Failure to meet compliance schedules;
- 1482 (11) Discharging a slug load to the Regional Sewerage System.
- 1483 (12) Violation of any Pretreatment Standard or Requirement, or any terms of the
- 1484 wastewater discharge permit or this Ordinance.
- 1485 B. Upon determination that there are reasonable grounds for permit suspension, the
- 1486 General Manager shall give written notice thereof to the User setting forth a
- 1487 statement of the facts and grounds deemed to exist, together with the time and place
- 1488 where the charges shall be heard by the General Manager or their designee. The
- 1489 hearing date shall be not less than fifteen (15) calendar days and not more than
- 1490 forty-five (45) calendar days after the mailing of such notice.
- 1491
- 1492 C. At the hearing, the User shall have an opportunity to respond to the allegations set
- 1493 forth in the notice by presenting written or oral evidence. The hearing shall be
- 1494 conducted in accordance with procedures established by the General Manager and
- 1495 approved by the IEUA's General Counsel.
- 1496
- 1497 D. After the conclusion of the hearing, the General Manager shall make a
- 1498 determination as to whether grounds exist for suspension of Users permit. The
- 1499 General Manager shall issue his/her decision within fifteen (15) calendar days after
- 1500 the hearing. The written decision shall be sent to the User or its legal
- 1501 counsel/representative at the User's business address.
- 1502
- 1503 E. Upon an order of suspension by the General Manager becoming final, the User shall
- 1504 have no right to discharge any industrial wastewater 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 User.

F. Any owner or responsible management employee of the User shall be bound by the order of suspension.

G. An order of permit suspension issued by the General Manager shall be deemed final in all respects sixteen (16) days after it is mailed to the Permittee unless a request for hearing is filed with the Board pursuant to Section 10.11 (B), within fifteen (15) days after mailing to the User.

10.8 PERMIT REVOCATION

A. A permit may be revoked for any violation of any provision of the Ordinance. These violations can include but are not limited to:

- (1) Failure to notify the General Manager of significant changes to the wastewater prior to the changed discharge;
- (2) Failure to provide prior notification to the General Manager of changed conditions pursuant to Section 6.5 of this Ordinance;
- (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (4) Falsifying self-monitoring reports and certification statements;
- (5) Falsifying, tampering with, or knowingly rendering inaccurate any monitoring equipment or sample collection method;
- (6) Refusing to allow the General Manager timely access to the facility premises and records;
- (7) Failure to meet effluent limitations;
- (8) Failure to pay fines;
- (9) Failure to meet compliance schedules;
- (10) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (11) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (12) Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or this Ordinance.

B. Upon determination that there are reasonable grounds for permit revocation, the General Manager shall give written notice thereof to the User setting forth a statement of the facts and grounds deemed to exist, together with the time and place

1541 where the charges shall be heard by the General Manager or their designee. The
1542 hearing date shall be not less than fifteen (15) calendar days and not more than
1543 forty-five (45) calendar days after the mailing of such notice.
1544

- 1545 C. At the hearing, the User shall have an opportunity to respond to the allegations set
1546 forth in the notice by presenting written or oral evidence. The hearing shall be
1547 conducted in accordance with procedures established by the General Manager and
1548 approved by the IEUA's General Counsel.
1549
- 1550 D. After the conclusion of the hearing, the General Manager shall make a
1551 determination as to whether grounds exist for revocation of Users permit. The
1552 General Manager shall issue his/her decision within fifteen (15) calendar days after
1553 the hearing. The written decision shall be sent to the User or its legal
1554 counsel/representative at the User's business address.
1555
- 1556 E. Upon an order of revocation by the General Manager becoming final, the User shall
1557 permanently lose all rights to discharge any industrial wastewater directly or
1558 indirectly to the Regional Sewerage System. All costs for physical termination shall
1559 be paid by the User.
1560
- 1561 F. Any owner or responsible management employee of the User shall be bound by the
1562 order of revocation.
1563
- 1564 G. An order of permit revocation issued by the General Manager shall be deemed final
1565 in all respects upon delivery to the User, unless appealed to the Board pursuant to
1566 Section 10.11 (B), within fifteen (15) days after mailing to the User.

1567 **10.9 EMERGENCY SUSPENSION**

1568 The General Manager may immediately suspend a User's discharge, after informal notice to the
1569 User, whenever such suspension is necessary to stop an actual or threatened discharge, which
1570 reasonably appears to present, or cause an imminent or substantial endangerment to the health or
1571 welfare of persons. The General Manager may also immediately suspend a User's discharge, after
1572 notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or
1573 which presents, or may present, an endangerment to the environment. IEUA shall not incur
1574 liability as a result of suspension events.

- 1575 A. Any User notified of a suspension of its discharge shall immediately stop or
1576 eliminate its contribution. In the event of a User's failure to immediately comply
1577 voluntarily with the suspension order, the General Manager may take such steps as
1578 deemed necessary, including immediate severance of the sewer connection, to
1579 prevent or minimize damage to the POTW, its receiving stream, or endangerment
1580 to any individuals. The General Manager may allow the User to recommence its
1581 discharge when the User has demonstrated to the satisfaction of the General
1582 Manager that the period of endangerment has passed, unless the termination
1583 proceedings in Section 10.10 of this Ordinance are initiated against the User.

- 1584 B. A User that is responsible, in whole or in part, for any discharge presenting
1585 imminent endangerment shall submit a detailed written statement, describing the
1586 causes of the harmful contribution and the measures taken to prevent any future
1587 occurrence, to the General Manager prior to the date of any show cause or
1588 termination hearing under Sections 10.4 or 10.10 of this Ordinance.

1589 Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency
1590 Suspension under this Section.

1591 **10.10 TERMINATION OF SERVICE**

1592 In addition to the provisions in Section 10.7 and 10.8 of this Ordinance, any User who violates the
1593 following conditions is subject to discharge termination:

- 1594 A. Violation of individual wastewater discharge permit conditions;
- 1595 B. Failure to accurately report the wastewater constituents and characteristics of its
1596 discharge;
- 1597 C. Failure to report significant changes in operations or wastewater volume,
1598 constituents, and characteristics prior to discharge;
- 1599 D. Refusal of reasonable access to the User's premises for the purpose of inspection,
1600 monitoring, or sampling; or
- 1601 E. Violation of the Pretreatment Standards in Section SECTION 2 of this Ordinance.

1602 Such User will be notified of the proposed termination of its discharge and be offered an
1603 opportunity to show cause under Section 10.4 of this Ordinance why the proposed action should
1604 not be taken. Exercise of this option by the General Manager shall not be a bar to, or a prerequisite
1605 for, taking any other action against the User.

1606 **10.11 APPEALS**

- 1607 A. Administrative Hearings before the General Manager

1608 (1) Any Permit applicant, permittee, or User affected by any decision, action
1609 or determination made by the General Manager's authorized
1610 representative may file with the General Manager a written request for an
1611 administrative hearing regarding such action. The request shall be made
1612 within fifteen (15) days of mailing of the original decision. The request
1613 for hearing shall set forth in detail all facts supporting the request.

1614 (2) The General Manager shall, within fifteen (15) days of receiving the
1615 request for hearing, designate himself/herself or another Duly Authorized
1616 Representative to hear the matter and provide written notice to the
1617 applicant or User of the hearing date, time and place. The hearing date
1618 shall not be more than thirty (30) days from the mailing of such notice to
1619 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) At the hearing, the applicant or User shall have the opportunity to present information supporting its position concerning the original decision, action or determination. The hearing shall be conducted in accordance with procedures established by the General Manager and approved by the IEUA's General Counsel.

(4) After the conclusion of the hearing, the General Manager or the Duly Authorized Representative shall prepare and approve a written report to the General Manager setting forth a brief statement of facts found to be true, a determination of the issues presented, conclusions, and a recommendation whether to uphold, modify or reverse the original decision, action or determination. The General Manager shall issue his/her decision and order within thirty (30) calendar days of the hearing. The written decision and order of the General Manager shall be sent to the applicant or User or its legal counsel/representative, at the applicant's or User's business address.

(5) The order of the General Manager shall be final in all respects sixteen (16) days after it is mailed to the applicant or User unless a request for hearing is filed with the Board pursuant to Section 10.11B, within fifteen (15) days after mailing to the applicant or User.

B. Appeals to the Board

(1) If the General Manager's order is adverse to the Permit applicant or User, it may, prior to the date that the General Manager'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 sixty (60) days after receipt of the request for hearing, the Board shall either set the matter for a hearing or deny the request for a hearing.

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 General Manager shall be within the sole discretion of the Board.

c. A hearing shall be held by the Board within sixty-five (65) days from the date of determination granting a hearing, unless a later date is agreed to by the 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 General Manager's order shall be deemed final.

- 1660 (2) The Board Secretary shall, within fifteen (15) days of the Board's
1661 determination, provide written notice to the appellant of the denial or
1662 acceptance of a hearing. If a hearing is accepted then a hearing date, time,
1663 and place will be indicated. If a hearing is denied, the General Manager's
1664 decision shall be final fifteen (15) days after the date such notice is mailed.
- 1665 (3) At the hearing, the appellant shall have the opportunity to present written
1666 or oral evidence supporting its position concerning the original decision,
1667 action or determination, in accordance with procedures established by the
1668 Board.
- 1669 (4) After the hearing, the Board shall make a determination whether to
1670 uphold, modify, or reverse the staff's original decision, action, or
1671 determination as ordered by the General Manager.
- 1672 (5) The decision of the Board shall be set forth in writing within sixty-five
1673 (65) days after the close of the hearing and shall contain a finding of the
1674 facts found to be true, the determination of issues presented, and the
1675 conclusions. The written decision and order of the Board shall be sent to
1676 the appellant or its legal counsel/representative at the appellant's business
1677 address.
- 1678 (6) The order of the Board shall be final upon its adoption. In the event the
1679 Board fails to reverse or modify the General Manager's order, it shall be
1680 deemed affirmed.
- 1681 (7) IEUA's determination may also include issuance of an order to a User
1682 responsible for violations, directing that following a specified period of
1683 time, sewer service be discontinued unless adequate Pretreatment
1684 facilities, devices or other related appurtenances have been installed and
1685 are properly operated. Such an order shall not relieve the violator of other
1686 penalties assessed for the period of violation. Further orders and directives
1687 as necessary and appropriate may be used. The IEUA may seek injunctive
1688 relief in order to require compliance with all provisions of this Ordinance.

1689 C. The requirement to comply with all aspects of the individual wastewater discharge
1690 permit, or all requirements of this Ordinance shall not be stayed pending during any
1691 appeal.

1692 **SECTION 11 - JUDICIAL ENFORCEMENT REMEDIES**

1693 **11.1 INJUNCTIVE RELIEF**

1694 When the General Manager finds that a User has violated, or continues to violate, any provision
1695 of this Ordinance, an individual wastewater discharge permit, or order issued hereunder, or any
1696 other Pretreatment Standard or Requirement, the General Manager may petition the Superior Court
1697 for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels
1698 the specific performance of the individual wastewater discharge permit, order, or other

requirement imposed by this Ordinance on activities of the User. The General Manager may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

11.2 CIVIL LIABILITY

A User who has violated, or continues to violate, any provision of this Ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to IEUA for a maximum civil penalty of \$25,000 per violation, per day pursuant to the authority of California Government Code Section 54739 et seq. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

11.3 ADMINISTRATIVE CIVIL PENALTIES

- A. Pursuant to the authority of California Government Code Sections 54740.5 and 54740.6, IEUA may issue an administrative complaint to any Person who violates any provision of this Ordinance, any Permit condition, prohibition or effluent limit, any Permit suspension or revocation order, or any requirement adopted or ordered by IEUA pursuant to paragraph (1) or (2) of subdivision (a) of Section 54739. The administrative complaint shall allege the act or failure to act that constitutes the violation of IEUA's requirements, the provisions of law authorizing civil liability to be imposed, and the proposed civil penalty.
- B. The administrative complaint shall be served by personal delivery or certified mail on the person subject to IEUA's discharge requirements and shall inform the person served that a hearing shall be conducted within sixty (60) days after the person has been served. The hearing shall be before a hearing officer designated by the IEUA Board of Directors. The person who has been issued an administrative complaint may waive the right to a hearing, in which case the local agency shall not conduct a hearing. A person dissatisfied with the decision of the hearing officer may appeal to the IEUA Board of Directors within thirty (30) days of notice of the hearing officer's decision.
- C. If after the hearing, or appeal, if any, it is found that the person has violated reporting or discharge requirements, the hearing officer or board may assess a civil penalty against that person. In determining the amount of the civil penalty, the hearing officer 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 noncompliance, 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 discharger.
- D. Civil penalties may be imposed by the local agency 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.

- 1742 (2) In an amount which shall not exceed three-thousand dollars (\$3,000) for
1743 each day for failing or refusing to timely comply with any compliance
1744 schedule established by the local agency.
- 1745 (3) In an amount which shall not exceed five-thousand dollars (\$5,000) per
1746 violation for each day for discharges in violation of any waste discharge
1747 limitation, permit condition, or requirement issued, reissued, or adopted
1748 by the local agency.
- 1749 (4) In an amount which does not exceed ten dollars (\$10) per gallon for
1750 discharges in violation of any suspension, cease and desist order or other
1751 orders, or prohibition issued, reissued, or adopted by a local agency.
- 1752 (5) The amount of any civil penalties imposed under this Section which have
1753 remained delinquent for a period of sixty (60) days shall constitute a lien
1754 against the real property of the discharger from which the discharge
1755 originated resulting in the imposition of the civil penalty. The lien
1756 provided herein shall have no force and effect until recorded with the
1757 county recorder and when recorded shall have the force and effect and
1758 priority of a judgment lien and continue for ten (10) years from the time
1759 of recording unless sooner released, and shall be renewable in accordance
1760 with the provisions of Sections 683.110 to 683.220, inclusive, of the Code
1761 of Civil Procedure.
- 1762 E. All moneys collected under this Section shall be deposited in a special account of
1763 IEUA and shall be made available for the monitoring, treatment, and control of
1764 discharges into the IEUA's sewer system or for other mitigation measures.
- 1765
- 1766 F. Unless appealed, orders setting administrative civil penalties shall become effective
1767 and final upon issuance thereof, and payment shall be made within thirty (30) days.
1768 Copies of these orders shall be served by personal service or by registered mail
1769 upon the party served with the administrative complaint and upon other persons
1770 who appeared at the hearing and requested a copy.
- 1771
- 1772 G. IEUA may, at its option, elect to petition the superior court to confirm any order
1773 establishing civil penalties and enter judgment in conformity therewith in
1774 accordance with the provisions of Sections 1285 to 1287.6, inclusive, of the Code
1775 of Civil Procedure.
- 1776
- 1777 H. No penalties shall be recoverable under this Section for any violation for which
1778 civil liability is recovered under Section 54740.
- 1779
- 1780 I. The General Manager may recover reasonable attorneys' fees, court costs, and other
1781 expenses associated with enforcement activities, including sampling and
monitoring expenses, and the cost of any actual damages incurred by IEUA.
- 1782
- 1783 J. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking
any other action against a User.

11.4 CRIMINAL PROSECUTION

- A. A User who willfully or negligently violates any provision of this Ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of up to one-thousand dollars (\$1,000) per violation, per day, or imprisonment for not more than six (6) months, or both.
- B. A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of up to one-thousand dollars (\$1,000), or be subject to imprisonment for not more than six (6) months, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.
- C. A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Ordinance, individual wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance shall, upon conviction, be punished by a fine of not more than one-thousand dollars (\$1,000) per violation, per day, or imprisonment for not more than six (6) months, or both.

11.5 REMEDIES NONEXCLUSIVE

The remedies provided for in this Ordinance are not exclusive. The General Manager may take any, all, or any combination of these actions against a non-compliant User. Enforcement of pretreatment violations will generally be in accordance with IEUA's enforcement response plan. However, the General Manager may take other action against any User when the circumstances warrant. Further, the General Manager is empowered to take more than one enforcement action against any non-compliant User.

SECTION 12 - SUPPLEMENTAL ENFORCEMENT ACTION

12.1 PENALTIES FOR LATE REPORTS

Penalties may be assessed to any User for each day that a report required by this Ordinance, a permit or order issued hereunder is late, beginning five days after the date the report is due and higher penalties may also be assessed where reports are more than thirty (30) days late. Penalties shall be in accordance with a resolution established and modified from time to time by the Board. Actions taken by the General Manager to collect late reporting penalties shall not limit the General Manager's authority to initiate other enforcement actions that may include penalties for late reporting violations.

12.2 PERFORMANCE BONDS

The General Manager may decline to issue or reissue an individual wastewater discharge permit to any User who has failed to comply with any provision of this Ordinance, a previous individual

wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless such User first files a satisfactory bond, payable to IEUA, in a sum not to exceed a value determined by the General Manager to be necessary to achieve consistent compliance.

12.3 LIABILITY INSURANCE

The General Manager may decline to issue or reissue an individual wastewater discharge permit to any User who has failed to comply with any provision of this Ordinance, a previous individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge or vehicle in the case of a Septic Tank Waste hauler.

12.4 PAYMENT OF OUTSTANDING FEES AND PENALTIES

The General Manager may decline to issue or reissue an individual wastewater discharge permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this Ordinance, a previous individual wastewater discharge permit, or order issued hereunder.

12.5 PUBLIC NUISANCES

A violation of any provision of this Ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the General Manager. Any person(s) creating a public nuisance shall be subject to the provisions of appropriate jurisdictional code governing such nuisances, including reimbursing IEUA or Contracting Agencies for any costs incurred in removing, abating, or remedying said nuisance.

SECTION 13 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

13.1 UPSET

A. For the purposes of this Section, upset means an exceptional incident in which there is unintentional and temporary non-compliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

B. An upset shall constitute an affirmative defense to an action brought for non-compliance with categorical Pretreatment Standards if the requirements of paragraph (C), below, are met.

C. A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- 1862
- 1863 (1) An upset occurred and the User can identify the cause(s) of the upset;
- 1864
- 1865 (2) The facility was at the time being operated in a prudent and workman-like
- 1866 manner and in compliance with applicable operation and maintenance
- 1867 procedures; and
- 1868
- 1869 (3) The User has submitted the following information to the CEO/GM within
- 1870 twenty-four (24) hours of becoming aware of the upset or if this information
- 1871 was provided orally, a written submission must be provided within five (5)
- 1872 days:
- 1873
- 1874 (a) A description of the indirect discharge and cause of non-compliance;
- 1875
- 1876 (b) The period of non-compliance, including exact dates and times or, if not
- corrected, the anticipated time the non-compliance is expected to continue; and
- 1877
- 1878 (c) Steps being taken and/or planned to reduce, eliminate, and prevent
- 1879 recurrence of the non-compliance.
- 1880 D. In any enforcement proceeding, the User seeking to establish the occurrence of an upset
- 1881 shall have the burden of proof.
- 1882
- 1883 E. Users shall have the opportunity for a judicial determination on any claim of upset only
- 1884 in an enforcement action brought for non-compliance with categorical Pretreatment
- 1885 Standards.
- 1886
- 1887 F. Users shall control production of all discharges to the extent necessary to maintain
- 1888 compliance with categorical Pretreatment Standards upon reduction, loss, or failure of
- 1889 its treatment facility until the facility is restored or an alternative method of treatment
- 1890 is provided. This requirement applies in the situation where, among other things, the
- 1891 primary source of power of the treatment facility is reduced, lost, or fails.
- 1892

1893 **13.2 PROHIBITED DISCHARGE STANDARDS**

1894 A User shall have an affirmative defense to an enforcement action brought against it for non-

1895 compliance with Section 2.1 General Prohibitions and Limitations on Discharges of this ordinance

1896 if it can prove that it did not know, or have reason to know, that its discharge, alone or in

1897 conjunction with discharges from other sources, would cause Pass Through or Interference and

1898 that either:

1899

- 1900 A. A Local Limit exists for each pollutant discharged and the User was in compliance with
- 1901 each limit directly prior to, and during, the Pass Through or Interference; or
- 1902
- 1903 B. No Local Limit exists, but the discharge did not change substantially in nature or
- 1904 constituents from the User's prior discharge when IEUA was regularly in compliance

1905 with its NPDES permit, and in the case of Interference, was in compliance with
1906 applicable sludge use or disposal requirements.

1907 **SECTION 14 - MISCELLANEOUS PROVISIONS**

1908 **14.1 PRETREATMENT CHARGES AND FEES**

1909 A. IEUA may adopt reasonable fees for reimbursement of costs of setting up and
1910 operating IEUA's Pretreatment Program, which may include:

1911 (1) Fees for wastewater discharge permit applications and modifications
1912 including the cost of processing such applications;

1913 (2) Fees for monitoring, inspection, and surveillance procedures including the
1914 cost of collection and analyzing a User's discharge, and reviewing
1915 monitoring reports and certification statements submitted by Users;

1916 (3) Fees for reviewing and responding to accidental discharge procedures and
1917 construction;

1918 (4) Fees for filing appeals;

1919 (5) Fees to recover administrative and legal costs not included in Section
1920 14.1(A)(2) associated with the enforcement activity taken by the General
1921 Manager to address User non-compliance; and

1922 (6) Other fees as IEUA may deem necessary to carry out the requirements
1923 contained herein. These fees relate solely to the matters covered by this
1924 Ordinance and are separate from all other fees, fines, and penalties
1925 chargeable by IEUA.

1926 B. All fees and charges imposed under the provisions of this Ordinance are due and
1927 payable upon serving an invoice. An invoice shall be served by first-class mail or
1928 such other procedure as will reasonably assure receipt. Unpaid fees or charges shall
1929 become delinquent thirty (30) days after postmark date or the date the invoice is
1930 personally served. The date a payment is postmarked by the United States Postal
1931 Service or date-stamped by a commercial courier service will be considered the
1932 date of receipt by the IEUA unless payment is personally made to the IEUA.

1933 C. A penalty of 10 percent of the original unpaid invoice amount shall be added to any
1934 fee or charge that becomes delinquent. Interest at the maximum rate provided by
1935 law shall accrue on the total of all delinquent fees or charges including the penalty.
1936 A lien against the User's property shall be sought for unpaid charges, fines, and
1937 penalties.

1938 D. The Board shall have the authority to waive payment of any fee, charge, or penalty
1939 billed pursuant to this Ordinance.
1940

14.2 SEVERABILITY

If any provision of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

SECTION 15 - EFFECTIVE DATE

Upon the effective date of this Ordinance No. 109, Ordinance No. 97, including any amendments thereto, shall be repealed and superseded by this Ordinance. This Ordinance shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.

ADOPTED, this ____ day of _____, 2020.

Kati Parker
President of Inland Empire Utilities
Agency*, and of the Board of Directors thereof

ATTEST:

Steven J. Elie
Secretary of the Inland Empire Utilities
Agency* and the Board of Directors thereof

*A Municipal Water District

1981 STATE OF CALIFORNIA)
1982)SS
1983 COUNTY OF SAN BERNARDINO)
1984
1985

1986 I, Steven J. Elie, Secretary/Treasurer of the Inland Empire Utilities Agency*, DO
1987 HEREBY CERTIFY that the foregoing Ordinance being No. 109, was adopted at a regular meeting
1988 on _____, 2020, of said Agency by the following vote:
1989
1990

1991 AYES:

1992
1993 NOES:

1994
1995 ABSTAIN:

1996
1997 ABSENT:

1998

1999

2000

2001

2002

2003

2004

2005

2006 (SEAL)

2007

2008

Steven J. Elie
Secretary/Treasurer

**DISTRIBUTED
ITEM**

4B



6075 Kimball Avenue • Chino, CA 91708
P.O. Box 9020 • Chino Hills, CA 91709
TEL (909) 993-1600 • FAX (909) 993-1985
www.ieua.org

August 10, 2020

Ms. Hope Smythe
Executive Officer
California Regional Water Quality
Control Board - Santa Ana Region
3737 Main Street, Suite 500
Riverside, CA 92501-3339

Re: Inland Empire Utilities Agency Modification of Pretreatment Program – Regional
Wastewater Ordinance No. 109 Revision

Dear Ms. Smythe:

The Inland Empire Utilities Agency (IEUA) is respectfully requesting that the Regional Water Quality Control Board (RWQCB) review and approve the proposed Regional Wastewater Ordinance No. 109 (Ordinance No. 109) for IEUA's Regional Pretreatment Program. The IEUA's current Regional Wastewater Ordinance No. 97 was adopted in 2014. In 2018, the RWQCB required IEUA to modify its Sewer Use Ordinance (SUO) based on findings from the November 2016 Pretreatment Compliance Audit conducted by Tetra Tech under contract by USEPA. The auditors found that the SUO did not include the hazardous waste notification requirements as required by 40 CFR 403.12(p). The auditors also found the SUO did not include the upset notification provisions listed at 40 CFR 403.16.

The proposed Ordinance No. 109 addresses the 2016 PCA audit findings and when approved will replace Ordinance No. 97 in its entirety. The revised Ordinance No. 109 follows the *EPA Model Pretreatment Ordinance* guidelines and has been reviewed by the IEUA's General Counsel. As the revised Ordinance No. 109 does not relax the IEUA's legal authorities, Local Limits, or any changes that would constitute a substantial program change, IEUA is submitting its Ordinance No. 109 as a "Non-Substantial Pretreatment Program Modification" as outlined in 40 CFR 403.18 (d)(1).

Water Smart – Thinking in Terms of Tomorrow

Kati Parker
President

Jasmin A. Hall
Vice President

Steven J. Elie
Secretary/Treasurer

Michael E. Camacho
Director

Paul Hofer
Director

Shivaji Deshmukh
General Manager

If the RWQCB concurs with the proposed changes to the SUO, IEUA will recommend its Board adopt a Notice of Intent to revise the SUO and set a public hearing for the adoption of the Ordinance No. 109. The proposed revisions to the Ordinance are summarized below:

Section 1.4(Y) Definitions – Hydrolysate definition added.

Section 1.4(Z) Definitions – Hydrolysis definition added.

Section 1.4(BB) Definitions – IEUA flow measurement requirements has been added to the definitions section.

Section 1.4(XX) Definitions – Septic Tank Waste has been updated to include cesspools, seepage pit waste. Chemical toilet waste has been removed.

Section 2.1(A) (Prohibited Discharge Standards, General Prohibitions) - General prohibition definition has been updated to align with Model Ordinance.

Section 2.1(B)(6) (Prohibited Discharge Standards, Specific Prohibitions) – Specific prohibition for oils and grease updated to describe specific oils and greases that are prohibited.

Section 2.1(B)(18) (Prohibited Discharge Standards, Specific Prohibitions) – Specific prohibition added for bromide-containing wastewater which caused IEUA to violate Chlorodibromomethane/Dichlorobromomethane NPDES permit limits.

Section 2.1(B)(19) (Prohibited Discharge Standards, Specific Prohibitions) - Specific prohibition added to prohibit 2,3,7,8-TCDD (Dioxin).

Section 2.1(B)(20) (Prohibited Discharge Standards, Specific Prohibitions) - Specific prohibition added to prohibit hydrolysate (resulting from hydrolysis) discharge into sewer.

Section 2.1(B)(21) (Prohibited Discharge Standards, Specific Prohibitions) - Specific prohibition added to prohibit discharge of unused/expired pharmaceuticals into sewer and to comply BMPs.

Section 2.1(B)(22) (Prohibited Discharge Standards, Specific Prohibitions) - Specific prohibition added to prohibit chemical toilet or portable toilet waste.

Section 2.1(B)(23) (Prohibited Discharge Standards, Specific Prohibitions) – Specific prohibition added for wastewater flow in excess of permitted limits or purchased capacity.

Section 2.1(B)(24) (Prohibited Discharge Standards, Specific Prohibitions) - Specific prohibition added to prohibit wastewater containing 1,2,3-TCP.

Section 3.4 (Bypass) – Bypass Section has been reformatted to align with Model Ordinance.

Section 4.3 (Individual Wastewater Discharge Permitting: Existing Connections) – Individual wastewater discharge permitting for existing connections section has been updated to more closely align with the EPA Model Ordinance.

Section 6.5 (Reports of Changed Conditions) – Section has been updated to clarify what is considered significant changes for a User to report changed conditions.

Section 6.9 (Notification of the Discharge of Hazardous Waste) – This section has been inserted into the Ordinance as it was inadvertently omitted from the previous Ordinance. The section text aligns with the EPA Model Ordinance.

Section 6.10 (Analytical Requirements) – Section has been updated to clarify which agencies can approve analytical techniques when 40 CFR 136 does not contain a method or technique that is appropriate.

Section 7.1(C) (Compliance Monitoring, Right of Entry: Inspection & Sampling) – Section has been updated to insert the requirement that IEUA may require the User to install flow measurement equipment as necessary per the IEUA Wastewater Flow Measurement Requirements.

Section 10.7(A)(6&9) (Permit Suspension) – This section has been updated to clarify language for violations involving falsifying and tampering of monitoring equipment or sample collection methods.

Section 10.8(A)(5) (Permit Revocation) – This section has been updated to clarify language for violations involving falsifying and tampering of monitoring equipment or sample collection methods.

Section 10.9 (Emergency Suspension) – This section has been updated to include language that IEUA shall not incur liability as the result of suspension events.

Section 13 (Affirmative Defenses to Discharge Violations) – This section has been added to align with the Model Ordinance.

Should you or your staff have any comments or questions regarding the Ordinance revisions, please feel free to contact me at 909-993-1645.

Respectfully,



Craig Proctor
Deputy Manager of Planning and Environmental Resources
Inland Empire Utilities Agency

attachments

cc: Julio Lara, RWQCB
Najah Amin, RWQCB