



## **Special Regional Sewerage Program Technical Committee Meeting**

### **AGENDA**

**Monday, December 7, 2020**

**10:30 a.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: 101 156 374#**

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](mailto: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.

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#### **Call to Order**

#### **Roll Call**

#### **Public Comment**

#### **Additions/Changes to the Agenda**

##### **1. Action Items**

- A. Meeting Minutes for October 29, 2020
- B. Request by the City of Ontario for a Regional Connection Point to the Freeway Trunk (Ontario Regional Sewer Connection #O-103)

##### **2. Informational Items**

- A. Pilot Return to Sewer Flow Study Report
- B. Debt Overview

*(Continued)*

# Special Regional Sewerage Program Technical Committee Meeting Agenda

December 7, 2020

Page 2 of 2

- C. Recycled Water Program 2021 Focus
- D. Upper Santa Ana River Multiple Species Habitat Conservation Plan Update
- E. Operations & Compliance Updates (*Oral*)

### **3. Receive and File**

- A. Regional Wastewater Ordinance No. 109
- B. November 3, 2020 Regional Sewerage Program Pretreatment Committee Minutes
- C. Building Activity Report
- D. Recycled Water Distribution - Operations Summary

### **4. Technical Committee Items Distributed**

- A. None

### **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 – January 28, 2021

### **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](http://www.ieua.org) and posted in the foyer at the Agency's main office at 6075 Kimball Avenue, Building A, Chino, CA, on Wednesday, December 2, 2020.

  
Sally H. Lee

**ACTION  
ITEM**

**1A**



## Regional Sewerage Program Technical Committee Meeting MINUTES OF OCTOBER 29, 2020

### **CALL TO ORDER**

A regular meeting of the IEUA/Regional Sewerage Program – Technical Committee was held via teleconference on Thursday, October 29, 2020. Committee Chair Nicole deMoet/City of Upland called the meeting to order at 2:04 p.m. Recording Secretary Sally Lee took a roll call and established a quorum was present.

### **ATTENDANCE via Teleconference**

#### **Committee Members:**

Dave Crosley	City of Chino
Eduardo Espinoza (Alternate)	Cucamonga Valley Water District (CVWD)
Ron Craig	City of Chino Hills
Chuck Hays	City of Fontana
Courtney Jones (Alternate)	City of Ontario
Nicole deMoet	City of Upland
Shivaji Deshmukh	Inland Empire Utilities Agency (IEUA)

### **ABSENT:**

#### **Committee Members:**

Noel Castillo	City of Montclair
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### **OTHERS PRESENT via Teleconference**

Christopher T. Quach	City of Ontario
Steve Nix	City of Upland
Scott Connor	Unknown
David Schwarmer II	Unknown
Kathy Besser	Inland Empire Utilities Agency
Randy Lee	Inland Empire Utilities Agency
Christina Valencia	Inland Empire Utilities Agency
Jerry Burke	Inland Empire Utilities Agency
Andy Campbell	Inland Empire Utilities Agency
Javier Chagoyen-Lazaro	Inland Empire Utilities Agency
Denise Garzaro	Inland Empire Utilities Agency
Elizabeth Hurst	Inland Empire Utilities Agency
Sally Lee	Inland Empire Utilities Agency



Sylvie Lee	Inland Empire Utilities Agency
Eddie Lin	Inland Empire Utilities Agency
Jason Marseilles	Inland Empire Utilities Agency
Liza Munoz	Inland Empire Utilities Agency
Scott Oakden	Inland Empire Utilities Agency
Cathleen Pieroni	Inland Empire Utilities Agency
Craig Proctor	Inland Empire Utilities Agency
Jeanina Romero	Inland Empire Utilities Agency
Ken Tam	Inland Empire Utilities Agency
Teresa Velarde	Inland Empire Utilities Agency
Jeff Ziegenbein	Inland Empire Utilities Agency

**ADDITIONS/CHANGES TO THE AGENDA**

There were none.

**1. ACTION ITEMS****A. APPROVAL OF THE MEETING MINUTES OF SEPTEMBER 24, 2020**

**Motion:** By Chuck Hays/City of Fontana and seconded by Eduardo Espinoza/CVWD to approve the meeting minutes of the September 24, 2020 Technical Committee meeting.

**Motion carried:** Ayes: 7; Noes: 0; Absent: 1; Abstained: 0

With the following roll call vote:

Ayes: Hays, Espinoza, Crosley, Craig, Deshmukh, Jones, deMoet  
 Noes: None  
 Absent: Castillo  
 Abstain: None

**B. REQUEST BY THE CITY OF ONTARIO FOR A REGIONAL CONNECTION POINT TO THE KIMBALL INTERCEPTOR (ONTARIO REGIONAL SEWER CONNECTION #O-102)**

Jerry Burke/IEUA stated that the Agency received a request from the City of Ontario for the approval of a sewer connection located on Kimball Ave in the city of Chino. He shared that the peak flow rate is slightly over 14 million gallons/day (MGD) and the average flow rate is slightly under 7.5 MGD. Both flow rates are well under the pipeline capacity of 19.32 MGD.

**Motion:** By Eduardo Espinoza/CVWD and seconded by Chuck Hays/City of Fontana to recommend that the Regional Technical Committee approve the request by the City of Ontario for one new connection point to the Regional System (Ontario Regional Sewer Connection #O-102).

**Motion carried:** Ayes: 7; Noes: 0; Absent: 1; Abstained: 0

With the following roll call vote:

Ayes: Espinoza, Hays, Crosley, Craig, Deshmukh, Jones, deMoet  
Noes: None  
Absent: Castillo  
Abstain: None

## **2. INFORMATIONAL ITEMS**

### **A. GROUNDWATER RECHARGE/RECYCLED WATER SEMI-ANNUAL UPDATE**

Andy Campbell/IEUA gave a presentation of the Groundwater Recharge (GWR)/Recycled Water Semi-Annual Update. He gave an overview of the historical recycled water demand, recycled water recharge program, GWR annual history, GWR deliveries for the past 12 months, historical monthly highs for GWR deliveries, and the Agency's recycled water distribution for September 2020.

### **B. RETURN TO SEWER PILOT STUDY UPDATES**

Ken Tam/IEUA provided an update on the Return to Sewer Pilot Study. He stated that members of the technical subgroup met on September 30 to review the initial draft of the final report. During that meeting, the consultant for the project, Argo, presented the report and fielded comments from the subgroup and noted that they are working on completing the additional analysis requested by the subgroup. This additional requested analysis included correlation of multi-family residential unit age to sewer flows, nursing homes, senior living homes, and hotel lobby flow analysis. Argo is also working on additional analysis for the different classes of food services establishments. The consultant is prepared to distribute the updated final report addressing the subgroup comments and additional analysis by the end the week. Mr. Tam stated that he will be scheduling a final meeting for the entire subgroup to review the updated final report. Subsequently, the results of the pilot study will be shared with the Technical and Policy Committees as an information item. If the next regularly scheduled Technical Committee meeting is cancelled due to the Thanksgiving holiday, a special workshop will be scheduled for the Regional Sewerage Technical and Policy Committees to inform the Committees of this item.

### **C. OPERATIONS & COMPLIANCE UPDATES**

There were no operations and compliance updates.

## **3. RECEIVE AND FILE**

### **A. ANNUAL REPORTS – BUILDING ACTIVITY, RECYCLED WATER & ENERGY**

The Annual Reports – Building Activity, Recycled Water, and Energy were received and filed by the Committee.

### **B. DRAFT REGIONAL SEWERAGE PROGRAM POLICY COMMITTEE MEETING AGENDA**

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

### **C. RECYCLED WATER DISTRIBUTION – OPERATIONS SUMMARY**

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

**4. TECHNICAL COMMITTEE ITEMS DISTRIBUTED****A. NOTICE OF AVAILABILITY OF RECYCLED WATER AS GROUNDWATER RECHARGE FOR FY 20/21****5. OTHER BUSINESS****A. IEUA GENERAL MANAGER'S UPDATE**

General Manager Shivaji Deshmukh/IEUA stated that a meeting of the Finance Directors for respective member agencies is scheduled for November 4. Key topics for this meeting include an update on the RP-5 Expansion Project, the recently completed financing transactions, the proposed timeline for the 2022 Rate Study and key takeaways from the General Managers' Retreat held on Monday. The Agency plans to host these meetings on a quarterly basis to provide Finance Directors an opportunity to share highlights, opportunities, and challenges from their respective agencies. He also stated that CVWD has responded to the GWR notice of availability that was sent to member agencies. CVWD has requested the maximum GWR available to them, which in this case will be approximately 1,500 acre feet (AF) from City of Chino's full GWR share for the current fiscal year and approximately 1,500 AF from City of Ontario's first and second quarter GWR share, approximately 3,000 AF total. As CVWD has been the only agency to respond, and they are expected to have approximately 8,000 AF of excess base entitlement, the Agency expects the full amount of available GWR to go to them. Lastly, General Manager Deshmukh deferred the last item of the next Technical Committee to Chair deMoet.

**B. COMMITTEE MEMBER REQUESTED AGENDA ITEMS FOR NEXT MEETING**

Ron Craig/City of Chino Hills asked for an information item for strategic planning of management of recycled water.

**C. COMMITTEE MEMBER COMMENTS**

There were no Committee Member comments.

**D. NEXT MEETING – NOVEMBER 26, 2020**

Chair deMoet stated that the November 26 Technical meeting falls on Thanksgiving Day. She asked the Committee members for their thoughts on cancelling this meeting. Mr. Craig asked if there were any contracts or pending awards that would be critical to Agency business. Mr. Burke stated that there are no contracts or pending awards at this time. General Manager Deshmukh stated that there are significant items that have been discussed such as the Regional Contract Negotiations and Recycled Water Programs. He stated that staff is looking for opportunities to find the right forum to discuss these items, however, as these items do not require any actions, it does not need to necessarily take place at a Technical Committee meeting. Mr. Craig agreed that the Recycled Water Program and opportunities for strategic planning should be discussed. He stated that unless there are specific items that staff needs timely consideration to move forward from the Technical Committee, he suggested that the November 26 meeting be cancelled. If there is a similar holiday scheduling conflict in December, he suggested to hold a special early Technical Committee meeting in early December to bridge the cancelled November and December meetings; General Manager Deshmukh and Chair deMoet agreed. Chair deMoet stated that she is not comfortable cancelling two meetings with various topics that need to be discussed. She expressed her inclination to hold a Special Technical Committee meeting and deciding how to move forward day to day.

6. **ADJOURNMENT** – Chair deMoet adjourned the meeting at 2:34 p.m.

Transcribed  
by:

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Sally H. Lee, Executive Assistant

DRAFT

**ACTION  
ITEM**

**1B**

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Date: December 7, 2020

To: Regional Technical Committee

From: Inland Empire Utilities Agency

Subject: Request by the City of Ontario for a Regional Connection Point to the Freeway Trunk (Ontario Regional Sewer Connection #O-103)

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### **RECOMMENDATION**

It is recommended that the Regional Technical Committee approve the request by the City of Ontario for one new connection point to the Regional System (Ontario Regional Sewer Connection #O-103).

### **BACKGROUND**

On August 24, 2020, Inland Empire Utilities Agency (IEUA) received a request from the City of Ontario (Attachment "A") for the approval of a sewer connection located north of Fifth Street and West of Grove Avenue, just north of the I-10 Freeway (Freeway Trunk Sewer) in the City of Ontario. The purpose of the connection is to provide wastewater service for 88 medium density residential apartment units. This Regional Connection #O-103 will need to be made by connecting to the existing 18-inch Freeway Trunk Sewer, located at Station 30+83.25 located generally in vicinity indicated (Attachment "B").

### **SUMMARY OF FLOW RATE**

Ontario Regional Connection #O-103: Peak Flow Rate = 0.050862 MGD

The 18-inch Freeway Trunk Sewer is designed to deliver a maximum flow rate of 2.6 MGD to the Regional Water Recycling Plant No. 1. The proposed additional average flow rate of 0.01848 MGD is within the calculated remaining ultimate flow capacity of 2.5 MGD.

**ATTACHMENT A**

August 24, 2020, City of Ontario Regional Interceptor Request

CITY OF



ONTARIO

ONTARIO MUNICIPAL UTILITIES COMPANY

PAUL S. LEON  
MAYOR

August 24, 2020

SCOTT OCHOA  
CITY MANAGER

ALAN D. WAPNER  
MAYOR PRO TEM

SHEILA MAUTZ  
CITY CLERK

JIM W. BOWMAN  
DEBRA DORST-PORADA  
RUBEN VALENCIA  
COUNCIL MEMBERS

JAMES R. MILHISER  
TREASURER

SCOTT BURTON  
UTILITIES GENERAL MANAGER

Mr. Matthew Poeske  
Senior Engineer  
Inland Empire Utility Agency  
6075 Kimball Avenue  
Chino, CA 91710

Dear Mr. Poeske:

Subject: Request for a New Regional Sewer Connection to the Freeway Trunk Sewer located north of Fifth Street and West of Grove Ave.

The City of Ontario is hereby requesting a new Regional Point of Connection to the Freeway Trunk Sewer located north of Fifth Street and West of Grove Avenue.

The City is proposing to connect a new 8-inch sewer main to the Freeway Trunk Sewer to an existing Manhole adjacent to I-10 north of Fifth Street and west of Grove Avenue (per IEUA drawing #D4264-001, Freeway Trunk Sewer at Station 30+83.25). The connection will require reconstructing the manhole to add a new 8-inch stub on the northern side of the Manhole at Station 30+83.25.

This proposed connection is for new development (88 MDR DU apartment complex), which is included in the City of Ontario's Sewer Master Plan.

The total ultimate estimated Average Dry Weather Flow (ADWF) is 0.018480 mgd and Peak Dry Weather Flow (PDWF) is 0.050862 mgd. This is based on the City's currently adopted 2012 Sewer Master Plan Demand Factors and peaking formula  $[PDWF = 2.0 (ADWF)^{0.92}]$ .

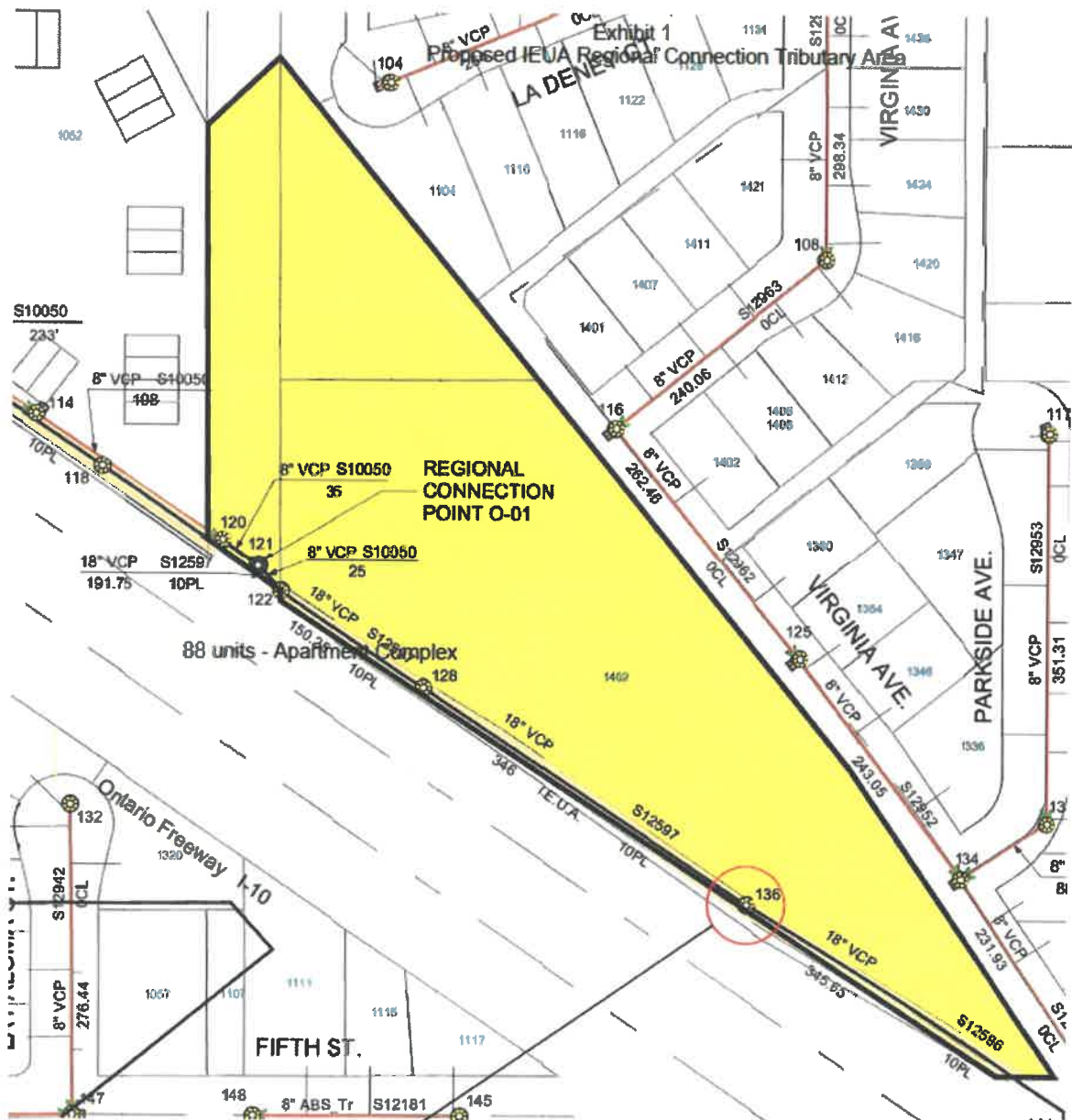
If you should need any further information, please contact Christy Stevens at (909) 395-2641.

Sincerely,

Dennis Mejia, P.E.  
Utilities Engineering Division Manager



EXHIBIT 1  
PROPOSED ONTARIO REGIONAL CONNECTION TRIBUTARY AREA



**ATTACHMENT B**  
General Location for Connection #O-103



# Attachment B

## 0-103 Connection Vicinity

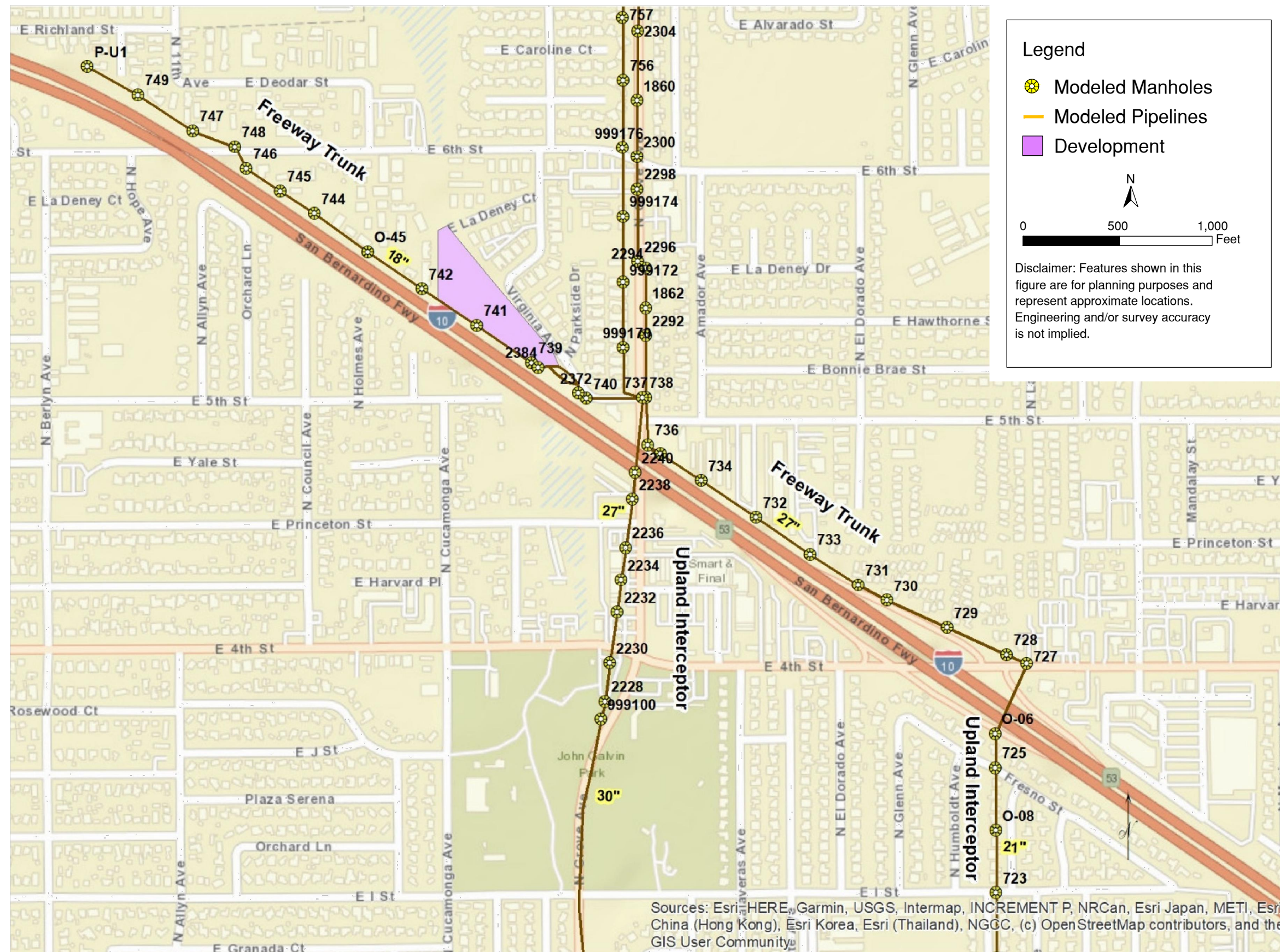


Figure 1      Freeway Trunk



**INFORMATION  
ITEM**

**2A**

# Pilot Return to Sewer Flow Study Report

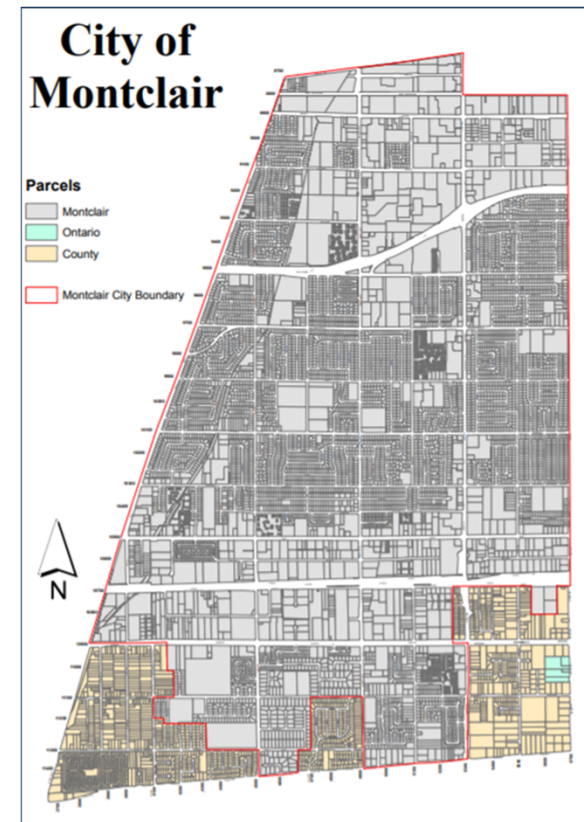


# Overview

- Project Scope
- Return to Sewer Pilot Flow Study
  - Methodologies & Iterations
  - Residential/Commercial Results
- Conclusions/Observations & Path Forward

# Pilot Study Scope

- Pilot Study for the Montclair/Monte Vista Water District Service Area
- Calculation of Return to Sewer Flows (Residential/Commercial)
  - Water demands and subtracting estimated outdoor demands
  - Minimum-month water consumption data
  - Regression model
- Technical Subgroup Established to Review Data
  - Monthly meetings



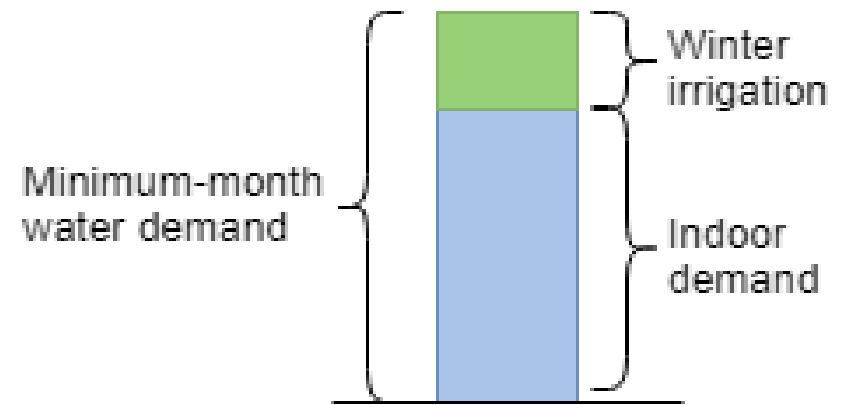
# Approach to Estimate Sewer Flows

- Single-Family:
  - Control for seasonal irrigation
- Multi-Family:
  - Control for seasonal irrigation
  - Adjust for number of units and benchmark by property type
- Commercial, Industrial, Institutional:
  - Control for seasonal irrigation
  - Classify into CII categories, benchmark demand within each category



# Estimating Sewer Flows: Minimum Month Water Demand

- Minimum month demand provides an upper bound on sewer flows
- Accounting for winter irrigation narrows that gap
- Simple and more robust at level of individual customers



# Estimating Sewer Flows: Subtracting Estimated Outdoor Demand

- Estimated Sewer Flow =  
Total Use – Outdoor Use

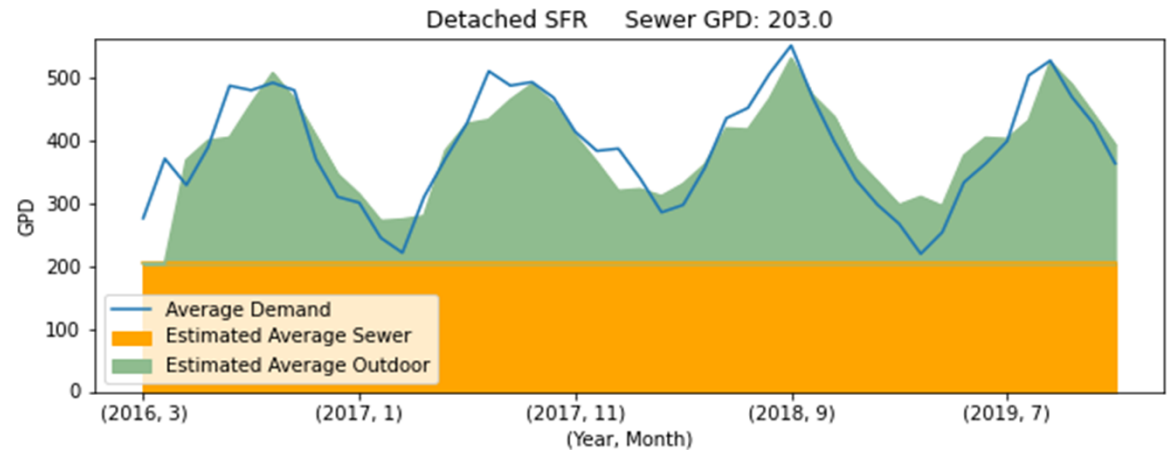


Image Source: Moulton Niguel Water District

## Other Steps Needed for Analysis

- Joining residential meters with parcel data to get number of units in MFR properties
- Classifying CII meters into commercial subcategories

# Pilot Study Data Overview

- Bimonthly metered water demand from Monte Vista Water District (MVWD) – mostly in Montclair service area from 2016 - 2019

Category	Code	Description	Count Before Screening	Count After Screening
SFR	r-sfd	Resident-Single Family Detached	9,212	8,358
	r-sfa	Resident-Single Family Attached	513	412
MFR	r-mfd	Resident-Multi Family Detached	78	18
	r-mfa	Resident-Multi Family Attached	631	464
Other Res.	r-all	Resident-No Allotment	127	-
CII	comm	Commercial	867	342
	inst	Institutional	44	
	mfg	Industrial – Manufacturing	12	
Irrigation	irrig	Dedicated Landscape Irrigation	267	-
	nursry	Nursery	54	-
	ag	Agricultural	13	-
Other	recyc	Recycled	3	-
	hyd	Hydrant	24	-
	dc	Detector Check/Fire	318	-

# Pilot Study Residential Findings

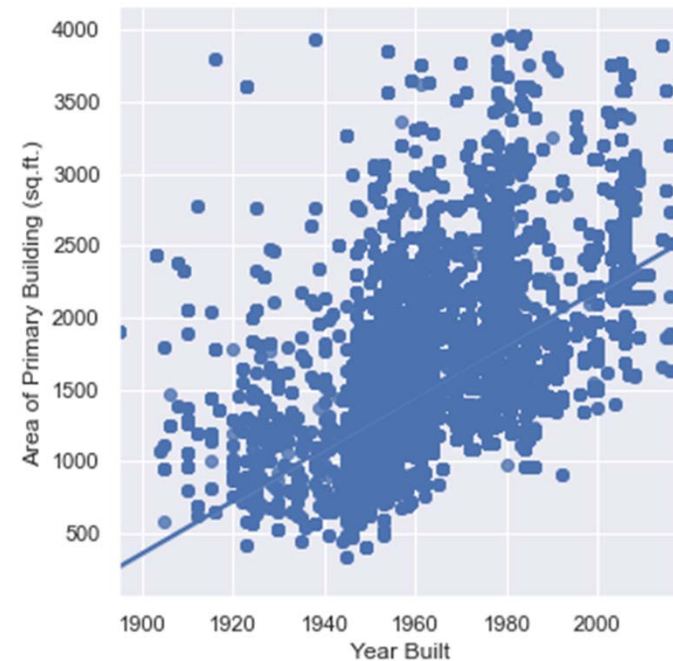
- Residential customers are grouped into five categories with similar characteristics for easier analysis.

Property Type	Units / Property	Avg. Winter demand (gpd / unit)	Avg. Sewer Flow (gpd / unit)	Total Units	Count
Detached SFR	1	283.4	203.2	8,823	8,823
Small MFR	2-11	251.3	247.0	1,175	472
Attached SFR	1	169.5	169.5 **	512	512
Mobile Homes	N/A	209.4	172.0	501	4
Large MFR	12+	154.9	144.0	941	40

\*\* This model produced sewer flow estimates higher than directly estimating Winter demand. In these cases, Winter demand was used as a best estimate of sewer flows.

# Pilot Study Residential Findings: Sewer Flows and Building Age

- Statistically significant ( $p < 0.001$ ) efficiency gains of approx. 0.33% per year for **Detached SFR**. E.g. a 2000 home is ~13% more efficient than a 1960 home on average, but newer homes are larger, and larger homes have higher Winter demand. The net effect is close to zero.
- Not enough variation in year built for other property types to conclude either way.



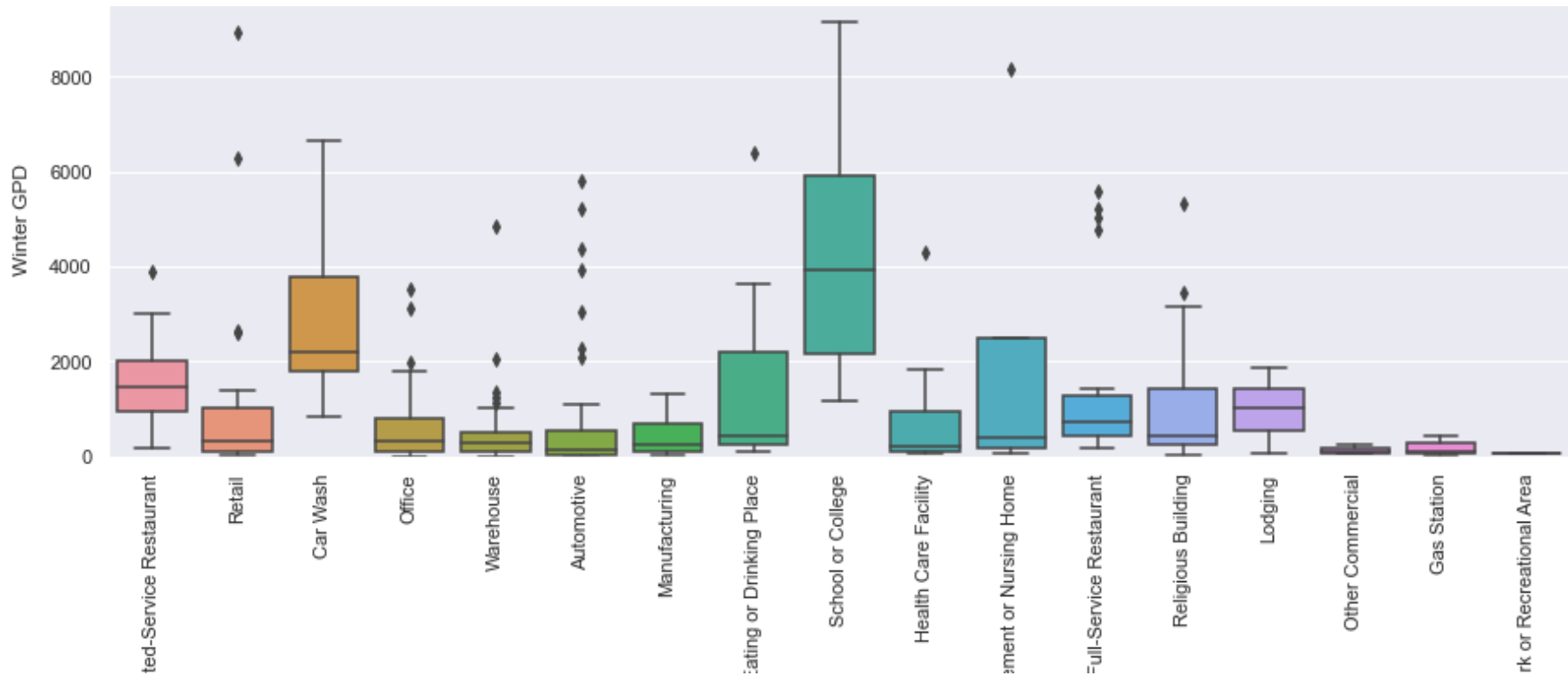
# Pilot Study Commercial Findings

WRF Classification	Count of Meters	Avg. Winter Demand (GPD)	Estimated Avg. Sewer Flow (GPD)	Estimated Avg. Sewer Flow (GPD/unit)
Retail	69	1,246	814	
Automotive	59	730	628	
Office	48	922	446	
Full-Service Restaurant	14	1,650	1,412	
Limited-Service Restaurant	17	1,366	1,171	
Other Eating or Drinking Place	11	1,484	1,293	
Manufacturing	27	1,885	1,738	
Warehouse	38	620	432	
Religious Building	15	1,141	366	
School or College	13	4,418	776	
Health Care Facility	11	1,010	377	
Car Wash	5	3,608	2,408	
Retirement or Nursing Home	4	1,607	2,108 **	
Other Commercial	4	121	11	
Lodging	3	913	1,112 **	178.9 *
Gas Station	3	211	148	
Park or Recreational Area	1	53	N/A	

\* Calculated from Winter demands instead of linear regression.

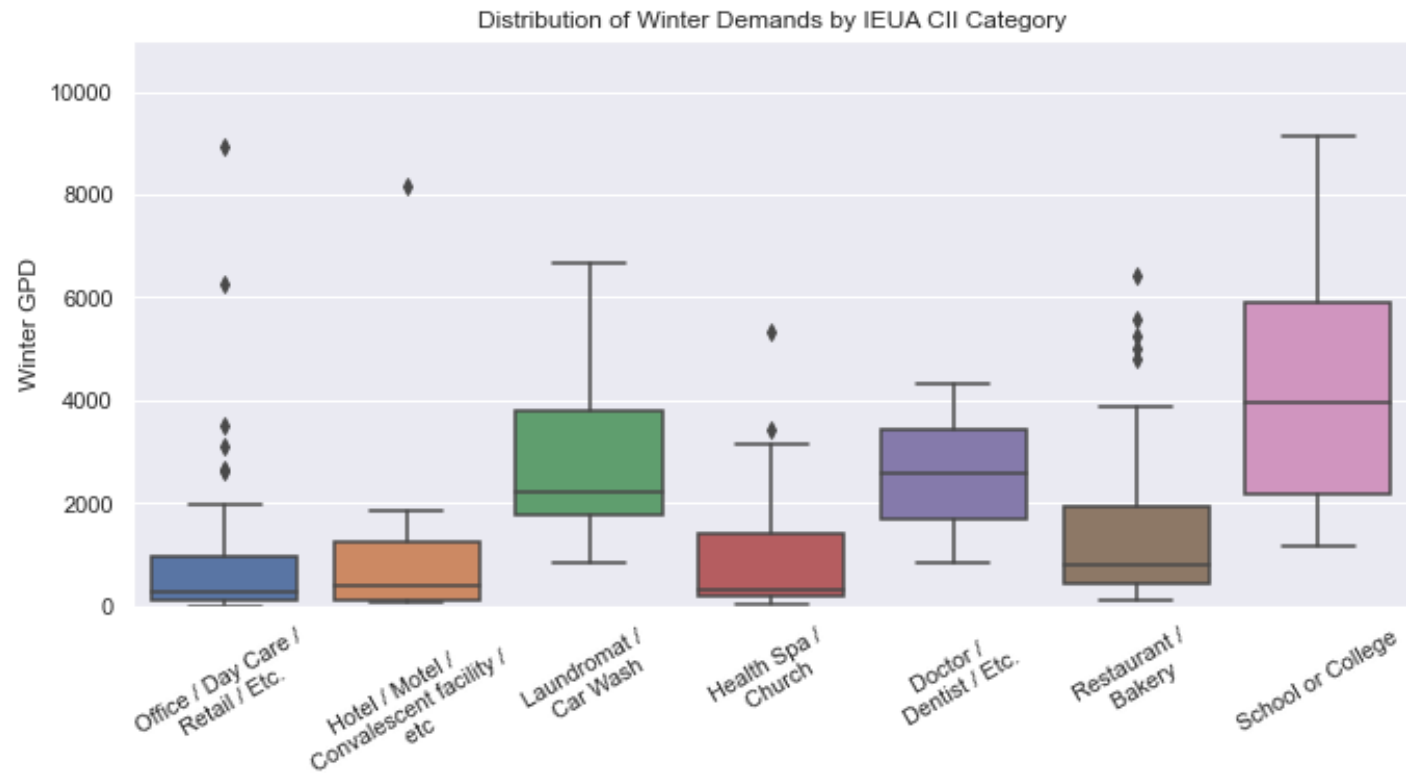
\*\* Because the demand curve does not closely track evapotranspiration, the average sewer flow estimate is larger than the Winter demands. See Appendix A1 for more detail.

# Pilot Study Commercial Findings



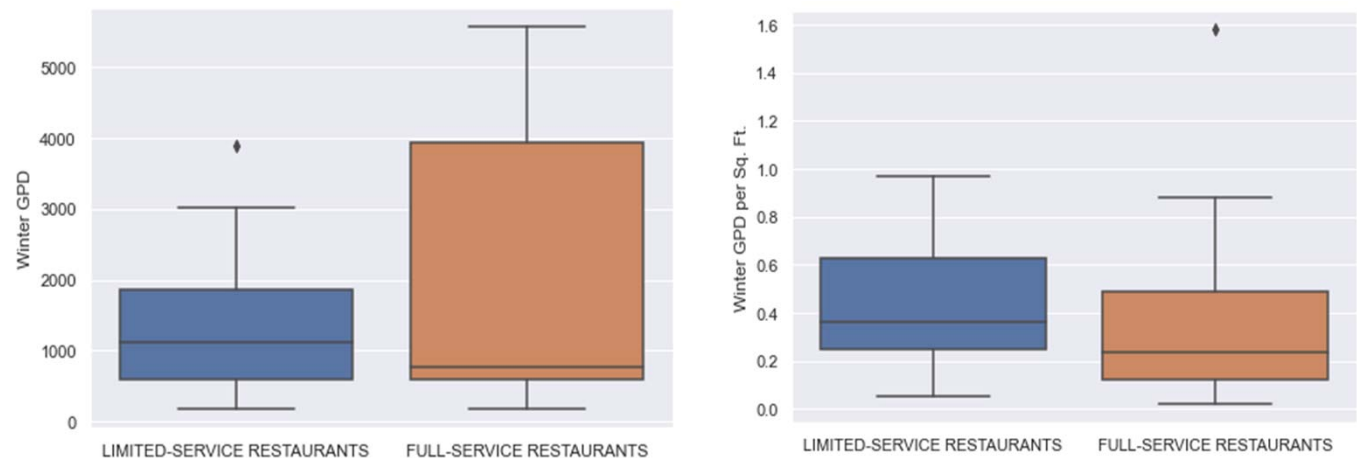


# Pilot Study Commercial Findings



# Pilot Study Commercial Findings: Restaurants

- Small difference found in average sewer flows driven largely by a single outlier. 1,412 GPD for FSRs, 1,171 GPD for LSRs. The average for FSRs drops to 1,297 upon removing the outlier.
- Much smaller difference than the 42 / 12 gallons per fixture listed in Exhibit J.



Distribution of Winter demands for LSRs and FSRs. The left chart shows the distribution in GPD while the right shows GPD per square foot of building area.

# Conclusions/Observations

- Residential Category Observations
  - Pilot study shows detached SFR EDU return to sewer flow is 203 GPD
  - Large MFR and attached SFR - between 0.7 to 0.85 EDU
  - Small MFR of varying unit sizes yield different return to sewer flows
  - Residential building age may have impact to return to sewer flows (detached SFRs - 1960s to 1970s)
- Commercial Category Observations
  - Pilot study shows clear groupings of flows using the NAICS codes
  - Water demands and return to sewer flows highly variable within commercial categories
  - Challenges in isolating master metered centers v. one to one meter facility
  - Targeted analysis - Exhibit J categories for limited service v. full service flow difference

# Path Forward

- Option 1 - Field Verification (Wastewater/Flow Monitoring) – Pilot Study Area
  - Evaluate pilot study model with targeted site monitoring
  - Flow & wastewater strength profile considerations during pandemic
- Option 2 - Expanded Study
  - Perform expanded study in a representative Contracting Agency service area
  - Field verification (wastewater/flow monitoring) occurs “post-pandemic”
- Data Sharing Considerations
  - Water consumption data
  - California Data Collaborative

# EDU Evaluation Timeline

		2020												2021												2022												2023											
		J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
CASA Study	Residential Handbook																																																
	Non-Residential Monitoring																																																
	Non-Residential Handbook																																																
IEUA EDU Study	<b>Return to Sewer Pilot Study</b>																																																
	Pilot Study - MVWD/Montclair																																																
	Consideration for Field Verification/Exp. Study																																																
	Evaluation of Expanded Study Path Forward																																																
	<b>IEUA Service Area Return to Sewer Study</b>																																																
	Cont. of Return to Sewer Study																																																
	Selection of monitoring sites																																																
	Field verification																																																
	Data Analysis & Conclusions																																																
	<b>EDU Methodology and Rate Structure</b>																																																
	Retain services for Tech. Eval.																																																
	Develop methodology																																																
	Impact to existing users																																																
	Propose Methodology & Rate Str.																																																

**INFORMATION  
ITEM**

**2B**

# Debt Overview



# How is Debt Used?

## Agency's Debt Policy

- Finance acquisitions, expansion and improvement of facilities and infrastructure
- Repay existing obligations

## Why to use Debt?

## Types of Debt

### Long term

- Public Bonds
- State Revolving Fund Loans
- WIFIA\* Loans

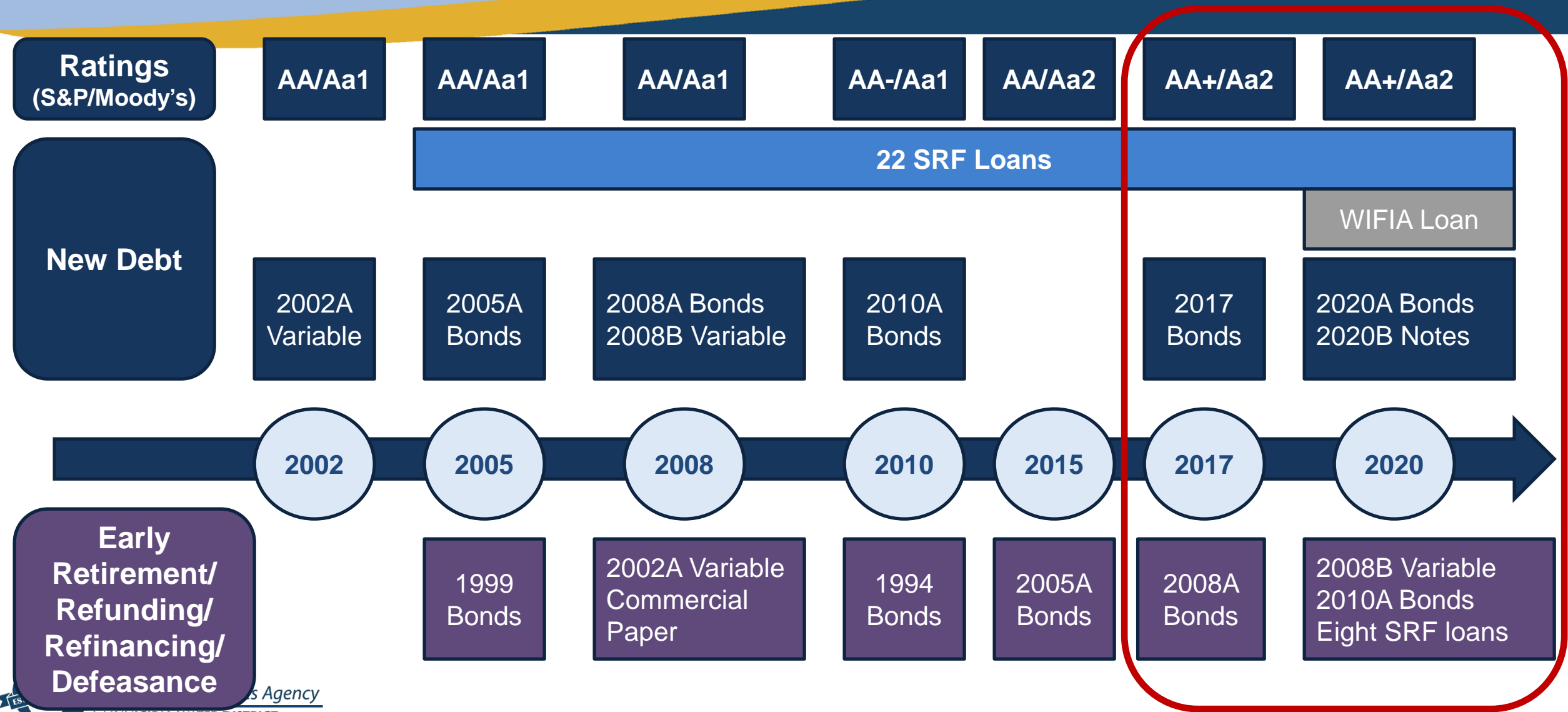
### Short term

- Commercial Paper
- Public Revenue Notes

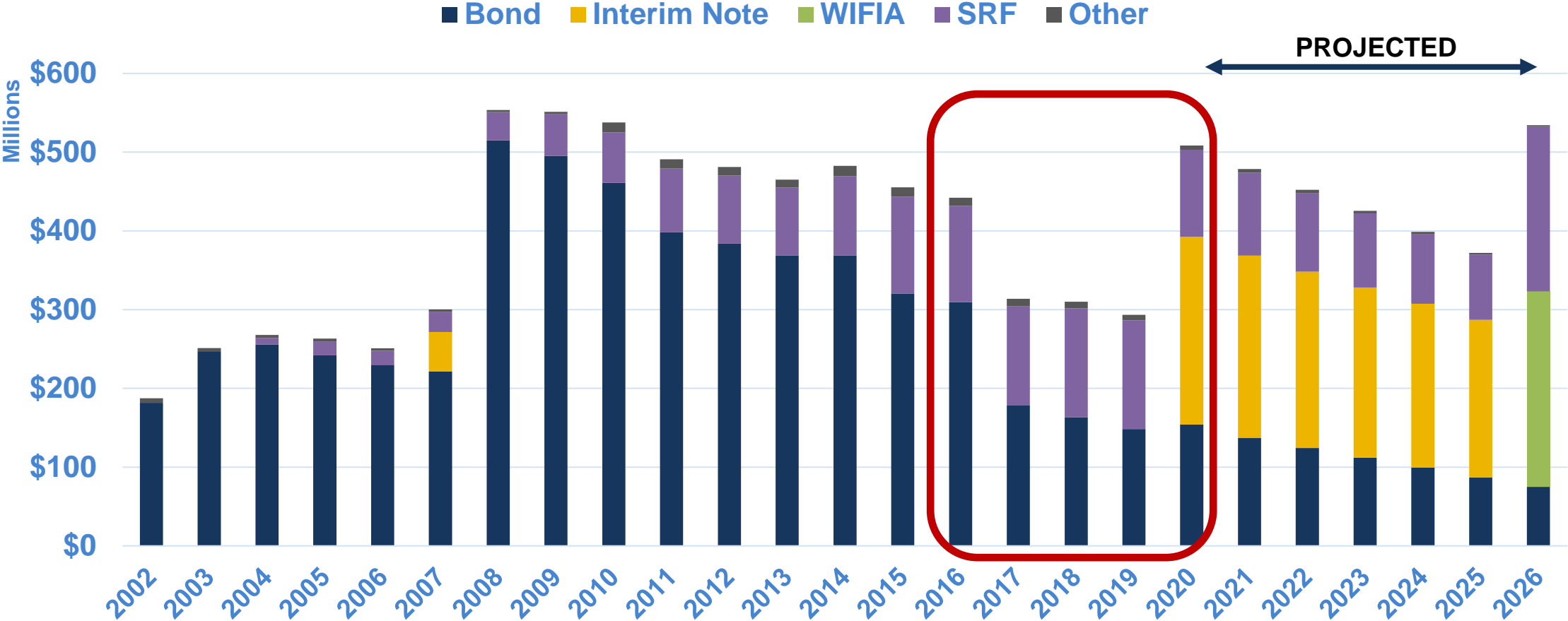
\*Water Infrastructure Finance and Innovation Act



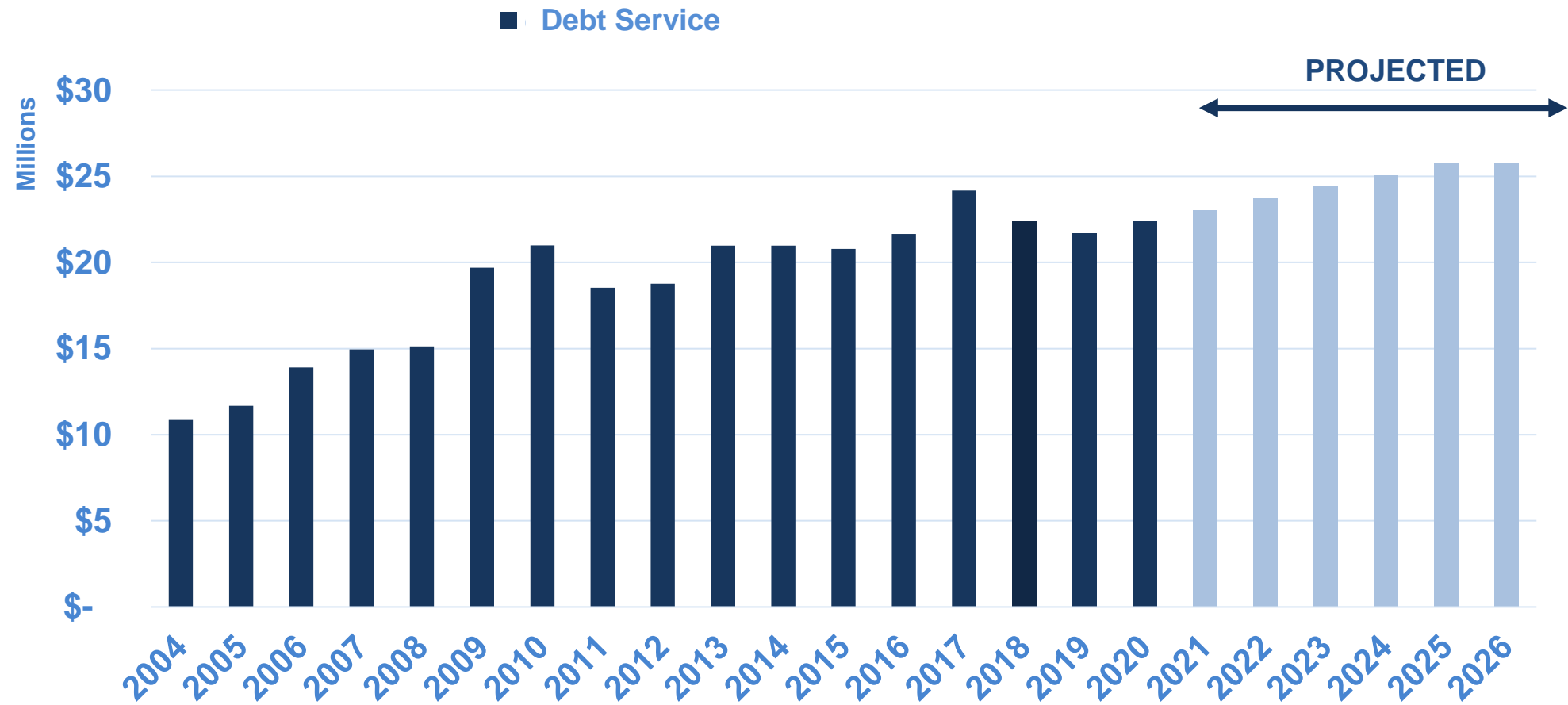
# Debt Management Highlights



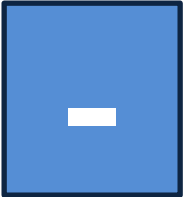
# Outstanding Debt Trend




# Evolution of Debt Service and Debt Coverage Ratio

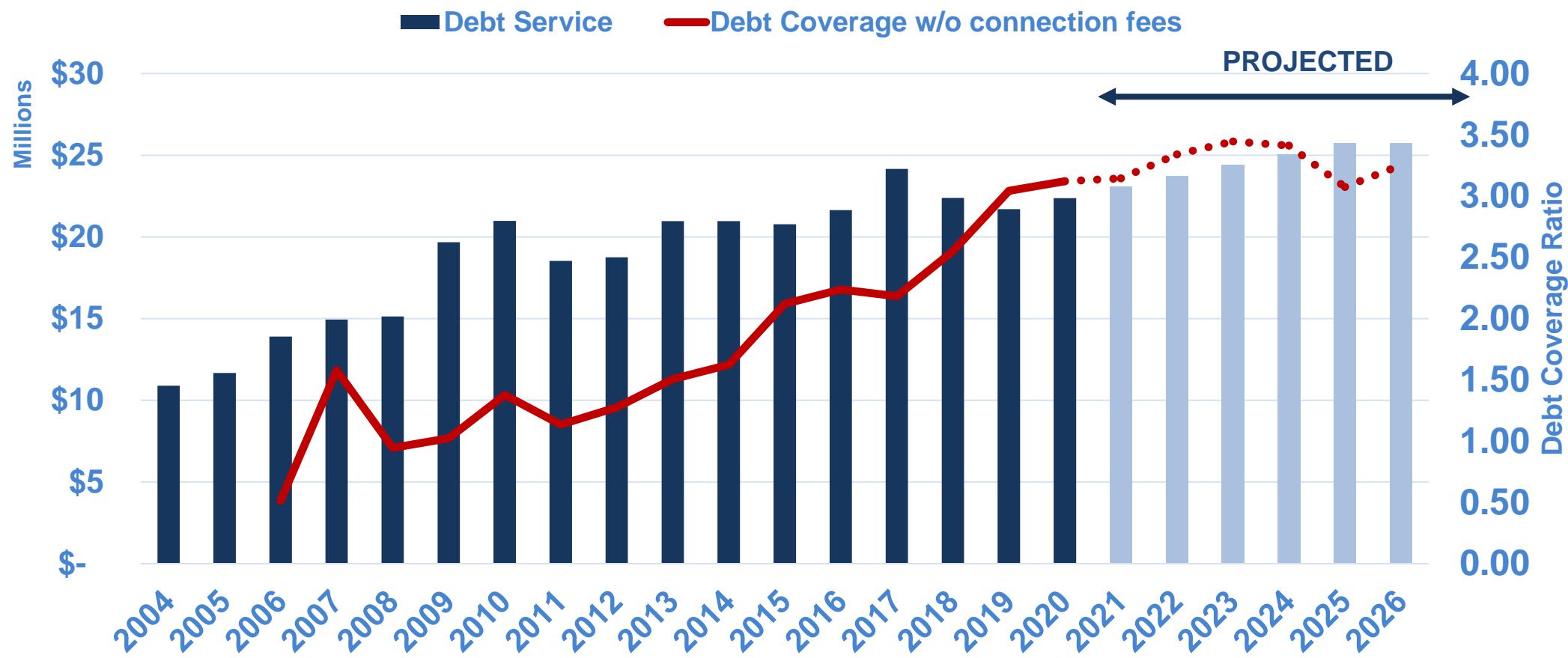


# Debt Coverage Ratio


$$\frac{\text{Annual Revenues} - \text{Annual Operating Expenses}}{\text{Net Operating Revenue}}$$


$$\frac{\text{Net Operating Revenue}}{\text{Annual Debt Service}} = \text{Annual Debt Coverage Ratio}$$

# Evolution of Debt Service and Debt Coverage Ratio

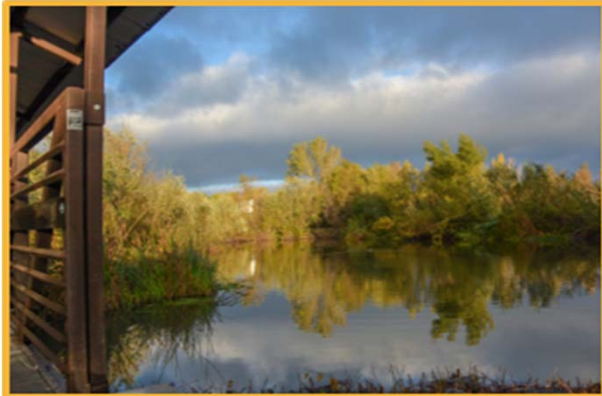


Questions?

**INFORMATION  
ITEM**

**2C**

# Recycled Water Program 2021 Focus





# RW Program 2021 Focus

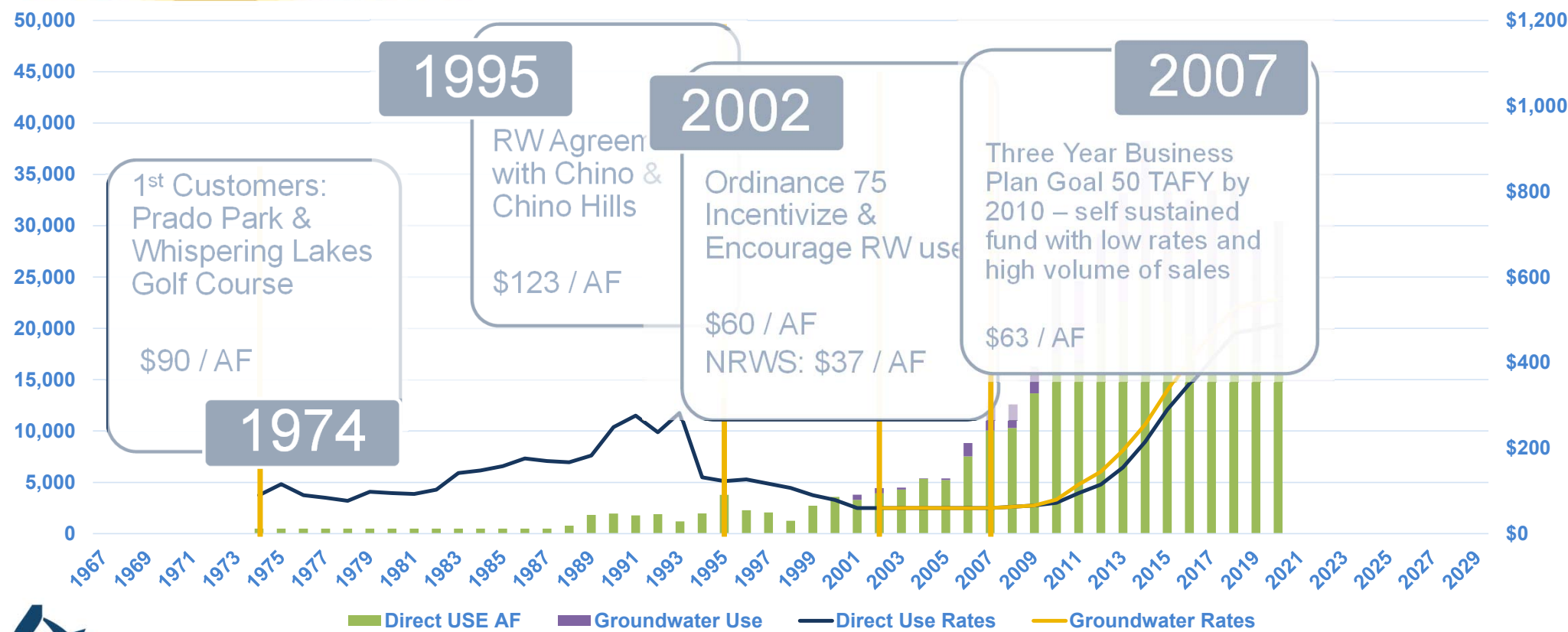
## **PURPOSE:**

- Revisit RW Program history and current conditions
- Re-establish the focus of the RW Program for the next 20 years
- Develop a workplan and schedule to accomplish the RW Program Focus

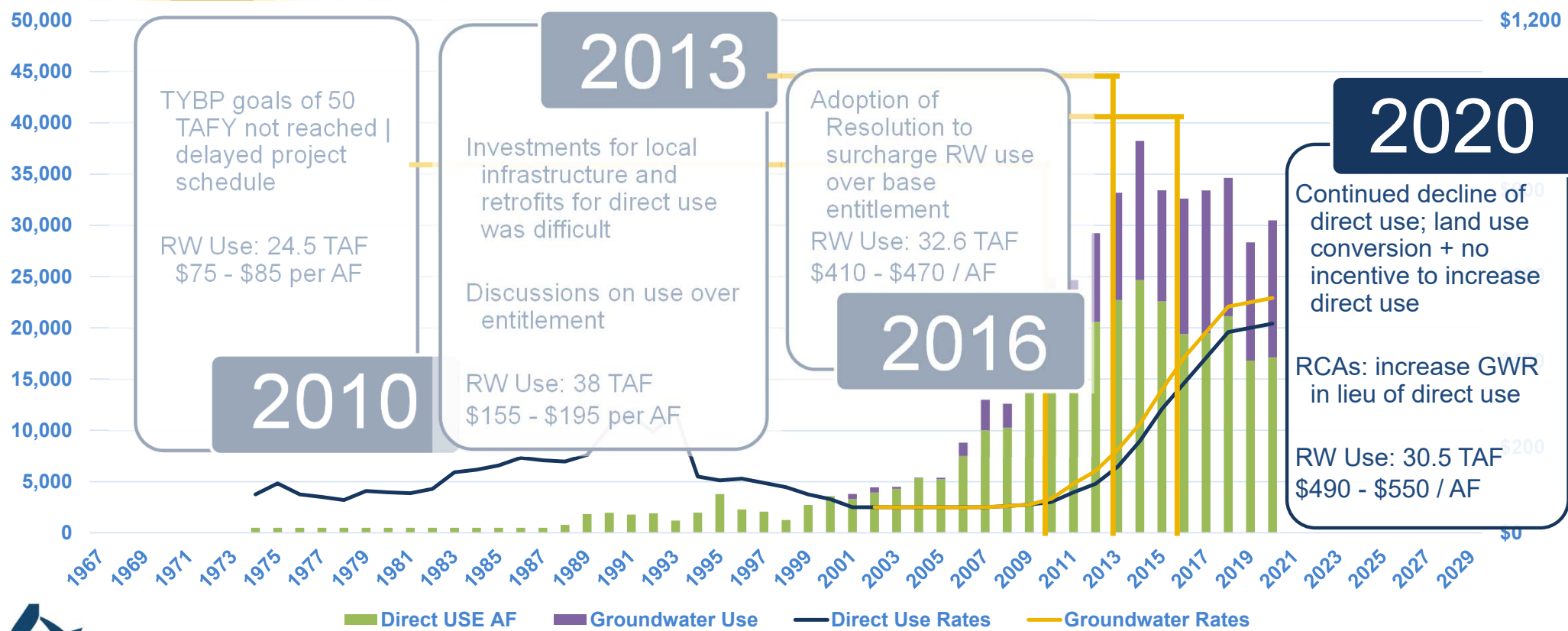
## **In 2020:**

- IEUA deferred RW rate study discussions
- Request from City of Chino Hills to focus on the changing landscape of the RW Program
- Request from the City of Upland to address the change in interest to purchase GWR and associated rate impacts

# Recycled Water System Timeline



# Recycled Water System Timeline



# Challenge #1: Groundwater Recharge [GWR]

## Recycled Water GWR

- Regional Contract [RC] addresses recycled water, presumably as direct use, and does not address groundwater recharge and subsequent storage

## Current GWR practice

- IEUA maximizes RW GWR, up to maximum available capacity
- GWR quantity is reported to Watermaster based on a pro-rata allocation [RC base entitlement calculation]
- Watermaster then allocates the appropriate volume into the parties' storage accounts
- IEUA recovers 100% of the GWR costs based on the Regional Contract Agency [RCA] allocations

## What's the Current Challenge?

- RCAs have indicated lack of interest to purchase GWR as allocated "storage account limitations"
- IEUA does not have a storage account in the Chino Basin
- IEUA relies on the assumption that 100% of GWR will be purchased by the RCAs to recover costs
- Surface spreading depends on hydrology and basin/source supply availability to maximize GWR

## Considerations

- What happens to GWR in "storage" if RCAs do not purchase?
- Should there be a different RW GWR storage program?
- How should IEUA recover costs for unclaimed GWR?
- Should GWR be **REDUCED** to only meet firm RCA commitments prior to the beginning of each fiscal year, aka **TAKE or PAY?**
- Should this be addressed as an amendment to the Regional Contract?

# Challenge #2: RW Rate Structure

## Current IEUA RW Policy

- Maintain water quality objectives of RW and groundwater basin
- Maximize the reuse of recycled water within the IEUA service area
- Maintain sustainable RW rate structure to continue incentivizing RW use

## What's the Current Challenge?

- Volumetric sales for direct use has declined since 2014
- RCAs declining the option to purchase GWR
- Existing rate structure/framework is 100% dependent on volumetric sales
- Majority of existing RW Program costs are fixed costs
- Existing rate structure is not sustainable

## Considerations

- Should IEUA consider a **TAKE or PAY** system?
- Should GWR be maximized in a GWR Storage Program to maximize the capture of RW within the watershed and ensure the costs are recovered?
- Should a new rate structure/framework be developed to appropriately recover fixed costs and address future scenarios of continued decline in RW sales | GWR interests?

# Challenge #3: External Supply Sources

**No Current Policy**

## What's the Current Challenge?

- RCAs are interested in the acquisition of external supply sources to augment its local water supply portfolio
- Are all RCAs interested in securing external supply sources?
- If external sources are brought into the Regional RW Distribution system, are these part of the Regional Contract and available to the seven RCAs?

## Considerations

- Should supply augmentation to the Regional RW system be allocated to RCAs based on Regional Contract base entitlement allocations?
- If all RCAs are not interested in external supply sources, what rate structure is needed to achieve equity amongst the RCAs for using the Regional RW system?

# RW GWR Program: Working Schedule

## RW Program

- Are there any other RW Program Challenge Considerations?

## RW – GWR Discussions

- GWR Discussions
- Develop RW Policy
- RW Policy Adoption

Jan – Mar 2021

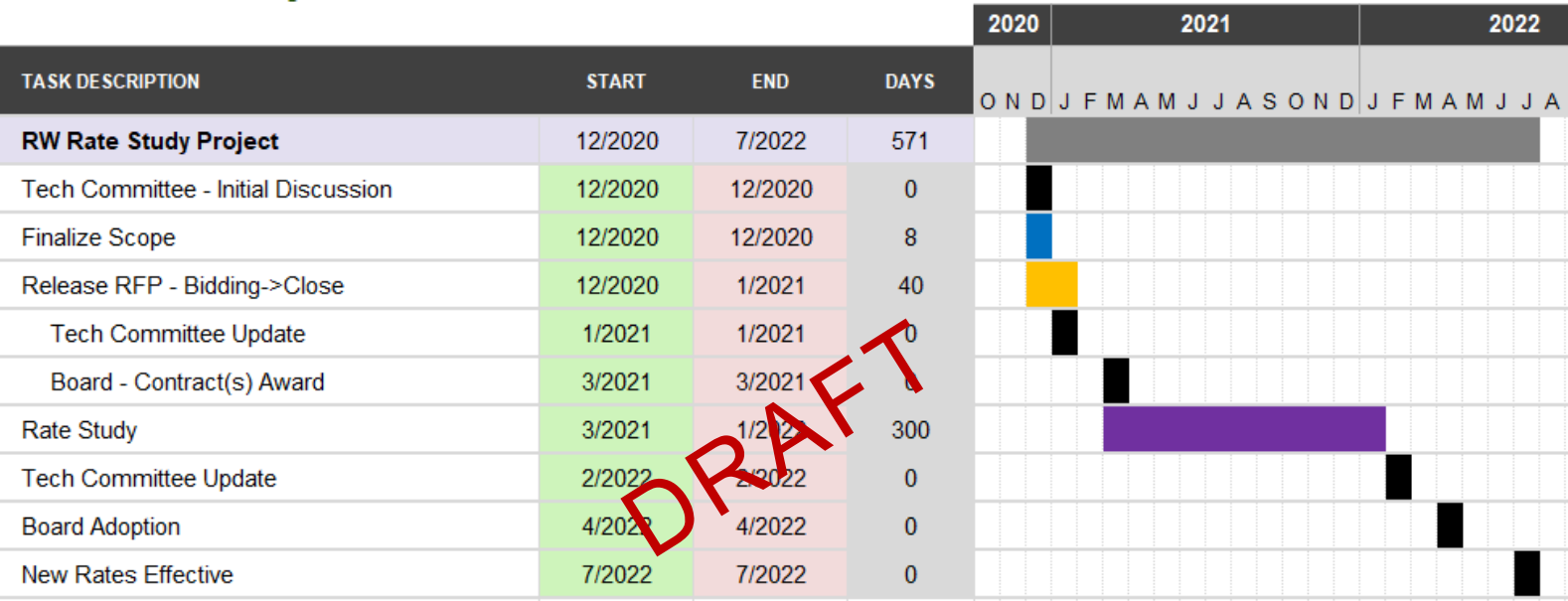
Apr – Jun 2021

Summer 2021

# RW Rate Structure: Working Schedule

## RW Rate Study

- GWR Structure
- Current imbalance of fixed | variable costs on volumetric sales
- Future program considerations such as investments in advanced treatment and external supply sources





# External Supply Sources: Working Schedule

## External Supply Sources

- Western Riverside County Regional Wastewater Authority – Western Municipal Water District
- City of Rialto

Preliminary terms are being discussed with Western MWD and Rialto

## Schedule

- |   |          |
|---|----------|
| • SAR Habitat Conservation Plan Workshop:                 | Dec 2020 |
| • Technical Committee Workshop:                           | Jan 2021 |
| • Technical Committee Workshop with Rialto   Western MWD: | Feb 2021 |
| • Policy Committee Informational Item:                    | Apr 2021 |

**INFORMATION  
ITEM**

**2D**

# Upper Santa Ana River Multiple Species Habitat Conservation Plan Update



# Upper Santa Ana River Multiple Species Habitat Conservation Plan Overview

- Collaborative Regional Project
  - 20+ stakeholder agencies
  - Regulatory Agencies
- IEUA Projects
  - Groundwater Recharge Basin construction projections
  - 30-year O&M permits for all existing operations
  - Wastewater treatment plant flow diversions
  - Dry weather flow diversions



# Upper Santa Ana River Habitat Conservation Plan Components

- Integrated Model
  - Establish groundwater and surface flow interaction
  - Closely monitoring with Chino Basin Watermaster & Wildermuth Environmental
- Minimum flow discharges during critically dry years
  - Rapid Infiltration and Extraction (RIX) Treatment Plant discharges
  - Opportunity to partner with upstream agencies
- Conservation restoration work
  - Along tributary streams near the Narrows

# DRAFT Estimated Annual Cost for Implementation

	Surface Hydrology Impact Total (AFY)	Relative Total Hydrology Impact	Baseflow Impact (AFY)	Relative Share Baseflow Impact	Stormflow Impact (AFY)	Relative Share Stormflow Impact	Permanent Terrestrial (Acres)	Relative Proportion % Perm	Temp Terrestrial (Acres)	Relative Proportion % Temp	TOTAL SHARE	ESTIMATED ANNUAL COST PROGRAM IMPLEMENTATION
Valley District	45,714	54.3%		0%	45,714	85%	578.5	54.9%	32.6	6.5%	51.0%	\$ 1,173,000
East Valley	6,721	8.0%	6,721	22%	-	0%	51.4	4.9%	10.0	2.0%	5.8%	\$ 132,478
RPU	5,000	5.9%	5,000	16%		0%	27.43	2.6%	45.9	9.2%	5.8%	\$ 132,584
<b>IEUA</b>	<b>18,650</b>	<b>22.2%</b>	<b>11,800</b>	<b>39%</b>	<b>6,850</b>	<b>13%</b>	<b>180.2</b>	<b>17.1%</b>	<b>0.3</b>	<b>0.1%</b>	<b>20.6%</b>	<b>\$ 473,800</b>
Western	300	0.4%	-	0%	300	1%	23	2.2%	298.2	59.5%	3.6%	\$ 82,800
SB Water Department	5,600	6.7%	5,600	18%		0%	2.8	0.3%	33.9	6.8%	4.5%	\$ 103,500
MWDSC	-	0.0%	-	0%	-	0%	113.9	10.8%	41.6	8.3%	2.0%	\$ 46,000
Rialto	1,390	1.7%	1,390	5%	-	0%	14.8	1.4%	0.3	0.1%	2.0%	\$ 46,000
SB Conservation District	796	0.9%	-	0%	796	1%	41.1	3.9%	3.9	0.8%	3.0%	\$ 69,000
OCWD	-	0.0%	-	0%	-	0%	2.7	0.3%	0.0	0.0%	1.0%	\$ 23,000
West Valley	-	0.0%	-	0%	-	0%	17.4	1.7%	34.8	6.9%	1.0%	\$ 23,000
			-									
<b>TOTAL</b>	<b>84,171</b>	<b>100%</b>	<b>30,511</b>	<b>100%</b>	<b>53,660</b>		<b>1053.23</b>	<b>100%</b>	<b>501.5</b>	<b>100%</b>	<b>100%</b>	<b>\$ 2,300,000</b>

# Upper Santa Ana River Habitat Conservation Plan Schedule

## HCP Completion Timeline & Transition to Implementation



Progra Component	2019	2020				2021				2022			
	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Habitat Conservation Plan													
Administrative Draft	■												
Public Draft		■	■										
Final HCP				■	■								
EIR for HCP													
Administrative Draft	■												
Public Draft		■	■										
Final				■	■								
EIS for HCP													
NOI and Scoping		■											
Administrative Draft			■										
Public Draft				■	■								
Final					■								
Record of Decision and Permit						★							
Early Implementation													
CEQA	■												
Design and Permitting		■	■	■	■	■							
Construction				■	■	■	■	■	■	■	■	■	■
Habitat Mitigation and Monitoring Plans		■	■	■	■								
Mitigation Bank				■	■	■							



# Progress & Next Steps

October 2020:

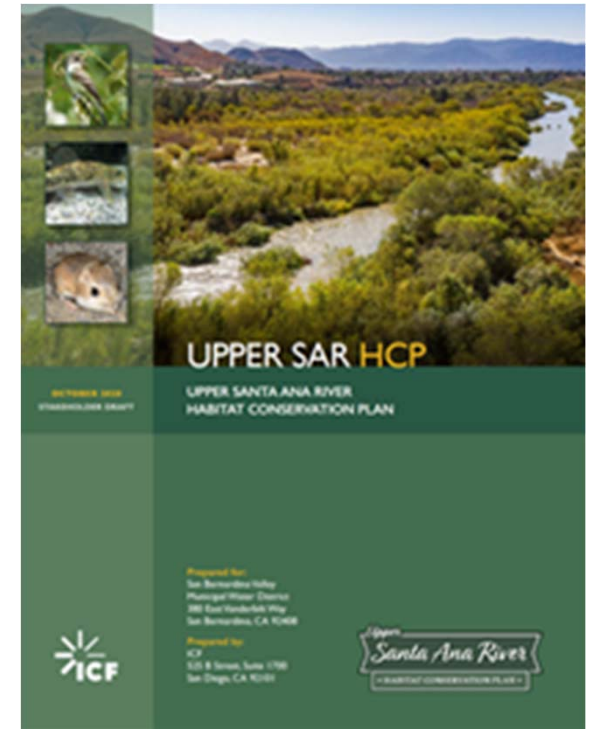
- ✓ Stakeholder Adaptive Management and Monitoring workshop
- ✓ Draft document released

Winter 2020/2021:

- Environmental Review

2021/2022:

- Final Plan Adoption by the parties
- GM discussions about establishing a JPA and the Mitigation Bank
- Cost share agreements





RECEIVE AND  
FILE

**3A**

**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.

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

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

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

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

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

YY. SEVERE PROPERTY DAMAGE – Substantial physical damage to property, damage to 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.

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

AAA. SHALL - Mandatory

BBB. SIGNIFICANT INDUSTRIAL USER OR SIU -

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

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

(2) An Industrial User that:

(i) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, non-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:

(1) Identifying Information.

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

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

(3) Description of Operations.

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

(4) Time and duration of discharges;

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

(6) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the 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



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

#### **4.7 INDIVIDUAL WASTEWATER DISCHARGE PERMIT DECISIONS**

- A. The General Manager will evaluate the data furnished by the User and may require additional information. Within sixty (60) days of receipt of a complete permit application, the General Manager will determine whether to issue an individual wastewater discharge permit.
- B. The General Manager shall deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by Industrial Users where such contributions do not meet applicable Pretreatment Standards and Requirements or where such contributions would cause the POTW to violate its NPDES permit.

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

#### **5.1 INDIVIDUAL WASTEWATER DISCHARGE PERMIT DURATION**

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

#### **5.2 INDIVIDUAL WASTEWATER DISCHARGE PERMIT CONTENTS**

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

- A. Individual wastewater discharge permits must contain:
  - (1) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
  - (2) A statement that the wastewater discharge permit is non-transferable without prior notification to IEUA in accordance with Section 5.4 of this Ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
  - (3) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
  - (4) Self-monitoring, sampling, reporting, notification, and record-keeping 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

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# REGIONAL SEWERAGE PROGRAM PRETREATMENT SUBCOMMITTEE

November 3, 2020  
1:30 PM  
Via Microsoft Teams

## Minutes

### Members Present

Tere Worsham.....	CVWD
Ruben Valdez.....	City of Chino
Abigail Gomez.....	City of Fontana
Craig Proctor.....	IEUA
Michael Birmelin.....	City of Ontario
Robert Herbster.....	City of Upland

### Others Present

Ken Tam.....	IEUA
Michael Barber.....	IEUA
Heather Young.....	City of Ontario

### 1. Introductions

Introductions of those present were given.

### 2. Informational Items & Updates

#### a. Tech Meeting Report

- Most items have been routine in nature. Presentations were given on the RP-5 expansion project and Operations and Groundwater Recharge program updates. IEUA provided an update on the Pilot Return to Sewer Flow Study.

#### b. Treatment Plants

### RP-1/RP-4:

- RP-1 met all the NPDES requirements during the months of July 2020 through September 2020.



RP-5:

- RP-5 met all the NPDES requirements during the months of July 2020 through September 2020.

CCWRF:

- CCWRF met all the NPDES requirements during the months of July 2020 through September 2020.

Agency-wide:

- The Agency-Wide 12-month running average TDS for the months of July 2020 through September 2020 were 473, 476, and 478 mg/L respectively, which did not exceed the 550 mg/L Agency-wide 12-month running average limit.
- The Agency-wide 12-month running average incremental increase between secondary effluent and water supply TDS for the months of July 2020 through September 2020 were 206, 207, and 209 mg/L, which did not exceed the 250 mg/L Agency-wide 12-month running average limit.

Collections System:

- A Category 2 SSO of approximately 42,000 gallons occurred on a Glen Mead trunkline manhole on July 19, 2020. The spill appearance point was a force main. Blockage occurred in the Inland Empire Utilities Agency's (IEUA) 10" & 15" Siphon mainline backing up the Sanitary Sewer to the City of Chino Hills 8" line and spilling just south of the siphon in the Industrial Building located on Fairfield Ranch Rd. The flow traveled down the parking area to a lined retention basin where IEUA recovered the spill.

Recycled Water:

- No unauthorized discharges of more than 50,000 gallons of disinfected tertiary recycled water into the waters of the state occurred during the months of July through September 2020.
- No agricultural runoff events were reported to IEUA by member agencies during the months of July through September 2020.

c. Pretreatment Programs

Jewlland-Freya Health Sciences, LLC dba Ingredients by Nature, LLC (IBN) in the City of Montclair was issued a Notice of Violation and Order for Corrective Action in August and October for repeatedly exceeding the TDS by Summation (TDS) local limit and for using dilution as a substitute for treatment. Results of industries investigation found that trials with a product containing CaCO<sub>3</sub> as a possible cause, and IBN suspects its contract lab may not be collecting representative samples. IBN found the faucet of the mop sink was left on

inadvertently by its cleaning crew. As a corrective action IBN has discontinued trials with product containing CaCO<sub>3</sub> and is exploring ways to improve its BMP's. IEUA plans to conduct an audit of IBN's contract lab to verify CFR 136 requirements for sampling are being followed. A sign was also installed next to mop sink indicating faucets must be in the closed position when sink is not in use. IBN is conducting weekly TDS monitoring until they return to compliance.

Parco, Inc. in the City of Ontario was issued a Notice of Violation and Order for Corrective Action in August for exceeding the local limit for TDS in January and for failing to report the violation. Results of industries investigation found that Parco has not had a TDS violation in at least 10 years and lab reports were not being properly reviewed. As a corrective action Parco will perform a line item comparison of each test parameter against its respective discharge limits in wastewater permit. Resampling was conducted and Parco has returned to compliance.

Envision Plastics in the City of Chino was issued a Notice of Non-Compliance in August for failing to properly maintain its effluent wastewater flow meter. Results of industries investigation found that its flow meter does not allow for an instrument calibration. As a corrective action Envision Plastics had an annual hydraulic calibration performed which does not entirely meet permit requirements. The City plans to work with Envision Plastics to update permit requirements for flow meter calibrations or require industry to install a flow meter that allows for instrument calibration.

Wing Lee Farms in the City of Chino was issued Notices of Non-Compliance in August and October for exceeding its local daily flow limit during July, August and September. Results of industries investigation found that industry must install an effluent wastewater flow meter verses estimating its wastewater based on incoming water usage estimates. Industry continues to work with IEUA and the City to determine a maximum flow rate it can discharge to the sewer, appropriate wastewater pretreatment equipment that may need to be installed, and how much sewer capacity Wing Lee Farms will need to be purchase, if any.

AIE Pharmaceuticals, Inc. in the City of Ontario was issued a Notice of Violation and Order for Corrective Action in October for exceeding the federal daily limit for zinc in September. Results of industries investigation and special laboratory analysis results for zinc are pending.

DSM Nutritional Products in the City of Ontario was issued a Notice of Violation and Order for Corrective Action in October for exceeding the federal daily limit for zinc in September. Results of industry investigation found that DSM will not be able to meet permitted zinc limit. As a corrective action industry proposes to segregate its process wastewater, install a wastewater holding tank, have its process wastewater hauled off site for treatment and disposal and obtain a class IZ permit from the City.

### 3. Discussion Items

#### a. Regional Wastewater Ordinance Updates

IEUA provided the committee a status update on the revision of the Regional Wastewater Ordinance. As previously reported back on August 10, 2020, IEUA sent the draft Ordinance No. 109 to the RWQCB as a “Non-Substantial Pretreatment Program Modification” for the 45-day review and comment period. As IEUA has not received any comments from the RWQCB, IEUA will hold a public hearing at the January 2021 IEUA Board of Directors meeting for the Board’s consideration for adoption. If approved, Ordinance No. 109 will replace Ordinance No. 97.

#### b. Accessory Dwelling Unit Description & Connection Fee Determination

IEUA provided the committee an update on the latest Accessory Dwelling Unit regulations. On January 1, 2017, there was legislation introduced to reduce the regulatory and financial burden for owners to construct Accessory Dwelling Units (ADUs) on residential properties to address the housing crisis in California. During that time, IEUA reviewed with our legal counsel and concluded based on the legislation that IEUA was allowed to collect a sewer or water connection fee based on whether there were new laterals or connections for sewer and water services for the parcel serving that ADU.

In 2019, the state legislature updated the ADU legislation to clarify the section for collection of connection fees. Effective January 1, 2020, the current ADU regulation is now independent of the connections or laterals. Connection fees can only be collected when a new ADU is constructed along with a new single-family home. The new ADU on that property could use the same lateral and water meter and IEUA would still be allowed to collect a connection fee. This also means that if a homeowner of an existing single-family home decides to construct an ADU, the current legislation would not allow for the collection of the sewer or water connection fees. IEUA will forward a link to the group from the California Department of Housing and Community Development website which had more details. City of Chino also requested IEUA reach out to the contracting agency representatives.

#### c. Illegal Discharger Investigation Status Update

IEUA updated the committee on several incidents of illegal discharges. The first incident was a high LEL incident at CCWRF on August 27<sup>th</sup>. The second event was a low pH incident at CCWRF on September 26<sup>th</sup>. The third event was a low pH at RP-5 on October 1<sup>st</sup>. IEUA continues to work with the City of Chino to identify potential sources. The committee was reminded that considering the

current economic situation as a result of the pandemic, there could be a greater number of these types of incidents occurring and to remain vigilant during industry site inspections.

d. EPA Pretreatment Compliance Inspection Status Update

IEUA provided an update on the Pretreatment Compliance Inspection of IEUA's pretreatment program by USEPA contractors and the RWQCB during March 2020. While the file review was completed back in March, the RWQCB has not provided IEUA with any new dates as to when they will be performing field inspections of the Significant Industrial Users.

e. Dental Amalgam Rule - One Time Certification Update

IEUA updated the committee on the status of the inventory list of active dental offices. The one-time dental compliance certification forms have been mailed to 456 dental offices within the IEUA service area. IEUA phoned non-compliance dental facilities in June and July. A third round of certification mailings was completed in October. To date, IEUA and the member agencies have received 265 completed forms representing a 58% response rate. The committee discussed following up with the dental offices that have been non-responsive. IEUA requested the member agencies continue to provide information on any new dental facilities that locate within their service area and provide copies of completed certifications to IEUA.

f. CASA Study Non-Residential Site Sampling Update

IEUA provided an update on the CASA non-residential sampling program study. Carollo Engineering and its sub-contractor V&A have finalized the non-residential site locations for Southern California, including several locations provided by the member agencies. However, the CASA Steering Committee's latest assessment is that conditions with businesses, schools, etc. remain in significant flux, and a discussion regarding a date for resuming the sampling will be deferred until January/February 2021.

g. Regional Sewer System ZCIU Permits

IEUA provided an overview of zero discharge permitting within the IEUA service area. Cities will continue to provide zero discharge certifications to IEUA. IEUA informed Committee members it will continue to issue zero discharge permits to industries in the City of Fontana unless industry has a wastewater permit to discharge process wastewater to the NRWS. The City of Fontana indicated it would continue to issue zero discharge permits to industries with NRWS permits so they have legal authority to enter facilities. IEUA advised the committee their

Sewer Use Ordinance or Municipal Code should provide the legal authority to enter facilities in this situation.

The meeting adjourned at 2:40 p.m.

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# Building Activity Report - YTD Fiscal Year 2020/21



## 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

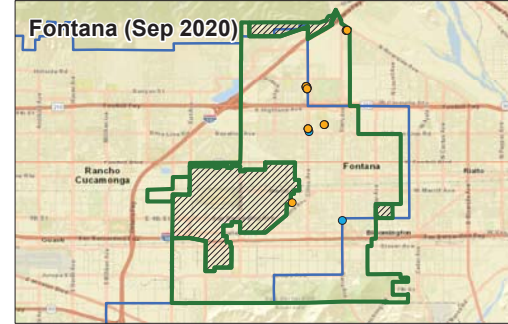
## HALF MILE GRID: TOTAL EDU's (YTD)



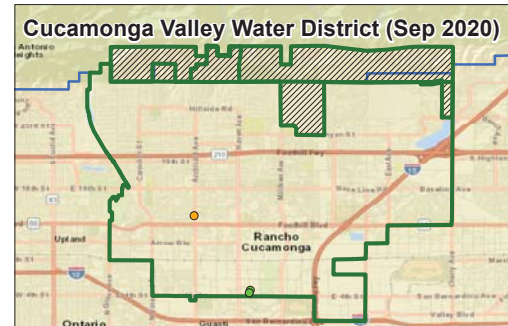
## TOTAL EDU BY WASTEWATER CONNECTION TYPE (YTD)

Contracting Agency	YTD Actual			Total (EDUs)	Projected
	Commercial (EDUs)	Industrial (EDUs)	Residential (EDUs)		
Chino	11	0	107	118	430
Chino Hills	12	0	27	39	182
CVWD	12	27	1	40	1650
Fontana	15	4	250	269	2406
Montclair	7	0	0	7	407
Ontario	31	-3	212	241	3865
Upland	15	0	0	15	381
Total	104	28	597	729	9321

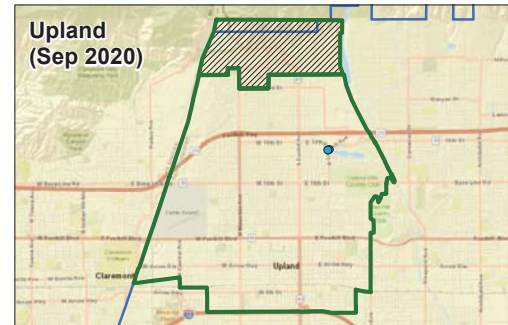
Fontana (Sep 2020)



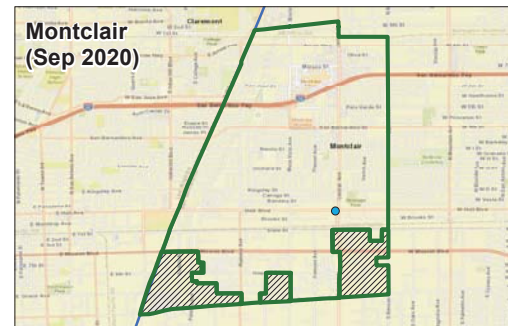
Cucamonga Valley Water District (Sep 2020)



Upland (Sep 2020)



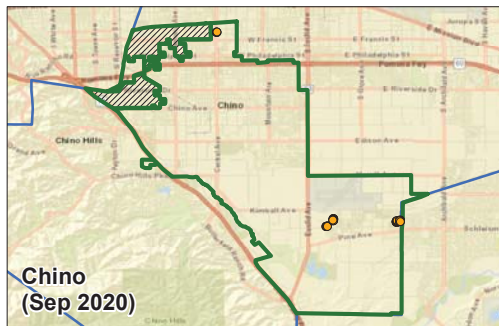
Montclair (Sep 2020)



Chino Hills (Sep 2020)



Chino (Sep 2020)



Ontario (Sep 2020)



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# IEUA RECYCLED WATER DISTRIBUTION – OCTOBER 2020

## TOTAL ALL PLANTS

Influent: 51.1 MGD  
 Delivered: 39.8 MGD  
 Percent Delivered: 78%

## Preliminary Deliveries

RW GWR: 21.4 MGD  
 RW Direct Use: 18.4 MGD

## RP-4

Delivered: 7.5 MGD

## RP-1

Delivered: 20.8 MGD

## CCWRF

Delivered: 5.6 MGD

## RP-5

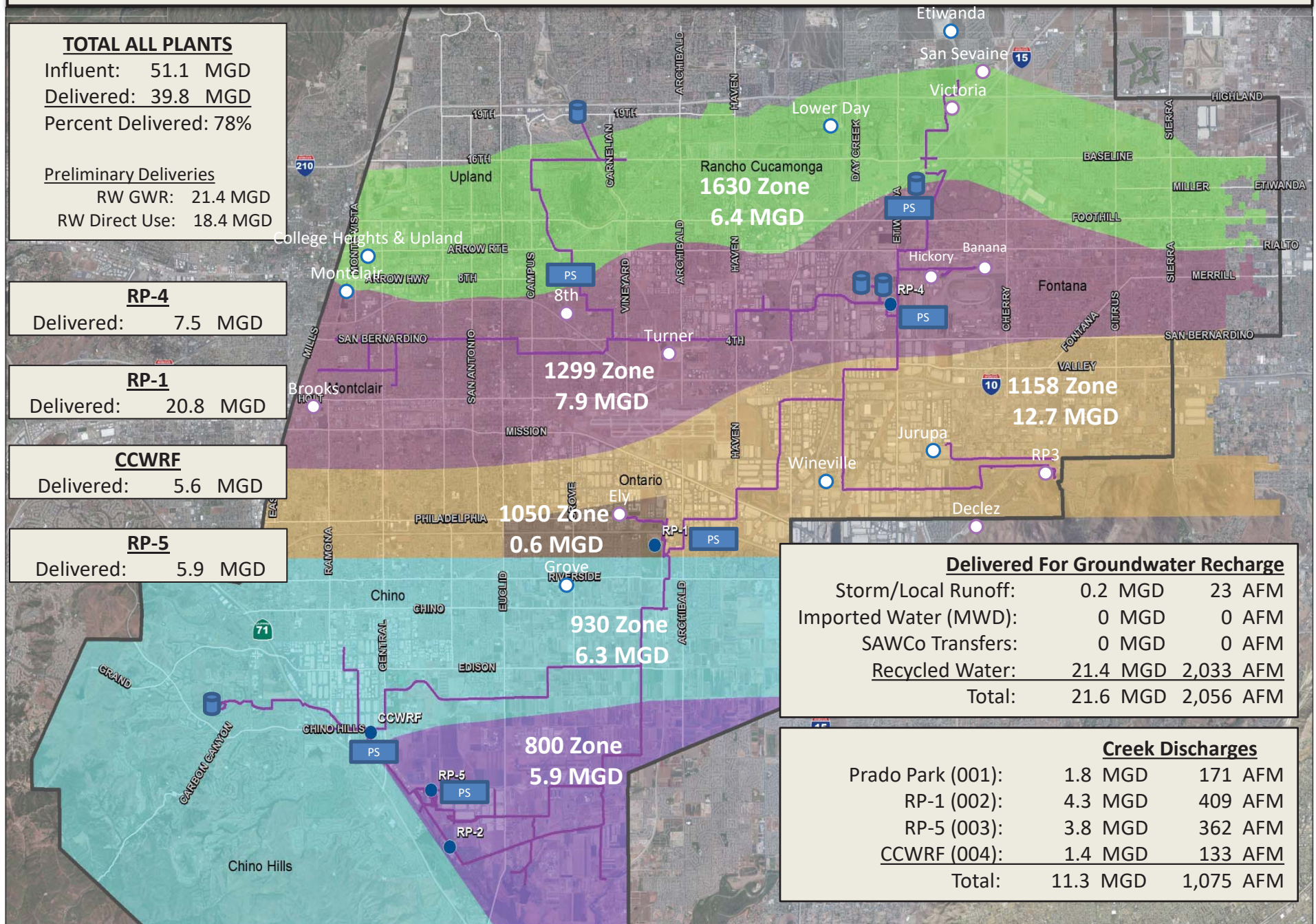
Delivered: 5.9 MGD

## Delivered For Groundwater Recharge

Storm/Local Runoff:	0.2 MGD	23 AFM
Imported Water (MWD):	0 MGD	0 AFM
SAWCo Transfers:	0 MGD	0 AFM
Recycled Water:	21.4 MGD	2,033 AFM
Total:	21.6 MGD	2,056 AFM

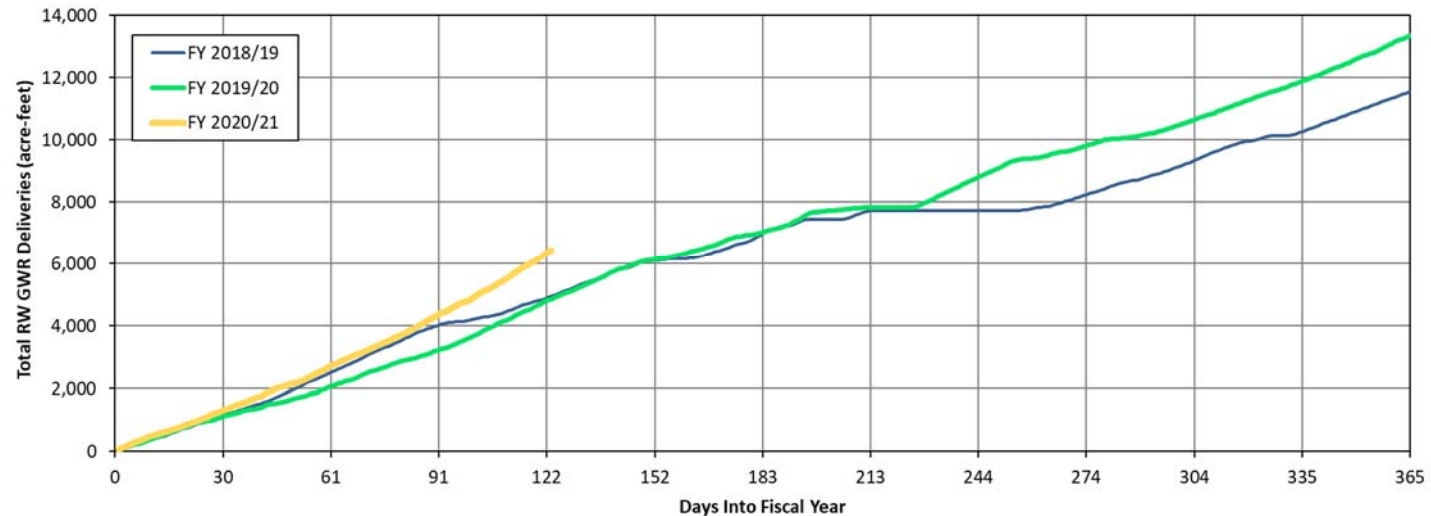
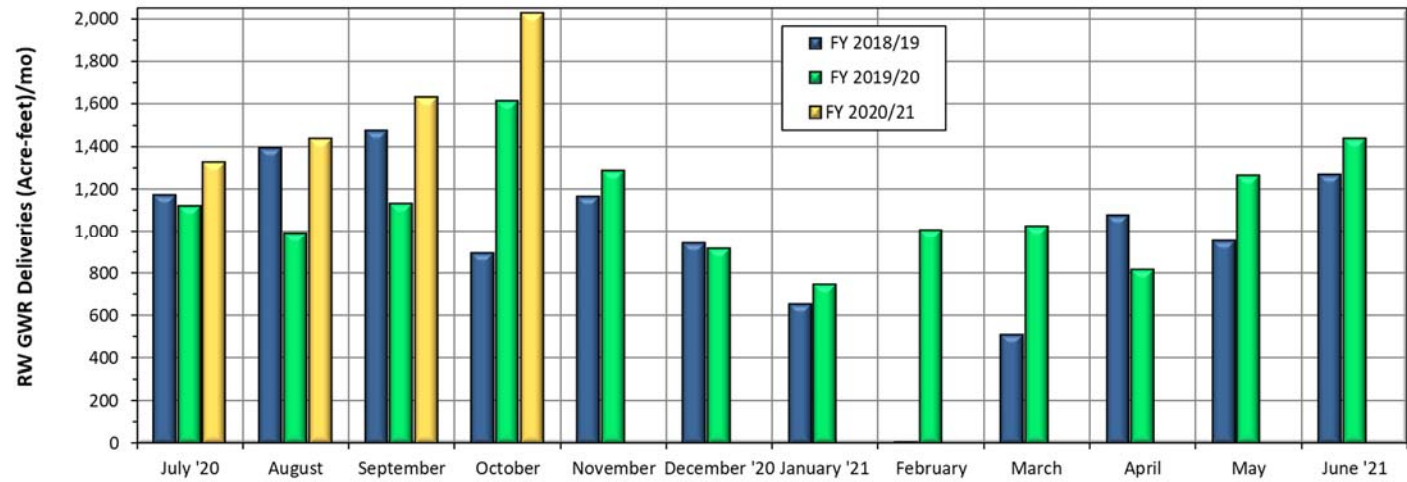
## Creek Discharges

Prado Park (001):	1.8 MGD	171 AFM
RP-1 (002):	4.3 MGD	409 AFM
RP-5 (003):	3.8 MGD	362 AFM
CCWRF (004):	1.4 MGD	133 AFM
Total:	11.3 MGD	1,075 AFM



# Recycled Water Recharge Actuals - October 2020 (Acre-Feet)

Basin	10/1-10/10	10/11-10/17	10/18-10/24	10/25-10/31	Month Actual	FY To Date Actual	Deliveries are draft until reported as final and do not included evaporative losses.	
Ely	34.6	31.1	55.9	39.2	160.8	422		
Banana	0.0	25.8	79.3	68.1	173.2	173		
Hickory	16.1	10.5	0.0	0.0	26.6	245		
Turner 1 & 2	0.0	0.0	0.0	5.2	5.2	11		
Turner 3 & 4	0.0	0.0	0.0	5.8	5.8			
8th Street	49.0	22.4	22.5	24.8	118.7	571		
Brooks	37.5	14.1	27.7	9.5	88.8	503		
RP3	301.9	174.8	208.4	153.5	838.6	2525		
Declez	40.7	31.3	36.2	41.3	149.5	478		
Victoria	85.3	41.2	40.6	23.6	190.7	747		
San Sevaline	78.0	88.5	58.0	47.2	271.7	760		
Total	643.1	439.7	528.6	418.2	2,029.6	6,435	4,865	AF previous FY to day actual





# IEUA RECYCLED WATER DISTRIBUTION – NOVEMBER 2020

## TOTAL ALL PLANTS

Influent: 51.2 MGD

Delivered: 32.1 MGD

Percent Delivered: 63%

## Preliminary Deliveries

RW GWR: 19.0 MGD

RW Direct Use: 13.1 MGD

## RP-4

Delivered: 7.9 MGD

## RP-1

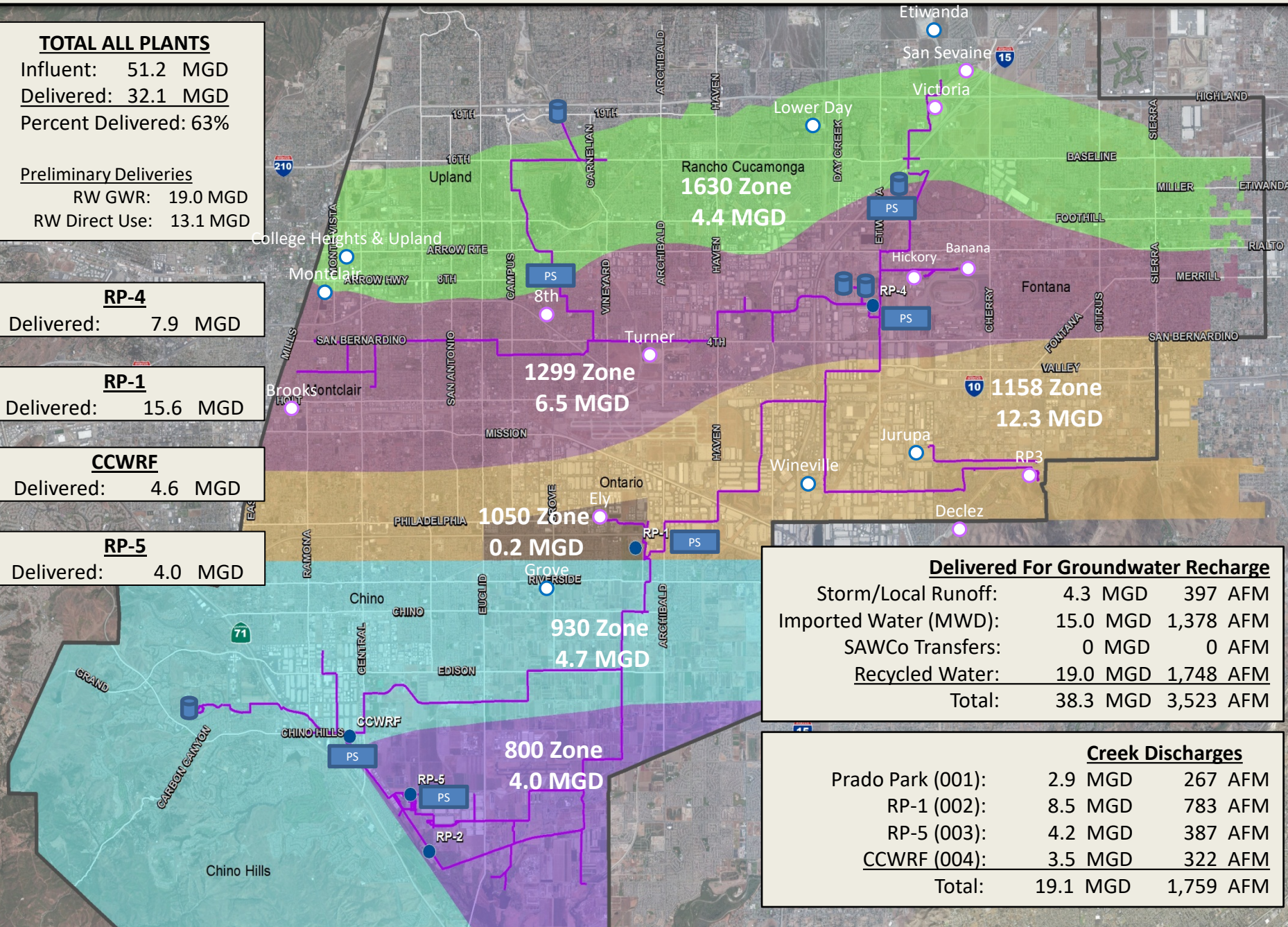
Delivered: 15.6 MGD

## CCWRF

Delivered: 4.6 MGD

## RP-5

Delivered: 4.0 MGD



## Delivered For Groundwater Recharge

Storm/Local Runoff:	4.3 MGD	397 AFM
Imported Water (MWD):	15.0 MGD	1,378 AFM
SAWCo Transfers:	0 MGD	0 AFM
Recycled Water:	19.0 MGD	1,748 AFM
Total:	38.3 MGD	3,523 AFM

## Creek Discharges

Prado Park (001):	2.9 MGD	267 AFM
RP-1 (002):	8.5 MGD	783 AFM
RP-5 (003):	4.2 MGD	387 AFM
CCWRF (004):	3.5 MGD	322 AFM
Total:	19.1 MGD	1,759 AFM

**Recycled Water Recharge Actuals - November 2020 (Acre-Feet)**

Basin	11/1-11/7	11/8-11/14	11/15-11/21	11/22-11/30	Month Actual	FY To Date Actual	Deliveries are draft until reported as final and do not included evaporative losses.	
Ely	25.3	0.8	0.8	31.7	58.6	481		
Banana	57.4	27.4	21.9	32.7	139.4	313		
Hickory	0.0	0.0	0.0	0.0	0.0	245		
Turner 1 & 2	0.0	0.0	0.0	0.0	0.0	175		
Turner 3 & 4	38.8	60.0	40.6	24.6	164.0			
7th & 8th Street	20.6	0.0	16.2	34.0	70.8	642		
Brooks	0.0	0.0	0.0	0.0	0.0	503		
RP3	216.9	214.8	161.5	219.2	812.4	3337		
Declez	18.3	0.0	29.1	54.4	101.8	580		
Victoria	0.0	27.7	41.0	38.0	106.7	854		
San Sevaline	84.7	73.8	61.7	74.0	294.2	1054		
Total	462.0	404.5	372.8	508.6	1,747.9	8,183	6,156	AF previous FY to day actual

