

# **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.

- J. COMMUNITY SEWER SYSTEM - All facilities owned, controlled or operated by a Contracting Agency for the purpose of collecting and conducting Sewage to a Delivery Point, including collector sewers conducting Sewage from the originating premises, trunk sewers conveying sewer from tributary collector sewers or other trunk sewers and any facilities appurtenant to the foregoing.
- K. CONTRACTING AGENCY - Any Sewage collection agency located, in whole or in part, within the boundaries of IEUA which has entered into a service contract with IEUA.
- L. CONTROL AUTHORITY - Inland Empire Utilities Agency
- M. DAILY MAXIMUM - The arithmetic average of all effluent samples for a pollutant collected during a calendar day.
- N. DAILY MAXIMUM LIMIT - The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
- O. DELIVERY POINT - Transfer point at which Sewage is delivered from a Community Sewer System into the Regional Sewerage System.
- P. DISPOSAL FACILITY - All facilities owned, controlled and operated by IEUA to meet effluent Discharge requirements, excluding water recycling facilities operated by IEUA to meet obligations under the judgment entered in the action entitled Orange County Water District v. City of Chino, et al. (Case No. 117628, Superior Court, County of Orange), or to meet the requirements of contracting agencies exercising the right of first purchase of recycled effluent.
- Q. DISPOSAL OR DISPOSE - Any process or method for the elimination of beneficial use of Sewage and any effluent or solid waste residuals thereof, including exportation from the Chino Basin.
- R. DOMESTIC WASTE HAULER - Person transporting Septic Tank Waste in a properly permitted vehicle equipped with a tank(s).
- S. DULY AUTHORIZED REPRESENTATIVE - An IEUA employee designated by the General Manager to act on his behalf in the administration of this Ordinance.
- T. ENVIRONMENTAL PROTECTION AGENCY OR EPA - The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.
- 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

Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees Fahrenheit (40 degrees Celsius);

- 6) Any wastes containing petroleum oil, non-biodegradable cutting oil, refined petroleum products, dispersed biodegradable oils, fats and greases, such as lard, tallow, vegetable oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through, obstruct flows within the collection system, or contributes to or causes a sanitary sewer overflow;
- 7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- 8) Trucked or hauled Pollutants, except at discharge points designated by the General Manager in accordance with Section 3.4 of this Ordinance;
- 9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- 10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating IEUA's NPDES permit;
- 11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
- 12) Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Non-contact Cooling Water, and unpolluted wastewater, unless specifically authorized by the General Manager;
- 13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- 14) Solid wastes from hospitals, clinics, offices of medical doctors, convalescent homes, medical laboratories or other medical facilities including, but not limited to, hypodermic needles, syringes, instruments, utensils, paper or plastic items of a disposable nature, or recognizable portions of the human anatomy or laboratory animals;
- 15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;
- 16) Detergents, surface-active agents (surfactants), or other substances that causes excessive foaming in the POTW;
- 17) Waste generated outside the IEUA service area unless otherwise approved by the 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 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)).

(7) Measurement of Pollutants.

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

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

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

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

#### **4.6 APPLICATION SIGNATORIES AND CERTIFICATIONS**

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

facility or overall responsibility for environmental matters for the company, a new 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



pollutants (or Best Management Practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.

- (5) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
- (6) Requirements to control Slug Discharge, if determined by the General Manager to be necessary.
- (7) Predetermined rates or values for Wastewater strength characteristics
- (8) Requirements to submit copies of tax and/or water bills
- (9) Requirement to furnish to the General Manager, within a reasonable time, any documents or records maintained by the User and/or required to be kept by the User which the General Manager may request to determine whether cause exists for modifying, revoking, reissuing, or to determine compliance with the Permit.

B. Individual wastewater discharge permits may contain, but need not be limited to, the following conditions:

- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- (3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
- (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (5) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices and/or combustible gas metering devices;
- (6) A statement that compliance with the individual wastewater discharge permit does not relieve the Permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater 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;

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

## **SECTION 6 - REPORTING REQUIREMENTS**

### **6.1 BASELINE MONITORING REPORTS**

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

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

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

- B. All periodic compliance reports must be signed and certified in accordance with Section 6.14 of this Ordinance.
- C. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
- D. If a User subject to the reporting requirement in this Section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the General Manager, using the procedures prescribed in Section 6.11 of this Ordinance, the results of this monitoring shall be included in the report.

## **6.5 REPORTS OF CHANGED CONDITIONS**

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

- A. The General Manager may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4.5 of this Ordinance.
- B. The General Manager may issue an individual wastewater discharge permit under Section 5.6 of this Ordinance or modify an existing wastewater discharge permit under Section 5.3 of this Ordinance in response to changed conditions or anticipated changed conditions.

## **6.6 REPORTS OF POTENTIAL PROBLEMS**

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

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

#### **6.7 REPORTS FROM UNPERMITTED USERS**

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

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

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

#### **6.9 NOTIFICATION OF THE DISCHARGE OF HAZARDOUS WASTE**

- A. Any User who commences the discharge of hazardous waste shall notify the Agency, the EPA Regional Waste Management Division Director, and State 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

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

#### **6.11 SAMPLE COLLECTION**

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

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

#### **6.12 DATE OF RECEIPTS OF REPORTS**

Written reports will be deemed to have been submitted on the date postmarked if mailed, postage prepaid, into a mail facility serviced by the United States Postal Service. For reports, which are 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

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

- B. The General Manager shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
- C. The General Manager may require the User to install monitoring equipment as necessary. Ample room in or near a monitoring facility to allow accurate sampling and preparation of samples for analysis whether the monitoring facility is constructed on public or private property shall be provided. Plans for construction of a monitoring facility shall be prepared by a California Registered Professional Engineer and submitted to the IEUA for approval prior to construction. The monitoring facility shall be constructed in accordance with IEUA, local construction standards and specifications.

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

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

- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the General Manager and shall not be replaced. The costs of clearing such access shall be borne by the User.
- E. Unreasonable delays in allowing the General Manager access to the User's premises shall be a violation of this Ordinance.
- F. When the Contracting Agency is administering the pretreatment program for IEUA and if there is a need to enter and inspect a User in a Contracting Agency's jurisdiction, the General Manager will notify the Contracting Agency of the reason to inspect and/or sample the User, and work cooperatively with the Contracting Agency to perform the inspection and/or sample the User.

## **7.2 SEARCH WARRANTS**

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

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

## **SECTION 10 - ADMINISTRATIVE ENFORCEMENT REMEDIES**

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

When the General Manager finds that a User 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, the General Manager may serve upon that User a written Notice of Violation. Within ten (10) business days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the General Manager. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the General Manager to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

### **10.2 COMPLIANCE MEETING**

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

### **10.3 CONSENT ORDER**

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

#### **10.4 SHOW CAUSE HEARING**

The General Manager may order a User which 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, to appear before the General Manager and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by certified mail at least thirty (30) business days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Section 1.4C and required by Section 4.6A. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

#### **10.5 COMPLIANCE ORDER**

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

#### **10.6 CEASE AND DESIST ORDER**

When the General Manager finds that a User 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, or that the User's past violations are likely to recur, the General Manager may issue an order to the User directing it to cease and desist all such violations and directing the User to:

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

#### **10.7 PERMIT SUSPENSION**

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

- (1) Failure to comply with the terms and conditions of an Administrative Order;
  - (2) Failure to notify the General Manager of significant changes to the wastewater prior to the changed discharge;
  - (3) Failure to provide prior notification to the General Manager of changed conditions pursuant to Section 6.5 of this Ordinance;
  - (4) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
  - (5) Falsifying self-monitoring reports and certification statements;
  - (6) Falsifying, tampering with, or knowingly rendering inaccurate any monitoring equipment or sample collection method;
  - (7) Refusing to allow the General Manager timely access to the facility premises and records;
  - (8) Failure to meet effluent limitations;
  - (9) Failure to pay non-compliance fees or fines;
  - (10) Failure to meet compliance schedules;
  - (11) Discharging a slug load to the Regional Sewerage System.
  - (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 suspension, 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 where the charges shall be heard by the General Manager or their designee. The hearing date shall be not less than fifteen (15) calendar days and not more than forty-five (45) calendar days after the mailing of such notice.
- C. At the hearing, the User shall have an opportunity to respond to the allegations set forth in the notice by presenting written or oral evidence. The hearing shall be conducted in accordance with procedures established by the General Manager and approved by the IEUA's General Counsel.
- D. After the conclusion of the hearing, the General Manager shall make a determination as to whether grounds exist for suspension of Users permit. The General Manager shall issue his/her decision within fifteen (15) calendar days after the hearing. The written decision shall be sent to the User or its legal counsel/representative at the User's business address.
- E. Upon an order of suspension by the General Manager becoming final, the User shall 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

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

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

## **10.9 EMERGENCY SUSPENSION**

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

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

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

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

#### **10.10 TERMINATION OF SERVICE**

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

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

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

#### **10.11 APPEALS**

- A. Administrative Hearings before the General Manager

- (1) Any Permit applicant, permittee, or User affected by any decision, action or determination made by the General Manager's authorized representative may file with the General Manager a written request for an administrative hearing regarding such action. The request shall be made within fifteen (15) days of mailing of the original decision. The request for hearing shall set forth in detail all facts supporting the request.
- (2) The General Manager shall, within fifteen (15) days of receiving the request for hearing, designate himself/herself or another Duly Authorized Representative to hear the matter and provide written notice to the applicant or User of the hearing date, time and place. The hearing date shall not be more than thirty (30) days from the mailing of such notice to the applicant or User unless a later date is agreed to by the applicant or

User. If the hearing is not held within said time, due to actions or inactions of the applicant or User, then the staff decision shall be deemed final.

- (3) 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.

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

- C. 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 any appeal.

## **SECTION 11 - JUDICIAL ENFORCEMENT REMEDIES**

### **11.1 INJUNCTIVE RELIEF**

When the General Manager finds that a User 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, the General Manager may petition the Superior Court for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the 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.

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

- (1) An upset occurred and the User can identify the cause(s) of the upset;
  - (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
  - (3) The User has submitted the following information to the CEO/GM within twenty-four (24) hours of becoming aware of the upset or if this information was provided orally, a written submission must be provided within five (5) days:
    - (a) A description of the indirect discharge and cause of non-compliance;
    - (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
    - (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the non-compliance.
- D. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.
- E. Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for non-compliance with categorical Pretreatment Standards.
- F. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

## **13.2 PROHIBITED DISCHARGE STANDARDS**

A User shall have an affirmative defense to an enforcement action brought against it for non-compliance with Section 2.1 General Prohibitions and Limitations on Discharges of this ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference and that either:

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

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

## **SECTION 14 - MISCELLANEOUS PROVISIONS**

### **14.1 PRETREATMENT CHARGES AND FEES**

- A. IEUA may adopt reasonable fees for reimbursement of costs of setting up and operating IEUA's Pretreatment Program, which may include:
- (1) Fees for wastewater discharge permit applications and modifications including the cost of processing such applications;
  - (2) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports and certification statements submitted by Users;
  - (3) Fees for reviewing and responding to accidental discharge procedures and construction;
  - (4) Fees for filing appeals;
  - (5) Fees to recover administrative and legal costs not included in Section 14.1(A)(2) associated with the enforcement activity taken by the General Manager to address User non-compliance; and
  - (6) Other fees as IEUA may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Ordinance and are separate from all other fees, fines, and penalties chargeable by IEUA.
- B. All fees and charges imposed under the provisions of this Ordinance are due and payable upon serving an invoice. An invoice shall be served by first-class mail or such other procedure as will reasonably assure receipt. Unpaid fees or charges shall become delinquent thirty (30) days after postmark date or the date the invoice is personally served. The date a payment is postmarked by the United States Postal Service or date-stamped by a commercial courier service will be considered the date of receipt by the IEUA unless payment is personally made to the IEUA.
- C. A penalty of 10 percent of the original unpaid invoice amount shall be added to any fee or charge that becomes delinquent. Interest at the maximum rate provided by law shall accrue on the total of all delinquent fees or charges including the penalty. A lien against the User's property shall be sought for unpaid charges, fines, and penalties.
- D. The Board shall have the authority to waive payment of any fee, charge, or penalty billed pursuant to this Ordinance.

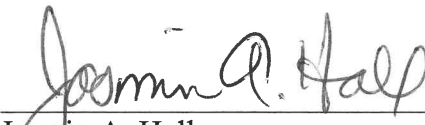
## 14.2 SEVERABILITY

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 17 day of March, 2021.

  
\_\_\_\_\_  
Jasmin A. Hall  
President of Inland Empire Utilities  
Agency\*, and of the Board of Directors thereof

ATTEST:

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

\*A Municipal Water District

STATE OF CALIFORNIA )  
 )SS  
COUNTY OF SAN BERNARDINO )

I, Steven J. Elie, Secretary/Treasurer of the Inland Empire Utilities Agency\*, DO HEREBY CERTIFY that the foregoing Ordinance being No. 109, was adopted at a regular meeting on March 17, 2021, of said Agency by the following vote:

AYES: Camacho, Elie, Hall, Hofer, Tule

NOES:       None

ABSTAIN: None

ABSENT: None

  
Steven J. Elie  
Secretary/Treasurer

(SEAL)