ORDINANCE NO. 119

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE INLAND EMPIRE UTILITIES AGENCY*, SAN BERNARDINO COUNTY, CALIFORNIA, ADOPTING ORDINANCE NO. 8 OF THE SANTA ANA WATERSHED PROJECT AUTHORITY AND PROVIDING FOR THE REGULATION AND ADMINISTRATION OF THE INLAND EMPIRE BRINE LINE, FORMERLY KNOWN AS THE SANTA ANA REGIONAL INTERCEPTOR, WITHIN THE INLAND EMPIRE UTILITIES AGENCY'S SERVICE AREA

WHEREAS, on February 21, 2018, the Inland Empire Utilities Agency ("IEUA" or "Agency") adopted Ordinance No. 106, regulating the availability and use of the Inland Empire Brine Line ("IEBL") within the Agency's service area; and

WHEREAS, Orange County Sanitation District ("OC San") has expressed a desire to consolidate permitting, inspection, monitoring, and enforcement activities over the IEBL under the Santa Ana Watershed Project Authority ("SAWPA") to promote continuity and consistency in the administration and operation of the IEBL; and

WHEREAS, SAWPA and its participating members, including Eastern Municipal Water District, IEUA, Orange County Water District, San Bernardino Valley Municipal Water District, and Western Municipal Water District of Riverside County, have entered into a Multijurisdictional Pretreatment Agreement, dated October 15, 2013, establishing their respective roles and responsibilities in implementing and administering the pretreatment program within their respective jurisdictions; and

WHEREAS, IEUA desires to adopt SAWPA Ordinance No. 8, in its entirety, attached hereto as Exhibit "A" and incorporated herein by reference, to promote uniformity and consistency in the regulation and use of the IEBL within the Agency's service area; and

WHEREAS, agreements governing the treatment, disposal, and administration of wastewater discharge into the IEBL include the Wastewater Treatment & Disposal Agreement dated July 11, 1996, and Memorandum of Understanding between SAWPA and OC San, dated April 1, 1991, and IEBL Multijurisdictional Pretreatment Agreement, dated October 15, 2013; and

WHEREAS, IEUA is responsible for establishing and administering rates, fees, and capacity allocations associated with the use of the IEBL within the Agency's service area; and

WHEREAS, IEUA desires to establish a rate structure that equitably allocates the costs associated with providing IEBL services among its users, including costs associated with wastewater flow, strength, operation, maintenance, debt repayment, capital improvements, and system replacement; and

PROPOSED

WHEREAS, IEUA recognizes the need to periodically review and adjust its rate structure to account for changes in costs, including charges imposed by SAWPA, and to support the long-term reliability and financial sustainability of the IEBL; and

WHEREAS, IEUA intends to establish and administer the framework governing rates, fees, charges, capacity allocations, and billing procedures associated with the use of the IEBL through the IEUA Brine Line System Rate Structure Resolution, with applicable rates and charges established through separate Rate Resolutions adopted by the Board of Directors, each as may be amended from time to time.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of Inland Empire Utilities Agency*, as follows:

Section 1. Incorporation. The above recitals are all true and correct and are incorporated herein by this reference.

Section 2. Adoption of SAWPA Ordinance No. 8. The Board of Directors hereby adopts SAWPA Ordinance No. 8 in its entirety, attached hereto as Exhibit "A" and incorporated herein by reference, establishing regulations governing the use of the IEBL within the Agency's service area.

Section 3. Applicability. This Ordinance, including SAWPA Ordinance No. 8 adopted herein, shall apply to the regulation and administration of the IEBL within the Agency's service area.

Section 4. Rates, Fees, Charges and Capacity Allocations. Rates, fees, charges, capacity allocations, and billing procedures associated with the use of the IEBL shall be established and administered in accordance with applicable law, the IEUA Brine Line System Rate Structure Resolution and applicable Rate Resolutions adopted by the Board of Directors, as may be amended from time to time.

Section 5. Repeal of Ordinance No. 106. Ordinance No. 106 is hereby repealed in its entirety and superseded by this Ordinance.

Section 6. Effective Date. This Ordinance shall take effect in accordance with applicable law.

ADOPTED this 18th day of November, 2026

PROPOSED

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

ATTEST:

Michael Camacho
Secretary/Treasurer of the Inland Empire
Utilities Agency* and the Board of
Directors thereof

*A Municipal Water District

PROPOSED

EXHIBIT "A"
SAWPA ORDINANCE NO. 8

PROPOSED

STATE OF CALIFORNIA)
)SS
COUNTY OF SAN BERNARDINO)

I, Michael Camacho, Secretary/Treasurer of the Inland Empire Utilities Agency*, DO HEREBY CERTIFY that the foregoing Ordinance being No. 119, including the Exhibit attached hereto, was adopted at a regular meeting on November 18, 2026, of said Agency by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

_____
Michael Camacho
Secretary/Treasurer of the Inland Empire Utilities Agency*, and of the Board of Directors thereof

(SEAL)

* A Municipal Water District

PROPOSED

ORDINANCE NO. 8

AN ORDINANCE OF THE SANTA ANA WATERSHED PROJECT AUTHORITY
ESTABLISHING REGULATIONS FOR THE USE OF THE
INLAND EMPIRE BRINE LINE

BE IT ORDAINED BY THE COMMISSION OF THE
SANTA ANA WATERSHED PROJECT AUTHORITY
AS FOLLOWS:

PREAMBLE

ARTICLE 1
GENERAL PROVISIONS

101.0 Purpose and Policy
102.0 Authorization
103.0 Definitions
104.0 Administration
105.0 Notice
106.0 Confidentiality
107.0 Time Limits

ARTICLE 2
GENERAL PROHIBITIONS AND
LIMITATIONS ON DISCHARGES

201.0 Prohibited Waste Discharges
202.0 Dilution Prohibited as a Substitute for Treatment
203.0 Limitations on Groundwater, Surface Runoff, and Subsurface Drainage
204.0 Limitations on Unpolluted Water
205.0 Limitations on Domestic Wastewater and Septage Waste
206.0 Limitations on Point of Discharge
207.0 Limitations on the Use of Grinders
208.0 Limitations on Biochemical Oxygen Demand (BOD)
209.0 Limitations on Infectious Waste Disposal
210.0 Limitations on Disposal of Spent Solutions and Sludges
211.0 Slug Discharges
212.0 Limitations on Wastewater Originating from Outside the Service Area
213.0 Federal Categorical Pretreatment Standards

ARTICLE 3
WASTEWATER DISCHARGE CONTRACTS
USER CHARGES AND FEES

301.0 Introduction
302.0 Wastewater Discharge Contract between SAWPA and a Member Agency or Contract Agency
303.0 Wastewater Discharge Contracts Between a Member Agency or a Contract Agency and a User of the Brine Line or Tributaries Thereto
304.0 User Charges and Fees

ARTICLE 4
WASTEWATER DISCHARGE PERMITS

401.0 Introduction
402.0 Wastewater Discharge Permits
403.0 Permit Duration
404.0 Duty to Comply
405.0 Permit Renewal, Extension and Fees
406.0 Permit Modifications
407.0 No Permit Transfer or Assignment
408.0 Wastewater Discharge Contract Capacity Rights
409.0 Operational Emergency Discharge
410.0 Liquid Waste Hauler Permits
411.0 Collection Stations
412.0 Groundwater, Surface Runoff, and Subsurface Drainage
413.0 Wastewater from Outside the SAWPA Brine Line Service Area

ARTICLE 5
MONITORING, REPORTING, INSPECTION, AND FACILITY REQUIREMENTS

501.0 Monitoring and Reporting
502.0 Inspection
503.0 Inspection Warrants
504.0 Record Keeping
505.0 Flow Measurement
506.0 Interceptor Requirements
507.0 Standard Interceptor Designs
508.0 Interceptor Maintenance
509.0 Liquid Waste Haulers
510.0 Use of and Damage to SAWPA Equipment or Facilities

511.0 Separation of Domestic and Industrial Waste
512.0 Limitations on Wastewater Strength
513.0 Local Limits
514.0 Pretreatment of Industrial Wastewaters
515.0 Unauthorized Monitoring and Pretreatment Equipment Modifications
516.0 Pretreatment Equipment Bypass
517.0 Prohibited Discharge of Recovered Pretreatment Waste
518.0 Industrial User Modifications
519.0 Spill Containment Systems
520.0 Facility Waste Management Plan
521.0 Notice of Potential Problems to POTW
522.0 Written Responses
523.0 Falsifying Information

ARTICLE 6
ENFORCEMENT

600.0 Purpose and Scope
601.0 Enforcement Response Plan (ERP)
602.0 Administrative Violations
603.0 Violations of Discharge Limitations
604.0 Unclassified Violations
605.0 Separate Violations
606.0 Administrative Orders
607.0 Wastewater Discharge Permit Revocation
608.0 Termination of Service
609.0 Annual Publication Notice
610.0 Administrative Complaint
611.0 Emergency Suspension
612.0 Civil Liability for Violations
613.0 Criminal Penalties
614.0 Legal Action
615.0 Supplemental Enforcement Actions
616.0 Remedies Nonexclusive
617.0 Payment of Fees, Charges, and Penalties
618.0 Damage to Facilities or Interruption of Normal Operations
619.0 Appeals
620.0 Alternative Enforcement Procedures
621.0 Invalidity
622.0 Interpretation – Intent

ARTICLE 7
MISCELLANEOUS PROVISIONS

700.0 Severability
701.0 Effective Date
702.0 Judicial Review of Ordinance

I. PREAMBLE

The Santa Ana Watershed Planning Agency was formed in 1968 to develop a long-range plan for managing, preserving, and protecting the quality of the water supplies in the Santa Ana River Basin. After development of the long-range plans, the Santa Ana Watershed Project Authority (SAWPA) was formed to implement the Planning Agency's recommendations. SAWPA's programs include the planning, financing, construction and operation of projects that relate to the water quality and quantity in the Santa Ana River Basin.

Various federal, state and local regulatory agencies have established goals and standards to assure that the highest quality water is made available to the people in the Santa Ana River Basin. In order to enhance and improve the quality of water in the Santa Ana River Basin and to ensure compliance with goals and standards set by the regulatory agencies, SAWPA has implemented many projects to remove contaminants, mainly high saline waters, from the water supplies. One of the main facilities constructed for this purpose is the Inland Empire Brine Line (Brine Line) formerly known as the Santa Ana Regional Interceptor (SARI) sewer. This line transports highly saline wastewater from the watershed to the Orange County Sanitation District (OCSD) collection system for treatment and disposal to the Pacific Ocean. This isolation of saline wastewater prevents contamination of the Santa Ana River from the commingling of these wastewaters with the river water. The use of the Brine Line enables the delivery of higher quality potable water to the Users of the Santa Ana River Basin waters, particularly in the lower elevations of the basin in the Orange County area.

SAWPA recognized the need to control the quality of waters in the basin as well as wastewaters discharged to the Brine Line and adopted Ordinance No. 1 in May 1982, the purpose of which was to establish the maximum benefit from the use of the Brine Line by providing procedures to ensure compliance with the requirements placed upon SAWPA by regulatory agencies and SAWPA's contractual agreements with OCSD.

Upon the effective date of this Ordinance No. 8, Ordinance No. 7, including any amendments thereto, shall be repealed and superseded by this Ordinance.

ARTICLE I
GENERAL PROVISIONS

101.0 PURPOSE AND POLICY. The purpose of this Ordinance is to provide for the maximum benefit from the use of the Santa Ana Watershed Project Authority's (SAWPA) facilities. This shall be accomplished by regulating the use of the Inland Empire Brine Line (Brine Line) sewer system and tributaries thereto and the wastewater discharged to this sewer system, by providing for the distribution of the costs of the construction, administration, operation and maintenance of the system, and by providing procedures that will allow SAWPA to comply with all regulatory requirements imposed upon SAWPA by contract requirements and by federal, state, and local agencies.

SAWPA recognizes Orange County Sanitation District's (OCSD) authority and responsibilities as defined by local, State, and Federal Pretreatment Regulations (40 CFR 403) including their role as the Control Authority and holder of the National Pollutant Discharge Elimination System (NPDES) permit. As such, SAWPA is committed to providing Pretreatment Program services in accordance with Federal Pretreatment Program Requirements, this Ordinance, the 1991 MOU and 1996 Agreement both between SAWPA and OCSD as described below. SAWPA will further ensure consistency in the implementation of the pretreatment requirements to conform, as appropriate, to the Program adopted by the Control Authority.

In order to conform to limitations and requirements from regulatory agencies, SAWPA must regulate the discharge of wastewater into the Brine Line. This Ordinance shall apply to all Direct or Indirect Users that discharge wastewater tributary to the Brine Line.

A. This Ordinance shall provide for the regulation of wastewater discharges into the Brine Line in accordance with the Federal Government's objectives of general pretreatment regulations as stated in Section 403.2 of Title 40 of the Code of Federal Regulations (CFR) which are for the following purposes:

   1. To prevent the introduction of pollutants into the Brine Line that will interfere with the operation of the OCSD Publicly Owned Treatment Works (POTW), including interference with its use or disposal of municipal biosolids;

   2. To prevent the introduction of pollutants into OCSD's POTW which will Pass Through the treatment works, inadequately treated, to the receiving waters or otherwise be incompatible with such works;

   3. To improve opportunities to recycle and reclaim municipal and industrial wastewaters and biosolids;

   4. To enable SAWPA to comply with requirements from the Federal Environmental Protection Agency and OCSD and any other federal or state laws to which SAWPA and/or OCSD's POTW is subjected;

   5. To enable SAWPA to control the privileges to any use of the Brine Line and

tributaries thereto;

6. To protect and preserve the health and safety of the citizens and personnel of SAWPA, OCSD, and contracted agencies; and

7. To prevent the introduction of pollutants that obstruct flows within the Brine Line or otherwise cause or contribute to sanitary sewer overflows and to comply with the provisions of State Water Resources Control Board (SWRCB) adopted Order No. 2006-0003, a General Waste Discharge Requirement (WDR) for all publicly owned sanitary sewer collection systems in California with more than one (1) mile of sewer pipe.

B. This Ordinance shall apply to all Direct or Indirect Users of the Brine Line and tributaries thereto. This Ordinance authorizes:

1. The issuance of Wastewater Discharge Permits;

2. Monitoring, compliance, and enforcement activities;

3. Brine Line connection plan check services;

4. User reporting requirements;

5. The establishment of fees; and

6. The equitable distribution of costs resulting from the program established herein.

C. This Ordinance shall be administered by the General Manager of SAWPA, under the control and direction of the SAWPA Commission.

D. This Ordinance implements the provisions of the 1991 Memorandum of Understanding between OCSD and SAWPA "Governing Quality Control of Wastewaters Discharged" (1991 MOU) to the Brine Line and the 1996 Agreement between OCSD and SAWPA "Wastewater Treatment and Disposal Agreement" (1996 Agreement) and any current or future Amendments thereto (Amendments December 1996 and November 2013). This Ordinance is intended to be at least as protective of OCSD's facilities as OCSD's Wastewater Discharge Regulations, Ordinance No. OCSD-48 or its successors. SAWPA issued Wastewater Discharge Permits shall require compliance with both this Ordinance and OCSD's Ordinance No. OCSD-48, or its successors, and require that in the event of any conflict between the ordinances the stricter provisions shall apply.

102.0 AUTHORIZATION. This Ordinance is enacted pursuant to the authorization of the Municipal Water District Law of 1911, California Water Code Section 71000 et seq., California Government Code Section 6500 et seq., the Clean Water Act (33 U.S.C. 1251 et seq.) and the

General Pretreatment Regulations (40 CFR 403).

103.0 DEFINITIONS. Unless otherwise defined herein, terms pertaining to water quality shall be as adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association, and the Water Environment Federation. Unless otherwise defined herein, terms pertaining to construction and building shall be defined as being the same as set forth in the CA Building Standards Code, Title 24, CA Code of Regulations, current edition.

A. Unless the context specifically indicates otherwise or as previously indicated, the meaning of the terms used in this Ordinance shall be as follows:

1. Act or "the Act" shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251, et seq.

2. Analytical Methods shall mean the sample analysis 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 Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed using validated analytical methods or any other applicable sampling and analytical procedures approved by SAWPA, including procedures suggested by SAWPA or other parties as approved by the EPA.

3. Authorized Representative shall mean:

a. A responsible corporate official, if the User submitting the required documents is a corporation, of the level of president, secretary, treasurer, or vice president in charge of a principal business function, or any other Person who performs similar policy or decision making functions for the corporation; or the manager of one or more manufacturing, production, or operating facilities, provided by 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 initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations, and ensuring that the necessary systems are established or actions taken to gather complete and accurate information for Wastewater Discharge Permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures; or

b. A general partner or proprietor if the User submitting the required documents is a partnership or sole proprietorship respectively; or

c. A director or highest official appointed or designated to oversee the

operation and performance of the activities of the facility, or their designee, if the User is a Federal, State, or local governmental facility.

d. A duly authorized representative of the individual designated in subsection (a) and (b), if;

1) The authorization is made in writing by the individual designated in subsection (a), (b) and (c); and

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

3) The written authorization is submitted to the General Manager of SAWPA.

e. If an authorization under paragraph (a) and (b) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (a) and (b) 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. Batch Discharge shall mean any intermittent discharge of pollutants from sources such as, but not limited to, process tanks, holding tanks, rinse tanks, or treatment systems.

5. Best Management Practices (BMPs) shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures and practices to control plant site run-off, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. Such BMPs shall be considered local limits and Pretreatment Standards as stated in 40 CFR 403.5(c) (4).

6. Biochemical Oxygen Demand (BOD) shall mean the quantity of oxygen, expressed in mg/L, required to biologically oxidize material in a waste or wastewater sample measured under approved laboratory methods of five (5) days at twenty degrees Celsius (20 ◦C).

7. Bypass shall mean the intentional diversion of wastestreams from any point of a User's pretreatment facility.

8. **Business Day** shall mean a SAWPA scheduled business day.

9. **Capacity Unit** shall equal 10,000 gallons per day of discharge right.

10. **Categorical Industrial User** shall mean an Industrial User subject to a categorical Pretreatment Standard or categorical Standard which is a regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307 (b) and (c) of the Clean Water Act (33 U.S.C.-1317) that apply to a specific category of users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

11. **Chemical Oxygen Demand (COD)** shall mean the quantity of oxygen, expressed in mg/L, required to chemically oxidize material in a waste or wastewater sample, under specific conditions of an oxidizing agent, temperature, and time. COD results are not necessarily related to BOD results.

12. **City Collection System** Not used.

13. **Class I User** shall mean the term used by OCSD to describe a Significant Industrial User. See Significant Industrial User.

14. **Class II User** shall mean the term used by OCSD to describe a User that discharges waste other than sanitary, and is not classified as a Significant Industrial User. See Industrial User.

15. **Class III User Not used.**

16. **Class IV User Not used.**

17. **Class V User Not used.**

18. **Code of Federal Regulations (CFR) shall mean** the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government.

19. **Collection Stations** shall mean wastewater disposal stations operated by the SAWPA Member Agencies or Contract Agencies for disposal of trucked waste.

20. **Collection System** shall mean all wastewater conveyance systems owned and maintained by SAWPA or a Member Agency or a Contract Agency for purposes of conveying wastewater to OCSD's POTW for treatment and excludes sewer service lateral connections.

21. **Combined Wastestream Formula** shall mean the formula, as outlined in the General Pretreatment Regulations of the Clean Water Act, 40 CFR 403.6(e),

for determining wastewater discharge limitations for Categorical Industrial Users and Significant Industrial Users whose effluent is a mixture of regulated, unregulated, and dilution wastewater as defined in the formula.

22. Commission, Commission of SAWPA, or SAWPA's Commission shall mean the governing body of SAWPA as defined by the Joint Exercise of Powers Agreement establishing SAWPA.

23. Compliance Schedule shall mean a time schedule enforceable under this Ordinance containing increments of progress called milestones, which are in the form of dates. These milestones shall be for the commencement and/or completion of major events leading to the construction and operation of additional pretreatment facilities or the implementation of policies, procedures or operational management techniques required for the User to comply with all applicable federal, state or local environmental regulations which may directly or indirectly affect the quality of the User's wastewater effluent.

24. Composite Sample shall mean a series of grab samples of equal volume taken at a predetermined time or flow rate for a predetermined period of time or flow, which are combined into one sample.

25. Contract Agency shall mean, Jurupa Community Services District, San Bernardino Municipal Water Department, or Yucaipa Valley Water District, or any other public agency that subsequently enters into a multijurisdictional pretreatment agreement with SAWPA defining the roles and responsibilities to conduct the Pretreatment Program or portions of the Pretreatment Program within their jurisdictions.

26. Control Authority shall be defined by 40 CFR 403.3(f) is the POTW if the POTW's submission for its Pretreatment Program (40 CFR 403.3) has been approved in accordance with requirements for 40 CFR 403.11. All references in this Ordinance to Control Authority are referring to OCSD.

27. Conventional Pollutants shall be defined as BOD, COD, total suspended solids, pH, fecal coliform, oil and grease, total nitrogen and such additional pollutants as are now or may be in the future specified and controlled in OCSD's NPDES permit for its POTW where said POTW has been designed and used to reduce or remove such pollutants.

28. Cooling Water shall mean all water used solely for the purpose of cooling a manufacturing process, equipment, or product.

29. Cyanide (Amenable) shall mean those cyanides that are amenable to chlorination as described in 40 CFR 136.3.

30. Day shall mean a calendar day, unless otherwise specified.

31. Delegated Control Authority shall mean an entity duly delegated by the Control Authority with the legal authority to enforce all federal, state, and local pretreatment standards and requirements against all industrial users and liquid waste haulers discharging to the Control Authority's POTW and all procedures necessary for the Pretreatment Program implementation. All references in this Ordinance to Delegated Control Authority are referring to SAWPA.

32. Dilution shall mean the increase in use of process water, potable water or any other means to dilute a discharge as a partial or complete substitute for adequate treatment to achieve discharge requirements.

33. Direct Discharger or User shall mean facilities which are directly connected to the Brine Line by a pipeline.

34. Discharge Right or Discharge Capacity Right shall mean the volume of wastewater capacity purchased by a User for use with the Brine Line and tributaries thereto.

35. District Collection System shall mean all pipes, sewers and conveyance systems conveying wastewater to the Brine Line and tributaries thereto that are owned and maintained by a community services district, special district, or water district, excluding sewer service lateral line connections.

36. Domestic Wastewater shall mean wastewater, including domestic septic system waste, from private residences and wastewater from other premises resulting from the use of water for personal washing, sanitary purposes or the discharge of human excrement and related matter.

37. Effluent shall mean treated wastewater flowing from treatment facilities; the OCSD's POTW, or a User.

38. EPA shall mean the United States Environmental Protection Agency.

39. Federal Categorical Pretreatment Standard shall mean the National Pretreatment Standards, established by the EPA, specifying quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced into the Brine Line or tributaries thereto by existing or new Industrial Users in specific industrial categories established as separate regulations under the appropriate subpart of 40 CFR Chapter I, Subchapter N, as it exists and as it may be amended.

40. Flow Monitoring Facilities shall mean equipment and structures approved by SAWPA and provided at the User's expense to measure and/or record the incoming water to the User's facility or the wastewater discharged to the Brine Line sewer or tributaries thereto.

41. General Manager shall mean SAWPA's General Manager or duly authorized SAWPA employee with overall Pretreatment Program responsibility designated in writing.

42. Generator see Indirect Discharger.

43. Good Faith shall mean the User's prompt and vigorous pollution control measures undertaken to show that extraordinary efforts (not a "business-as-usual" approach) have been made to achieve compliance.

44. Grab Sample shall mean an individual sample collected from a wastestream without regard to the flow in the wastestream over a period of time not exceeding fifteen minutes.

45. Gravity Separation Interceptor shall mean an approved detention chamber designed to remove floatable and settleable material from industrial wastewater prior to discharge into the Brine Line.

46. Hazardous Waste shall be as defined in 40 CFR 261 consisting of a listed waste determined by EPA to be hazardous or a waste not specifically listed but which exhibits one of four characteristics: ignitability, corrosivity, reactivity, and/or toxicity.

47. Heating Water shall mean all water used solely for the heating of a manufacturing process, equipment, or product.

48. Indirect Discharger, User or Generator shall mean a user that contracts or otherwise employs a truck, tanker, or vacuum truck service or other similar means to bring wastewater for disposal to the Brine Line or tributaries thereto from a User that has no direct connection to the Brine Line or tributaries thereto.

49. Industrial User shall mean all Persons; public or private entities, industrial, commercial, governmental, or institutional that discharge or cause to be discharged, wastewater into the Brine Line or tributaries thereto or any other sewer system owned and operated by SAWPA.

50. Industrial Wastewater shall mean all non-domestic wastewater, including all wastewater from any producing, manufacturing, processing, institutional, governmental, commercial, service, agricultural or other operation.

51. Infectious Waste shall mean all wastes which are likely to transmit etiologic agents which normally cause, or significantly contribute to the cause of, increased morbidity or mortality of human beings.

52. **Inland Empire Brine Line or Brine Line** shall mean all wastewater conveyance systems owned and maintained by SAWPA, excluding sewer service lateral line connections owned and operated by others. Historical documents may refer to the Santa Ana Regional Interceptor (SARI), now referred to the Inland Empire Brine Line.

53. **Inspector** shall mean a person authorized by the General Manager to inspect any User discharging or anticipating discharging wastewater into conveyance, processing, or disposal facilities to the Brine Line or tributaries thereto.

54. **Instantaneous Limit** see Local Non-Domestic Wastewater Limitations Concentration Values.

55. **Interference** shall mean a discharge which, alone or in conjunction with a discharge or discharges from other sources, both: (1) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and (2) therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

56. **Letter to Discharge** shall mean a letter authorizing a user to discharge unauthorized classes of wastewater to the Brine Line without having to obtain a Special Purpose Discharge permit. Unauthorized classes of wastewater require approval by both the General Manager and OCSD General Manager before the discharge commences. The discharge volume is generally limited to less than 1 million gallons. A Letter to Discharge allows the user to discharge within the terms provided for a one-time discharge event.

57. **Liquid Waste Hauler** shall mean any Person or firm engaged in the truck hauling of liquid waste from a User, excluding domestic waste, for disposal at a designated Brine Line Collection Station.

58. **Local Limits** shall mean specific prohibitions or pollutant limitations or pollutant parameters that are developed by OCSD, SAWPA, Member Agencies and/or Contract Agencies in accordance with 40 CFR 403.5(c) to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

59. Local Non-Domestic Wastewater Limitations Concentration Values shall mean the maximum quantity or concentration of a Pollutant allowed to be discharged at any period of time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

60. Lower Explosive Limit (LEL) shall mean the minimum concentration of a combustible gas or vapor in the air that will ignite if an ignition source is present.

61. Major Administrative Violations shall mean violations as defined in section 602 of this Ordinance.

62. Major Violations shall mean are separate from Major Administrative violations and shall mean a discharge over the permitted discharge limit, as determined by the result of a sample analysis, as follows:

a. a discharge exceeding a Mass Emission Rate limit by 20% or more, or

b. a discharge exceeding a concentration limit by 20% or more, or

c. a pH discharge less than 5.0.

63. Mass Emission Rate shall mean the weight of pollutants discharged to the Brine Line or tributaries thereto during a given period of time from a User.

64. May shall mean permissive.

65. Member Agency shall mean either, Eastern Municipal Water District, Inland Empire Utilities Agency, San Bernardino Valley Municipal Water District, or Western Municipal Water District of Riverside County, or any other public agency that subsequently becomes a member of SAWPA and enters into a multijurisdictional pretreatment agreement with SAWPA defining the roles and responsibilities to conduct the Pretreatment Program or portions of the Pretreatment Program within their jurisdictions.

66. mg/L shall mean milligrams per liter.

67. Milestone shall mean increments of progress in the form of dates, not to exceed nine months, and are used in compliance schedules. Milestones shall be for the commencement and/or completion of major events leading to the construction and operation of additional pretreatment facilities or the implementation of policies, procedures or operational management techniques required for the User to comply with all applicable federal, state or local environmental regulations which may directly or indirectly affect the quality of the User's wastewater effluent.

68. Minor Administrative Violations shall mean violations as defined in section 602 of this Ordinance.

69. Minor Violations are separate from **Minor Administrative Violations** and shall mean a discharge over the permitted discharge limit as determined by the result of a sample analysis, as follows:

a. a discharge exceeding a Mass Emission Rate limit by less than 20%, or

b. a discharge exceeding a concentration limit by less than 20%, or

c. a pH discharge equal to or greater than 5.0, but less than 6.0, or

d. a pH discharge greater than 12.0.

70. Mixed Load shall mean a combination of any hauled permitted Brine Line wastewater with any other wastewater from permitted or unpermitted sources.

71. Monitoring/Production Information Order (MPIO) shall mean an Administrative Order requiring an Industrial User to determine the mass emission or concentration of pollutants or other conditions specified in the Industrial User's permit in their industrial wastewater discharge for all days within a fourteen (14) consecutive day period that industrial wastewater is discharged to the Brine Line and submit production data for that period.

72. Monthly Average shall mean the average of daily measurements over a calendar month as calculated by adding all the daily measurements taken during the calendar month and dividing that sum by the sum of the number of daily measurements taken in the month.

73. Multijurisdictional Pretreatment Agreement (MJPA) shall mean an agreement between SAWPA and its Member Agencies and Contract Agencies granting SAWPA the authority and responsibility to implement and enforce its Delegated Control Authority for the Inland Empire Brine Line Pretreatment Program against users of the Brine Line located or operating in the Member and Contract Agencies' jurisdictions within SAWPA's Brine Line Service Area unless otherwise approved by the SAWPA Commission and OCSD General Manager per the Agreement as defined in Section 101.0 D.

74. NAICS shall mean the North American Industry Classification System published by the Executive Office of the President of the United States, Office of Management and Budget.

75. National Pretreatment Standard shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Clean Water Act, which applies to Industrial Users. This

term includes prohibitive discharge limits established pursuant to 40 CFR Part 403.5.

76. New Source shall mean any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307 (c) of the Federal Clean Water Act which 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 may be considered.

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

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 (1) any placement, assembly, or installation of facilities or equipment; or (2) 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.

77. OCSD shall mean the Orange County Sanitation District which is the Control Authority for the Brine Line.

78. Oil and Grease shall mean any of the following in part or in combination:

a. Oil and Grease of Mineral and Petroleum Origin (also known as "Petroleum Oil and Grease as Silica Gel Treated n-Hexane Extractable Material" or "SGT-HEM Non-Polar Material");

b. Fats Oil and Grease (FOG) Any substance such as a vegetable or animal product that is used in, or is a byproduct of, the cooking or food preparation process, and that turns or may turn viscous or solidifies with a change in temperature or other conditions).

79. Pass Through shall mean any discharge which exits OCSD's POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, causes a violation of any requirement of the OCSD's NPDES permit, including an increase in the magnitude or duration of a violation.

80. Permittee shall mean any User who has received a Wastewater Discharge Permit to discharge wastewater into the Brine Line or tributaries thereto.

81. Person shall mean any individual, firm, company, association, society, general or limited partnership, limited liability company, trust, corporation, governmental agency or group, and includes the plural or the singular.

82. Pollutant or Constituent shall mean conventional pollutants, domestic wastewater, hazardous substances, infectious waste, slug discharges, dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, medical waste, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural and industrial wastes, and certain characteristics of wastewater (e.g. pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

83. POTW or Publicly Owned Treatment Works shall mean a treatment works as defined by section 212 of the Act, which is owned by a State or Municipality (as defined by section 502(4) of the Act. This definition includes all devices, equipment, pipes, and systems used in the transmission, storage, treatment, recycling and reclamation of municipal sewage, biosolids, or industrial wastewater. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.

84. Pretreatment shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of the pollutant properties in wastewater prior to, or in lieu of, discharging such pollutants into the Brine Line or tributaries thereto. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by any other means, except dilution.

85. Pretreatment Facility shall mean any works or devices for the treatment or flow limitation of wastewater prior to discharge to the Brine Line or tributaries thereto.

86. Pretreatment Requirements shall mean any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.

87. Pretreatment Waste shall mean all waste, liquid or solid, removed from a wastestream or wastewater discharge by physical, chemical, or biological means.

88. Public Agency shall mean the State of California and any city, county, special district, or other public agency within the State of California.

89. Qualified Professional shall mean any person who by virtue of education, training, or experience is qualified to evaluate and assess pollutant discharges and violations of this Ordinance.

90. RCRA shall mean the Resource Conservation and Recovery Act (42 U.S.C. 6901, et seq.) and its regulations 40 CFR Parts 260-266 and 270 and as amended.

91. Reclaimable Wastewater shall mean domestic wastewater, industrial wastewater or other wastewater containing total dissolved solid levels below the local POTW discharge limitation that renders it suitable for discharge and reclamation.

92. Regulatory Agencies shall mean those agencies having jurisdiction over the operation of SAWPA and/or OCSD including, but not limited to:

a. United States Environmental Agency, Region IX, San Francisco, CA and Washington, D.C. (EPA);

b. California State Water Resources Control Board ("State Board");

c. California Regional Water Quality Control Board , Santa Ana Region ("Regional Board");

d. South Coast Air Quality Management District (SCAQMD);

e. California Environmental Protection Agency (CalEPA); and

f. California Department of Public Health (DPH).

93. Sampling Facilities shall mean structure(s) and equipment provided at the User's expense for SAWPA or the User to measure and record wastewater pollutant levels, collect representative wastewater samples, and/or provide direct access to terminate the wastewater discharge.

94. Sanitary Sewer System shall mean any system of pipes, pump stations, sewer lines, or other conveyances, upstream of a wastewater treatment plant headworks used to collect and convey wastewater to the publicly owned treatment facility. Temporary storage and conveyance facilities (such as vaults, temporary piping, construction trenches, wet wells, impoundments, tanks, etc.) are considered to be part of the sanitary sewer system, and discharges into these temporary storage facilities are not considered to be SSOs.

95. Sanitary Sewer Overflow (SSO) shall mean any overflow, spill, release, discharge or diversion of untreated or partially treated wastewater from a sanitary sewer system. SSOs include:

a. Overflows or releases of untreated or partially treated wastewater that reaches waters of the United States;

b. Overflows or releases of untreated or partially treated wastewater that do not reach waters of the United States; and

c. Wastewater backups into buildings and on private property that are caused by blockages or flow conditions within the publicly owned portion of the sanitary sewer system.

96. Sanitary Waste shall mean domestic wastewater.

97. SARI shall mean the Santa Ana Regional Interceptor.

98. SARI System see Inland Empire Brine Line.

99. SAWPA shall mean the Santa Ana Watershed Project Authority and/or any Member Agency and/or any Contract Agency as applicable to effectively implement this Ordinance.

100. SAWPA Inland Empire Brine Line Service Area or SAWPA's SARI Service Area shall mean the total area within the jurisdictional boundaries of SAWPA's Member Agencies, excluding any area within the County of Orange.

101. SAWPA Industrial Process Wastestream or Industrial Process Wastestream shall mean a wastestream from an industrial process that is not regulated by a categorical standard for any pollutant and is not considered an Industrial Non-Process Wastestream as defined in this section.

102. SAWPA Industrial Non-Process Wastestream or Industrial Non-Process Wastestream shall mean a wastestream which includes boiler blow-down streams, non-contact cooling streams, storm water, demineralized backwash/RO rejects and sanitary waststreams. For those facilities with wastestreams composed only of the wastestreams listed above these Industrial Non-Process Wastestreams will be permitted equivalent to Industrial Process Wastestreams.

103. SAWPA Wastestream Correction Formula or WCF shall mean the formula used to adjust the Local Limits to account for the presence of SAWPA Industrial Non-process Wastestreams.

$$C_A = \frac{C_C\left(\sum_{N=1}^{M} F_N\right)}{F_T}$$

Where: C_A = Adjusted Local Limit to account for Industrial Non-Process Wastestream(s)
C_C = Local Limit for the pollutant constituent
F_N = Average daily flow for SAWPA Industrial Process Wastestream N
F_T = Average daily flow through the sample point
M = Total number of SAWPA Industrial Process Wastestreams

104. Self-monitoring shall mean wastewater samples taken by a User or the User's contracted laboratory, consultant, engineer, or similar entity.

105. Service Lateral Line shall mean the wastewater collection pipe extending from premises where the wastewater is generated up to and including the connection to the Brine Line or tributaries thereto.

106. Sewer System Management Plan (SSMP) shall mean an approved plan adopted by SAWPA to control and reduce the occurrence and impact of sanitary sewer overflows.

107. Shall means mandatory.

108. Significant Industrial User (SIU), except as provided in 40 CFR 403.3(v)(2) and (v)(3) shall mean:

a. All Industrial Users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N.

b. Any User that:

1. Discharges Industrial Wastewater at an average 25,000 gallons per day (gpd) or more of process wastewater to the Brine Line or tributaries thereto (excluding sanitary, noncontact cooling and boiler blowdown wastewater);

2. Contributes a process wastestream that makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of OCSD's POTW;

3. May cause pass through or interference with the Inland Empire Brine Line or OCSD's Sewerage Facilities; or

4. Is designated as an SIU by the General Manager on the basis that the User has a reasonable potential for adversely affecting the Brine Line or tributaries thereto or OCSD's POTWs or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6).

109. Significant Noncompliance (SNC) shall mean any compliance violations that meet one or more of the following criteria:

a. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant during a six-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l);

b. Technical review criteria (TRC) violations are defined as those in which thirty-three (33%) percent or more of all of the measurements taken for the same pollutant during a six-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);

c. Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(1) (daily maximum, long term average, instantaneous limit, or narrative standard) that the POTW determines has caused, alone or in combination with other discharges, Interference or Pass Through (including endangering the health of POTW or SAWPA personnel or the general public);

d. Any discharge of a pollutant that has caused imminent endangerment to human health or welfare or to the environment or has resulted in POTW's or SAWPA's exercise of emergency authority to halt or prevent such a

discharge;

e. Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule milestone contained in a local control mechanism or enforcement order, for starting construction, completing construction, or attaining final compliance;

f. Failure to provide, within forty-five (45) days of the due date, any required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

g. Failure to accurately report non-compliance; or

h. Any other violations or group of violations, which may include a violation of Best Management Practices, which the POTW or SAWPA determines will adversely affect the operation and implementation of SAWPA's Pretreatment Program or the Brine Line or tributaries thereto.

110. Single Pass Cooling Water shall mean water that is used solely for the purpose of cooling and is used only once before being discharged.

111. Single Pass Heating Water shall mean water that is used solely for the purpose of heating and is used only once before being discharged.

112. Sludge shall mean any solid, semi-solid or liquid decant, subnate or supernate from a manufacturing process, utility service, or Pretreatment Facility.

113. Slug Discharge shall mean any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge of wastewater, material or waste with such a high volume or pollutant concentration which has the potential to cause damage, Interference, or Pass Through in the Brine Line or tributaries thereto, OCSD's POTW, or in any other way violates the POTW's regulations, Local Limits or Permit conditions.

114. Special Purpose Discharge shall mean a wastewater discharge to the Brine Line or tributaries thereto requiring a Wastewater Discharge Permit (Special Purpose Discharge Permit) which has origins from unpolluted water, storm water runoff, groundwater, treated groundwater, subsurface drainage or other similar sources of wastewater.

115. Spent Solution shall mean any concentrated Industrial Wastewater or Wastewater that is not authorized to be discharged to a Sewage facility until appropriately treated.

116. State Certified Laboratory shall mean any laboratory accredited by the

Environmental Laboratory Accreditation Program (ELAP).

117. Stormwater shall mean water or wastewater generated when precipitation from rain and snowmelt events flows or accumulates over land or impervious surfaces and does not percolate into the ground.

118. Temporary User shall mean any User who is granted temporary permission by the General Manager to discharge wastewater to the Brine Line or tributaries thereto and controlled by a Wastewater Discharge Permit or Letter to Discharge.

119. Temporary Wastewater Discharge Permit or Temporary Permit shall mean a wastewater discharge permit of short duration that may be issued to an Industrial User that is determined to be discharging industrial wastewater without a valid permit due to change of ownership.

120. Total Dissolved Solids (TDS) shall mean the total amount of all inorganic and organic substances dispersed within a volume of water or wastewater that is not retained on a laboratory filter and dried to a specified temperature in accordance with approved laboratory methods.

121. Total Suspended Solids or Suspended Solids shall mean the total amount of matter on the surface of, or suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering in accordance with approved laboratory methods.

122. Total Toxic Organics (TTO) shall mean the summation of all quantifiable values greater than 0.01 milligrams per liter for the organics regulated by the EPA or SAWPA for a specific industrial category.

123. Total Organic Carbon (TOC) shall mean the measure of total organic carbon in mg/L using heat, oxygen, ultraviolet irradiation, chemical oxidants, or combinations of these oxidants that convert organic carbon to carbon dioxide, rounded to two significant figures. As such, Total Toxic Organics is a subset of TOC.

124. Unpolluted Water shall mean water to which no pollutant has been added either intentionally or accidentally.

125. Upset shall mean an exceptional incident which causes temporary and unintentional non-compliance with the discharge limitations or prohibitions applicable to a User or OCSD's POTW and which is beyond the reasonable control of a User or OCSD's POTW and as more fully set forth in OCSD's NPDES permit, 40 CFR Part 403.16, and California Water Code, Section 13385.

126. User shall mean any Member Agency, Contract Agency, Person or entity,

public or private, residential, industrial, commercial, governmental, institutional, or liquid waste hauler that discharges or causes to be discharged, wastewater into the Brine Line or tributaries thereto.

127. Waste shall mean any discarded solid, semi-solid, liquid, or gaseous material.

128. Wastestream shall mean individually identifiable sources of waste that contribute to a User's wastewater discharge.

129. Wastewater shall mean the used water and water carried waste from a User that is discharged to a sewer.

130. Wastewater Discharge Contract shall mean a written contract between SAWPA and a Member Agency or between a Member Agency and/or a Contract Agency and a potential User for the purpose of conveying a defined wastewater discharge capacity right to use the Brine Line or tributaries thereto.

131. Wastewater Discharge Permit shall mean the permit issued and enforced by the General Manager or designee permitting and regulating the discharge of wastewater into the Brine Line and tributaries thereto.

104.0 ADMINISTRATION.

A. **Adoption of Interpretive Rules**. SAWPA's Commission may adopt interpretive rules or resolutions consistent with the provisions of this Ordinance for the administration of the Brine Line. Interpretive rules by SAWPA's Commission pertain to, but shall not be limited to, discharge limitations, Pretreatment Requirements, standards for wastewater lines and services and implementation of standards promulgated pursuant to the Federal Water Pollution Control Act as amended by the Clean Water Act.

B. General Powers of the General Manager. Except as otherwise provided herein, the General Manager shall administer, implement and enforce the provisions of this Ordinance. Any powers granted or duties imposed upon the General Manager may be delegated by the General Manager to persons acting in the beneficial interest or employ of SAWPA, but shall remain the responsibility of the General Manager. In addition to the authority to prevent or eliminate discharges through enforcement of discharge limitations and prohibitions, the General Manager shall have the following powers:

1. **Endangerment to the community, environment, Brine Line or OCSD's POTW.** The General Manager, after notice to the affected User, may immediately halt or prevent any discharge of pollutants into the Brine Line or tributaries thereto, by any means available, including physical disconnection from the Brine Line or tributaries thereto, whenever the wastewater discharge may endanger the health or welfare of the community, the environment, or threatens to damage or interfere with the operation of the

Brine Line or tributaries thereto or OCSD's POTW. Such discharges may be halted or prevented without regard to the compliance by the User with other provisions of this Ordinance.

C. **Specific Powers of the General Manager.** If wastewater is discharged or proposed to be discharged into the Brine Line or tributaries thereto in violation of this Ordinance, any Wastewater Discharge Permit or any other order, the General Manager may take any action necessary to:

1. Prohibit the discharge of such wastewater;

2. Require a User to demonstrate that in-plant modifications will reduce or eliminate the pollutant or substance so that the discharge will not violate this Ordinance;

3. Require treatment, including storage facilities or flow equalization necessary to reduce or eliminate the pollutants or substance so that the discharge will not violate this Ordinance;

4. Require the User making, causing or allowing the discharge to pay any required industrial user permit fees, inspection fees, surcharges, fines, penalties, damages, legal expenses, attorney's fees and any other cost or expense incurred by SAWPA for handling, treating or disposing of excess pollutant loads imposed on OCSD's POTW, and/or associated with alleged or actual violations of OCSD's NPDES permit attributed to the User's discharge;

5. Require timely and factually complete reports from the User responsible for such discharge; and

6. Require such other or further remedial action as may be deemed to be desirable or necessary to achieve the purposes of this Ordinance.

105.0 NOTICE. Unless otherwise provided herein, any notice required of the General Manager under this Ordinance shall be in writing.

106.0 CONFIDENTIALITY. All User information and data obtained from reports, surveys, inspections, wastewater discharge applications, Wastewater Discharge Permits, and monitoring programs shall be available to the public and governmental agencies without restriction unless the User specifically requests at the time of submittal and marks each applicable page "confidential business information" and is able to demonstrate to the satisfaction of SAWPA that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under California and Federal law. The demonstration of the need for confidentiality made by the User must meet the burden necessary for withholding such information from the public under applicable state and federal laws. Information and data concerning or relating to wastewater quality and quantity shall not be considered confidential. All sample data obtained either by the User or SAWPA shall not be

considered confidential. Confidential information shall be made available, upon request, to governmental agencies for enforcement or judicial purposes related to this Ordinance, OCSD's NPDES Permit or the Pretreatment Program, and as required by California or federal law.

All other information which is submitted to SAWPA will be available to the public at least to the extent provided by 40 CFR 2.302. The information and data provided to the Delegated Control Authority which is effluent data shall be available to the public without restriction.

107.0 TIME LIMITS. Any time limit or deadline provided in any written notice or any provision of this Ordinance may be extended only by a written extension by the General Manager and only upon a showing of good cause by the User.

ARTICLE 2
GENERAL PROHIBITIONS AND LIMITATIONS ON DISCHARGES

201.0 PROHIBITED WASTE DISCHARGES. Except as hereinafter provided, no Person or User shall discharge or cause to be discharged into the Brine Line or tributaries thereto or any opening, sump, tank, clarifier, piping or waste treatment system which drains or flows into the Brine Line or tributaries thereto any of the following:

A. Any earth, sand, rocks, ashes, cinders, spent lime, stone, stone cutting dust, gravel, plaster, diatomaceous earth, containers, concrete, food packaging, glass, metal filings, or metal or plastic objects, garbage, grease, viscera, paunch manure, bones, hair, hides, or fleshings, whole blood, dead animals, feathers, straw, shavings, grass clippings, rags, non-dispersible products, spent grains, spent hops, waste paper, wood, plastic, tar, asphalt residues, residues from refining or processing fuel or lubrication oil and similar substances, or solid, semi-solid or viscous material in quantities or volume which will obstruct the flow of sewage in the Brine Line or tributaries thereto or any object which will cause clogging of a sewer or sewage lift pump, or interferes with the normal operation of the Brine Line or tributaries thereto or OCSD's POTW.

B. Any compound or material which will produce noxious odors in the Brine Line or tributaries thereto or OCSD's POTW.

C. Any discharge resulting in toxic gases, vapors or fumes within the Brine Line or tributaries thereto in a quantity that may cause acute health and safety problems for SAWPA or OCSD employees, contract employees, the public, and OCSD's POTW.

D. Any recognizable portions of human or animal anatomy.

E. Any solids, liquids, gases, devices, or explosives which by their very nature or quantity are or may be, sufficient either alone or by interaction with other substances or sewage to cause fire or explosion hazards, exceed 10% of the lower explosive limit (LEL) at the point of discharge or in the collection system, or in any other way create imminent danger to SAWPA or contract wastewater personnel, OCSD's POTW, the environment or public health.

F. Any wastewater or material with a closed cup flash point of less than 140 degrees Fahrenheit or 60 degrees Celsius using the test methods specified in 40 CFR 261.21.

G. Any overflow from a septic tank, cesspool or seepage pit, or any liquid or sludge pumped from a cesspool, septic tank or seepage pit, except as may be permitted by the General Manager.

H. Any discharge from the wastewater holding tanks of recreational vehicles, trailers, buses and other vehicles, except as may be permitted by the General Manager.

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

J. Any substance or heat in amounts which will inhibit biological activity in OCSD's POTW resulting in Interference or which will cause the temperature of the sewage in Brine Line or tributaries thereto to be higher than 140 degrees Fahrenheit. In no case shall any substance or heat be discharged to the Brine Line or tributaries thereto which will raise OCSD's POTW influent higher than 104 degrees Fahrenheit (40 degrees Celsius).

K. Any radioactive waste in excess of federal, state or county regulations.

L. Any pollutants, material or quantity of material which will cause:

1. Damage to any part of the Brine Line or tributaries thereto;

2. Abnormal maintenance of the Brine Line or tributaries thereto;

3. An increase in the operational costs of the Brine Line or tributaries thereto;

4. A nuisance or menace to public health;

5. Interference or Pass Through in OCSD's POTW, its treatment processes, operations, biosolids processes, use or disposal. This applies to each User introducing pollutants into the Brine Line or tributaries thereto whether or not the User is subject to other National Pretreatment Standards or any national, State, or local pretreatment requirements; or

6. A violation of the OCSD's NPDES permit, or any Federal, State, or local regulatory requirement.

M. Any quantities of herbicides, algaecides, or pesticides in excess of local limits or national pretreatment standards.

N. Any petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in excess of local limits or National Pretreatment Standards.

O. Any material or quantity of material(s), including but not limited to fats, oils and grease (FOG), which will cause abnormal sulfide generation, obstruct flows within the collection system, or contributes to or causes a sanitary sewer overflow.

P. Any water or wastewater used to artificially raise the Industrial User's volume and added for the purpose of diluting wastes which would otherwise exceed applicable permitted discharge limitations. Any wastewater having a corrosive property capable of causing damage to the Brine Line or tributaries thereto, OCSD's POTW, equipment, or structures or presenting a hazard to SAWPA or contract personnel. However, in no case shall wastewater be discharged to the Brine Line or tributaries thereto or OCSD's POTW with a pH less than 6.0, or greater than 12.0.

Q. Any substance which will cause discoloration of OCSD's POTW influent which results in a violation of OCSD's NPDES permit.

R. Any pollutant, including oxygen demanding pollutants (BOD, COD, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with OCSD's POTW or SAWPA's Brine Line or tributaries thereto.

S. Any substance which may cause OCSD's POTW effluent or any other product such as residues, biosolids, or scums to be unsuitable for reclamation or reuse or which will interfere with any of the reclamation processes. This includes any material which will cause the biosolids at OCSD's POTW to violate applicable biosolids use or disposal regulations developed under the Federal Clean Water Act, 33 USCA, Section 1251, et seq., or any regulations affecting biosolids use or disposal developed pursuant to the Solid Waste Disposal Act, 42 USCA, Section 6901, et seq.; Clean Air Act, 42 USCA, Section 7401, et seq.; Toxic Substance Control Act, 15 USCA, Section 2601, et seq., or any other applicable State Regulations. Examples include food packaging, product containers, and non-dispersible products.

T. Hazardous waste as defined in 40 CFR 261, which violates the objectives of the General Pretreatment Regulations (40 CFR 403.12(p)), this Ordinance, or any statute, rule, regulation or chapter of any public agency having jurisdiction over said discharge.

U. Any material, pollutants or wastewater in excess of the quantities and limitations established by resolution.

V. Any radiator fluid or coolant, cutting oil, water soluble cutting oil, or water based solvent.

W. Detergents, surface-active agents, or other substances that might cause excessive foaming, as determined by the General Manager, that may cause or contribute to additional treatment costs incurred by SAWPA or a violation of OCSD's NPDES permit, or cause or contribute to Pass Through, Interference, or other known damages in the Brine Line and/or OCSD's POTW.

X. Any discharges of reclaimable wastewater to the Brine Line that originate in the SAWPA Brine Line service area shall be minimized and may only be disposed to the Brine Line as identified in the Wastewater Discharge Permit.

Y. Any trucked or hauled pollutants, except at discharge points designated by the Delegated Control Authority, with concurrence of the Control Authority.

Z. Any discharges of solid wastes consisting of, but not limited to, hypodermic needles, syringes, instruments, utensils or other paper and plastic items from hospitals, clinics, offices of medical doctors, convalescent homes, medical laboratories or other medical facilities.

AA. Unused, unwanted, or expired pharmaceuticals (both over the counter and prescription-only medications) shall not be disposed of in the Brine Line, except in accordance with federal and state regulations, or in the absence of such regulations, using Best Management Practices.

BB. Any discharges of Mixed Loads from a Liquid Waste Hauler at a Brine Line Collection Station.

CC. Causes fouling, occlusion, or damage to the POTW beyond normal wear and tear.

202.0 DILUTION PROHIBITED AS A SUBSTITUTE FOR TREATMENT. No User shall increase the use of water, or in any other manner, attempt to dilute a wastewater discharge as a partial or complete substitute for adequate treatment to achieve compliance with this Ordinance and the User's Wastewater Discharge Permit, or to establish an artificially high flow rate for permitted mass emission rates or permitted flow amounts.

203.0 LIMITATIONS ON GROUNDWATER SURFACE RUNOFF AND SUBSURFACE DRAINAGE.

A. Stormwater, groundwater, surface runoff water, or subsurface drainage, yard drainage, or runoff from any field, roof, yard, driveway, or street shall not be discharged into the Brine Line or tributaries thereto, except as provided herein. The General Manager may approve the discharge of such water when no alternative method of disposal is reasonably available and to mitigate an environmental risk or health hazard.

B. Special Purpose Discharges (i.e. groundwater, surface runoff water, or subsurface drainage) shall require approval by both the General Manager and the OCSD General Manager for discharge to the Brine Line or tributaries thereto. Such approval does not constitute a vested entitlement to discharge. Such a discharge shall require a Wastewater Discharge Permit or Letter to Discharge. Special Purpose Discharge Permits may have a limited duration for more than one discharge event. One time discharge events less than 1 million gallons are

covered through a Letter to Discharge.

204.0 LIMITATIONS ON UNPOLLUTED WATER.

A. Unpolluted Water, which may include cooling water, heating water, stormwater, groundwater, surface runoff, subsurface runoff, single pass cooling water, and single pass heating water, shall not be discharged to the Brine Line or tributaries thereto, except as provide herein. The General Manager may approve the discharge of such water when no reasonable alternative method of disposal or reuse is available, or to mitigate an environmental risk or health hazard. The User shall pay all applicable user charges and fees. Stormwater discharges to the Brine Line are not authorized. The General Manager may provide authorization for stormwater discharges that comply with SAWPA's stormwater policy, which adheres to OCSD's stormwater policy. Any deviation from OCSD's stormwater policy must be approved by OCSD's General Manager followed by SAWPA's issuance of a Wastewater Discharge Permit, Special Purpose Discharge Permit, or Letter of Discharge.

B. Unpolluted water approved for discharge to the Brine Line or tributaries thereto shall require a Wastewater Discharge Permit from SAWPA.

205.0 LIMITATIONS ON DOMESTIC WASTEWATER AND SEPTAGE WASTE.

A. Domestic Wastewater or septage waste from a private sewage disposal system shall not be discharged to the Brine Line or tributaries thereto, except in specific cases authorized by the General Manager. The General Manager may approve the discharge on a temporary basis when no reasonable alternative method is available.

B. Any temporary User wanting to discharge domestic or septage wastewater to the Brine Line or tributaries thereto is required to apply for and obtain a Wastewater Discharge Permit or Letter to Discharge from SAWPA. The User granted approval shall be responsible for all applicable charges and fees and shall abide by all conditions as contained in either the Wastewater Discharge Permit or Letter to Discharge.

206.0 LIMITATIONS ON POINT OF DISCHARGE. No Person or User shall discharge any wastewater directly into a maintenance access structure, manhole or other opening in the Brine Line or tributaries thereto, other than through an approved building sewer connection, unless written permission for the discharge has been granted by the General Manager. This prohibition shall not apply to authorized SAWPA personnel, contract employees, or Member Agency and Contract Agency employees involved with the maintenance, cleaning, repair, or inspection of the Brine Line or tributaries thereto.

207.0 LIMITATIONS ON THE USE OF GRINDERS. Waste from industrial or commercial grinders shall not be discharged to the Brine Line or tributaries thereto, except waste generated

in packing or preparing food or food products, but not food service establishments. Such grinders shall shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the Brine Line or tributaries thereto. Waste from food service establishments operating a grinder is prohibited and shall not be discharged into the Brine Line unless written authorization from the General Manager is provided.

208.0 LIMITATIONS ON BIOCHEMICAL OXYGEN DEMAND (BOD). All wastewater discharged to the Brine Line or tributaries thereto shall have a monthly average limit for BOD. All BOD discharges in excess of the established limitations shall be subject to a surcharge fee and/or a noncompliance fee. These limitations, surcharge fees and noncompliance fees shall be established by resolution by SAWPA's Commission.

209.0 LIMITATIONS ON INFECTIOUS WASTE DISPOSAL.

A. Those Users that generate liquid infectious and/or etiologic waste must obtain written permission from the General Manager prior to disposal of the liquid infectious or etiologic waste to the Brine Line or tributaries thereto. The User must submit a written request to the General Manager that shall include:

1. The source and volume of the infectious or etiologic waste;
2. The procedures and equipment used for waste disinfection; and
3. Employee training procedures.

B. If the General Manager determines that the waste would not be completely disinfected or rendered inactive, the General Manager shall issue a written denial to the User and state the reasons for the denial. This denial shall be issued within thirty (30) days from receipt of the written request.

C. If the General Manager determines that complete disinfection or inactivation of the waste can be achieved prior to discharge of the waste to the collection system, then conditional written approval may be granted by the General Manager for the disposal of the waste. Such written letter of approval shall be sent to the User within thirty (30) days of receipt of the written request.

D. If the User is granted permission for disposal, the User shall:

1. Completely disinfect or render inactive the liquid waste prior to discharge to the Brine Line or tributaries thereto as outlined in the approval letter;
2. Not dispose of solid infectious or etiologic waste to the Brine Line or tributaries thereto, including hypodermic needles, syringes, instruments, utensils or other paper and plastic items of a disposable nature, or recognizable portions of the human or animal anatomy; and
3. Permit the General Manager to conduct periodic inspections to verify that all

disinfection methods, procedures, and practices are being performed.

210.0 LIMITATIONS ON DISPOSAL OF SPENT SOLUTIONS AND SLUDGES. All spent solutions, sludges, and materials in violation of the User's Wastewater Discharge Permit limitations for discharge to the Brine Line or tributaries thereto, shall be disposed of in a legally approved manner at a legally approved disposal site specific for the waste being disposed. All disposed waste shall be properly manifested as to its origin, type, amount and disposal site in compliance with all applicable laws and regulations.

211.0 SLUG DISCHARGES.

A. If the General Manager determines that a User has caused a slug discharge into the Brine Line or tributaries thereto in quantities or concentrations and in a manner or method not previously approved by the General Manager, then the User shall be liable for any non-compliance monetary fee, fine or penalty as established by resolution by SAWPA's Commission. If the User's slug discharge has resulted in damage to the Brine Line or tributaries thereto or caused Interference or Pass Through at OCSD's POTW, then the User shall be liable for all associated costs including, administrative costs and overhead, treatment, repairs, regulatory fines, penalties, legal expenses, damages, and attorney's fees. All Wastewater Discharge Permits issued to SIUs will contain slug control requirements in accordance with 40 CFR 403.8(f) (1) (iii) (B) (6).

B. Upon finding that a User has caused a slug discharge into the Brine Line or tributaries thereto, then the User shall submit a written report to the General Manager how the slug discharge occurred and how it will be prevented in the future. This report shall be due within five (5) days of notification to the User by the General Manager.

C. Repeated slug discharges by the User shall be grounds for permit revocation and cessation of all wastewater discharges to the Brine Line or tributaries thereto.

212.0 LIMITATIONS ON WASTEWATER ORIGINATING FROM OUTSIDE THE SERVICE AREA. Discharge of wastewater originating from outside the SAWPA Brine Line Service Area is prohibited and is a violation of this Ordinance and the User's permit, if the User holds a permit at the time of the prohibited discharge. On a case-by-case basis, SAWPA may seek approval from OCSD to allow the discharge of wastewater originating from outside the SAWPA Inland Empire Brine Line Service Area. SAWPA shall make the request on behalf of the potential User who seeks to discharge such wastewater to the Inland Empire Brine Line. Any approval provided by OCSD will be reflected in a subsequent permit or Letter to Discharge issued by SAWPA.

213.0 FEDERAL CATEGORICAL PRETREATMENT STANDARDS. All Industrial Users subject to a National Categorical Pretreatment Standard shall comply with all requirements of such standard, and shall also comply with any limitation contained in this Ordinance. The National Categorical Pretreatment Standards found in 40 CFR Chapter I, Subchapter N and

amendments thereto are hereby incorporated herein by reference. Where duplication of the same pollutant limitation exists, the limitation which is more stringent shall prevail.

ARTICLE 3
WASTEWATER DISCHARGE CONTRACTS
USER CHARGES AND FEES

301.0 INTRODUCTION. To ensure the maximum public benefit from the use of the Brine Line and tributaries thereto, written authorizations from SAWPA to use the Brine Line or tributaries thereto are required. These written authorizations shall be in the form of a Wastewater Discharge Contract (applicable to Direct Dischargers) and a Wastewater Discharge Permit or Letter to Discharge (applicable to Direct and Indirect Dischargers).

302.0 WASTEWATER DISCHARGE CONTRACT BETWEEN SAWPA AND A MEMBER AGENCY OR CONTRACT AGENCY. A written Wastewater Discharge Contract, also known as a treatment and disposal agreement, is required between SAWPA and a Member Agency or a Contract Agency wherein the Member Agency or the Contract Agency purchases from SAWPA a right to discharge a specified amount of approved wastewater into the Brine Line or tributaries thereto. The amount of this right will ordinarily be expressed in "capacity units" or million gallons per day (MGD). The minimum capacity unit shall be 0.010 MGD. The Wastewater Discharge Contract shall include, but not be limited to:

A. The amount of the discharge right to be purchased or leased (Flow (MGD), BOD (concentration and pounds), TSS (concentration and pounds);

B. The purchase price or lease rate of the discharge right as established by SAWPA's Commission;

C. A description of operation and maintenance costs, fixed fees and other costs to be paid to SAWPA;

D. A provision that the Wastewater Discharge Contract shall conform with all provisions of SAWPA ordinances and resolutions regulating the availability and use of the Brine Line or tributaries thereto.

E. A description of the operational and regulatory reporting responsibilities as required to comply with applicable state and local regulations including, but not limited to, the Statewide General Waste Discharge Requirements for Sanitary Sewer Systems.

The Wastewater Discharge Contract shall be in addition to a separate agreement(s) by which the Member Agency or the Contract Agency obtained Pipeline Capacity rights. To discharge to the Brine Line sufficient Pipeline Capacity Rights and Treatment and Disposal Capacity Rights are required.

303.0 WASTEWATER DISCHARGE CONTRACTS BETWEEN A MEMBER AGENCY OR A CONTRACT AGENCY AND A USER OF THE BRINE LINE OR TRIBUTARIES THERETO.

A. Any potential User of the Brine Line or tributaries thereto must first apply to the Member Agency or the Contract Agency with jurisdiction for a Wastewater Discharge Contract. After review and acceptance of the potential User's application, the Member Agency or the Contract Agency must enter into a Wastewater Discharge Contract with the potential User before the User may discharge to the Brine Line or tributaries thereto. The Wastewater Discharge Contract shall be in accordance with Section 302.0 of this Ordinance. The potential User shall pay to the Member Agency or the Contract Agency all costs associated with Wastewater Discharge Contract. A Wastewater Discharge Contract must be obtained from a Member Agency or a Contract Agency prior to filing an application for a Wastewater Discharge Permit. For wastewater originating from outside the SAWPA Inland Empire Brine Line Service Area, SAWPA must obtain specific approval from OCSD prior to any and all approvals being provided to the User, such as authorization to discharge, a contract, and a discharge permit.

B. All wastewater to be discharged pursuant to the Wastewater Discharge Contract between a Member Agency or a Contract Agency and a User shall be contingent upon the issuance by SAWPA to the potential User, a Wastewater Discharge Permit, pursuant to Article 4 of this Ordinance. The User shall also apply for a Wastewater Discharge Permit in accordance with Article 4 of this Ordinance.

C. All fees and charges paid by the User in connection with the Wastewater Discharge Contract and the Wastewater Discharge Permit are non-refundable. In the event that the Wastewater Discharge Permit is revoked, the User shall not be entitled to any refund of any fees and charges it has paid the Member Agency or the Contract Agency or SAWPA.

304.0 USER CHARGES AND FEES.

A. Users shall pay to SAWPA the following categories of costs in conformance with the Wastewater Discharge Contracts and the applicable resolutions adopted by SAWPA's Commission:

1. Operation and Maintenance Costs or User Charges. These charges shall include disposal costs for a direct connection to the Brine Line, plus all applicable charges and fees as established by resolution by SAWPA's Commission;

2. Liquid Waste Hauler User Charges. These charges shall cover all costs of SAWPA and its Member Agencies or it's Contract Agencies for providing Collection Station service to Liquid Waste Haulers using the Brine Line or

tributaries thereto for wastewater disposal. These charges shall be established by resolution by SAWPA's Commission;

3. Wastewater Discharge Permit Fees. All Wastewater Discharge Permit application and Wastewater Discharge Permit fees shall be paid directly by the User to SAWPA and/or Member Agencies and/or Contract Agencies upon invoice. These fees will be established by resolution by SAWPA's Commission.

4. Special Purpose Discharge Permit Charge. This charge shall cover all of SAWPA's costs for providing sewerage service and monitoring for Users requiring a Special Purpose Wastewater Discharge Permit. These costs shall be established by the General Manager. A deposit determined by the General Manager to be sufficient to pay these estimated charges shall accompany the Special Purpose Wastewater Discharge Permit Application.

5. Letter to Discharge Charge. This charge shall cover all of SAWPA's costs for providing sewerage service and monitoring for users requiring a Letter to Discharge. These costs shall be established by the General Manager. A deposit determined by the General Manager to be sufficient to pay these estimated charges shall accompany the Wastewater Discharge Permit Application.

6. All Users shall pay all applicable permit fees prior to the renewal of the Wastewater Discharge Permit.

7. Non-Compliance Charges will be as determined in Article 6 of this Ordinance, Enforcement and shall be paid directly by the User to SAWPA and/or Member Agencies and/or Contract Agencies upon invoice. The charges will pass along compliance costs from OCSD, if any.

B. A charge for use of the Brine Line or tributaries thereto, may be imposed by a Member Agency or a Contract Agency to Wastewater Discharge Permit Users. All such charges shall be paid by the User directly to the Member Agency or the Contract Agency in accordance with Section 303.0 of this Ordinance.

C. SAWPA shall be entitled to recover costs from Users for the implementation of SAWPA's pretreatment program. These costs relate to matters covered by this Ordinance and are separate from all other fees chargeable by SAWPA. SAWPA may adopt a resolution(s) to recover such costs for:

1. Developing, implementing, and operating SAWPA's Pretreatment Program and this Ordinance.

2. Monitoring, inspection, surveillance procedures and laboratory costs.

3. Reviewing plans and construction inspections.

4. Wastewater Discharge Permit application review.

5. Wastewater Discharge Permit issuance.

6. Reviewing data and reports.

7. Noncompliance and enforcement.

D. Member Agencies or Contract Agencies may directly charge Users for costs related to Collection System maintenance of the Member Agency's or the Contract Agency's Collection System due to the effects of the User's wastewater discharge on the Member Agency's or the Contract Agency's Collection System.

ARTICLE 4
WASTEWATER DISCHARGE PERMITS

401.0 INTRODUCTION. Written authorization from SAWPA is required for all Users of the Brine Line and tributaries thereto to ensure the maximum public benefit. The written authorization shall be in the form of a Wastewater Discharge Permit or Letter to Discharge issued by SAWPA. SAWPA will issue all Liquid Waste Hauler Permits issued to entities transporting wastewater to the Collection Stations, per Section 509.0. Pursuant to the 1991 MOU a permit, or Letter to Discharge, will not be issued to the proposed discharger by SAWPA until after OCSD has reviewed the permit application, the proposed permit requirements, and given written concurrence to SAWPA.

402.0 WASTEWATER DISCHARGE PERMITS.

A. Users subject to the provisions of this Ordinance shall obtain a Wastewater Discharge Permit prior to the connection or discharge to the Brine Line or tributaries thereto. No vested right shall be given, granted or acquired by the issuance of permits provided for in this Ordinance. User Wastewater Discharge Permits may be issued to Direct Dischargers or Users, Special Purpose Dischargers, and Indirect Dischargers or Users. Alternatively, at the discretion of the General Manager, SAWPA may issue a Letter to Discharge in lieu of a Special Purpose Discharge Permit for a specific User with a specific volume of wastewater with a specific set of characteristics that is located at a specific location.

B. A Wastewater Discharge Permit shall not be issued until plans submitted have been approved by the General Manager for any sewer connection which will convey industrial wastewater to the Brine Line or tributaries thereto.

C. The General Manager shall deny or condition discharges of pollutants, or changes in the nature of pollutants, to the Brine Line or tributaries thereto, by Users where such discharges do not meet applicable Pretreatment Standards and requirements or where such discharges would cause violation of this Ordinance, OCSD Ordinance No. OCSD-48 or successors thereto, or where such discharges would cause OCSD to violate any requirements or obligations placed upon OCSD by Regulatory Agencies or agreements.

D. Users required to obtain a Wastewater Discharge Permit shall complete and file with the General Manager a Wastewater Discharge Permit application form provided by the General Manager and shall pay all applicable fees within thirty (30) days of invoicing by SAWPA. The application form may require:

1. Name, address, assessor's parcel number and location (if different from the site address) for the company, owner, and operator.

2. Name and address of the authorized representative(s).

3. North American Industry Classification System (NAICS) number according to the Federal North American Industry Classification System, Office of Management and Budget, 2012, as amended.

4. EPA hazardous waste generator's number.

5. Wastewater samples analyzed for specified pollutants. The samples shall be analyzed by a State certified laboratory in accordance with the methods published by the EPA in 40 CFR Part 136 or as specified.

6. Time and duration of the wastewater discharges.

7. Average and maximum daily wastewater flow rates, including any seasonal variation of all wastestreams discharged.

8. A list of all environmental control permits held.

9. A statement from the property owner or landlord, if different from the Industrial User, agreeing to the Industrial User's activities, manufacturing processes, and chemical and material storage.

10. Site plans, floor plans, mechanical and plumbing plans with details to show all sewers, sewer connections, pretreatment equipment, systems and devices, production areas and all areas of wastewater generation.

11. A description of operations which shall include the nature, average rate of production, and NAICS classification of the operation(s) carried out by the Industrial User. This description shall include a schematic process diagram that indicates water quality sampling location(s), and points of discharge to the Brine Line or tributaries thereto, types of wastes generated, and a list of raw materials and chemicals used or stored at the facility, which are, or could be discharged to the Brine Line, number of employees, hours of operation, and type and amount of raw materials processed.

12. Informational sheets describing the products manufactured by the User; Federal Categorical designation (if applicable); what production means are used; the waste generated; plot plans and diagrams of the facility and wastewater pretreatment facilities; process flow diagrams, wastewater flow, and wastewater pretreatment facilities; and waste disposal methods;

13. Flow measurement. The User shall submit information showing the measured average daily and maximum daily flow in gallons per day to SAWPA from federally regulated process wastestreams and other wastestreams as necessary to allow use of the Combined Wastestream Formula. Water supply information may be required, which includes the

water supplier's name(s) and account number(s).

14. Measurement of pollutants. The User shall identify the National Pretreatment Standard applicable to each regulated process and shall describe which subcategories might be applicable and cite evidence and reasons why such subcategories are applicable and others are not as required by 40 CFR 403.6(a)(2). The User shall submit waste characterization information listing all anticipated waste constituents in both mass and concentration based on a daily average and daily maximum basis and the maximum flow allowed in the capacity purchase contract.

15. Certification statement in 40 CFR Part 403.6(a) (2) (ii) executed by an authorized representative of the User and prepared by a qualified professional, indicating whether or not Pretreatment Standards (national categorical and local) are being met on a consistent basis. If not, the industrial user shall state if additional operation and maintenance or additional pretreatment equipment is necessary to achieve compliance with Pretreatment Standards and requirements.

16. All data submitted, including monitoring data, shall be certified accurate by an authorized representative of the Industrial User as set forth in 40 CFR Part 403.6(a)(2(ii).

17. Facility Waste Management Plan as defined in Section 520.0 of this Ordinance.

18. Where a federal categorical process has been identified, the User shall submit a Baseline Monitoring Report with all the elements required by 40 CFR 403.12 (b) no later than ninety (90) days before discharge commences.

19. Any other information as may be necessary for the General Manager to evaluate the permit application.

E. Within ninety (90) days of receiving the completed Wastewater Discharge Permit application, the General Manager shall evaluate the data furnished by the applicant in the permit application. After evaluation of the data furnished, the General Manager may issue a Wastewater Discharge Permit subject to the terms and conditions provided in this Ordinance or deny a Wastewater Discharge Permit. If the General Manager determines that sufficient information has been provided by the applicant in the Wastewater Discharge Permit application, the General Manager may issue a Wastewater Discharge Permit to the applicant within ninety (90) days of receipt of the Wastewater Discharge Permit application, if the General Manager finds that all of the following conditions are met:

1. The proposed discharge of the applicant is in compliance with the

prohibitions and limitations of this Ordinance and related SAWPA resolutions;

2. The proposed operation and discharge of the applicant would not interfere with the normal and efficient operation of the Brine Line or tributaries thereto and OCSD's POTW;

3. The proposed discharge, operation or business activity of the applicant shall not result in a violation of OCSD's NPDES permit or cause a Pass Through of any toxic materials to the environment or OCSD's POTW biosolids; and

4. The applicant has been invoiced for all applicable Wastewater Discharge Permit fees by SAWPA and paid such fees.

F. The General Manager may suspend the permit application process if the User's business will not be operational and no wastewater is planned for discharge at the conclusion of the application review process. The User must notify the General Manager at least ninety (90) days prior to the commencement of the business activities and wastewater discharge.

G. If the General Manager determines that the proposed discharge(s) will not be acceptable, then the General Manager shall disapprove the application and shall notify the applicant in writing, specifying the reason(s) for denial. The denial may apply if the User has not demonstrated adequate pretreatment equipment to ensure compliance with discharge limitations and the Ordinance.

H. Approved Wastewater Discharge Permits shall be subject to all provisions of this Ordinance and all other applicable regulations, charges and fees established by resolution by SAWPA's Commission. Permits may contain the following:

1. A statement that indicates the permit issuance date, expiration date and effective date;

2. A statement that indicates the permit is non-transferrable;

3. The unit charge or schedule of user charges and fees for the wastewater discharged to the Brine Line and tributaries thereto as established by this ordinance or resolutions;

4. Limitations on the average monthly, maximum daily, and instantaneous maximum concentrations for wastewater pollutants and mass emission rates for pollutants and/or requirements for Best Management Practices (BMPs). The SAWPA Wastestream Correction Formula (WCF) may be used to adjust the Local Limits to account for the presence of SAWPA Industrial Non-Process Wastestreams.

$$C_A = \frac{C_C\left(\sum_{N=1}^{M} F_N\right)}{F_T}$$

Where: C_A = Adjusted Local Limit to account for Industrial Non-Process Wastestream(s)

C_C = Local Limit for the pollutant constituent

F_N = Average daily flow for SAWPA Industrial Process Wastestream N

F_T = Average daily flow through the sample point

M = Total number of SAWPA Industrial Process Wastestreams;

5. Limitations on the average monthly and maximum daily wastewater flow rates;

6. Requirements for the submittal of a Facility Waste Management Plan;

7. Requirements for the submittal of daily, monthly, annual and long term production rates;

8. Requirements for reporting changes and/or modifications to equipment and/or processes that affect the quantity or quality of the wastewater discharged;

9. Requirements for installation and maintenance of monitoring and sampling equipment and devices;

10. Self-monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants or BMPs to be monitored, sampling location, sampling frequency, and sample type (required);

11. The process for seeking a waiver from monitoring for a pollutant neither present, nor expected to be present, in the discharge (required);

12. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate spill containment devices;

13. Specifications for monitoring programs, which may include: sampling location(s); frequency of sampling; pollutant violation notification and resampling requirements; number, types and standards for tests; reporting schedules; and self-monitoring standard operating procedures (SOPs);

14. Requirements to control Slug Discharge, if determined by the General Manager to be necessary;

15. Requirements for reporting flow and pollutant exceedances;

16. Consent to entry onto the User's premises to assess compliance by inspection, records examination, sampling, and monitoring;

17. If compliance with Pretreatment Standards cannot be met on a consistent basis, then a compliance schedule shall be required. This schedule shall provide the shortest possible time for the User to provide additional pretreatment and/or operations and maintenance to achieve compliance. The compliance schedule shall contain increments of progress (called milestones) in the form of dates, not to exceed nine (9) months unless specifically approved otherwise by the Commission, for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to achieve compliance with applicable categorical pretreatment standards;

18. Compliance Schedule Progress Reports, if required, shall be submitted every thirty (30) days during the time the compliance schedule is in force, including a final compliance report at the conclusion of the compliance schedule. The User shall state whether or not compliance was achieved for the increment of progress to be met on such a date. If progress cannot be achieved, the User shall state the reasons for the delay and the steps to be taken to return to the dates originally established in the compliance schedule;

19. Requirements for submission of technical reports, contingency plans or discharge reports, Baseline Monitoring Reports (BMR), compliance reports, or reports on continued compliance;

20. Reports on compliance with Categorical Pretreatment Standard Deadlines. All Categorical Industrial Users shall submit reports to the General Manager containing the information described in Section 501. For existing Categorical Industrial Users, the report shall be submitted within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards. For new Categorical Industrial Users, the report shall be due thirty (30) days following the commencement of wastewater discharge into the Brine Line or tributaries thereto. These reports shall contain long term production rates and actual production during the wastewater sampling periods. All reports must have an accompanying statement reviewed by an authorized representative of the User and certified by a qualified professional stating whether the pretreatment standards are or are not being met as set forth in 40 CFR Section 403.12(b)(6) and amendments thereto;

21. All Significant and Categorical Industrial Users shall submit Periodic Compliance Reports at least every six (6) months as specified in the Wastewater Discharge Permit. These reports shall include effluent sample analyses with the name and concentration or mass of the pollutants in the Wastewater Discharge Permit; average and maximum daily wastewater

flows for all regulated processes and total flow for the reporting period; average and maximum daily production rates (if applicable); total production for the reporting period (if applicable), and information related to the application and compliance with BMPs in use (if applicable);

22. All required reports: BMRs, compliance reports, periodic reports on continued compliance, and sample data submittals, must be signed and certified by an authorized representative of the User, using the certification statement contained in 40 CFR Part 403.6(a)(2)(ii)). When submitting reports electronically, the authorized representative shall have filled out a signed Subscriber Agreement agreeing to submit self-monitoring data required by the Industrial Wastewater Discharge Permit, and agreeing that the use of an electronic signature device (Username, Personal Identification Number, and Challenge Question/Answer) shall serve as a legally enforceable signature in the same manner as an original signature on a paper document;

23. Requirements for maintaining and retaining all records relating to the wastewater monitoring, sample analyses, production, waste disposal, recycling, and waste minimization as specified by the General Manager;

24. Requirements for notification of slug or accidental discharges, immediate notification to the General Manager of any changes affecting the potential for a slug discharge and significant changes in volume or characteristics of the pollutants discharged;

25. Requirement for notification to SAWPA of all on-site spills;

26. Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any other applicable compliance schedule, and responsibility for damages, legal expenses, attorney's fees, administrative and overhead costs for violation of any applicable pretreatment ordinances, standards and requirements and this Ordinance and amendments thereto;

27. Other conditions as deemed appropriate by the General Manager to ensure compliance with this Ordinance.

I. Wastewater Discharge Permit conditions and requirements may be appealed in writing to the General Manager within ten (10) business days after the issuance date. The written appeal shall state all of the facts and reasons that constitute the basis for such an appeal. The written appeal shall be addressed by the General Manager within thirty (30) business days from the date of filing of the written appeal and may hold an appeal hearing with the Permittee. The General Manager shall issue a final written determination on the appeal within forty-five (45) business days from the date of filing of the written appeal. Any User

aggrieved by the final decision issued by the General Manager under this section may seek an appeal to the SAWPA Commission by filing an appeal within ten (10) business days following the service of the General Manager's final written determination on the appeal. The written appeal to the Commission shall state all of the facts and reasons that constitute the basis for such an appeal. Failure to file such an appeal within ten (10) business days shall be deemed a waiver of the appeal process.

403.0 PERMIT DURATION. Wastewater Discharge Permits or other control mechanisms shall be issued for a specified time period and shall not exceed the maximum duration of five (5) years. The actual duration of a Significant Industrial User permit shall not exceed the duration codified in OCSD's approved Pretreatment Program document, or successor thereof. The maximum durations of other permit or control mechanisms types shall not exceed the durations codified in OCSD's current Wastewater Discharge Regulations, OCSD's Ordinance No. OCSD-48, or successors thereof.

404.0 DUTY TO COMPLY. All Users have a duty to comply with this Ordinance, related resolutions, and all conditions and limitations in the permit. Failure to comply with the requirements contained in this Ordinance, related resolutions and/or the permit may be grounds for Wastewater Discharge Permit Revocation pursuant to Section 607.0, termination of service pursuant to Section 608.0, administrative actions, or enforcement proceedings including, injunctive relief, civil or criminal penalties, and summary abatements pursuant to Article 6 of this Ordinance. Mandatory minimum penalties shall also be assessed where appropriate.

405.0 PERMIT RENEWAL, EXTENSION AND FEES. All Users subject to wastewater discharge permitting by SAWPA shall submit a completed Wastewater Discharge Permit application for permit renewal at least ninety (90) days prior to the expiration of the User's existing permit. All Users shall pay all applicable permit fees prior to the renewal of the Wastewater Discharge Permit. No Wastewater Discharge Permit shall be renewed if the User has not paid all applicable fees within thirty (30) days of invoicing by SAWPA, submitted required monitoring information or production reports, or submitted any other required permit information. In the event the General Manager cannot issue the permit prior to the expiration date of the current permit and the submitted application has been received and deemed complete, he/she may issue a written extension of the expired permit as deemed appropriate by the General Manager. Users which do not have a valid Wastewater Discharge Permit shall be considered in violation of this Ordinance and subject to enforcement action and any applicable surcharge fees, fine, penalties, damages, legal expenses, attorney's fees, administrative and overhead costs.

406.0 PERMIT MODIFICATIONS. The terms and conditions of the Wastewater Discharge Permit may be subject to modification by the General Manager during the term of the permit as limitations or requirements are modified or added or due to other just causes including, but not limited to:

A. To incorporate any new or revised federal, state, or local pretreatment standards or requirements;

B. To address significant alterations or modifications to the User's operation, processes, or wastewater volume or character since the time of the Wastewater Discharge Permit issuance;

C. A change in the OCSD's POTW that requires either a temporary or permanent reduction or elimination of the permitted discharge. Reasonable time frames for compliance will be allocated for Users affected by the change(s);

D. The User's discharge poses a threat to the OCSD's POTW, SAWPA and/or OCSD personnel, contract employees, the public, or receiving waters;

E. Violation of any term or condition of the Wastewater Discharge Permit;

F. Misrepresentations or failure to fully disclose all relevant facts in the Wastewater Discharge Permit application or in any required reporting; or

G. To correct typographical or other errors in the Wastewater Discharge Permit.

Any modifications in the permit shall include a reasonable time schedule for compliance, if necessary.

407.0 NO PERMIT TRANSFER OR ASSIGNMENT. Wastewater Discharge Permits are issued to a specific User for a specific operation at a specific location or for a specific liquid waste hauler, for a specified time and create no vested rights. No Wastewater Discharge Permit shall be assigned, transferred, pledged or sold to a new owner, new User, or different premises.

A. When the permittee is a legal entity (such as a corporation, partnership, limited liability company, or other legal entity), the permittee is deemed to have undergone a change of ownership when any other legal entity or person acquires a direct or indirect ownership or control of more than fifty percent (50%) of the total ownership interest in the permittee. The permit is void if an attempt is made to assign, transfer, pledge or sell the permit to a new owner, new User, or a different premise.

B. At least thirty (30) days prior to the sale or change of ownership of any business operating under a permit, the Permittee shall notify SAWPA in writing of the proposed sale or change of ownership. The successor owner shall apply to SAWPA for a new permit at least fifteen (15) days prior to the sale or change of ownership in accordance with the provisions of this Ordinance. A successor owner shall not discharge any wastewater for which a permit is required by this Ordinance until a new permit or Letter to Discharge is issued to the successor owner.

C. The written notification of intended sale or change of ownership shall be in a form approved by SAWPA and shall include a written certification by the new

owner or Authorized Representative, which shall include as a minimum:

1. the specific date on which the sale or change of ownership is to occur; and

2. an acknowledgement to comply with all the terms, conditions, limits, and provisions of this Ordinance and the new permit or Letter to Discharge.

D. In the event that the General Manager determines that any person is discharging industrial wastewater directly or indirectly to the Brine Line or tributaries thereto without a valid Permit, the General Manager may issue to such person a Temporary Wastewater Discharge permit (Temporary Permit) containing such conditions, limitations, restrictions, and other provisions or requirements, which the General Manager determines are necessary or advisable to protect the Brine Line or tributaries thereto and to assure compliance with all federal, state and SAWPA discharge requirements. This Temporary Permit shall be enforceable until such time as a Permit is issued. The User shall immediately comply with all of the provisions and requirements of such Temporary Permit, and shall apply for a permit within thirty (30) days from the issuance of the Temporary Permit. In no cases shall an extension be granted for the thirty (30) day requirement. A Temporary Permit is for a limited duration and shall not be extended. A Temporary Permit is revocable by the General Manager at any time. Any User whose Temporary Permit is revoked shall immediately cease and desist all discharge of any industrial wastewaters.

408.0 WASTEWATER DISCHARGE CONTRACT CAPACITY RIGHTS. Except as otherwise provided in Section 409.0 below, no User shall exceed its wastewater discharge capacity right into the Brine Line or tributaries thereto. Whenever a User's monthly average flow exceeds the User's Wastewater Discharge Permit capacity right, the User shall notify the appropriate Member Agency or Contract Agency and SAWPA within five (5) days of discovering the exceedance. If the monthly average flow exceedance is an isolated event, then the User shall be liable for costs incurred with the additional wastewater discharge in excess of the purchased discharge capacity right. If the daily exceedance is a necessary part of the User's business activities, then the User shall, within five (5) days, make application to acquire and pay for sufficient additional wastewater discharge capacity right in the Brine Line or tributaries thereto, which shall be retroactive to the date of the exceedance. The additional purchased capacity right shall result in a wastewater discharge capacity right that exceeds the User's daily flow by ten (10) percent or as approved by the General Manager. Any User who fails to purchase the additional wastewater discharge capacity right when required shall be subject to enforcement actions.

409.0 OPERATIONAL EMERGENCY DISCHARGE. Notwithstanding the provisions of Section 408.0 above, if due to an operational emergency, a User must discharge in excess of its existing wastewater discharge capacity right, then, after providing the General Manager with at least two (2) business days advance notice if practicable, the User may do so for a period not to exceed one-hundred eighty (180) days without incurring the obligation to purchase an additional wastewater discharge capacity right, provided that the User fully complies with the provisions of

this Section, this Ordinance, permit conditions at all times, and pays for such discharge as determined by the General Manager.

A. As used herein, "Operational Emergency", shall mean an equipment breakdown or other malfunction which causes the User to discharge in excess of its existing treatment and disposal capacity right in the Brine Line and tributaries thereto.

B. Prior to or by the next business day following the commencement of the emergency discharge the User shall provide written notice to the General Manager identifying:

1. The nature of the emergency requiring the excess discharge;

2. The anticipated duration of the excess discharge; and

3. The name of the User's employee whom the General Manager may contact for further information.

C. The General Manager may order that such emergency discharges cease immediately or impose on the Discharger, such requirements as the General Manager deems appropriate and necessary to protect SAWPA's facilities and interest, including the Brine Line and tributaries thereto, and OCSD's POTW.

D. User shall pay to SAWPA a surcharge on the flow exceeding the User's existing wastewater discharge capacity right, in addition to the payment of the volumetric, BOD and TSS charges for the entire daily flow. The surcharge shall be applied to the excess flow, BOD and TSS and be calculated using the rate established annually by Resolution of the Commission.

E. If upon expiration of the one hundred eighty (180) day period the User's daily flow continues to exceed the User's existing wastewater discharge capacity right, then the User shall immediately acquire additional increments of wastewater discharge capacity right pursuant to Section 408.0 of this Ordinance.

F. A User causing or making an Operational Emergency Discharge shall be liable for any surcharges, fees, fines, penalties, damages, legal expenses, attorney's fees, administrative and overhead costs, and other direct or indirect costs incurred by SAWPA as a result of such discharge.

410.0 LIQUID WASTE HAULER PERMITS. Prior to discharging any wastewater to the Brine Line or tributaries thereto, Users hauling and disposing of wastewater to a Collection Station must apply for and obtain a separate Liquid Waste Hauler Permit. This permit is separate and in addition to the Wastewater Discharge Permit required for each wastewater Indirect Discharger or Generator. Liquid Waste Hauler Permits are issued by the General Manager in accordance with Sections 401 and 402; after all required permit application information, insurance, and fees are provided. Additional liquid waste hauler requirements are defined in

Section 509.0. All Liquid Waste Haulers shall comply with all permit requirements and conditions, permitting and disposal procedures as established by this Ordinance, and pay all applicable fees established by resolution. All Liquid Waste Haulers shall obtain all other applicable permits required by city, county or state agencies. All Liquid Waste Haulers shall also abide by the following requirements and conditions:

A. Hauling and disposing of wastewater only to a designated and authorized Brine Line Collection Station for permitted Liquid Waste Haulers shall be established by SAWPA.

B. Liquid waste haulers seeking a permit to use SAWPA's Brine Line Collection Stations shall complete and file with the General Manager a Liquid Waste Hauler Permit application provided by SAWPA. This application may require the following information:

1. Name, address, and phone number of the Liquid Waste Hauler.

2. Number of vehicles, gallon capacity of each vehicle, license plate of each vehicle, tanker and trailer, ownership, make and model of all vehicles that are operated by the hauler for purposes of hauling liquid wastes.

3. Person to contact regarding the information contained in the application.

4. The name and policy number of the insurance carrier and bonding company.

C. The Liquid Waste Hauler Company must carry the following insurance to be permitted by SAWPA:

1. General Liability of $1,000,000 per each occurrence and $2,000,000 General Aggregate;

2. Commercial Auto Insurance of $1,000,000 combined single limit;

3. Workers Compensation of $1,000,000 per each accident; and

4. Pollution Liability of $1,000,000. Such liability insurance shall be in a form and with liability limits and deductible satisfactory to the General Manager and such liability insurance requirements shall be included in the permit issued to the Liquid Waste Hauler. Separate Pollution Liability insurance is not required if specifically covered by other liability policies.

D. The name(s), address(es), telephone number(s), Brine Line permit information, and descriptions(s) of the industries or clients contracting the Liquid Waste Hauler to transport their wastewater to the Brine Line Collection Station.

E. Authorized representative and signature.

F. Other information as may be required by the General Manager.

D. All Liquid Waste Haulers shall obtain a Liquid Waste Hauler Permit from SAWPA prior to discharging to the Brine Line or tributaries thereto. Liquid Waste Hauler Permits shall be issued for a period of up to three (3) years. All terms and conditions of the permit may be subject to modification and change by the General Manager at any time during the duration of the permit. The Liquid Waste Hauler Permit may include the following:

1. Business name, address(es), and phone number(es);

2. Restrictions on discharge times and compliance with operating hours for designated Collection Station;

3. Conditions upon which permit revocation, suspension, or termination can occur;

4. Consent to enter the User's premises to assess compliance with permit requirements and conditions and this Ordinance by inspection and records examination;

5. Permit number;

6. Record keeping and reporting requirements;

7. Compliance with applicable rules and regulations of this Ordinance and the Riverside County Health Department, San Bernardino County Health Department, or other county having jurisdiction regarding cleanliness, sanitary conditions, and liquid waste hauler vehicle requirements;

8. Requirements to notify the General Manager immediately of any unusual circumstances observed during liquid waste pumping operations; and

9. Other conditions, limitations or prohibitions deemed appropriate by the General Manager, including pollutant discharge limitations or local limits.

E. Permits to use the Brine Line Collection Stations of SAWPA are subject to all applicable provisions of this Ordinance.

F. Liquid wastes disposed of at SAWPA's Brine Line Collection Stations shall be subject to sampling and analysis to determine compliance with all applicable provisions of this Ordinance. The sampling shall be performed or supervised by authorized personnel of SAWPA or SAWPA's duly authorized designees and shall be taken at any time during the delivery of the load, including prior to the discharge of the load from the Liquid Waste Hauler to SAWPA's Brine Line Collection Stations. If the wastes are found to be unacceptable, the Liquid Waste

Hauler may be liable for all costs associated with the inspection, sampling, and analysis. The General Manager may reject a load and deny disposal if the wastewater or required documentation does not comply with the provisions of this Ordinance, the Liquid Waste Hauler's permit, or the Indirect Discharger's permit.

G. If the Liquid Waste Hauler transports both industrial wastes and domestic wastes, the Liquid Waste Hauler shall remove all domestic waste contamination from the interior of the vacuum tank prior to removing any Industrial Wastewater from a permitted site.

H. The General Manager may deny the issuance of a Liquid Waste Hauler Permit on any of the following conditions:

1. The applicant knowingly falsified information on the application or any document required by the Liquid Waste Hauler Permit application;

2. The applicant's previous Liquid Waste Hauler Permit is under suspension or probation or has been otherwise revoked; or

3. The applicant is not current on all disposal and permit related reports, insurance, and payment of fees.

I. In the event a Liquid Waste Hauler Permit application is denied, the General Manager shall notify the applicant in writing of such denial and the appeal procedures. Such notification shall state the grounds for such denial and necessary actions that must be taken by the applicant prior to the issuance of a permit.

J. All Liquid Waste Hauler Permits issued to any Liquid Waste Hauler may be revoked, suspended or entered into a probationary period upon a finding by the General Manager that any of the following conditions exist:

1. Such Liquid Waste Hauler, or representative thereof, has changed, altered or otherwise modified the face of a permit or authorization document without the permission of the General Manager;

2. Such Liquid Waste Hauler, or representative thereof, has violated any condition of their permit;

3. Such Liquid Waste Hauler, or representative thereof, has falsified any application, record, report or monitoring results required to be maintained, or has failed to make them immediately available to the General Manager upon request, or has withheld required information, such Person, or representative thereof, has filed documents with falsified or repeatedly incorrect information;

4. Such Liquid Waste Hauler, or representative thereof, failed to halt immediately any discharge into a SAWPA designated collection station upon the order of any authorized SAWPA employee;

5. Such Liquid Waste Hauler, or representative thereof, discharged or attempted to discharge a hazardous waste or material or otherwise prohibited discharge into a SAWPA designated collection station;

6. Such Liquid Waste Hauler, or representative thereof, discharged or attempted to discharge domestic waste into a SAWPA designated collection station;

7. Such Liquid Waste Hauler, or representative thereof, has done physical violence or harm to any SAWPA employee, authorized representative, or contract employee;

8. Such Liquid Waste Hauler, or representative thereof, has made threatening remarks or threatening acts towards any SAWPA employee, authorized representative, or contract employee.

9. Such Liquid Waste Hauler, or representative thereof, discharged or attempted to discharge wastewater from a source not cited on the Liquid Waste Hauler's permit.

K. Any Liquid Waste Hauler Permit which has been revoked, suspended or entered into probation pursuant to this Section may be reinstated upon a finding by the General Manager that the condition which resulted in such revocation no longer exists.

L. Upon determination of a violation of this Ordinance or the conditions of a Liquid Waste Hauler Permit, the permittee shall be subject to the enforcement actions set forth in Article 6 of this Ordinance, or as is otherwise contained in the Liquid Waste Hauler permit as necessary to protect the Brine Line or tributaries thereto, OCSD's POTW, the public, the environment, SAWPA employees, authorized representatives, or contract employees.

M. Suspension and periods of probation may be imposed by the General Manager for any length of time, up to one year.

411.0 COLLECTION STATIONS.

A. Nothing in this Ordinance precludes the use of an alternate Collection Station in the event of an emergency or planned maintenance activity that disrupts service provided at the primary Collection Station.

B. Collection Stations shall be operated as agreed per either a Wastewater Discharge Permit or a MOU between SAWPA and the operating agency with concurrence from OCSD.

412.0 GROUNDWATER, SURFACE RUNOFF, OR SUBSURFACE DRAINAGE.

A. The discharge of groundwater, surface runoff, or subsurface drainage directly or indirectly to the Brine Line, or tributaries thereof, is prohibited unless determined by the General Manager that there is no alternative method of disposal reasonably available and to mitigate an environmental risk or health hazard.

B. Stormwater discharges to the Brine Line, or tributaries thereof, are not authorized. The General Manager may provide authorization for stormwater discharges that comply with SAWPA's policy, which adheres to OCSD's policy.

C. Unless permitted to do so, in accordance with subparagraph (A) hereof, no User shall allow wastewater and stormwater to mix before discharging to the Brine Line or tributaries thereof.

D. Applications for consideration under subparagraph (A) shall be submitted to the General Manager and shall include all information deemed necessary by the General Manager. Information may include, but is not limited to:

1. Completed permit application;

2. Detailed site information including but not limited to structure locations, pavements, grades, storm drain facilities, hydrologic calculations;

3. Documentation justifying a need to discharge surface runoff to the Brine Line, or tributaries thereto, to prevent surface and subsurface water contamination; and

4. A description of the facilities to be provided and required operation and maintenance by the User to prevent the pollution of stormwater by Industrial Wastewater and waste generated by the User.

413.0 WASTEWATER FROM OUTSIDE THE SAWPA BRINE LINE SERVICE AREA. Any Industrial User outside of SAWPA's Brine Line Service Area proposing to discharge wastewater directly or indirectly within SAWPA's Brine Line Service Area must first obtain approval from SAWPA's Commission and OCSD's General Manager before a permit may be issued to discharge under this Ordinance, per Section 212.0. Such approval will be on a case-by-case basis and at the sole discretion of the SAWPA Commission and OCSD's General Manager. Such approval does not constitute a vested entitlement to discharge. If such approval is provided, in addition to any other conditions imposed by the SAWPA's Commission and

OCSD's General Manager, the Industrial User shall comply with the following conditions:

A. SAWPA requires that the existing sewering agency having jurisdiction for the Industrial User location outside SAWPA's Inland Empire Brine Line Service Area be added as a co-signer to SAWPA's Multijurisdictional Pretreatment Agreement (MJPA), classified as a Contract Agency, and assume all Pretreatment Program responsibilities as required by SAWPA. The MJPA will specifically allow SAWPA, in conjunction with the Member Agency or Contract Agency, to issue a permit and conduct the Pretreatment Program at the Industrial User's site. For agency owned facilities, which shall be classified as an Industrial User, SAWPA shall be the sole signatory and SAWPA alone shall issue the permit to the agency.

B. If an Industrial User outside SAWPA's Inland Empire Brine Line Service Area is allowed to discharge to the Brine Line, or tributaries thereof, the Industrial User shall not co-sign SAWPA's MJPA, nor is the Industrial User considered a Contract Agency. The Industrial User shall abide by all SAWPA Pretreatment Program requirements.

C. The Industrial User shall provide written site access authorization to SAWPA and OCSD to conduct monitoring and site inspections.

D. The Industrial User shall have a contract with a SAWPA permitted Liquid Waste Hauler if operating as an indirect discharger.

Except for an emergency, a threat to the health, safety and welfare of the community or SAWPA, or a failure to comply with, or a violation of this Ordinance and related resolutions, SAWPA will endeavor to provide ninety (90) days advance written notice prior to terminating a discharge permit issued to a Generator located outside the Brine Line Service Area. The General Manager may terminate or revoke a permit issued under this subsection as provided in this Ordinance.

Subject to applicable legal requirements, the rates charged to the Generator may be adjusted by SAWPA as necessary to recover costs incurred. Permit and disposal fees for Generators and/or Liquid Waste Hauler Permittees are determined by a SAWPA Commission resolution.

ARTICLE 5
MONITORING, REPORTING, INSPECTION AND FACILITIES REQUIREMENTS

501.0 MONITORING AND REPORTING.

A. At the direction and discretion of the General Manager, any User discharging wastewater directly or indirectly into the Brine Line, or tributaries thereto, shall be required to install sampling station(s) and measuring device(s) to measure the quality and quantity of wastewater discharged. These measuring devices may include, but are not limited to:

1. flow meters and recorders;
2. pH meters and recorders; and
3. electrical conductivity meters and recorders, and process water meters.

B. The sampling station and/or measuring device shall be provided by the User in compliance with this Ordinance and all applicable building, plumbing, and construction codes. Monitoring or metering facilities may be required to have a security closure that can be locked with a SAWPA lock during sampling and monitoring. Construction shall be completed within a reasonable time frame as required in written notification from the General Manager.

C. The General Manager shall have the absolute right to install temporarily upon the User's property such devices as are necessary to conduct wastewater sampling, compliance monitoring or metering operations.

D. No User shall interfere with, delay, resist, or refuse entrance by authorized SAWPA personnel or contract employees or authorized OCSD personnel installing wastewater monitoring equipment on the User's property. Any permanent or temporary obstruction of easy access to the sampling, monitoring, or metering locations shall be immediately removed by the User or property owner at the written or oral request of the General Manager and shall not be replaced.

E. The sampling station or measuring devices shall be maintained for continuous sampling or metering. The measuring devices shall be calibrated as often as necessary to ensure accurate measurements according to manufacturer's specifications. Flow meters shall be calibrated in accordance with 505.0. All maintenance and calibration work shall be performed at the User's expense.

F. All Users that are required to install and maintain monitoring equipment shall report to SAWPA and the Member Agency or the Contract Agency the failure of such equipment within twenty-four (24) hours. The notification may be accomplished by a telephone call, electronic mail, telefax transmission, personal

visit to SAWPA or the Member Agency or the Contract Agency, or a hand delivered notification to SAWPA or the Member Agency or the Contract Agency. A written report documenting the cause of the failure and the corrective actions taken shall be submitted to the General Manager within five (5) business days of discovering the failure.

G. All Users that are required to self-monitor shall have all samples collected and analyzed and reported according to 40 CFR 403.12(g) and amendments thereto. Samples shall be collected and analyzed during the period covered by the report and shall be representative of the conditions occurring.

1. Except as indicated in subsections 2 and 3 below, the User shall collect wastewater samples using twenty-four (24) hour time or flow proportional composite samples. Time or flow proportional composite sampling or grab sampling, must be representative of the discharge.

2. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides and volatile organic compounds must be obtained using grab collection techniques.

3. For sampling required in support of baseline monitoring and ninety (90) day compliance reports, 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 which historical sampling data does not exist. For facilities in which historical sampling data are available, a reduced number of samples may be allowed. For self-monitoring sampling, the User is required to collect the number of Grab Samples necessary to assess and assure compliance with discharge limits.

4. If a User monitors for regulated pollutants at the appropriate sampling location more frequently than the minimum required, the results of the additional monitoring shall be reported.

H. All pollutant monitoring techniques and analyses, to be submitted as part of a discharge application or self-monitoring report, shall be performed in accordance with the techniques in 40 CFR Part 136 and amendments thereto unless otherwise prescribed in a Categorical Pretreatment Standard or in the User's Wastewater Discharge Permit.

I. All Users that are required to self-monitor shall submit and certify all records of sampling that include the following information and documents:

1. The date, monitoring location, method, and time of monitoring (including the time for each Grab Sample whether or not they are later composited into one or more samples) and the names of the person or persons taking the samples;

2. The dates the analyses were performed;

3. Who performed the analyses;

4. The analytical techniques/methods used;

5. The results of such analyses;

6. A copy of the laboratory sample analysis sheet; and

7. A copy of the chain-of-custody form, which includes sample collection details, such as sample container type, preservation, etc.

These records shall remain available for a period of three (3) years. This period shall automatically be extended for the duration of any litigation concerning the User, or where the User has specifically been notified of a longer retention period by the General Manager.

J. All permitted Users that take more than one Grab Sample in a twenty-four (24) hour period to demonstrate compliance with oil and grease shall comply with the following conditions:

1. No single oil and grease Grab Sample shall exceed the User's permitted instantaneous maximum limit for oil and grease at any time.

2. The average result from all individual oil and grease grab samples taken in a twenty-four (24) hour period shall not exceed the User's permitted limit for oil and grease.

K. All Users that are required to self-monitor shall report pollutant violations in any wastewater sample from an approved monitoring location to the General Manager within twenty-four (24) hours of becoming aware of the violation. The reporting may be accomplished by a telephone call, electronic mail sent to a pre-approved list of electronic mail addresses, telefax transmission, or a meeting with the General Manager or a Member Agency or a Contract Agency as necessary to comply with the conditions of the Wastewater Discharge Permit. The violation reporting shall contain the date and time of the wastewater sample, the discharge flow rate or volume represented by the sample, a preliminary explanation for the violation(s), proposed corrective action, and the date scheduled for the required resample. Failure to report pollutant violations as stated shall constitute a violation of this Ordinance and may subject the User to enforcement actions.

L. Any sample collected from a sample box, designated monitoring point or other representative sampling location shall be considered representative of the

wastewater discharged to the Brine Line or tributaries thereto.

M. All Users that are required to have flow measurement are required to take daily twenty-four (24) hour readings of their wastewater effluent flow. The User shall report exceedances of their daily permitted flow within twenty-four (24) hours of discovering the violation. The reporting may be accomplished by a telephone call, electronic mail sent to a pre-approved list of electronic mail addresses, telefax transmission, or a meeting with the General Manager or a Member or Contract Agency as necessary to comply with the conditions of the Wastewater Discharge Permit, or a hand delivered notification to SAWPA. The flow exceedance report shall have the total flow, the reason for the flow exceedance, and the name of the person reporting the flow exceedance. This report shall also be in compliance with Article 4 of this Ordinance. Failure to report flow exceedances as stated shall constitute a violation of this Ordinance and may subject the User to enforcement actions.

N. If sampling performed by a User indicates a violation, the User shall repeat the sampling and analysis and submit the results of the repeat analysis to SAWPA within thirty (30) days after becoming aware of the violation. Where SAWPA has performed the sampling and analysis in lieu of the User, SAWPA must perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat analysis. Resampling is not required if:

1. SAWPA performs sampling at the User at a frequency of at least once per month; or

2. SAWPA performs sampling at the User between the time when the initial sampling was conducted and the time when the User or SAWPA receives the results of this sampling.

O. All resamples shall be obtained and analyzed according to 40 CFR 403.12(g). All laboratory analyses shall be performed by a laboratory certified by the State of California, State Water Resources Control Board, and Environmental Laboratory Accreditation Program as being competent to perform the pollutant analyses requested. The laboratory results from this resample and all required forms shall be submitted to the General Manager no later than thirty (30) days after the User discovers or becomes aware of the violation. Failure to submit the laboratory results within the thirty (30) day requirement will result in enforcement action. Failure to submit the required report within forty-five (45) days of the due date will result in a determination of Significant Noncompliance (SNC) for the User.

P. All Users, whose wastewater discharge is monitored by SAWPA, shall be responsible for all resampling requirements contained in subsection N. of this Section when a pollutant violation is detected. SAWPA shall notify the User of

the resampling requirements by a telephone call, electronic mail sent to a pre-approved list of electronic mail addresses, telefax transmission, or personal visit within twenty-four (24) hours of confirming a pollutant or flow violation.

Q. All Users that desire to conduct their own wastewater sampling in lieu of a certified contract laboratory shall submit a written plan describing the equipment used, equipment cleaning methodology, employee qualifications and training, sample preservation methods, and chain of custody procedures. The User's wastewater sampling plan shall be approved by the General Manager prior to the implementation of the plan. Any sample collected by a User without an approved plan or from an unapproved laboratory may be considered invalid, and may subject the User to enforcement actions.

R. All Users monitoring their wastewater discharge for pollutants and characteristics required for determining SAWPA user charges shall submit the sample results in the form of self-monitoring reports as required in their Wastewater Discharge Permit. The frequency of sampling, analysis, and reporting shall be set forth in the User's Wastewater Discharge Permit. The analyses of the sample pollutants and characteristics shall be at the sole expense of the User. Only sample analyses approved or performed by SAWPA shall be used in the determination of the SAWPA user charges.

S. SAWPA will meet reporting requirements as specified by 40 CFR Part 3 (Cross-Media Electronic Reporting). Therefore, Users that send electronic (digital) documents to SAWPA to satisfy the requirements of this Section must register for the system online and submit a signed Subscriber Agreement to SAWPA for review and approval. An electronic submission shall be deemed to have been properly received by SAWPA when it is received by the electronic system, accessible by SAWPA staff and a confirmation is sent to the signatory making the submission. When the sender receives confirmation and can fully review the submitted materials, report and related data shall be considered received.

T. The User shall submit a written Contingency Plan that details alternatives to discharging wastewater to the Brine Line during emergency situations in accordance with Section 520.0.F of this Ordinance and the User's approved Waste Discharge Permit.

U. Notification of the Discharge of Hazardous Waste. Discharge of hazardous waste, as defined in 40 CFR 261, is prohibited. Any User that discharges any hazardous waste into the Brine Line or tributaries thereof shall notify SAWPA and OCSD immediately as required by 40 CFR 403.12(p).

T. A Baseline Monitoring Report (BMR), when required, shall be prepared and submitted per 40 CFR 403.12(b). Completed BMR shall contain a statement of review by an authorized representative of the User and be certified by a qualified professional, indicating whether permit requirements are being met on a

consistent basis, and, if not, whether additional operation and maintenance, subsection P and M, and/or additional Pretreatment is required for the User to meet the requirements.

502.0 INSPECTION.

A. The General Manager shall inspect the facilities of any User using the Brine Line or tributaries thereto to ascertain whether all requirements of this Ordinance are being met. Persons on the premises shall allow the General Manager and OCSD authorized personnel ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, and records examination.

B. The User shall ensure that there is always a person on site, during normal business hours, knowledgeable of the User's processes and activities to accompany the duly authorized SAWPA representative(s) during the inspection.

C. The User shall provide immediate access when an emergency occurs, regardless of the hour of the day.

D. All pretreatment equipment shall be immediately accessible at all times for the purpose of inspection. At no time shall any material, debris, obstacles or obstructions be placed in such a manner that will prevent immediate access to the pretreatment equipment or designated monitoring point(s).

E. No Person shall interfere with, delay, resist or refuse entrance to the General Manager when attempting to inspect any facility involved directly or indirectly with a discharge of wastewater to the Brine Line or tributaries thereto.

F. Where a User has security measures in force which would require proper identification and clearance before entry onto/into the premises, the User shall make all necessary arrangements with the User's security personnel so that, upon presentation of suitable identification, personnel from SAWPA or duly authorized personnel from SAWPA or OCSD will be permitted to enter, without delay, for the purpose of performing their specific responsibilities.

G. The User shall make available for copying by the General Manager all records required to be kept under the provisions of this Ordinance.

503.0 INSPECTION WARRANTS. If the General Manager has been refused access to a building, structure, or property, or any part thereof with a wastewater discharge to the Brine Line or tributaries thereto, and is able to demonstrate cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect or sample the User's facilities as part of a routine inspection and sampling program of SAWPA designed to verify compliance with this Ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the General Manager may seek issuance of an inspection warrant duly issued pursuant to the procedure set forth in Title 13 (commencing with Section

1822.50) of Part 3 of the Code of Civil Procedure. However, in the event of an emergency affecting the public health or safety, an inspection may be performed without consent or the issuance of a warrant.

504.0 RECORD KEEPING. All Users shall keep records of waste hauling, reclamations, wastewater pretreatment, monitoring device recording charts and calibration reports, effluent flow, and sample analysis data and any documentation associated with Best Management Practices established on the site of the wastewater generation. All these records are subject to inspection and shall be copied as needed. All records must be kept on the site of wastewater generation for a minimum period of three (3) calendar years. The records retention period may be extended beyond three years in the event criminal or civil action is taken or an extensive company history is required.

505.0 FLOW MEASUREMENT. All Direct Dischargers shall install a continuous monitoring flow meter capable of measuring industrial wastewater discharged to the Brine Line or tributaries thereto. The User shall maintain an effluent flow log sheet and record the effluent flow on a daily basis. The flow measurement device shall conform to standards issued by the General Manager. The User shall report to the General Manager the type and size of the flow meter. The flow meter shall be equipped with a non-resetting flow totalizer. All flow meters shall be calibrated as often as necessary, but at no less frequent than annually. All new meters shall be selected and installed to ensure accuracy of the actual flow discharged within plus or minus two (2) percent as determined at the time of calibration. All existing and replacement meters shall ensure an accuracy of the actual flow discharged within plus or minus five (5) percent. All flow meter installations shall have posted in a conspicuous place, the flow meter's size, type, totalizer units, and flow multipliers. The User shall immediately report to the General Manager any flow meter malfunction or anomaly, and shall not attempt to repair or replace the meter without the General Manager's prior written approval.

A. Flow Measurement System Design and Installation

1. **Design.** Design of flow measurement installations shall be performed under the supervision of a California registered professional engineer of suitable discipline competent in this field. Design and construction drawings and calculations shall be stamped with the authorized seal of the supervising professional engineer and signed in accordance with state law, to indicate review and approval of the work. Detailed construction drawings for any new or significantly modified discharge flow measurement system must be submitted for approval prior to any construction. These drawings must show relevant slopes, elevations and locations of piping, types and locations of instrumentation, details of flow measurement elements, estimated flow range (maximum, minimum and average), and details of upstream and downstream piping, structures, and devices which could influence flow conditions. Manufacturer's calculations, catalog cuts and data sheets must be included with construction drawings for any manufactured equipment to be installed as part of the flow measurement system. Complete rating data and calculations shall be submitted for any engineered flow measurement device.

2. **Primary Measurement Devices.** Both open channel (flume, weir) and closed-pipe (magnetic) flow measurement systems are acceptable. Magnetic flow meters are preferred for industries that have difficulty maintaining open channel flow measurement. Any flow measurement element that is adversely affected by wastewater characteristics is prohibited. Flow measurement devices shall be installed downstream of final pretreatment facilities and as close as possible to the point of connection with the Brine Line. Above-ground flow measurement installations may require a platform for automatic samplers so that the top of the sampler will be higher than the water level in the primary element. Because it is difficult to set automatic samplers for pressurized closed pipe systems, use of a well-mixed stream through an open channel device (i.e. a sample box) may be required. To function correctly, flumes and weirs must be properly installed in accordance with dimensional specifications. Additionally, flumes must be set level with smooth joints where the influent pipe meets the maintenance access structure or vault channel. To ensure accuracy of an open channel flow measurement system, the upstream channel must be designed to prevent excessive velocity and turbulence, while the downstream channel must be designed to prevent excessive submergence and backflow.

3. Any additional monitoring equipment must not adversely affect hydraulics of the open channel element. All open channel installations below grade must be directly beneath the vault or maintenance access structure access cover to facilitate inspections and field checks. All open channel installations at or above grade must have a staff gauge for accuracy checks. Closed pipe meters must be appropriate for the type of wastewater and range of flow rates, and must be installed to flow full at all times

506. INTERCEPTOR REQUIREMENTS. All Users required to install a gravity separation interceptor shall comply with the following conditions:

A. All interceptor chambers shall be immediately accessible at all times for the purpose of inspection, sampling, cleaning, and maintenance. The User shall provide a separate ring and cover for each separate interceptor chamber and any additional covers to ensure adequate cleaning capabilities. All rings shall be affixed to the interceptor to ensure a gas and water tight seal. At no time shall any material, debris, obstacles or other obstructions be placed in such a manner that will prevent immediate access to the interceptor.

B. Any interceptor legally and properly installed before August 21, 2007, the effective date of Ordinance No. 5 shall be acceptable as an alternative to the interceptor requirements of this Ordinance. The interceptor shall be effective in removing floatable and settleable material and shall be immediately accessible for inspection, sampling, cleaning, and maintenance.

C. All drains and openings connected to an approved gravity separation interceptor shall be equipped with screens or devices which will exclude from the wastewater discharge all material and particles with a cubic dimension greater than one-half (1/2) of an inch.

D. All gravity separation interceptors shall be equipped with an influent tee

extending no more than six inches below the operating fluid level of the interceptor. The interceptor shall also have tees extending to within 12 inches of the bottom at the exit side of each chamber in the interceptor, including the final chamber. In a case where a manufacturer's engineered interceptor design is contrary to this requirement, the General Manager shall review the design and either approve or deny an exemption to this requirement.

E. All interceptors shall be equipped with a sample box or sample wye as determined by the General Manager.

F. No User shall install or use any elbows or tees in any interceptor sample box.

G. If the General Manager finds that an interceptor is incapable of adequately retaining floatable and settleable material in the wastewater flow, is structurally inadequate, or is undersized for the facility, the General Manager shall reject such interceptor and declare that the interceptor does not meet the requirements of this Section. The User shall thereupon be required to install, at the User's expense, an interceptor that is acceptable to the General Manager.

507.0 STANDARD INTERCEPTOR DESIGNS. The General Manager will maintain a file, available to the public, of suitable designs of gravity separation interceptors. This file will be for informational purposes only and shall not provide or imply any endorsements of any kind. Installation of an interceptor of a design shown in this file, or of any design meeting the size requirements set forth in this Ordinance shall not subject SAWPA to any liability for the adequacy of the interceptor under actual conditions of use. The User shall not be relieved of the responsibility for keeping floatable and settleable material out of the Brine Line or tributaries thereto.

508.0 INTERCEPTOR MAINTENANCE.

A. Any User who owns or operates a gravity separation interceptor shall properly maintain the interceptor at all times. The interceptor shall be cleaned as often as necessary to ensure that sediment and floating materials do not accumulate to impair the efficiency of the interceptor and odors do not accumulate which would cause a public nuisance. An interceptor is not considered to be properly maintained, if for any reason the interceptor is not in good working condition or if the operational fluid capacity has been reduced by more than 25% by the accumulation of floating material, sediment, oils or greases.

B. The use of chemicals or other materials for the emulsification, suspension, or dissolution of oil and grease is prohibited.

C. The use of microbiological agents to metabolize oil and grease or other constituents, shall be reviewed for approval on a case-by-case basis. The User shall submit a written request to the General Manager for the use of a microbiological agent prior to the use of that agent.

D. When an interceptor is cleaned, the removed sediment, liquid and floating material shall be legally disposed of other than to the Brine Line or tributaries thereto and shall

not be reintroduced into the interceptor or discharged into another interceptor at another location not designed and permitted to accept such waste.

E. If the interceptor is not maintained adequately under the conditions of use, the interceptor may be resized and the User shall install one that is effective in accomplishing the intended purpose.

F. The User required to install an interceptor is liable for any failure to properly maintain such interceptor.

509.0 LIQUID WASTE HAULERS. All liquid waste haulers shall comply with all permitting and disposal procedures as established by this Ordinance and pay all applicable fees established by resolution. All liquid waste haulers shall obtain all other applicable permits required by city, county or state agencies. All liquid waste haulers shall also abide by the following requirements and conditions:

A. Liquid waste haulers shall only haul wastewater for Generators listed in the permit. Generators shall hold a separate permit issued by SAWPA.

B. If any liquid waste hauler's load is determined to be hazardous pursuant to applicable federal, state, or local regulations, then the liquid waste hauler shall be required to remain at SAWPA's Brine Line Collection Station. The liquid waste hauler shall then make arrangements for the legal disposal of the load. If the liquid waste hauler refuses to remain on site, the General Manager shall notify the appropriate law enforcement agency to respond to this violation.

C. Prior to any discharge to a SAWPA Brine Line Collection Station, all liquid waste manifest forms shall be completed in full, approved and signed by SAWPA's General Manager or his/her designated representative, or otherwise approved by an automated attendant before any load is allowed to be discharged into SAWPA's Brine Line Collection Station. Brine Line Collection Stations with less than full time staffing shall be provided with appropriate and SAWPA-approved automation and procedural safeguards as specified in the disposal site permit

D. Falsification of any information in any permit application, hauler's report or manifest, or correspondence by a liquid waste hauler shall be a violation of this Ordinance and may result in termination, revocation or suspension of the liquid waste hauler permit and all discharge privileges.

E. All reports and records required to be retained by this Ordinance, shall be retained for a minimum of three (3) years and shall be made available to the General Manager immediately upon request.

F. All liquid waste haulers shall pay all applicable fees and charges. Failure to pay any applicable fee or charge shall be a violation of this Ordinance and shall be cause for the General Manager to suspend all waste discharge privileges until all applicable fees and charges have been paid.

G. Contents of septic tanks, seepage pits, cesspools, or any other similar receptacles, which contain no industrial waste, shall not be disposed of at SAWPA's Brine Line Collection Station.

H. All liquid waste haulers operating within SAWPA's jurisdiction or tributaries thereto shall provide documentation as to the origin of the wastes hauled prior to discharging into SAWPA's Brine Line Collection Stations. The origin of the waste means the physical address from where the wastes were generated and, if different, the physical address from where the wastes were obtained.

I. If the waste hauled by a liquid waste hauler is found unacceptable for discharge into a SAWPA Brine Line Collection Station and is not classified as hazardous, then the liquid waste hauler shall dispose of the wastes at a non-SAWPA legal disposal site. The liquid waste hauler shall provide SAWPA with a copy of the waste hauler's manifest documenting the legal disposal of the rejected wastes within fourteen (14) days from the date the waste was rejected. As an alternative, the liquid waste hauler may return the rejected waste to the generator of such rejected wastes for additional pretreatment, and the liquid waste hauler may return to a SAWPA Brine Line Collection Station or another legal disposal site for discharge. The liquid waste hauler shall also provide SAWPA with a manifest documenting such alternative action. Failure to provide verifiable documentation shall constitute a violation of this Ordinance and may result in termination, revocation or suspension of the liquid waste hauler permit and all discharge privileges.

J. No liquid waste hauler shall use any temporary, stationary, or mobile liquid storage device in an attempt to mix or dilute any rejected load in order to achieve compliance.

K. Except as allowed in Section 509, Paragraph I., no liquid waste hauler shall dispose of any rejected load into any septic tank, cesspool, seepage pit or similar devices, any grease interceptor or trap, any storm drain, any collection system opening except those authorized in writing by the General Manager, or return the rejected load back to the site of origin

L. Liquid waste haulers are prohibited from discharging domestic waste into the Brine Line or tributaries thereto. No liquid waste hauler shall mix industrial waste and domestic septic wastes in an attempt to discharge the mixture to a SAWPA Brine Line Collection Station.

M. No liquid waste hauler shall discharge or cause to be discharged any material defined as hazardous by RCRA.

N. Any authorized SAWPA employee, authorized representative or contract employee shall have the authority to order the immediate cessation of the discharge from any liquid waste hauler truck into a Brine Line Collection Station. Such order shall be based on the employee, authorized representative or contract employee's best professional judgment that said discharge may be in violation of any applicable condition of this Ordinance or may otherwise be harmful to the operation of the Brine Line or tributaries thereto, OCSD's POTW or its

employees.

O. Any liquid waste hauler determined to be in violation of this Section may be prohibited from future liquid waste disposal at a Brine Line Collection Station.

510.0 USE OF AND DAMAGE TO SAWPA EQUIPMENT OR FACILITIES.

A. No Person shall enter, break, damage, destroy, uncover, alter, change, modify, deface or tamper with any temporary or permanent structure, equipment, or appurtenance which is part of SAWPA's Brine Line without prior written approval by the General Manager.

B. Any Person who discharges or causes or contributes to the discharge of any wastewater or materials which cause any obstruction, Interference, damage, or any other impairment to the Brine Line, OCSD's POTW, or any other damages, including the imposition of fines or penalties by state, federal or other regulatory agencies against SAWPA, shall be liable to SAWPA for all fines, penalties, damages, legal expenses, attorney's fees, administrative and overhead costs. An administrative fee of up to ninety (90) percent of SAWPA's repairs and personnel costs shall be added to these charges at the General Manager's discretion. All charges shall be payable to SAWPA within thirty (30) days of invoicing by SAWPA.

511.0 SEPARATION OF DOMESTIC AND INDUSTRIAL WASTE. Any User who discharges industrial wastewater to the Brine Line or tributaries thereto shall separate domestic wastewater from all industrial wastewater until the industrial wastewater has passed through all required pretreatment equipment or devices, and the User's industrial wastewater sample point(s). For existing Categorical Industrial Users which cannot separate the domestic wastes from the industrial wastes prior to a permitted sampling point, the Combined Wastestream Formula shall be applied to determine applicable discharge limitations. Existing Industrial Users with domestic wastewater in their discharge may be required to install a Sampling Facility upstream of the domestic wastewater connection(s).

512.0 LIMITATIONS ON WASTEWATER STRENGTH. No Person shall discharge industrial wastewater into the Brine Line or tributaries thereto unless the wastewater conforms to all of the pollutant limitations and requirements of this Ordinance and related SAWPA resolutions. Pollutant limitations shall be revised and adopted by resolution as necessary to ensure compliance with OCSD's POTW effluent and biosolids reuse. The SAWPA Wastestream Correction Formula (WCF) may be used to adjust the pollutant limitations to account for the presence of SAWPA Industrial Non-Process Wastestreams.

$$C_A = \frac{C_C\left(\sum_{N=1}^{M} F_N\right)}{F_T}$$

Where: C_A = Adjusted Local Limit to account for Industrial Non-Process Wastestream(s)
C_C = Local Limit for the pollutant constituent
F_N = Average daily flow for SAWPA Industrial Process Wa0stestream N

F_T = Average daily flow through the sample point
M = Total number of SAWPA Industrial Process Wastestreams

For Categorical Industrial Users, the following options exist:

A. Where a categorical pretreatment standard is expressed in terms of either the mass or the concentration of a pollutant in wastewater, the General Manager may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

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 using the Combined Wastestream Formula.

C. A variance from a categorical pretreatment standard may be issued if the User can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by the EPA when developing the categorical pretreatment standard.

513.0 LOCAL LIMITS. The General Manager shall implement pollutant limitations developed as Local Limits by OCSD pursuant to 40 CFR 403.5(c) and 403.8(f)(4) and amendments thereto, and as Local Limits and Best Management Practices to protect the operation of the Brine Line and prevent SSOs. These limitations are necessary to assure compliance with the OCSD's NPDES permit, including the prohibition against Pass Through of any pollutants that cause a violation of the permit or cause Interference with the POTW, and compliance with State Water Resources Control Board (SWRCB) adopted Order No. 2006-003, a General Waste Discharge Requirement (WDR) for all publicly owned sanitary sewer collection systems in California with more than one (1) mile of sewer pipe. Customer specific allocations at current POTW loadings may be created for public health facilities providing a lifesaving service or procedure so long as the pollutant discharged will not contribute to Pass Through, Interference or other violation of the OCSD's NPDES permit. These pollutant limitations shall be continually developed as necessary and shall be adopted by resolution. Specific pollutant limits shall not be developed and enforced without individual public notice to affected Persons or Users.

514.0 PRETREATMENT OF INDUSTRIAL WASTEWATERS. All Users shall:

A. Provide wastewater pretreatment, as required, to comply with this Ordinance and any applicable SAWPA resolution.

B. Whenever deemed necessary, the General Manager may require Users to restrict their wastewater discharge, relocate and/or consolidate points of discharge, separate domestic wastestreams from industrial wastestreams, and other such conditions as may be necessary to protect OCSD's POTW and determine the User's compliance with the requirements of this Ordinance.

C. Notify the General Manager of any pretreatment equipment failure within 24-hours of discovering the failure. The notification may be made by a telephone call, electronic

mail sent to a pre-approved list of electronic mail addresses, telefax transmission, or a meeting with the General Manager or a Member Agency or a Contract Agency as necessary to comply with the conditions of the Wastewater Discharge Permit.

515.0 UNAUTHORIZED MONITORING AND PRETREATMENT EQUIPMENT MODIFICATIONS. No User shall knowingly falsify, tamper with, or render inaccurate any monitoring device or any pretreatment equipment or device. Such falsification, tampering, or inaccuracy will be considered a violation of this Ordinance and will subject the User to enforcement actions.

516.0 PRETREATMENT EQUIPMENT BYPASS. No User shall bypass any pretreatment equipment or device unless the bypass is necessary to prevent loss of life, personal injury, and/or severe property damage or when no feasible alternative exists. The User may allow the bypass to occur provided that it does not cause pollutant limitation violations and is necessary to perform essential maintenance to ensure adequate operation of the pretreatment equipment or devices. 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 40 CFR 403.17(d)(1). Notification of the bypass shall comply with the following conditions:

A. Anticipated bypass: The User shall submit a written notice to the General Manager at least ten (10) days before the date of the scheduled bypass.

B. Unanticipated bypass: The User shall notify the General Manager immediately upon learning that any pretreatment equipment or device has been bypassed. The User shall submit a written report to the General Manager within five (5) working days. The report shall include:

1. A description of the bypass, the cause of the bypass, and the duration of the bypass;

2. Whether or not the bypass was corrected; and

3. The actions taken or proposed to reduce or prevent a recurrence of the bypass.

517.0 PROHIBITED DISCHARGE OF RECOVERED PRETREATMENT WASTE. No Person shall discharge waste recovered from pretreatment equipment, systems, or devices into the Brine Line or tributaries thereto without authorization and permits from SAWPA and/or other regulatory agencies having jurisdiction over the discharge of the waste. All recovered pretreatment waste shall be disposed of in accordance with all applicable federal, state, county, and local laws and regulations.

518.0 INDUSTRIAL USER MODIFICATIONS. All permitted Industrial Users shall report proposed changes in their operations to the General Manager for review and approval thirty (30) days prior to initiation of the changes. The reporting shall be done in writing from the Authorized Representative of the permitted Industrial User. For the purposes of this section

"changes" shall include any of the following:

A. A sustained twenty (20) percent increase or decrease in the industrial wastewater flow discharged or in production capacity.

B. Additions, deletions or changes to processes or equipment.

C. Experimentation with new processes and/or equipment that will affect the quantity or quality of the wastewater discharged.

519.0 SPILL CONTAINMENT SYSTEMS. Spill containment systems, as may be required, shall conform to requirements established by the General Manager. These requirements may include, but not be limited to, the following:

A. No User shall operate a spill containment system that allows incompatible substances to mix and thereby creating a hazardous or toxic substance in the event of a failure of one or more containers.

B. Spill containment systems shall consist of a system of dikes, walls, barriers, berms, or other devices designed to contain spillage of the liquid contents of containers.

C. Spill containment systems shall be constructed of materials that are impermeable and non-reactive to the liquids being contained.

D. Spill containment systems shall conform to local regulations and policies as to percent containment, container type, size, outdoor covering, and the length of time spilled material may remain in the spill containment system.

E. At no time shall a User use a spill containment system for the storage of waste other than from a spill.

520.0 FACILITY WASTE MANAGEMENT PLAN. All permitted Industrial Users shall be required to develop and maintain a Facility Waste Management Plan (FWMP). The FWMP may consist of the following documents:

A. **TOXIC ORGANIC MANAGEMENT PLAN (TOMP).** At SAWPA's discretion Categorical Industrial Users may be permitted to submit a TOMP in lieu of required pollutant monitoring. SAWPA reserves the right to require Total Toxic Organic monitoring of all Users allowed to submit a TOMP.

B. **SLUG DISCHARGE PREVENTION CONTROL PLAN (SDPCP).** An SDPCP may be required of Industrial Users as determined by the General Manager. Considerations to determine the need for a SDPCP include the use of Batch Discharges to dispose of wastewater, stored chemicals or materials, or the potential for a Slug Discharge which, if discharged to the Brine Line or tributaries thereto, would violate any of the prohibited discharge requirements of this Ordinance. An SDPCP showing facilities and operation

procedures to provide this protection shall be submitted to the General Manager for review and approval before implementation.

Any User required to develop and implement an SDPCP shall submit an SDPCP which addresses, 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 SAWPA of any accidental or Slug Discharge. Such notification must also be given for any discharge which would violate any of the standards set forth in this Ordinance and any local, state or federal regulations; 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 chemicals (including solvents), and/or measures and equipment for emergency response.

Each User shall implement its SDPCP as submitted or modified after such plan has been reviewed and approved by the General Manager. Review and approval of such plans and operations procedures by the General Manager shall not relieve the User from the responsibility to modify its facility as necessary to meet the requirements of this Ordinance.

C. **PRETREATMENT SYSTEMS OPERATIONS AND MAINTENANCE MANUAL.** A Pretreatment Systems Operations and Maintenance Manual shall be maintained on site by all Industrial Users operating and maintaining pretreatment equipment for the removal of pollutants from wastewater. The General Manager may require the Industrial User to submit the manual.

D. **HAZARDOUS MATERIALS AND HAZARDOUS WASTE MANAGEMENT PLAN.** A Hazardous Materials and Hazardous Waste Management Plan are required of all Industrial Users that use or possess hazardous materials or generate hazardous waste. A city or county Fire Department-required Business Emergency Plan may be substituted for this management plan.

E. **WASTE MINIMIZATION/POLLUTION PREVENTION PLAN (WM/PPP).**

1. A Waste Minimization/Pollution Prevention Plan (WM/PPP) is required of any Industrial User:

a. For whom the General Manager has determined such WM/PPP is necessary to achieve a water quality objective;

b. Determined by the State or Regional Board to be a chronic violator, and the State or Regional Board or SAWPA's General Manager determines that a

WM/PPP is necessary; or

c. That significantly contributes, or has the potential to significantly contribute, to the creation of a toxic hot spot as defined in Water Code Section 13391.5.

2. A WM/PPP required of an Industrial User shall include all of the following:

a. An analysis of one or more of the pollutants, as directed by the State Board, Regional Board, or SAWPA, that the User discharges to the Brine Line or tributaries thereto, description of the sources of the pollutants, and a comprehensive review of the processes used by the User that result in the generation and discharge of the pollutants.

b. An analysis of the potential for pollution prevention to reduce the generation of the pollutants, including the application of innovative and alternative technologies and any adverse environmental impacts resulting from the use of those methods.

c. A detailed description of the tasks and time schedules required to investigate and implement various elements of pollution prevention techniques.

d. A statement of the User's pollution prevention goals and strategies, including priorities for short-term and long-term action.

e. A description of the User's existing pollution prevention methods.

f. A statement that the User's existing and planned pollution prevention strategies do not constitute cross media pollution transfers unless clear environmental benefits of such an approach are identified to the satisfaction of SAWPA and information that supports that statement.

g. Proof of compliance with the Hazardous Waste Source Reduction and Management Review Act of 1989 (article 11.9 (commencing with Section 25244.12) of Chapter 6.5 of Division 20 of the Health and Safety Code) if the User is also subject to that act.

h. An analysis, to the extent feasible, of the relative costs and benefits of the possible pollution prevention activities.

i. A specification of, and rationale for, the technically feasible and economically practicable pollution prevention measures selected by the User for implementation.

3. Any User who fails to complete a WM/PPP required by SAWPA or the State or Regional Board, submits a plan that does not comply with this Section, or fails to

implement a plan required by SAWPA or the State or Regional Board, shall be liable to SAWPA for any civil penalty assessed administratively by SAWPA or by a court of law in accordance with this Ordinance, including any attorney's fees incurred by SAWPA.

F. **EMERGENCY CONTACT LIST AND CONTINGENCY PLAN.** All Users are required to submit, and retain a copy on-site, a contingency plan that details the actions that will be taken in the event of an emergency or other event that causes SAWPA or the Control Authority to shut down the Brine Line. Said plan shall include, but is not limited to, the following:

1. A list of names and telephone numbers of emergency contacts that can be reached 24 hours a day (shall be provided to SAWPA semi-annually in January and July).

2. A written plan (updated and provided to SAWPA annually in January) that describes all available alternatives to discharging to the Brine Line, including on-site storage, hauling, ceasing the discharge, or directing all wastewater flows to a local POTW.

521.0 NOTICE OF POTENTIAL PROBLEMS TO POTW. All Users shall immediately notify SAWPA of all wastewater discharges that could cause a problem at OCSD's POTW or in the Brine Line or tributaries thereto, including any Slug Discharge of any material. Wastewater discharges that may cause a problem at OCSD's POTW or the Brine Line or tributaries thereto include, but are not limited to, acids, alkalis, oils, greases, high strength organic waste, hazardous materials and waste, colored wastes, and Batch Discharges. All Users shall provide the General Manager, within five (5) business days from the incident, a written report detailing the cause of the discharge and the corrective actions taken to prevent a recurrence. A notice shall be permanently posted at a prominent location at the User's facility advising employees and listing the emergency call contact name and numbers in the event of a wastewater discharge that could cause a potential problem. Employees who could cause or become aware of such a discharge shall be advised of the emergency notification procedure.

522.0 WRITTEN RESPONSES. All Users required to provide written response to any correspondence, order, or notice from the General Manager, shall do so in accordance with the date specified in the correspondence, order, or notice. Failure to provide the written response by the date requested shall constitute a violation of this Ordinance and may subject the User to enforcement actions.

523.0 FALSIFYING INFORMATION. Any User who knowingly makes any false statement, representation, or certification in any record, report, correspondence, or other document submitted or required to be maintained under this Ordinance, including monitoring reports and records, or reports of compliance or noncompliance shall be in violation of this Ordinance and may subject the User to enforcement actions.

ARTICLE 6
ENFORCEMENT

600.0 PURPOSE AND SCOPE. SAWPA's Commission finds that in order for SAWPA to comply with the laws, regulations, and rules imposed upon it by Regulatory Agencies and to ensure that SAWPA's and OCSD's sewerage facilities and treatment processes are protected and are able to operate with the highest degree of efficiency, and to protect the public health and environment, specific enforcement provisions must be adopted to govern the discharges to the Brine Line and tributaries thereto by permitted Users.

601.0 ENFORCEMENT RESPONSE PLAN (ERP). To the extent required by law or agreement, SAWPA will use an Enforcement Response Plan (ERP), as required by 40 CFR 403.8(f) (5) to coordinate enforcement actions against Users and Persons in noncompliance with this Ordinance. To the extent that there is any conflict between the ERP and this Ordinance, this Ordinance shall take precedence.

602.0 ADMINISTRATIVE VIOLATIONS. There is hereby established a class of violations to be known as Administrative Violations that are further subdivided into minor and major administrative violations as follows:

A. **Minor Administrative Violations** include, but are not limited to, the following:

1. Submission of incomplete reports or questionnaires;

2. Failure to submit reports by the scheduled due date;

3. Failure to respond and submit to questionnaires;

4. Missing a compliance date without proper prior notification to SAWPA;

5. Failure to conduct sampling, including self-monitoring, when required;

6. Failure to notify the General Manager of a violation of permit conditions within twenty-four (24) hours of the discovery of the violation; or

7. Failure to pay all required fees, penalties and charges within forty-five (45) days from the due date.

B. **Major Administrative Violations** include, but are not limited to, the following:

1. Failure to notify the General Manager of a Slug Discharge immediately after discovery of said discharge;

2. Failure to respond, by scheduled due date, to letters requiring responses or to administrative orders;

3. Missing a compliance date by more than forty-five (45) days;

4. Falsification of documents or attempting to mislead SAWPA or OCSD in any manner whatsoever;

5. Failure to cooperate with SAWPA or contracted employees exercising their authority under this Ordinance, including monitoring and inspection activities;

6. A pattern of minor administrative violations;

7. Failure to allow entry to authorized SAWPA employees, agents, OCSD employees, or contracted employees, in the course of their job, onto the User's property;

8. Failure to produce records as required;

9. Failure to accurately report noncompliance;

10. Failure to submit required reports (self-monitoring, baseline monitoring report, 90-day compliance report, Compliance Schedule progress reports) or submitting such reports more than forty-five (45) days late;

11. Failure to pay pursuant to Section 304.0 of this Ordinance, permit application fees, permit renewal fees, charges, or Administrative Penalties within sixty (60) days of due date;

12. Intentional discharge of a hazardous waste or material or otherwise prohibited waste into the Brine Line or tributaries thereto; or

13. Wastewater discharge without a valid Wastewater Discharge Permit after notification.

C. Upon notice of appropriate mitigating circumstances and consistent with applicable federal and state laws, the General Manager has sole discretion to treat a Major Administrative Violation as a Minor Administrative Violation, or a pattern of Minor Administrative Violations with aggravating circumstances as a Major Administrative Violation.

603.0 VIOLATIONS OF DISCHARGE LIMITATIONS.

A. There is hereby established a class of violations to be known as discharge violations that are further subdivided into minor and major discharge violations as follows:

1. **Minor Discharge Violations** are those that, either alone or in combination with similar user discharge violations, as determined by the General Manager, pose no significant threat to the public health, safety or welfare, the environment, the Brine Line or tributaries thereto, OCSD's POTW or to any SAWPA employee or contractor.

2. **Major Discharge Violations** may include, but are not limited to, the following:

a. As determined by Significant Noncompliance criteria in 40 CFR 403.8(f)(2)(viii);

b. Major Discharge Violations which, either alone or in combination with similar discharges, as determined by the General Manager, pose a significant threat to the public health, welfare or safety, the environment, the safe and efficient operation of the Brine Line or tributaries thereto, OCSD's POTW, or to any SAWPA employee or contractor, or cause or contribute to the additional treatment costs incurred by SAWPA or a violation of OCSD's NPDES permit, or cause or contribute to Pass Through, Interference, or other known damages;

c. Discharging regulated pollutants to the Brine Line or tributaries thereto without a current discharge permit;

d. A pattern of Minor Discharge Violations;

e. Failure to correct a Minor Discharge Violation within a specific time period as directed by the General Manager; or,

f. Tampering with or purposely rendering inaccurate any monitoring device, method or record required to be maintained pursuant to this Ordinance.

B. Upon notice of appropriate mitigating circumstances, the General Manager has sole discretion to treat a Major Discharge Violation as a Minor Discharge Violation. The General Manager also has sole discretion to treat a pattern of Minor Discharge Violations with aggravating circumstances as individual Major Discharge Violations.

604.0 UNCLASSIFIED VIOLATIONS. For any violation by any User or Person that is not classified herein, or for the violation of any rule or regulation promulgated hereunder, the General Manager shall have the discretion to treat such violation as a minor or major violation and to exercise enforcement authority accordingly. In exercising this enforcement authority, the General Manager shall consider the magnitude of the violation, its duration, and its effect on receiving waters, the Brine Line or tributaries thereto, OCSD's POTW, the health and safety of SAWPA employees, contractors, Users, and the general public. The General Manager shall also evaluate the User's or Person's compliance history, good faith, and any other factors the General Manager deems relevant.

605.0 SEPARATE VIOLATIONS. Any User or Person found to be in violation of this Ordinance shall be charged with a separate violation for each day the same violation exists. Wastewater discharge pollutant violations shall be considered an individual violation for each pollutant in violation.

606.0 ADMINISTRATIVE ORDERS. The General Manager may require compliance with

Wastewater Discharge Permit conditions or limitations by issuing Administrative Orders that are enforceable in a court of law or by directly seeking court action. The General Manager may use Administrative Orders, either individually, sequentially, concurrently, or in any order for one or more violations as appropriate for the circumstances. Administrative Orders include:

A. **WRITTEN WARNING.** A written warning shall be given to a User identified to have a Minor Administrative Violation of this Ordinance or permit condition or requirement. The written warning shall be served personally or by certified mail upon the User, and the written warning will state the provisions violated, the facts alleged to constitute the violation and may include a correction notice at the discretion of the General Manager.

B. **CORRECTION NOTICE.** A correction notice shall be given to a User to require correction of minor violations noted during an inspection by the General Manager of the User's facility and may be issued in conjunction with a written warning.

1. Compliance time extensions may be granted to Users who fail to correct minor violation(s) required by a correction notice, upon showing of good cause by such User.

2. For purposes of this Section, "good cause" means an unforeseeable and unavoidable event or series of events, over which User had no control, which prevented or significantly impaired the User's ability to comply with the correction notice.

3. A correction notice may require a written response within ten (10) days of receipt; User shall provide a written explanation to the General Manager of the violation, including specific actions taken to correct the violation. Submission of such a response in no way relieves the User of liability for any violations occurring before or after receipt of the written warning and/or correction notice.

C. **MONITORING/PRODUCTION INFORMATION ORDER (MPIO)** shall be issued to a User for consecutive violations or if determined to be in SNC for the same pollutant as detected either in SAWPA samples, User samples (self-monitoring), or both. The MPIO shall be used to determine if discharge compliance has been achieved or if a detected violation is consistent. The User may be required to self-monitor the wastewater discharged for the pollutants in violation and record the daily effluent wastewater flow frequency and schedule as determined by the General Manager based on the volume and frequency of industrial wastewater discharged to the Brine Line or tributaries thereto. Production information shall be required of all Categorical Industrial Users which have production based discharge limits.

D. **NOTICE OF VIOLATION (NOV).** When the General Manager finds that a User has violated, or continues to violate, any provision of this Ordinance, related resolution, an individual Wastewater Discharge Permit or any order issued under this Ordinance, the General Manager may serve upon the User a written Notice of Violation (NOV). The NOV shall be served personally or by certified mail upon the User, and the NOV will state the provisions violated, the facts alleged to constitute the violation and may include any proposed corrective actions or monitoring. Within ten (10) business days of the receipt of the NOV, User shall

provide a written explanation of the violation, a plan for the satisfactory correction and prevention thereof, including specific required actions, to the General Manager. Submission of such a response and plan in no way relieves the User of liability for any violations occurring before or after receipt of the NOV. Nothing in this Section shall limit the authority of the General Manager to take any action, including any emergency actions or any other enforcement action, with or without the issuance of a NOV.

E. **VIOLATION MEETING** shall be required of all Users who have failed to achieve compliance after the issuance of an NOV 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, draft a compliance schedule, or file an appeal.

F. **CONSENT ORDER.** The General Manager may, at any time after finding a violation of this Ordinance, enter into an agreement with the violating User that shall be known as a Consent Order. Such agreement may be in the form of a Compliance Schedule with milestones or other specific actions to be taken by the User to correct or prevent the noncompliance within a time period specified in the order, or payment of damages, penalties, fines, or other remedies. The Consent Order is developed between the User and SAWPA. This Order shall have the same force and effect as any other Administrative Order issued pursuant to this Ordinance and may include a civil penalty pursuant to Section 610.H. A Consent Order may be enforced by an Administrative Complaint under Section 610 or by court action.

G. **COMPLIANCE ORDER.**

1. A Compliance Order shall be issued to a User that has violated or continues to violate this Ordinance, the User's Wastewater Discharge Permit, or any other order issued under this Ordinance. The General Manager may issue a Compliance Order to the User responsible for the violation(s) which shall specify the provisions violated and the facts constituting the violation(s), and shall direct that adequate treatment facilities, devices, or other related appurtenances be installed and properly operated by a specified time period. Compliance Orders may also contain such other requirements as the General Manager deems reasonably necessary and appropriate to assure timely compliance with this Ordinance and to address the noncompliance. Such Order may require the installation of pretreatment technology, additional self-monitoring, management practices, adherence to a compliance schedule with milestones, submission of action plans, appearance by the User at a specific time and place for a compliance meeting, or other measures necessary to achieve and maintain compliance. The Compliance Order is developed by the General Manager without comment from the User and may include a Civil Penalty Order pursuant to Section 610.H.

2. If no public hearing on the alleged violation(s) has been previously conducted, the alleged violating User may either submit a written explanation or other response to the Compliance Order or request the General Manager to conduct either an informal meeting or a hearing. Such submission or request shall be in writing and filed with the General Manager no later than ten (10) days after receipt of the Compliance

Order. The request shall not stay the Compliance Order.

3. A Compliance Order may be enforced by an Administrative Complaint under Section 610 or by court action.

H. **CIVIL PENALTY ORDER** will be issued to a User by the General Manager or SAWPA Counsel to assess penalties required by Sections 610.0, 611.0 and 619.0 of this Ordinance and any other costs incurred by SAWPA in the investigation, monitoring, legal assistance, enforcement, cleanup or repair caused by the User's violation. The Civil Penalty Order may be included with any other Order.

I. **CEASE AND DESIST ORDER** shall be issued by the General Manager to any User or Persons whose violation(s) of this Ordinance, a Wastewater Discharge Permit, or any Order issued hereunder pose(s) a threat to the Brine Line or tributaries thereto, OCSD's POTW, SAWPA employees or contractors, OCSD, the environment or the public. A Cease and Desist Order may also be issued by the General Manager to Users who continue to discharge wastewater to the Brine Line or tributaries thereto, without a valid Wastewater Discharge Permit or in violation of such permit. The General Manager may issue a Cease and Desist Order immediately upon discovering any such violations and direct those Users or Persons in noncompliance to take such appropriate remedial or preventive action as may be deemed necessary to eliminate a continuing or threatened violation, including halting operations and terminating the discharge. Such order shall include the provision violated and the facts constituting the violation. A Cease and Desist Order may also include a Civil Penalty Order pursuant to Section 610.H.

J. **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 any Order issued under this Ordinance, or any other pretreatment standard or requirement adopted by resolution or otherwise, to appear before the General Manager at a Show Cause Hearing and provide evidence and reasons why the proposed enforcement action should not be taken. A Notice of Show Cause Hearing shall be served on the User specifying the time and place for the Show Causing Hearing, the proposed enforcement action, the reasons for such action, and a direct that the User provide evidence and reasons why the proposed enforcement action should not be taken. The Notice of Show Cause Hearing shall be served personally or by certified mail at least thirty (30) days prior to the hearing. A Show Cause Hearing shall not be a bar against, or prerequisite for, taking any enforcement action against the User.

607.0 WASTEWATER DISCHARGE PERMIT REVOCATION. The General Manager may revoke any Wastewater Discharge Permit if the User is in violation of any provision of this Ordinance. These violations can include but are not limited to: falsification of information by the User required by this Ordinance; refusing right of entry by SAWPA or OCSD; failure to re-apply for a Wastewater Discharge Permit or request a required permit modification; failure to pay required permit fees or charges or discharging in violation of this Ordinance. Validity of the Wastewater Discharge Permit shall be conditioned upon the Industrial User's compliance with

the provisions of this Ordinance. The General Manager may revoke the Wastewater Discharge Permit upon a minimum notice (written and sent by certified mail) of fifteen (15) days when the General Manager finds that the wastewater discharge is in violation of the provisions of this Ordinance or of any applicable federal, state, county or city law or regulation or if the Industrial User has failed to pay any user fee or penalty within forty-five (45) days of invoicing by SAWPA. Within the fifteen (15) days prior to the intended permit revocation, the General Manager shall make a hearing available to the User. All costs for Wastewater Discharge Permit revocation and reissuance shall be paid by the User.

608.0 TERMINATION OF SERVICE. Notwithstanding any provision to the contrary, and without prior notice, the General Manager may immediately terminate wastewater service to any User in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment, or which causes Interference to the Brine Line or tributaries thereto, OCSD's POTW, or causes OCSD to violate any condition of its NPDES permit or if the User has failed to obtain a valid Wastewater Discharge Permit. If a suspension order has been issued, and the User fails to comply voluntarily with the suspension order, the General Manager shall take such steps as deemed necessary, including immediate termination or severance of the sewer service lateral connection, to prevent or minimize damage to the Brine Line or tributaries thereto, OCSD's POTW, or endangerment to any person or the environment. All costs for terminating service shall be paid by the User. All costs for reestablishing service shall be paid by the User.

609.0 ANNUAL PUBLICATION NOTICE. The names of all Significant Industrial Users which at any time during the previous twelve (12) months were found to be in significant noncompliance with applicable Pretreatment Standards, Requirements and this Ordinance shall be published at least annually in a newspaper of general circulation that provides meaningful public notice, or other electronic means, within the jurisdictions of SAWPA in which the Significant Industrial User is located, in accordance with 40 CFR 403.8(f) (2) (viii).

610.0 ADMINISTRATIVE COMPLAINT.

A. Notwithstanding Section 606, the General Manager may issue an Administrative Complaint to a User who violates this Ordinance, permit requirement, or an Administrative Order.

B. The Administrative Complaint shall allege the act or failure to act that constitutes the violation, the provisions of law authorizing civil liability to be imposed and the proposed civil penalty. The Administrative Complaint shall be served by personal delivery or certified mail on the User and shall inform the User served that a hearing shall be conducted within sixty (60) days after the User has been served.

C. The hearing shall be before a hearing officer designated by the SAWPA Commission. The User who has been issued an Administrative Complaint may waive the right to a hearing, in which case SAWPA shall not conduct a hearing. A User dissatisfied with the decision of the hearing officer may appeal to the SAWPA Commission within thirty (30) days of notice of the hearing officer's decision.

D. If after the hearing, or appeal, if any, it is found that the User has violated reporting or discharge requirements, the hearing officer or the SAWPA Commission may assess a civil penalty against that User. In determining the amount of a civil penalty, the hearing officer or SAWPA Commission may take into consideration all relevant circumstances including, but not limited to, the extent of harm caused by the violation, the economic benefit derived through any non-compliance, the nature and persistence of the violation, the length of time over which the violation occurs and corrective action, if any, attempted or taken by the User.

E. Civil Penalties may be imposed as follows:

1. In an amount which shall not exceed $2,000.00 for each day for failing or refusing to furnish technical or monitoring reports [Government Code, Section 54740.5(d)(1)];

2. In an amount which shall not exceed $3,000.00 for each day for failing or refusing to timely comply with any Compliance Schedule established by the General Manager [Government Code, Section 54740.5(d)(2)];

3. In an amount which shall not exceed $5,000.00 per violation for each day for discharges in violation of any waste discharge limitation, permit condition, or requirement issued, reissued or adopted by SAWPA [Government Code, Section 54740.5(d)(3)];

4. In an amount which shall not exceed $10.00 per gallon for discharges in violation of any suspension, Cease and Desist Order or other Orders, or prohibition issued, reissued or adopted by the General Manager [Government Code, Section 54740.5(d)(4)].

F. Unless appealed, any Order setting administrative civil penalties shall become effective and final upon issuance thereof, and payment shall be made within thirty (30) days established by the Order. Copies of all Orders shall be served by personal service or by certified mail upon the parties served with the Administrative Complaint and upon other persons who appeared at the hearing and requested a copy.

G. All monies collected under this Section shall be deposited in a special account of SAWPA and shall be made available for the monitoring, treatment and control of discharges into the Brine Line and tributaries thereto.

H. 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 User from which the discharge, Ordinance violation, or permit violation originated resulting in the imposition of the Civil Penalty. The lien shall be recorded with the County Recorder for the respective county 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 Section 683.110 to 683.220, inclusive, of the Code of Civil Procedure.

I. No penalties shall be recoverable under this Section for any violation for which civil liability is recovered under Section 612.0.

J. Judicial Review

1. Any User aggrieved by a final Order issued under this Section may obtain review of the order in the Superior Court by filing with the Court a petition for Writ of Mandate within thirty (30) days following the service of a copy of a decision and order issued. Any User aggrieved by a final Order issued under this Section for which the SAWPA Commission denies review, may obtain review of the order of the hearing officer in the Superior Court by filing in the Court a petition for writ of mandate within thirty (30) days following service of a copy of a decision and order denying review by the SAWPA Commission.

2. If an aggrieved User does not petition for a Writ of Mandate within thirty (30) days, an Order or a hearing officer shall not be subject to review by any court or agency.

3. The evidence before the Court shall consist of the record before the SAWPA Commission, including the hearing officer's record, and any other relevant evidence which, in the judgment of the Court, should be considered to effectuate and implement policies of this Ordinance. In every such case, the Court shall exercise its independent judgment on the evidence.

4. Subdivisions (e) and (f) of Section 1094.5 of the Code of Civil Procedure shall govern review proceedings.

611.0 EMERGENCY SUSPENSION. The Commission or its General Manager may immediately suspend a User's discharge, after 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 SAWPA Commission or its agent 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 human health or the environment.

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 Emergency Suspension, the SAWPA Commission may take such steps as deemed necessary, including immediate termination or severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The SAWPA Commission may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the SAWPA Commission that the period of endangerment has passed.

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 Commission prior to the date of any Show Cause Hearing under Sections 606.0 Item J and 608.0.

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

612.0 CIVIL LIABILITY FOR VIOLATIONS.

A. Any User that violates any provision of this Ordinance, any requirement of the Wastewater Discharge Permit, or Administrative Order, may be civilly liable to SAWPA in a total amount not to exceed $25,000.00 per day for each violation. In addition to penalties, plus any damages, the General Manager may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including, but not limited to, sampling, monitoring, laboratory costs and inspection expenses.

B. SAWPA's Legal Counsel is hereby authorized to petition the Superior Court to impose, assess, and recover the penalties and damages as described in Section 612.0.A. In determining the amount, the Court shall take into consideration all relevant circumstances, including but not limited to, the extent of harm caused by the violation, the economic benefit derived through any non-compliance, the nature and persistence of the violation, the length of time over which the violation occurs, and any corrective actions, if any, attempted or taken by the User.

C. Notwithstanding any other provision of law, all civil penalties imposed by the Court for a violation of this Section shall be distributed to SAWPA.

D. Remedies under this Section are in addition to and do not supersede or limit any and all other remedies, civil or criminal, but no liability shall be recoverable under this Section for any violation for which liability is recovered under Section 610.0.

613.0 CRIMINAL PENALTIES.

A. Any User which willfully or knowingly violates any provision of this Ordinance, or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor for each separate violation per day, punishable by a fine not to exceed One Thousand Dollars ($1,000.00) or imprisonment for not more than thirty (30) days, or both for each violation. Each violation and each day in which a violation occurs may constitute a new and separate violation of this Ordinance and shall be subject to the penalties contained herein.

B. Any User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance or the User's Wastewater Discharge Permit, 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 ($1,000.00) per violation per day or imprisonment for not more than six months, or both for each violation. This penalty shall be consistent with the Federal Clean Water Act, 33 U.S.C. 1251, et seq. and shall apply to the exclusion of any other Ordinance provisions more lenient.

614.0 LEGAL ACTION. If any User discharges wastewater into the Brine Line or tributaries thereto in violation of the provisions of this Ordinance, federal or state pretreatment requirements, or any order or permit issued hereunder, then SAWPA may commence an enforcement and/or collection action for legal, equitable or injunctive relief in the appropriate court of Riverside or San Bernardino County. Any such court action filed by SAWPA shall entitle SAWPA to recover all reasonable attorneys' fees, court costs, expert witness fees and related litigation expenses.

615.0 SUPPLEMENTAL ENFORCEMENT ACTIONS.

A. **Performance Bonds**. The General Manager may decline to issue or reissue a Wastewater Discharge Permit to any User who has failed to comply with any provision of this Ordinance, a previous Wastewater Discharge Permit, or Administrative Order issued hereunder, or any other pretreatment standard or requirement, unless such User first files a satisfactory bond payable to SAWPA, in a sum not to exceed a value determined by the General Manager to be necessary to achieve consistent compliance.

B. **Liability Insurance.** The General Manager may decline to issue or reissue a Wastewater Discharge Permit to any User who has failed to comply with any provision of this Ordinance, a previous Wastewater Discharge Permit, or Administrative Order issued hereunder, or any other pretreatment standard or requirement, unless such User first submits proof that liability insurance satisfactory to the General Manager has been obtained by the User sufficient to restore or repair damage to the Brine Line or tributaries thereto or OCSD's POTW.

C. **Public Nuisance.** A violation of any provision of this Ordinance, a Wastewater Discharge Permit, or Administrative Order issued hereunder, or any pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the General Manager. Any User creating a public nuisance shall be required to reimburse SAWPA for any costs incurred in removing, abating, or remedying such nuisance.

616.0 REMEDIES NONEXCLUSIVE. The enforcement remedies for this Ordinance are not exclusive. The General Manager may take any, all, or any combination of these remedies against a non-compliant User. Enforcement of Ordinance, pretreatment, and Wastewater Discharge Permit violations will generally be in accordance with SAWPA's Enforcement Response Plan. The General Manager, however, may take other actions against any User when the circumstances warrant. Further, the General Manager is also empowered to take more than one enforcement action against any non-compliant User.

617.0 PAYMENT OF FEES, CHARGES, AND PENALTIES.

A. Unless otherwise specified, all fees, charges and penalties imposed pursuant to this Ordinance are due and payable within forty-five (45) days of receipt of notice or invoicing by SAWPA.

B. For Users who fail to pay any required fee, charge or penalty by the due date, the following penalties shall apply:

1. Forty-six (46) days after the date of invoice, a penalty of ten percent (10%) of the original invoice amount, not to exceed $1,000.00 shall be assessed.

2. Ninety days (90) after the date of invoice, a total penalty of ten percent (10%) of the original invoice amount, not to exceed a maximum of $4,000.00 shall be assessed.

C. Any invoice outstanding and unpaid after ninety (90) days shall be cause for immediate initiation of Wastewater Discharge Permit revocation proceedings or immediate suspension of the Wastewater Discharge Permit. In addition, interest shall accrue on any unpaid fees, charges or penalties at 10% per annum from the due date until paid.

D. Penalties charged under this Section shall not accrue to those invoices successfully appealed.

E. Should the User dispute any fees, charges and/or penalties, User shall notify SAWPA in writing of said dispute; however, payment of disputed charges shall be required by the due date during the General Manager's review of any dispute submitted by a User.

618.0 DAMAGE TO FACILITIES OR INTERRUPTION OF NORMAL OPERATIONS.

A. Any User who discharges any waste which causes or contributes to any obstruction, interference, damage, or any other impairment to the Brine Line or tributaries thereto or OCSD's POTW and sewerage facilities or to the operation of those facilities shall be liable for all costs required to clean or repair the facilities together with expenses incurred by SAWPA or OCSD to resume normal operations. Such discharge shall be grounds for permit revocation. A service charge of up to ninety percent (90%) of SAWPA's costs shall be added to the costs and charges to reimburse SAWPA for miscellaneous overhead, including administrative personnel and record keeping at the General Manager's discretion. The total amount shall be payable within forty-five (45) days of invoicing by SAWPA.

B. Any User who discharges a waste which causes or contributes to SAWPA violating its discharge requirements established by any Regulatory Agency and/or OCSD and causing SAWPA to incur additional expenses or suffer losses or damage to its facilities, shall be liable for any costs or expenses incurred by SAWPA, including regulatory fines, penalties, and assessments made by other agencies or a court.

619.0 APPEALS. Except for Administrative Complaints as provided in Section 610.0:

A. Within ten (10) business days after service of an Administrative Order or Notice under Sections 606, 607 or 608, the User may file a written appeal with the SAWPA Commission. A fee of one hundred dollars ($100.00) shall accompany any appeal to the SAWPA Commission. The written appeal shall state all of the facts and reasons that constitute the basis for such an appeal. The written appeal shall be heard by the SAWPA Commission within thirty (30) days from the date of filing of the written appeal. The SAWPA Commission shall issue a final order on the appeal within forty-five (45) days from the date of filing of the written appeal. Any User aggrieved by a final order issued by the SAWPA Commission under this Section may seek judicial review of the order of the SAWPA Commission in superior court by filing a petition for writ of mandate within thirty (30) days following the service of a copy of the SAWPA Commission's final order. Failure to file such a petition within the thirty (30) day deadline shall be deemed a waiver of such judicial review.

620.0 ALTERNATIVE ENFORCEMENT PROCEDURES. As additional and alternate enforcement provisions, the General Manager may utilize the procedures and seek the civil penalties provided in Sections 54739, 54740, 54740.5 and 54740.6 of the Government Code for violations of this Article, federal or California pretreatment requirements or the terms and provisions of any permits issued pursuant to this Ordinance.

621.0 INVALIDITY. If any provision of this Ordinance or the application thereof to any User or circumstance is held invalid, the remainder of this Ordinance and the application of such provision to other Users or circumstances shall not be affected thereby.

622.0 INTERPRETATION – INTENT. All the provisions of this Ordinance are to be reasonably interpreted. The intent herein is to recognize that there are varying degrees of hazard to the Brine Line, OCSD's POTW, personnel, environment and the public and to apply the principle that the degree of protection shall be commensurate with the degree of hazard.

ARTICLE 7
MISCELLANEOUS PROVISIONS

700.0 SEVERABILITY. If any provision of these regulations or the application to any other circumstances is held invalid, the remainder of the regulations or the application of such provision to other Users or other circumstances shall not be affected.

701.0 EFFECTIVE DATE. This Ordinance shall take effect immediately upon adoption, and Ordinance No. 7, and any amendments thereto, is hereby repealed and superseded by this Ordinance.

702.0 JUDICIAL REVIEW OF ORDINANCE. Pursuant to Section 1094.6 of the Code of Civil Procedure, the time within which judicial review shall be sought concerning the adoption of this Ordinance is ninety (90) days following the date on which the decision adopting it is final. The decision adopting this ordinance is final on the date it is adopted.

ADOPTED this 19th day of September 2017

SANTA ANA WATERSHED PROJECT AUTHORITY

By _____
Susan Lien Longville, Chair

ATTEST:

By _____
Kelly Berry, CMC, Clerk of the Board