ORDINANCE NO. 118

AN ORDINANCE OF THE BOARD OF DIRECTORS OF INLAND EMPIRE UTILITIES AGENCY*, SAN BERNARDINO COUNTY, STATE OF CALIFORNIA, PROVIDING FOR THE REGULATION AND ADMINISTRATION OF THE NON-RECLAIMABLE WASTEWATER SYSTEM AND ETIWANDA WASTEWATER LINE WITHIN THE INLAND EMPIRE UTILITIES AGENCY'S SERVICE AREA

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

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SECTION 1 – GENERAL PROVISIONS

AUTHORIZATION

This Ordinance is enacted pursuant to the authority contained in the Municipal Water District Law of 1911, California Water Code section 71000 et seq., as amended.

1.1 PURPOSE, OBJECTIVES, AND SHORT TITLE

The purpose of this Ordinance is to provide the maximum beneficial use of the Agency's Non-Reclaimable Wastewater System (NRWS) and Etiwanda Wastewater Line (EWL) by regulating
1.2 wastewater discharges through establishing Permit terms, limits, and conditions for discharges and including existing, new or increased pollutant contributions; equitably allocating the Agency's costs; and establishing procedures to ensure compliance with applicable contractual obligations by local, state, and federal laws and regulations.

The objectives of this Ordinance are:

(A) To prevent the introduction of pollutants into the Agency's Non-Reclaimable Wastewater System or downstream systems which may harm the collection system or other downstream systems, cause interference with the operation of the Disposal Agency's treatment facilities, protect and preserve the health or safety of Agency and Disposal Agency created by Industrial Dischargers, or contaminate resulting sludge; and

(B) To prevent the introduction of pollutants into the NRWS and EWL which are not amenable to treatment and if inadequately treated, may Pass Through the Disposal Agency's treatment plant and discharged into Receiving Waters or the atmosphere; and

(C) To enhance the Disposal Agency's opportunities to recycle and reclaim industrial wastewater and beneficially reuse biosolids; and

(D) To comply with the provisions of State Water Resources Control Board (SWRCB) Order No. 2022-0103, General Waste Discharge Requirement (WDR) for all publicly owned sanitary sewer collection systems.

1.3 This Ordinance shall be known as the **Non-Reclaimable Wastewater System and Etiwanda Wastewater Line Ordinance** and may be cited as such.

APPLICABILITY

This Ordinance shall apply to all direct or indirect discharges to the Agency's Disposal System that contribute flow to treatment and disposal facilities owned and operated by the Los Angeles County Sanitation Districts (LACSD) and shall be interpreted in accordance with the definitions set forth in Section 1.6 of this Ordinance.

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This Ordinance provides for the regulation of the connection to the Disposal System, the quantity and quality of wastewater to be discharged to the Disposal System, the level of Pretreatment required, the setting of charges to provide for the equitable allocation of costs, the approval of plans for sewer construction, the issuance of permits, compliance and enforcement activities, the establishment of administrative review procedures for NRWS and EWL dischargers as required, and the establishment of penalties for violation of this Ordinance.

ORDINANCE IN FORCE

Upon the effective date of this Ordinance, Agency Ordinance No. 99, including any amendments thereto, shall be repealed and superseded by this Ordinance. This Ordinance shall be in full force
1.4 and take effect immediately following its passage, approval, and publication, as provided by law. If any provision of this Ordinance conflicts with a prior ordinance or resolution of the Agency, this Ordinance shall take precedence.

ADMINISTRATOR

1.5 Except as otherwise provided herein, the General Manager shall administer, implement, and enforce all provisions of this Ordinance. The General Manager may, at their discretion, delegate any or all related powers and duties to an authorized designee.

DEFINITION OF TERMS

1.6

(A) ACT or CLEAN WATER ACT (CWA) - The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq., and the regulations adopted thereto.

(B) AGENCY - The Inland Empire Utilities Agency and its duly authorized officers, agents, and representatives.

(C) AUTHORIZED OR DULY AUTHORIZED REPRESENTATIVE OF THE USER

(1) If the User is a corporation:

(a) The president, secretary, treasurer, or a vice president of the corporation who oversees a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for

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individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

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

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

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

(D) BEST MANAGEMENT PRACTICES (BMPs) - Shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2 and 40 CFR 403.5(a)(1) and (b). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste Disposal, or drainage from raw materials storage.

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

(F) BOARD - Shall mean the Board of Directors of the Inland Empire Utilities Agency.

(G) BYPASS - Shall mean the diversion of waste streams from any portion of a Discharger's treatment facility.

(H) CAPACITY RIGHT - Shall mean a right to discharge Non-Reclaimable Wastewater into the NRWS or the Etiwanda Wastewater Line (EWL) in accordance with the Permit and the Capacity Right Agreement issued by the Agency to the Capacity Right Holder. Capacity Right shall be applicable only to the wastewater generated at the location to which the Capacity Right has been assigned and is not transferable.

(I) CAPACITY RIGHT AGREEMENT - Shall mean a uniform agreement between the Agency and each Capacity Right holder in the Agency's NRWS or EWL.

(J) CAPACITY RIGHT HOLDER - Shall mean the User holding the Capacity Right Agreement in the Agency's NRWS or EWL.

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(K) CAPACITY UNITS (CU) - Shall mean units of discharge capacity in the NRWS or EWL allocated by the Agency under a Capacity Right Agreement.

(L) CHEMICAL OXYGEN DEMAND (COD) - Shall mean a measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water, usually expressed as a concentration (e.g., mg/l).

(M) CLEAN WATER ACT (CWA) - Shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq., and the regulations adopted thereto.

(N) CONFIDENTIAL INFORMATION - Shall mean the Discharger's information and data including products used, industrial processes, or methods of production, etc., which the Discharger can demonstrate, to the satisfaction of the General Manager and the Disposal Agency, constitute trade secrets. Effluent constituents and characteristics shall not be considered Confidential Information.

(O) CROMERR – Shall mean Cross Media Electronic Reporting Rule as specified by EPA 40 CFR Part 3.

(P) DISCHARGER - Shall mean any Person that discharges or causes a discharge of Industrial Wastes directly or indirectly to the Disposal System.

(Q) DISPOSAL AGENCY - Shall mean the Los Angeles County Sanitation Districts or LACSD.

(R) DISPOSAL SYSTEM - Shall mean facilities and rights owned by the Agency for disposal of Non-Reclaimable Wastewater to the LACSD, including but not limited to, collection lines, mains and trunks, booster facilities and appurtenant equipment.

(S) DISTRICT NO. 21 OR LACSD - Shall mean the Los Angeles County Sanitation Districts.

(T) ELECTRONIC DOCUMENT – Shall mean any information in digital form that is submitted, received, maintained, or transmitted electronically, including permit applications, monitoring reports, certifications, and other documents required pursuant to this Ordinance.

(U) ELECTRONIC SIGNATURE - Shall mean an electronic sound, symbol, or process attached to or logically associated with an electronic document and executed or adopted by a person with the intent to sign the document in accordance with applicable federal and state laws and regulations, including 40 CFR Part 3.

(V) EPA - Shall mean the U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.

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(W) ETIWANDA WASTEWATER LINE OR EWL - Shall refer to the Agency's disposal system governed by Agreement No. 1679E dated May 26, 2010, or its successors, between the Agency and LACSD.

(X) EXISTING SOURCE – Any source of discharge that is not a "New Source."

(Y) FATS, OIL OR GREASE (FOG) - Shall mean any material which is extractable from an acidified sample of a waste by hexane or other designated solvent.

(Z) FEDERAL CATEGORICAL PRETREATMENT STANDARDS OR CATEGORICAL STANDARDS - Shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Clean Water Act (33 U.S.C. 1317) which apply to a specific category of Industrial User and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471 and as amended thereto.

(AA) GENERAL MANAGER - Shall mean the General Manager, or their designee, of the Inland Empire Utilities Agency.

(BB) HAZARDOUS WASTE - Shall mean a Hazardous Waste as defined in 40 CFR Part 261.3 or Title 22, California Code of Regulations.

(CC) IEUA - Shall mean the Inland Empire Utilities Agency, a Municipal Water District, and its duly authorized officers, agents and representatives.

(DD) INDUSTRIAL WASTES OR WASTEWATER - Shall mean all liquid-carried wastes of the Discharger, excluding domestic wastewater. Industrial Wastes may include centrate, filtrate, institutional, commercial, agricultural, manufacturing, or other operations where the wastewater discharged includes all wastes of non-human origin, Non-Reclaimable Wastewater, cooling tower, boiler blowdown, and any wastewater, pursuant to the Combined Wastestream formula, 40 CFR 403.6(e). All liquid wastes hauled by truck, rail, or another means for disposal to the sewer shall be considered as industrial wastewater regardless of the original source of the wastes.

(EE) INTERFERENCE - Shall mean a discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the Agency's or LACSD's POTW, its treatment processes or operations, its sludge processes, use, or disposal; and therefore, is a cause of a violation of LACSD's NPDES permit or of the prevention of Sewage sludge use or Disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

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(FF) JOINT DISPOSAL AGREEMENT - Shall mean a wastewater capacity agreement between the Agency and LACSD (Agreement No. 4830 of 2014) which provides for the acceptance and disposal by LACSD of Non-Reclaimable Wastewater discharged within the Agency's Disposal System.

(GG) LOCAL LIMIT - Specific discharge limits developed and enforced by IEUA to implement the general and specific Discharge prohibitions listed in 40 CFR 403.5(a)(1) and 40 CFR 403.5(b).

(HH) MAY - Is permissive.

(II) MONITORING FACILITY - Shall mean a safely accessible facility located at the Discharger's connection to the Disposal System or at the end of an industrial process or Pretreatment system, which allows for the inspection, sampling, and flow measurement of a discharge.

(JJ) MONITORING PERSONNEL - Shall mean Persons authorized by the General Manager or the LACSD to install and operate analytical instruments, sampling equipment, flow meters, and to perform other similar work at wastewater generation, conveyance, and disposal facilities.

(KK) NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) - The national permit program established under Section 402 of the Clean Water Act to regulate discharges of pollutants from point sources to waters of the United States. Such discharges are prohibited unless authorized by an NPDES permit.

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

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

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

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

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(4) 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 subsections (2) or (3) above but otherwise alters, replaces, or adds to existing process or production equipment.

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

(a) Begun, or caused to begin, as part of a continuous onsite construction program:

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

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

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

(XX) NON-RECLAIMABLE WASTEWATER - Shall mean wastewater that is required to comply with the quality standards and requirements of applicable Joint Disposal Agreements and contains high concentrations of salinity or dissolved solids (e.g., TDS) in a concentration which exceeds IEUA's Local Limits.

(YY) NON-RECLAIMABLE WASTEWATER SYSTEM OR NRWS - Shall refer to the Agency's Disposal System governed by *Agreement No. 4830* between the Agency and LACSD.

(ZZ) ORDINANCE - Shall mean, unless otherwise specified, this Ordinance.

(AAA) PASS THROUGH - Shall mean a discharge which exits the Disposal Agency'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, is a cause of a violation of any requirement of the Disposal Agency's NPDES permit, including an increase in the magnitude or duration of a violation.

(BBB) PERMIT - Shall mean any jointly issued permit(s) by the Agency and LACSD establishing terms and conditions for discharging Non-Reclaimable Wastewater into the Disposal System.

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(CCC) PERMITTEE - Shall mean any User who has received a Permit to discharge wastewater into the Non-Reclaimable Wastewater System and Etiwanda Wastewater Line.

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

(EEE) pH - Shall mean the measure of the acidity or alkalinity of a solution, expressed in standard units.

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

(GGG) PRETREATMENT REQUIREMENTS - Shall mean any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

(HHH) PRETREATMENT STANDARDS OR STANDARDS - Shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

(III) PREMISES - Shall mean any lot, parcel of land, building or establishment, residential, commercial, or industrial, both public and private, including schools, churches, and institutions without limitation.

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

(KKK) RATE RESOLUTION – Shall mean a resolution adopted by the Board of Directors establishing the applicable rates, fees, and charges for the use of the IEUA Non-Reclaimable Wastewater System (NRWS) and Etiwanda Wastewater Line (EWL) (collectively, the "Brine Line System"), as may be amended from time to time.

(LLL) RATE STRUCTURE RESOLUTION - Shall mean the resolution adopted by the Board of Directors establishing the rate structure and procedures governing capacity rights, rates, fees, charges, and billing associated with the administration of the IEUA Brine Line System, as may be amended from time to time.

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(MMM) RCRA - Shall mean the Resource Conservation and Recovery Act.

(NNN) RECEIVING WATERS - Shall mean a natural watercourse or body of water into which treated sanitary sewage and/or treated Industrial Waste is discharged.

(OOO) SERVICE AREA - Shall mean all territory now or hereafter served by IEUA.

(PPP) SHALL - Is mandatory.

(QQQ) SIGNIFICANT INDUSTRIAL USER - Shall mean:

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

(2) An Industrial User that:

a. Discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater);

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

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

(RRR) SLUG LOAD OR SLUG DISCHARGE - Shall mean any Discharge at a flow rate or concentration, which could cause a violation of the Prohibited Discharge standards in Section 2 of this Ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

(SSS) SPECIAL PERMIT - Shall mean a Permit issued by the Agency and LACSD, establishing non-standard terms and conditions for discharging Industrial Waste into the Disposal System.

(TTT) STORMWATER - Shall mean any flow occurring during or following any form of natural precipitation and resulting therefrom.

(UUU) SUBSCRIBER AGREEMENT - Shall mean an agreement between the Agency and an Authorized Representative of a User establishing the terms and conditions for the use of electronic signatures and electronic reporting systems, including the responsibilities of the signatory and acknowledgment that an electronic signature has the same legal force and effect as a handwritten signature.

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(VVV) TOTAL SUSPENDED SOLIDS OR SUSPENDED SOLIDS (TSS) - Shall mean the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering, e.g., Standard Method 2540D, usually expressed as a concentration (e.g., mg/l).

(WWW) USER - Shall mean any Person that has entered into a Capacity Right Agreement, holds Capacity Units (CU), or holds a Special Permit with the Agency for the use of the Disposal System.

NON-RECLAIMABLE WASTEWATER DISPOSAL POLICY

1.7 The Agency owns and operates the Disposal System for the purpose of disposing of Non-Reclaimable Wastewater which cannot be treated and reclaimed through local wastewater reclamation facilities, but which can be disposed of through the facilities of LACSD.

The effects of certain types of Non-Reclaimable Wastewater upon the Disposal System and the treatment processes utilized by Disposal Agency are such that careful consideration of every Discharger is required. As delegated authority for LACSD, the Agency and LACSD shall work jointly in processing Permit applications for discharge of Non-Reclaimable Wastewater to the Disposal System.

In accordance with this Ordinance and with the regulations of LACSD, other local, State and Federal agencies, the Agency shall determine, in each instance, whether said Non-Reclaimable Wastewater is acceptable in the form in which it is generated and/or whether it must be subject to Pretreatment prior to discharge into the Disposal System.

1.8 Should events occur which are beyond the control of the Agency, which stop or restrict the intended uses of the Disposal System, the Agency shall not incur any liability, which may be a result of these events.

PROTECTION FROM DAMAGE

1.9 No Person shall maliciously, willfully, or negligently break, damage, destroy, impair the usefulness, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the Disposal System, or facilities owned and operated by the Agency, or the respective Disposal Agency.

NOTICE PROCEDURE

Unless otherwise provided herein or required by applicable law, any notice required to be given by the General Manager under this Ordinance shall be in writing and served personally, by a commercial courier service, or by certified mail with return receipt requested. Notice shall be served upon the Authorized Representative of the User or Discharger, or upon the applicable property owner or occupant, at the last known address maintained by the Agency. The Agency may also provide a copy of any such notice by electronic mail (email) or other electronic means. Nothing in this Section shall preclude the Agency from relying upon electronic communications as evidence of actual notice or as otherwise permitted by applicable law.

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TIME LIMITS

Any time limit provided in any written notice or in any provision of this Ordinance may be extended only through prior written approval by the Agency.

FALSIFYING INFORMATION

1.10 No Person shall knowingly make false statements, representations, or certification in any application, record, report, plan, or other document provided to the Agency or required to be maintained pursuant to this Ordinance or Permit, or falsify, tamper with, or knowingly render inaccurate any monitoring device or method required under this Ordinance.

1.11 Reports and other documents required to be submitted or maintained pursuant to this Ordinance shall be subject to applicable federal law, including 18 U.S.C. Section 1001 and Section 309(c) of the Clean Water Act (33 U.S.C Section 1319(c)).

RIGHT OF REVISION

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

VALIDITY

1.13 If any part of this Ordinance is held invalid, the invalidity of that part shall not affect the validity of any other part of this Ordinance.

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SECTION 2 – DISCHARGE PROHIBITIONS AND LIMITATIONS

GENERAL LIMITATIONS ON NON-RECLAIMABLE WASTEWATER

2.1 No Person shall discharge or cause to be discharged to the Disposal System a quantity or quality of material, which will cause damage to any part of the Disposal System, cause abnormal maintenance of the Disposal System, or become a nuisance or a menace to public health. As used herein, "excessive" shall mean any concentration or quantity of material or substance that may by itself or in combination with other discharges, create a hazard to maintenance personnel and/or cause physical damage to the Disposal System or cause the Disposal Agency to violate State or Federal regulations.

No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local Pretreatment Standards or requirements.

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

(A) Any pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius) using the test methods specified in 40 CFR 261.21.

(B) Any waste containing excessive concentrations of toxic or poisonous solids, liquids or gases in such quantities that, alone or in combination with other waste substances, may create a hazard for humans, animals or the environment, interfere detrimentally with wastewater treatment processes, cause a public nuisance, or cause any hazardous condition to occur in the POTW.

1. Any waste having at any time a pH lower than 6.0 or greater than 12.4, or having any corrosive or detrimental characteristics that may cause injury to wastewater treatment or maintenance personnel or may cause damage to the POTW or equipment.

2. Any solids or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in Interference, but in no case solids greater than three-eighths inches (3/8”) in any dimension. These objectionable substances include, but are not limited to asphalt, concrete, dead animals, offal, ashes, sand, mud, straw, industrial process shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, bones, hair and fleshing, entrails, paper dishes, paper cups, milk containers, or other similar paper products, either whole or ground.

(C) Any rainwater, storm water, groundwater, artesian well water, street drainage, sub-surface drainage, roof drainage, yard drainage, water from yard fountains, ponds or lawn sprays or any other uncontaminated water, except where prior approval for such discharge of water is given by the General Manager.

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(D) Any water added for the purpose of diluting wastes which would otherwise exceed applicable maximum concentration limitations.

(E) Petroleum oil, non-biodegradable cutting oil, or products of mineral origin, in amounts that form persistent water emulsions or that will cause Interference or Pass Through.

(F) Any wastes containing excessive quantities or concentrations, as defined by the General Manager, of non-biodegradable oil, petroleum oil, refined petroleum products, dispersed biodegradable oils, fats and greases, such as lard, tallow, or vegetable oil.

(G) Trucked or hauled pollutants, except at discharge points designated by the General Manager in accordance with Section 7 of this Ordinance.

(H) Any waste containing excessive quantities or concentrations, as defined by the General Manager, of dissolved or un-dissolved solids.

(I) Pollutants, including oxygen-demanding pollutants (BOD, COD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW.

(J) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair.

(K) Any wastes containing dissolved sulfides above a concentration of 0.1 milligram per liter (mg/l) or wastes that contribute to excessive sulfide production in the Disposal System.

(L) Any wastes containing excessive quantities or concentrations, as defined by the General Manager, of dissolved silica, dissolved aluminum, or other substances including high pH material which cause incrustations, scale, or precipitates on sewer walls or other adverse effects on the Disposal System.

(M) Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(N) Wastewater having a temperature greater than 140° Fahrenheit (60° Celsius), or which will inhibit biological activity in the treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104° Fahrenheit (40° Celsius).

(O) Any waste containing excessive amounts of toxic organic, chlorinated hydrocarbon, or organic phosphorus-type compounds.

(P) Any waste containing substances that may precipitate, solidify gel, polymerize, or become viscous under conditions normally found in the Disposal System.

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(Q) Any waste producing excessive discoloration of wastewater or treatment plant effluent.

(R) Any wastes containing excessive quantities or concentrations, as defined by the General Manager, of iron, boron, chromium, phenols, plastic resins, copper, nickel, zinc, lead, mercury, cadmium, selenium, silver, arsenic, manganese or any other materials toxic to humans, animals, the local environment, or to biological or other wastewater treatment processes.

(S) Any single pass cooling or heating water. Single pass means the water is circulated once through the equipment that uses the water for heating or cooling purposes.

(T) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations.

(U) Any recognizable portion of the human anatomy.

(V) Any waste containing detergents, surface-active agents, or other substances, which may cause excessive foaming in the Disposal System.

(W) Any blow-down or bleed water from cooling towers or other evaporative coolers exceeding one-third of the makeup water.

(X) Any solid wastes from hospitals, clinics, offices of medical doctors, convalescent homes, medical laboratories or other medical facilities including, but not limited to, hypodermic needles, syringes, instruments, utensils or other paper and plastic items of a disposable nature.

(Y) Any infectious wastes unless approved by the Disposal Agency and the General Manager.

(Z) Any wastes containing excessive quantities or concentrations of thiosulfate or any other waste constituent which requires chemical applications above levels used in the normal operation of the Disposal System or the Disposal Agency's treatment system.

(AA) Any excessive quantities of de-ionized water, steam, condensate, or distilled water.

(BB) Any waste containing excessive quantities or concentrations of ammonia.

(CC) Any waste containing excessive quantities or concentrations of chlorides, fluorides, sulfates, borates, or any other materials that can "Pass Through" treatment facilities and degrade water quality or limit reuse of wastewater.

(DD) Any waste containing excessive quantities or concentrations of benzene or other volatile organic compounds or any other waste constituent that alone or in combination with other materials adversely affects air quality.

PROPOSED

(EE) Any waste containing excessive quantities or concentrations of per- and polyfluoroalkyl substances (PFAS).

The Agency and/or LACSD may establish quantitative or other limitations applicable to Non-Reclaimable Wastewater when, in their judgment, it is necessary to protect the Disposal System. Non-Reclaimable Wastewater or industrial wastewater discharges in excess of the limits established by the Agency and/or LACSD or any state law or applicable Federal Categorical Pretreatment Standard shall constitute excessive concentrations or quantities prohibited by this Section. The Agency and/or LACSD shall promulgate and maintain a list of limitations established for restricted wastes, which are generally applicable to all Dischargers and shall provide such lists to all Users and potential Users.

The Agency and/or LACSD may establish quantitative limitations for Dischargers which, because of their location, quantity or quality of discharge, can degrade the quality of wastewater treatment plant effluent, residuals, or air quality to a level that prevents or inhibits Agency and/or LACSD efforts to reuse or dispose of the water, or residuals, or causes any unusual operation or maintenance problems in the Disposal System.

PROPOSED

SECTION 3 – OBTAINING THE ABILITY TO DISCHARGE INTO THE NON-RECLAIMABLE WASTEWATER SYSTEM

Any Person desiring to use the NRWS may request such use through application to the Agency to acquire Capacity Units through a Capacity Right Agreement per the IEUA Brine Line System Rate Structure Resolution adopted by the IEUA Board of Directors.

PROPOSED

SECTION 4 – OBTAINING THE ABILITY TO DISCHARGE INTO THE ETIWANDA WASTEWATER LINE (EWL)

Any Person desiring to use the EWL may request such use through application to the Agency to acquire Capacity Units through a Capacity Right Agreement per the IEUA Brine Line System Rate Structure Resolution adopted by the IEUA Board of Directors.

PROPOSED

SECTION 5 – BILLING OF SERVICE COSTS FOR THE NRWS & EWL

The User shall pay the Agency for the cost of providing NRWS and EWL service and for costs imposed upon the Agency by LACSD to pay its proportional share of the costs for the wastewater disposal, including the treatment of non-conventional industrial wastewater constituents into the NRWS and EWL, and any other charges related to the wastewater disposal and operations of the NRWS and EWL.

The User shall pay the Agency all applicable billing component costs in conformance with the IEUA Brine Line System Rate Structure Resolution adopted by the IEUA Board of Directors.

PROPOSED

SECTION 6 – CONNECTION TO NRWS OR EWL

PIPELINE CONSTRUCTION

Each Person acquiring capacity in the Disposal System shall be entitled to a direct connection and/or a main extension to the Disposal System. The location of the connection and/or the main extension, meter vault, and plant-site connection will be determined by the Agency. All plans and designs for pipeline extensions; pipeline connections and appurtenant structures shall be submitted
6.1 to the Agency for review and approval. The plans submitted shall be designed according to Agency standards and certified by a professional engineer registered in the State of California. The User shall provide all easements determined by the Agency to be necessary for the installation, inspection, testing, and maintenance of the pipeline, meter vault, and plant-site connection. All meters and recording devices shall be approved by the Agency and paid for by the User for each connection to the Disposal System. The User shall be required to deposit with the Agency the estimated cost of all meters and recording devices and any excess cost of pipeline installation prior to issuance of the Permit by the Agency. The Agency shall have the continuing right to enter the plant-site to inspect pipeline extensions, connections, meters, and recording devices and to inspect the User's in-plant installations for segregation, storage, and treatment of Non-Reclaimable Wastewater to assure compliance with Permit conditions imposed by the Agency.

Pipeline extensions shall be constructed with a minimum pipe diameter of eight (8) inches. The Agency shall have the right to increase the diameter size of any pipeline extension at the time of construction thereof. In the event the Agency increases the diameter size of any extension in excess of the minimum size, or in excess of the pipe diameter required solely for a User's discharge, the Agency shall bear the percentage of the total cost thereof which is equal to the percentage of the total capacity in the enlarged extension which exceeds either the User's capacity requirement, or the capacity of an eight-inch (8") diameter pipeline, whichever is greater.

6.2

WASTEWATER DISCHARGE PERMITS

(A) PERMITS

(1) No Person shall discharge or cause the discharge of Industrial Wastewater to the Disposal System without first obtaining a Permit. Permits and associated waste discharge requirements issued for wastes discharged into the Disposal System are limited to those wastes which originate within the Agency Service Area unless otherwise approved by the Agency and LACSD.

(2) No Person shall discharge Industrial Wastewater in excess of the quantity or quality discharge limitations stated in the Permit. The Agency may issue a Permit provided that all other requirements of this Ordinance and local, State, and Federal regulations have been met. A Person may request a Permit through completion and submittal to the Agency of a Permit application and payment of the required application fees. Application forms shall be provided by the Agency. Applications shall be signed and certified in accordance with Section 7.1 (Q). The Permit shall set forth terms and conditions for the waste to be discharged as may be determined by the Agency and LACSD.

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(3) Prior to issuance of a Permit, the Agency and LACSD shall determine if the proposed Industrial Wastewater discharge will comply with all applicable wastewater quality standards. Based upon this assessment, the Agency and LACSD may issue the Permit to allow the discharge, subject to conditions imposed by the Agency pursuant to Section 7 of this Ordinance.

(4) Prior to commencing any change in Industrial Wastewater quantity or quality or making any process modifications, a Permit holder must notify the Agency and, if applicable, apply for and receive a new Permit.

SPECIAL WASTE DISCHARGE PERMITS

6.3 Should the General Manager determine that a proposed discharge to the Disposal System is appropriate due to special circumstances not generally applicable to an existing User, the General Manager may authorize the discharge under a Special Permit. The Permit shall set forth the terms and conditions for discharge as may be determined by the Agency and LACSD.

SPECIAL STUDIES

6.4 Special studies may be required in the processing of a Capacity Right application, Permit, or a Permit update. In the event a special study is required, the Agency shall notify the applicant or the User of the Disposal System, in writing, of the need for the special study, and what parameters shall be addressed in the study. If the Agency performs the study, the applicant or User shall deposit with the Agency the estimated cost of performing said study. All costs shall be borne by the applicant or User. Final costs will be based upon actual costs incurred by the Agency.

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SECTION 7 – USER PERMIT CONDITIONS

7.1 CONDITIONS APPLICABLE TO ALL USERS

(A) FEDERAL, STATE AND LOCAL REQUIREMENTS - A Discharger shall comply with all applicable Federal regulations or Pretreatment Standards, contained in 40 CFR 403-471 and all amendments thereto or any applicable more stringent State regulations or standards contained in California Water Code Sections 13000 et. seq. and all amendments thereto, and all local regulations and standards, including but not limited to those contained in the Permit and in this Ordinance.

(B) DUTY TO COMPLY - The Discharger shall comply with all conditions of the Permit. Any Permit non-compliance constitutes a violation of the Ordinance and is grounds for enforcement action as provided for in Section 8. The Discharger shall comply with effluent standards or prohibitions established under Section 307 (a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the Permit has not yet been modified to incorporate the requirement.

(C) NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE - It shall not be a defense for a Discharger in an enforcement action that it would be necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the Permit.

(D) PERMIT ACTIONS - The Permit may be modified or amended for cause. The Permit may be suspended, for cause as set forth in Sections 8.2 and 8.4. The Permit may be revoked for cause as set forth in Section 8.5. The filing of a request by the Discharger for a Permit modification, reissuance, or a notification of planned changes or anticipated non-compliance does not stay any Permit condition.

(E) DUTY TO PROVIDE INFORMATION - The Discharger shall furnish to the General Manager, within a reasonable time, any documents or records maintained by the Discharger which the General Manager may request to determine whether cause exists for modifying, revoking, reissuing, or to determine compliance with the Permit. The Discharger shall also furnish to the General Manager upon request, copies of records required to be kept by the Permit.

(F) CONTINGENCY PLAN - All Users shall be required to produce and submit to the Agency a Contingency Plan. The Contingency Plan shall detail the User's plan for shut down of discharge of wastewater to the NRWS or EWL in the event of an emergency or a temporary scheduled shutdown of the Disposal System. The Contingency Plan shall be updated regularly, as stipulated in the User's Permit.

(G) SAMPLE ANALYSIS - All samples, sample preservation and handling, measurements, tests, and analyses under this Ordinance or a Permit, required to determine the characteristics of wastes discharged to the Disposal System shall be made in accordance with the test procedures described in 40 CFR 136 of the EPA

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regulations. Any alternate test procedures desired by the Discharger shall be approved by the General Manager, the respective Disposal Agency, and EPA Region IX Administrator.

(H) REOPENER CLAUSE - The Permit shall be modified to incorporate an applicable standard or limitation which is promulgated or approved after the Permit is issued if that standard or limitation is more stringent than the limitation in the permit, or controls a Pollutant not limited in the Permit.

(I) MODIFICATIONS OF PERMITS - The Permit may be modified or amended to require corrections or allow for changes in the permitted activity. The General Manager may upon reasonable notice to the User, change or modify the restrictions or conditions of a permit from time to time to effectuate the purposes of this Ordinance. Alternatively, the General Manager may require the User to apply for a new or revised Industrial Wastewater Discharge Permit. The General Manager shall allow a User a reasonable period of time to comply with any changes required in the Permit.

(J) AVAILABILITY OF REPORTS - Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of the Permit shall be available for public inspection after approval by the General Manager. Permit applications, Permits, and effluent data shall not be considered confidential.

(K) REMOVED SUBSTANCES - Regulated wastes or other pollutants removed in the course of Pretreatment or control of wastewaters shall be properly disposed of in a manner such as to prevent any pollutant from such materials from entering the Disposal System.

(L) CONFIDENTIALITY - All information provided by a Discharger or obtained by the Agency through monitoring and inspection shall be made available without restriction, unless the Discharger specifically requests confidentiality and can demonstrate to the Agency that release of such information will violate the Discharger's right to protection of trade secrets. Wastewater quantity and quality data shall not be treated as Confidential Information. Information determined by the Agency to be confidential shall not be disclosed without providing the Discharger with a reasonable opportunity to seek judicial protection from such release.

(M) SEVERABILITY - The provisions of the Permit are severable, and if any provision of the Permit, or the application of any provision of the Permit to any circumstance, is held invalid, the application of such provision to other circumstances, and remainder of the Permit, shall not be affected thereby.

(N) PERMIT DURATION AND DUTY TO RE-APPLY - Permits shall be issued for a specified time period, not to exceed five years. The Discharger shall submit a new Permit application with appropriate fees one hundred eighty (180) days before the existing Permit expires.

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(O) PERMIT TRANSFER - A permit is not transferable to a new business location or to a new business or to the new owner of an existing business. A User shall immediately notify the Agency and respective Disposal Agency in writing of any change in the name or legal capacity of the User. The new owner shall be required to apply for a new Permit.

(P) TERMINATION OF PERMIT - The Permit may be voidable by the General Manager and/or LACSD upon non-use, cessation of operations, transfer of business ownership, or the issuance of a new Permit for the same sewer connection.

(Q) SIGNATORY REQUIREMENT - All Permit applications and reports required by the Agency shall be signed by an Authorized Representative of the User or Discharger. Electronic signatures may be accepted provided that the Authorized Representative has executed a Subscriber Agreement with the Agency. Electronic submission of reports subject to 40 CFR Part 3 shall be permitted only through an Agency-approved electronic reporting system that complies with applicable regulatory requirements. Any Person signing such documents shall make the following certification:

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

(R) DISCHARGE LIMITS - No Person shall discharge, or cause to be discharged, Non-Reclaimable Wastewater in excess of the quantity or quality discharge limitations stated in the Permit.

(S) PROPER OPERATION AND MAINTENANCE - The Discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Discharger to achieve compliance with the conditions of the Permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a Discharger when the operation is necessary to achieve compliance with the conditions of the Permit.

(T) CALIBRATION - The Discharger's wastewater sampling analysis and flow measurement procedures, equipment, and results shall be subject to inspection by the Agency at any time. Wastewater monitoring and flow measurement facilities shall be properly operated, calibrated, and maintained in good working order at all times by the Discharger, in accordance with Agency guidelines. The failure of a Discharger to keep approved wastewater monitoring facilities clean and in good

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working order shall not be grounds for the Discharger to claim that any sample results are unrepresentative of the Discharger's wastewater.

(U) NOTIFICATION OF CHANGED DISCHARGE - All Dischargers shall promptly notify the Agency and the respective Disposal Agency in advance of any substantial change in the volume or character of pollutants in their discharge, including listed or characteristic hazardous wastes for which the Discharger has submitted notification under Section 7.14 of this Ordinance. Individual permit conditions shall be contained in user's permit.

OTHER PERMIT CONDITIONS AND LIMITATIONS

The Permit may contain any of the following conditions or limitations:

7.2

(A) Limits on rate and time of discharge or requirements for flow regulations and equalization.

(B) Requirements for submission of technical reports, production data, and/or waste manifests.

(C) Requirements to self-monitor including the sampling of wastes and/or wastewaters.

(D) Predetermined rates or values for wastewater strength characteristics.

(E) Requirements to submit copies of tax and/or water bills.

(F) Other provisions which may be applicable to ensure compliance with the Ordinance.

(G) Other terms and conditions determined by the General Manager to be necessary to protect the NRWS and EWL.

(H) All facilities regulated under 40 CFR 437 – The Centralized Waste Treatment (CWT) Subcategory shall batch discharge treated wastewater, unless waived by the General Manager.

7.3

7.4 **CIVIL AND CRIMINAL LIABILITY**

Nothing in the Permit shall be construed to relieve the User from civil or criminal liabilities.

INSPECTION AND ENTRY

(A) The Agency and/or LACSD shall be authorized at any reasonable time to enter the Premises of all Users to determine compliance with all applicable requirements, to inspect facilities and monitoring equipment, take photographs and to take samples of the wastes discharged to the Disposal System, insofar as such inspection and sampling is reasonably related to enforcement and compliance with this Ordinance and the Users' Permit conditions, requirements and discharge limitations. Such

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inspection shall also include the right to inspect and copy records required to be maintained by the Permittee under federal, state, or local permit requirements.

(B) Inspection may include every facility that is directly or indirectly involved with the discharge of Non-Reclaimable Wastewater to the Disposal System as determined by the Agency and/or LACSD.

(C) Authorized personnel of the Agency and/or LACSD shall be provided immediate access to all of the above facilities. No Person shall interfere with, delay, resist or refuse entrance to authorized Agency and/or LACSD personnel attempting to inspect any facility involved directly or indirectly with a discharge of Non-Reclaimable Wastewater to the Disposal System.

(D) Adequate identification will be provided to all inspectors, monitoring personnel and other authorized personnel, and these persons will make themselves known when entering any User's property for inspection or sampling purposes.

(E) Any permanent or temporary obstruction to the safe and easy access to any sewage facility to be inspected shall promptly be removed by the User or property owner at the written or verbal request of the Agency and/or LACSD and shall not be replaced.

(F) Where a User has security measures in force which require proper identification and clearance before entry into its Premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Agency and/or LACSD personnel shall be permitted to enter without delay for the purposes of performing specific responsibilities.

(G) Unreasonable delays in allowing the Agency and/or LACSD personnel access to the User's Premises shall be a violation of this Ordinance.

7.5

SEARCH WARRANTS

If the General Manager has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Agency and/or LACSD designed to verify compliance with this ordinance
7.6 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 a search or inspection warrant from a court of competent jurisdiction.

ACCIDENTAL DISCHARGE PREVENTION

All Dischargers shall provide protection from the accidental discharge of prohibited materials or other substances regulated by this Ordinance. When required by the Agency, the Discharger shall develop an accidental discharge prevention plan to be approved by the General Manager. Facilities required to prevent accidental discharges shall be provided and maintained at the Discharger's own expense.

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MONITORING FACILITIES

7.7

(A) Any Discharger who discharges Industrial Wastes and/or Non-Reclaimable Wastewater as defined herein, to the Disposal System may be required by the General Manager to provide, at his own expense, sampling and flow measurement of such discharge. Flowmeter installation and calibration shall be per the *IEUA Industry Flow Measurement Requirement.* The General Manager shall approve the Monitoring Facility. The General Manager may require that the entire Monitoring Facility or any portion of the required monitoring facilities be owned and maintained by the Agency. If the General Manager requires Agency ownership of a Monitoring Facility the Discharger shall warrant the facility against any defects and improper installation of the facility and its equipment for a period of one year after completion of construction and approval of proper construction and operation by the Agency.

(B) Agency owned monitoring facilities should be situated within an easement on the Discharger's Premises adjacent to the street, but the General Manager, may, when such location would be impractical or cause undue hardship on the Discharger, allow the facility to be constructed in the public street or sidewalk area located so that it will not be obstructed by landscaping or parking vehicles, provided that appropriate permits are obtained by the Discharger from the appropriate local agency or agencies.

(C) There shall be ample room in or near a Monitoring Facility to allow accurate sampling and preparation of samples for analysis. All plans and construction of a Monitoring Facility shall be approved by the Agency. Access to monitoring facilities not owned by the Agency shall be granted immediately upon request during any time the Discharger's business is open, any time wastewater is being discharged and at any reasonable time.

(D) Dischargers whose security procedures or plant configurations restrict or delay access to the approved facility monitoring location shall provide an approved secured Monitoring Facility, which is directly accessible to Agency's personnel

7.8

without having to pass through other, secured property of the Discharger. The costs of providing facilities with such access shall be borne by the Discharger.

COMPLIANCE SCHEDULES

If the General Manager determines that additional Operations and Maintenance (O&M) or Pretreatment of Industrial Waste and/or Non-Reclaimable Wastewater is required for a Discharger to comply with applicable Federal Categorical Pretreatment Standards, other federal discharge requirements, State limitations, local limitations, or permit requirements, the General Manager may issue a schedule by which the Discharger shall provide such O&M or Pretreatment. In no instance shall this compliance as described in the compliance schedule supersede the compliance date established for an applicable Federal Categorical Pretreatment Standard, nor shall it waive the Agency's right to take timely enforcement action for non-compliance with a Federal Categorical Pretreatment Standard.

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MONITORING REPORTS AND RECORD KEEPING

7.9 All Significant Industrial Users, as defined by 40 CFR 403.3(v), shall be required to submit to the Agency, in a manner described in the permit application and/or the permit, all reports required by the Federal Regulations in 40 CFR 403.12 including baseline monitoring, compliance schedule progress, final compliance, periodic reports on continued compliance and any other reports as required in the Permit. The General Manager may require any Discharger to submit any or all of the above reports or other reports related to the discharge quality or quantity, or reports as needed to correct discharge violations or other discharge related issues. All reports or information submitted to the General Manager shall be signed and certified pursuant to Section 7.1 (Q) herein.

(A) The Agency may authorize the electronic submission of reports and other documents required under this Ordinance through an Agency-approved electronic reporting system, provided that such system complies with 40 CFR Part 3 (Cross-Media Electronic Reporting Rule, CROMERR), to the extent applicable, and all required regulatory approvals have been obtained. Users electing to submit documents electronically shall comply with the Agency's registration, electronic signature, Subscriber Agreement, and submission requirements. Electronic submissions shall be deemed received in accordance with the procedures established by the Agency for its approved electronic reporting system.

(B) Any request by the User to change the reported quantity or quality data already reported by the User must be made within forty-five (45) days from the required submittal date of the self-monitoring report. After the forty-five (45) day period, the reported data shall become final and any request for variation or adjustment to the User's bill will not be considered. Any credit due to the User as a result of a requested change shall not exceed forty-five (45) days.

(C) If a Discharger monitors any pollutant from the legal sampling location more frequently than required by a Permit, the results of the monitoring shall be included in the applicable periodic monitoring report.

(D) Record keeping for each compliance sample taken shall, at a minimum, include the type of container used, sample preservation used, test method used, results of test analysis, date of analysis for each parameter, name of the Person taking the sample, name of technician performing the analysis and signature of the Director or duly Authorized Representative of a State Certified Laboratory.

7.10 (E) All Dischargers shall be required to retain records with respect to quantity and quality of flow and other data as indicated in the permit for at least three (3) years following sampling and analysis or other data generation.

SLUG CONTROL REQUIREMENTS

The General Manager shall evaluate whether each user needs an accidental discharge/Slug Discharge control plan or other actions to control Slug Discharge. The General Manager may require any User to develop, submit for approval, and implement such a plan or take such other

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action that may be necessary to control Slug Discharge. All Users are required to notify the General Manager immediately of any changes at its facility affecting potential for a Slug Discharge. An accidental discharge/Slug Discharge control plan shall address, at a minimum, the following elements:

(A) Description of discharge practices, including non-routine batch Discharges;

(B) Description of stored chemicals;

(C) Procedures for immediately notifying the Agency of Slug Discharges, including any discharge that would violate a prohibition under 40 CFR 403.5(b) with procedures for follow-up written notification within five (5) days; and

(D) If necessary, procedures to prevent adverse impact from accidental spills 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 run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

7.11 NOTIFICATION OF ACCIDENTAL DISCHARGE, SLUG DISCHARGE OR OTHER NON-COMPLIANCE

In the event of an accidental discharge, Slug Discharge or any other non-compliance, the Discharger shall follow these notification procedures:

(A) IMMEDIATE NOTIFICATION - In the event of upset, accidental discharge, spill, or Slug Load which may endanger health, welfare, the environment, the Disposal System, or the facilities of a Disposal Agency, the Discharger shall notify the Agency and the Disposal Agency immediately upon discovery of the occurrence. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions both performed and planned.

(B) TWENTY-FOUR HOUR NOTIFICATION - The Discharger shall notify the Agency of the circumstances surrounding any discharge, which exceeds any maximum discharge limitation for any of the pollutants listed in the Permit or Ordinance within twenty-four (24) hours following discovery of the discharge violation.

(C) FOLLOW-UP - Within five (5) days following notification pursuant to Sections 7.11(A) and/or 7.11(B), the Discharger shall submit to the General Manager a detailed written report containing information describing the cause of the discharge and measures to be taken by the Discharger to prevent similar future occurrences. Such notification shall not relieve the Discharger of any expense, loss, damage, fines, civil penalties or other liability, which may be incurred as a result of damage to the Disposal System or facilities of a Disposal Agency, or any other liability, which may be imposed pursuant to this Ordinance or other applicable law.

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ANALYSIS TO DEMONSTRATE CONTINUED COMPLIANCE

Should testing and analysis of a sample obtained by the Discharger indicate a discharge violation, the Discharger shall notify the Agency within twenty-four (24) hours of becoming aware of the violation and repeat the sampling and analysis and submit the results to the Agency within thirty (30) days of becoming aware of the violation.

7.12

BYPASS

(A) Bypass is prohibited and the Agency shall take enforcement action against a Discharger, unless:

7.13

(1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(2) There were no feasible alternatives to the Bypass, such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment down time. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a Bypass which occurred during normal periods of equipment down time or preventative maintenance; and

(3) The Discharger submitted notice as required in Section 7.13(B).

(B) If a Discharger knows in advance of the need for a Bypass, the Discharger shall submit prior notice to the Agency and the respective Disposal Agency at least ten (10) days before the date of the Bypass.

(C) The Agency may approve an anticipated Bypass, after considering its adverse effects, if the Agency determines that it will meet the conditions listed in Section 7.13(A)(1-3).

(D) A Discharger shall verbally notify the Agency and the respective Disposal Agency of an unanticipated Bypass within twenty-four (24) hours from the time the Discharger becomes aware of the Bypass. The Discharger shall submit a written report to the Agency and the respective Disposal Agency, within five days of the time the Discharger becomes aware of the Bypass. The written report shall contain a description of the Bypass and its cause, the duration of the Bypass including exact dates and times, and if the Bypass has not been corrected, an estimate of the anticipated time the Bypass is expected to continue and the steps planned to reduce, eliminate, and prevent recurrence of the Bypass. The Agency may waive the written report on a case-by-case basis if the verbal notification has been received within twenty-four (24) hours.

(E) Notification provided pursuant to Section 7.13 shall not relieve the Discharger of any expense, loss, damage, or other liability which may be incurred as a result of

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damage or loss to the Agency or any other damage or loss to Person or property; nor shall such notification relieve the Discharger of any fees or other liability which may be imposed under this Ordinance or other applicable law.

NOTIFICATION OF HAZARDOUS WASTES IN NON-RECLAIMABLE WASTEWATER DISCHARGE

(A) Any User who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under 40 CFR 403.12(j). The notification requirement in this Section does not apply to pollutants already reported by Users subject to categorical Pretreatment Standards under the self-monitoring requirements of 40 CFR 403.12(b), (d), and (e). **7.14**

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

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

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

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

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SECTION 8 – ENFORCEMENT

NOTIFICATION OF VIOLATION

No Person shall violate any provision of this Ordinance. Whenever the General Manager finds that any Discharger has violated or is in violation of this Ordinance or its Permit, or any prohibition, limitation, or requirement herein, the General Manager shall notify the Discharger stating the nature of the violation and the enforcement action to be taken. The General Manager shall notify
8.1 the Discharger to correct the violation, specify actions to be taken to determine the cause of the violation, and require the submittal of a plan to satisfactorily correct the violation or require any other action which the General Manager determines is appropriate to correct the violation. Additional monitoring may be required to verify compliance.

EMERGENCY ACTION

8.2 (A) In the event of an emergency or other event(s) which, in the opinion of the General Manager, stops or restricts the intended use of the Non-Reclaimable Wastewater System, the General Manager may order an immediate cessation of the discharge. If a Discharger is required to stop or restrict the discharge, the Agency shall not incur any liability which may be a result of these events.

(B) If the General Manager determines that a violation constitutes a serious threat, of an immediate or emergency nature, to the health and welfare of the community or to the environment, or may cause Interference or Pass Through, or may cause the Agency to violate any State or Federal law, regulation or permit requirement, the General Manager may order an immediate cessation of the discharge and suspend the Dischargers' permission to discharge into the Disposal System. If the Discharger does not cease discharging at once, the General Manager may disconnect the Discharger from the Disposal System.

(C) If the cessation of discharge was ordered due to a violation, as soon as reasonably practicable following the issuance of a cessation order and/or suspension order, but in no event more than seven days following the issuance of such order, the General Manager shall hold a hearing to provide the Discharger an opportunity to present information in opposition to the issuance of the cessation or suspension order. The hearing shall be conducted in accordance with procedures established by the General Manager. The General Manager shall issue a written decision and order within seven days following the hearing. The decision shall be sent by commercial courier service or by certified mail to the Discharger and/or its legal
8.3 counsel/representative at the Dischargers' business address. Any cessation or suspension order included within the General Manager's written statement shall be deemed final upon delivery to the Discharger.

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 to be taken in the event of an emergency or other event(s), which are beyond the control

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of the Agency, LACSD, that stops or restricts the intended use of the Disposal System. Said plan shall include, but is not limited to the following:

(A) A list of names and telephone numbers of emergency contacts that can be reached twenty-four (24) hours a day. This shall be provided to the Agency semi-annually in January and June, or when there are significant changes in personnel.

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

PERMIT SUSPENSION

(A) GROUNDS

8.4

The General Manager may suspend any Permit when it is determined that a Discharger meets any of the following conditions:

(1) Fails to comply with the terms and conditions of an enforcement order.

(2) Knowingly provides a false statement, representation, record, report, or other document to the Agency.

(3) Refuses to provide records, reports, plans, or other documents required by the Agency to determine permit terms, conditions, limitations, discharge compliance, or compliance with this Ordinance.

(4) Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or sample collection method.

(5) Fails to report significant changes in operations or wastewater constituents and characteristics.

(6) Refuses reasonable access to the Permittee's premises for the purpose of inspection and monitoring.

(7) Does not make timely payment of all amounts owed to the Agency for User charges, non-compliance fees, or any other fees.

(8) Discharges Slug Loads to the Disposal System.

(9) Makes a material or substantial alteration or addition to the operational process, discharge volume, or discharge character, which is not covered in the effective permit.

(10) Violates any condition or limitation of its Permit or any provision of the Agency's Ordinance.

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(B) NOTICE/HEARING

(1) When the General Manager has reason to believe that grounds exist for Permit suspension, the General Manager shall give written notice thereof by commercial courier service or by certified mail to the Permittee setting forth a statement of the facts and grounds deemed to exist, together with the time and place where the charges shall be heard by the General Manager. The hearing date shall be not less than fifteen (15) calendar days and not more than forty-five (45) calendar days after the mailing of such notice.

(2) At the suspension hearing, the Permittee shall have an opportunity to respond to the allegations set forth in the notice by presenting written or verbal evidence. The hearing shall be conducted in accordance with procedures established by the General Manager and approved by the Agency's General Counsel.

(3) After the conclusion of the hearing, the General Manager shall make his determination, and should he find that grounds exist for suspension of the Permit, he shall issue his decision and order in writing within thirty (30) calendar days after the conclusion of the hearing. The written decision and order of the General Manager shall be sent by commercial courier service or by certified mail to the Permittee or its legal counsel/representative at the Permittee's business address.

(C) EFFECT

(1) Upon an order of suspension by the General Manager becoming final, the Permittee shall have no right to discharge any Industrial Wastewater, directly or indirectly to the Agency's system for the duration of the suspension. All costs for physically terminating and reinstating service shall be paid by the Permittee.

(2) Any owner or responsible management employee of the Permittee shall be bound by the order of suspension.

(3) An order of permit suspension issued by the General Manager shall be deemed final upon delivery to the Permittee, unless appealed to the Board of Directors pursuant to Section 8.6(B).

8.5

PERMIT REVOCATION

(A) GROUNDS

The General Manager may revoke any Permit when it is determined that a Discharger meets any of the following conditions:

(1) Knowingly provides a false statement, representation, record, report, or other document to the Agency.

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(2) Refuses to provide records, reports, plans, or other documents required by the Agency to determine Permit terms, conditions, or limitations, discharge compliance, or compliance with this Ordinance.

(3) Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or sample collection method.

(4) Fails to report significant changes in operations or wastewater constituents and characteristics.

(5) Fails to comply with the terms and conditions of an enforcement or Permit suspension order.

(6) Discharges effluent to the Agency's sewerage system while its Permit is suspended.

(7) Refuses reasonable access to the Permittee's premises for the purpose of inspection and monitoring.

(8) Does not make timely payment of all amounts owed to the Agency for User charges, non-compliance fees, or any other fees.

(9) Discharges a Slug Load to the Agency's sewerage system.

(10) Discharges effluent that causes Pass Through or Interference with the Agency's collection, treatment, or Disposal System.

(11) Fails to submit verbal notice or written report of Bypass occurrence.

(12) Makes a material or substantial alteration or addition to the operational processes, discharge volume, or discharge character which was not covered in the effective Permit.

(13) A change in any condition that requires an elimination of the authorized discharge.

(14) Ceases operation and discharge of the permitted wastewaters as a result of a closure of business.

(15) Violates any condition or limitation of its Permit or any provision of the Agency's Ordinance.

(B) NOTICE/HEARING

(1) When the General Manager has reason to believe that grounds exist for the revocation of a Permit, he shall give written notice by commercial courier service, or by certified mail thereof to the Permittee setting forth a statement

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of the facts and grounds deemed to exist together with the time and place where the charges shall be heard by the General Manager. The hearing date shall be not less than fifteen (15) calendar days or more than forty-five (45) calendar days after the mailing of such notice.

(2) At the hearing, the Permittee shall have an opportunity to respond to the allegations set forth in the notice by presenting written or verbal evidence. The revocation hearing shall be conducted in accordance with the procedures established by the General Manager and approved by the Agency's General Counsel.

(3) After the conclusion of the hearing, the General Manager shall make his determination and should he find that grounds exist for permanent revocation of the Permit, he shall issue his decision and order in writing within thirty (30) calendar days after the conclusion of the hearing. The written decision and order of the General Manager shall be sent by commercial courier service or by certified mail to the Permittee or its legal counsel/representative at the Permittee's business address.

(4) In the event the General Manager determines to not revoke the permit, he may order other enforcement actions, including, but not limited to, a temporary suspension of the Permit, under terms and conditions that he deems appropriate.

(C) EFFECT

(1) Upon an order of revocation by the General Manager becoming final, the Permittee shall permanently lose all rights to discharge any Industrial Wastewater directly or indirectly to the Agency's system. All costs for physical termination shall be paid by the Permittee.

(2) Any owner or responsible management employee of the Permittee shall be bound by the order of revocation.

(3) Any future application for a Permit at any location within the Agency by any Person subject to an order of revocation will be considered by the Agency after fully reviewing the records of the revoked Permit, which records may be the basis for denial of a new Permit.

8.6

(4) An order of Permit revocation issued by the General Manager shall be deemed final upon delivery to the Permittee, unless appealed to the Board of Directors pursuant to Section 8.6(B).

APPEALS

(A) APPEALS TO THE GENERAL MANAGER

(1) General - Any User, Permit applicant, or Discharger affected by any decision, action or determination made by the General Manager's staff may

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file with the General Manager a written request for an appeal hearing. The request must be made within fifteen (15) days of mailing of the staff's original decision. The request for hearing shall set forth in detail all facts supporting the appellant's request.

(2) Notice - The General Manager shall, within fifteen (15) days of receiving the request for appeal, provide written notice to the User of the hearing date, time and place. The hearing date shall not be more than 30 days from the mailing of such notice by commercial courier service, or by certified mail to the appellant unless a later date is agreed to by the appellant. If the hearing is not held within said time due to actions or inactions of the appellant, then the staff decision shall be deemed final.

(3) Hearing - At the hearing, the appellant shall have the opportunity to present information supporting its position concerning the staff's original decision, action or determination. The hearing shall be conducted in accordance with procedures established by the General Manager and approved by the Agency's General Counsel.

(4) Written Determination - After the conclusion of the hearing, the General Manager shall set forth a brief statement of facts found to be true, a determination of the issues presented, conclusions, and a recommendation whether to uphold, modify or reverse the staff's original decision, action or determination. The General Manager shall make his determination and shall issue his decision and order within thirty (30) calendar days of the hearing. The written decision and order of the General Manager shall be sent by commercial courier service or by certified mail to the appellant or its legal counsel/representative at the appellant's business address.

(5) The order of the General Manager shall be final in all respects fifteen (15) days after it is mailed to the appellant unless a request for hearing is filed with the Board of Directors pursuant to Section 8.6(B).

(B) APPEALS TO THE BOARD OF DIRECTORS

(1) General - If the General Manager's order is adverse to the User, Permit applicant, or Discharger, it may, prior to the date that the General Manager's order becomes final, file a written request for hearing to the Board of Directors. The request for hearing shall set forth in detail all the issues in dispute for which the appellant seeks determination and all facts supporting appellant's request.

(a) No later than sixty (60) days after receipt of the request for hearing, the Board of Directors shall either set the matter for a hearing or deny the request for a hearing.

(b) The Board of Directors shall grant all requests for a hearing on appeals concerning Permit suspension or revocation. Whether to

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grant or deny the request for a hearing on appeals of other decisions of the General Manager shall be at the sole discretion of the Board.

(c) A hearing shall be held by the Board within sixty-five (65) days from the date of determination granting a hearing, unless a later date is agreed to by the Discharger, User, or Permit applicant and the Board. If the matter is not heard within the required time, due to actions or inactions of the appellant, the General Manager's order shall be deemed final.

(2) Notice - The Board Secretary shall, within fifteen (15) days of the Board of Directors' determination, provide written notice to the appellant by commercial courier service, or by certified mail of the hearing date, time, and place, or the denial. If a hearing is denied, the General Manager's decision shall be final fifteen (15) days after the date such notice is mailed.

(3) Hearing - At the hearing, the appellant shall have the opportunity to present written or verbal evidence supporting its position concerning the original decision, action, or determination, in accordance with procedures established by the Board.

(4) Written Determination - After the hearing, the Board shall make a determination whether to uphold, modify, or reverse the staff's original decision, action, or determination as ordered by the General Manager.

(a) The decision of the Board shall be set forth in writing within sixty-five (65) days after the close of the hearing and shall contain a finding of the facts found to be true, the determination of issues presented, and the conclusions. The written decision and order of the Board shall be sent by commercial courier service or by certified mail to the appellant or its legal counsel/representative at the appellant's business address.

(b) The order of the Board shall be final upon its adoption. In the event the Board fails to reverse or modify the General Manager's order, it shall be deemed affirmed.

(c) The Agency's determination may also include issuance of an order to a Discharger responsible for violations, directing that following a specified period of time, sewer service be discontinued unless adequate Pretreatment facilities, devices or other related appurtenances shall have been installed and are properly operated. Such an order shall not relieve the violator of other penalties assessed for the period of violation. Further orders and directives as necessary and appropriate may be used. The Agency may seek injunctive relief in order to require compliance with all provisions of this Ordinance.

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INJUNCTION

Whenever a Discharger of wastewater is in violation of or may potentially violate the provisions of this Ordinance, the Discharger's permit conditions, or any Federal Pretreatment Standards or Requirements for Dischargers, as set forth in 40 CFR Part 403, or fails to submit required reports or refuses to allow the Agency entry to inspect the Premises, the Agency may petition the Superior
8.7 Court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate to restrain the continued violation, order corrective action and/or to prevent discharge violations by the Discharger.

CIVIL PENALTIES

(A) AUTHORITY

8.8

All Users of the Disposal System are subject to enforcement actions administratively or judicially by the Agency, U.S. EPA, State of California Water Resources or Regional Water Quality Control Boards, or the County of San Bernardino District Attorney. Said actions may be taken pursuant to the authority provisions of several laws, including but not limited to:

(1) Federal Water Pollution Control Act, commonly known as the Clean Water Act (33 U.S.C. Section 1251 et. seq.).

(2) California Porter-Cologne Water Quality Act (California Water Code Section 13000 et. seq.), and The California Government Code Section 54725 - et. seq.

(B) RECOVERY OF FINES OR PENALTIES

In the event the Agency is subject to the payment of fines, penalties or damages pursuant to the legal authority and actions of other regulatory or enforcement agencies or Disposal Agencies based on a violation of law or regulation or its permits, and said violation can be established by the Agency as caused by the discharge of any Discharger of the Disposal System which is in violation of any provision of the Agency's Ordinance, the User's permit, or any other applicable law or regulation relating to the discharge of Industrial Waste, the Agency shall be entitled to recover from the User all costs and expenses, including, but not limited to, the full amount of said fines, penalties, or damages to which it has been subjected.

(C) ORDINANCE

Pursuant to the authority of California Government Code Section 54739 - et. seq., any Person who violates any provision of this Ordinance; any permit condition, prohibition or effluent limitation; or any suspension or revocation order shall be liable civilly for a penalty not to exceed twenty-five thousand dollars ($25,000) for each day in which such violation occurs. The General Counsel of the Agency, upon

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order of the General Manager, shall petition the Superior Court to impose, assess, and recover such penalties.

(D) ADMINISTRATIVE CIVIL PENALTIES

(1) Pursuant to the authority of California Government Code Sections 54740.5 and 54740.6, the Agency may issue an administrative complaint to any Person who violates any provision of this Ordinance, any Permit condition, prohibition, or effluent limit; or any Permit suspension or revocation order.

(2) The administrative complaint shall be served by personal delivery or commercial courier service, or by certified mail on the Person subject to the provisions of Section 8.8(D)(1) and shall inform the Person that a hearing will be conducted on a date which shall be within sixty (60) days following service. The administrative complaint will allege the act or failure to act that constitutes the violation of the Agency's requirements, the provision of law authorizing a civil penalty. The matter shall be heard by the General Manager. The Person to whom an administrative complaint has been issued may waive the right to a hearing, in which case a hearing will not be conducted.

(3) At the hearing, the Person shall have an opportunity to respond to the allegations set forth in the administrative complaint by presenting written or verbal evidence. The hearing shall be conducted in accordance with the procedures established by the General Manager and approved by the Agency's General Counsel.

(4) After the conclusion of the hearing, the General Manager shall make his determination and should he find that grounds exist for assessment of a civil penalty against the Person, he shall issue his decision and order in writing within thirty (30) calendar days after the conclusion of the hearing.

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

(6) Civil penalties may be assessed as follows:

(a) In an amount which shall not exceed two thousand dollars ($2,000) for each day for failing or refusing to furnish technical or monitoring reports;

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(b) In an amount that shall not exceed three thousand dollars ($3,000) for each day for failing or refusing to timely comply with any compliance schedules established by the Agency;

(c) In an amount that shall not exceed five thousand dollars ($5,000) per violation for each day of discharge in violation of any waste discharge limit, Permit condition, or requirement issued, reissued or adopted by the Agency; and

(d) In any amount, which does not exceed ten dollars ($10) per gallon for discharges in violation of any Permit suspension, Permit revocation, cease and desist order or other orders, or prohibition issued, reissued or adopted by the Agency.

(7) An order assessing administrative civil penalties issued by the General Manager shall be final in all respects on the thirty-first (31st) day after it is served on the Person unless an appeal and request for hearing is filed with the Board pursuant to Section 8.6(B) no later than the thirtieth (30th) day following such mailing. An order assessing administrative civil penalties issued by the Board shall be final upon issuance.

(8) Copies of the administrative order shall be served on the party served with the administrative complaint, either by personal service, commercial courier service, or by registered mail to the Person at his business or residence address, and upon other Persons who appeared at the hearing and requested a copy of the order.

(9) Any Person aggrieved by a final order issued by the Board, after granting review of the order of the General Manager, may obtain review of the final order of the Board in the superior court, pursuant to Government Code Section 54740.6, by filing in the court a petition for writ of mandate within thirty (30) days following the service of a copy of the decision or order issued by the Board.

(10) Payment on any order setting administrative civil penalties shall be made within thirty (30) days after the date the order becomes final. The amount of any administrative civil penalties imposed, which have remained delinquent for a period of sixty (60) days, shall constitute a lien against the real property of the Discharger from which the discharge resulting in the imposition of the civil penalty originated. The lien shall have no effect until recorded with the county recorder. The Agency may record the lien for any unpaid administrative civil penalties on the ninety-first (91st) day following the date the order becomes final.

(11) No administrative civil penalties shall be recoverable under Section 8.8(D) for any violation for which the Agency has recovered civil penalties through a judicial proceeding filed pursuant to Government Code Section 54740.

PROPOSED

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) or imprisonment for not more than six (6) months,
8.9 or both for each violation. This penalty is to be consistent with the Federal Clean Water Act, 33 U.S.C. 1251, et seq. and amendments thereto, and shall apply to the exclusion of any other Ordinance provision more lenient. Each such User shall be deemed guilty of a separate violation for each day any violation of any provision of this Ordinance or Wastewater Discharge Permit is committed or continued by such User.

(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) per violation per day or imprisonment for not more than six (6) 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.

8.10 **NON-COMPLIANCE COSTS**

The Agency may recover its costs incurred in processing notices of violation and in performing sampling, monitoring, laboratory analysis related to any violations of the Ordinance or Permit by any Discharger or User.

Non-compliance costs shall be in addition to and not in lieu of any civil or criminal liability
8.11 specified in this Ordinance.

RECOVERY OF COSTS FOR DAMAGE

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

PUBLICATION OF NAMES OF USERS IN SIGNIFICANT NON-COMPLIANCE

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

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(A) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6)-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Limits as defined in Section 2;

(B) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including Limits, as defined by Section 2 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(C) Any other violation of a Pretreatment Standard or Requirement as defined by Section 2 (Daily Maximum, long term average, Limit, or narrative standard) that the General Manager determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;

(D) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the General Manager's exercise of its emergency authority to halt or prevent such a discharge;

(E) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(F) Failure to provide within forty-five (45) days after the due date, any required reports, including Baseline Monitoring Reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(G) Failure to accurately report non-compliance; or

8.13 (H) Any other violation(s), which may include a violation of Best Management Practices, which the General Manager determines will adversely affect the operation or implementation of the local pretreatment program.

SEPARATE ACTIONS

Any administrative or judicial proceeding initiated because of a violation of any section of this Ordinance shall not exempt a Discharger from any administrative or judicial proceedings initiated because of a violation of any other provision of the Ordinance or because of any separate violation of the same provision of the Ordinance.

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SECTION 9 – EFFECTIVE DATE

This Ordinance shall take effect in accordance with applicable law.

PROPOSED

ADOPTED, this 18th day of November, 2026.

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

ATTEST:

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

*A Municipal Water District

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. 118, 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