

ORDINANCE NO. 2008-01

AN ORDINANCE ESTABLISHING REGULATIONS FOR THE INTERCEPTION, TREATMENT AND DISPOSAL OF SEWAGE AND WASTEWATER; PROVIDING FOR AND REQUIRING CHARGES AND FEES THEREFORE; AND FIXING PENALTIES FOR THE VIOLATION OF SAID REGULATIONS

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THE BOARD OF DIRECTORS OF THE MONTEREY REGIONAL WATER POLLUTION CONTROL AGENCY DOES ORDAIN AS FOLLOWS:

ARTICLE 1 – GENERAL PROVISIONS

§1.01 Short Title. This Ordinance shall be known as, and may be cited as, the Wastewater Discharge Ordinance of the Monterey Regional Water Pollution Control Agency.

§1.02 Purpose and Policy. This Wastewater Discharge Ordinance (sometimes hereinafter "Ordinance" or "this Ordinance") is the legal authority which sets uniform requirements for discharges into the wastewater collection and treatment system of the Agency and all tributary collection systems and enables the Agency to comply with the administrative provisions of the Clean Water Grant Regulations, and specifically incorporates and enforces National Categorical Pretreatment Standards as defined in 40 CFR 403 "*General Pretreatment Regulations for Existing and New Sources of Pollution.*" This Ordinance also enables the Agency to comply with the water quality requirements set by the Regional Water Quality Control Board of the State of California and all applicable effluent limitations, national standards of performance, toxic and pretreatment effluent standards, and any other discharge criteria which are required or authorized by state or federal law, and to derive the maximum public benefit by regulating the quality and quantity of wastewater discharged into the Agency sewer system. This Ordinance provides a means for determining wastewater volumes, constituents and characteristics, and setting of charges and fees, and the issuance of permits to certain users. Revenues derived from the application of this Ordinance shall be used to defray the Agency's cost of operating and maintaining adequate wastewater collection and treatment systems, enforcing Categorical Pretreatment Standards, implementation of source control and waste minimization programs and to provide improvements and depreciation.

§1.03 Definitions. Unless otherwise defined herein, terms and definitions shall be as adopted in the latest edition of "*Standard Methods for the Examination of Water and Wastewater,*" published by the American Public Health Association, the American Water Works Association, and the Water Environment Federation. Waste constituents and characteristics shall be measured in accordance with said *Standard Methods* unless expressly stated otherwise, or as established by the MRWPCA, Federal or State regulatory agencies. For the purposes of this Ordinance, unless the context specifically indicates otherwise, the meaning of terms used herein shall be as follows:

1. Agency – the Monterey Regional Water Pollution Control Agency (MRWPCA).

2. Building Sewer – a sewer conveying wastewater from the premises of a user to a community sewer.

3. Beneficial Uses – uses of the water of the state that may be protected against quality degradation, including domestic, municipal, agricultural and industrial supply, power generation, recreation, aesthetic enjoyment, navigation and the preservation and enhancement of fish, wildlife and other aquatic resources or reserves, and other uses, both tangible or intangible as specified by Federal or State law.

4. Community Sewer – a sewer owned and operated by the Agency or any public entity member of the Agency which is tributary to the treatment facility operated by the Agency.

5. Compatible Pollutant – biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the Agency's National Pollutant Discharge Elimination System (NPDES) permit if the Agency's treatment works was designed to treat such pollutants, and in fact, does remove such pollutants to a substantial degree.

6. Contamination – an impairment of the quality of the waters of the State by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. Contamination shall include any equivalent effect resulting from the disposal of wastewater, whether or not waters of the State are affected.

7. Environmental Protection Agency, or EPA – the U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said Agency.

8. Federal Act – the Federal Water Pollution Control Act, PL 92-500, and any amendments thereto; as well as any guidelines, limitations, and standards promulgated by the Environmental Protection Agency pursuant to such Act.

9. Holding Tank Waste – any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

10. Incompatible Pollutant – any pollutant which is not a "compatible pollutant" as defined in this Section.

11. Indirect Discharge – the discharge or the introduction of non-domestic pollutants into the POTW from any source regulated under section 307(b) or (c) of the Federal Act (33 U.S.C. 1317), including holding tank waste discharge.

12. Industrial User – a source of indirect discharge.

13. Interference – the term "Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- a. inhibits or disrupts the Treatment Works, its treatment processes or operations, or its sludge processes, use or disposal; and
- b. therefore is a cause of a violation of any requirement of the Treatment Works' NPDES permit [including an increase in the magnitude or duration of a violation] or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder [or more stringent State or local regulations]: Section 405 of the Clean Water Act,

the Solid Waste Disposal Act (SWDA) [including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA], the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

14. Manager – the Manager of the Agency or his designated representative.

15. Mass Emission Rate – the weight of material discharged to the community sewer system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of a particular constituent or combination of constituents.

16. National Categorical Pretreatment Standards – any regulation containing pollutant discharge limits promulgated by EPA in accordance with section 307(b), (c), and 402 (b) (8) of the Federal Act (33 U.S.C. 1347) and 40 CFR 403 "*General Pretreatment Regulations for Existing and New Sources of Pollution*" which applies to a specific category of industrial users.

17. National Pollution Discharge Elimination System or NPDES Permit – a permit issued pursuant to section 403 of the Federal Act (33 U.S.C. 1342).

18. National Pretreatment Standard, Pretreatment Standard, or Standard – any regulation containing pollutant discharge limits promulgated by EPA in accordance with section 307(b), (c) and 402(b)(8) of the Federal Act (33 U.S.C. 1347) incorporated in 40 CFR 403 "*General Pretreatment Regulations for Existing and New Sources of Pollution*" which applies to industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5.

19. 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 which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section. This term includes provisions established pursuant to 40 CFR 403.3.

20. Pass Through – the term "Pass Through" means a discharge which exits the Treatment Works into waters of the United States in quantities of 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 Treatment Works' NPDES permit, including an increase in the magnitude or duration of a violation.

21. Person – any individual, firm, company, partnership, association, the responsible corporate officer of any private, public, or municipal corporation, the United States of America, the State of California, districts and all political subdivisions, governmental agencies and mandatories thereof.

22. Pollution – an alteration of the quality of the waters of the State by waste to a degree which unreasonably affects such waters for beneficial use or affects the facilities which serve such beneficial uses. Pollution may include contamination.

23. POTW – Publicly Owned Treatment Works (see Treatment Works).

24. Premises – a parcel of real estate or portion thereof, including any improvements thereon, which is determined by the Agency to be a single user for purposes of receiving, using, and paying for service.

25. Pretreatment – the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the Treatment Works. The reduction or alteration can be by physical or process changes, except as prohibited by 40 CFR 403.6(d).

26. Pretreatment Requirements – any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

27. Reclaimed Water – water which, as a result of treatment of waste, is suitable for direct beneficial use or a controlled use that would not otherwise occur.

28. Shall is mandatory; **May** is permissive.

29. Significant Industrial User – the term Significant Industrial User or Significant Industry means:

- a. all industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and
- b. any other industrial user that: Discharges an average of 25,000 gallons per day or more of *process wastewater* to the Treatment Works (excluding sanitary, non-contact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the Treatment Works; or is designated as such by the Agency as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the operation of the Treatment Works or for violating any pretreatment standard or requirement [in accordance with 40 CFR 403.8(f)(6)].

30. Significant Non Compliance – any user that violates the discharge, administrative, or submittal provisions contained in 40 CFR 403.8(f)(2)(viii) shall be considered in Significant Non Compliance (SNC) and will be subject to the appropriate enforcement action by the Agency.

31. Standard Industrial Classification (SIC) – a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987.

32. 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 Agency's regulations, local limits or Permit Conditions.

33. Toxic Pollutant – any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of the Clean Water Act 307(a) or other Acts.

34. Treatment Works – any devices and systems in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature or necessary to recycle or reuse water at the most economical cost over the useful life of the works, including interceptor sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment and appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land, that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment; or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste, including storm water and sanitary sewer systems.

35. Unpolluted Water – water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to the Agency having jurisdiction thereof for disposal to storm or natural drainages or directly to surface waters.

36. User – any person who discharges, causes or permits the discharge of wastewater into a community sewer.

37. User Classification – a classification of user based on the 1987 edition of the Standard Industrial Classification Manual prepared by the Executive Office of the President, Office of Management and Budget.

38. Waste – includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operations of whatever nature prior to, and for purposes of, disposal.

39. Wastewater – waste and water, whether treated or untreated, discharged into or permitted to enter a community sewer.

40. Wastewater Constituents and Characteristics – the individual chemical, physical, bacteriological and radiological parameters, including volume and flow rate and such other parameters that serve to define, classify or measure the contents, quality, quantity and strength of wastewater.

41. Waters of the State – any water, surface or underground, including saline waters, within the boundaries of the State of California.

ARTICLE 2 – REGULATIONS

§2.01 Prohibitions on Discharges

§2.01.1 General Prohibitions. No user shall discharge into the Treatment Works or community sewer any pollutant(s) which cause Pass Through or Interference. These general prohibitions and the specific prohibitions in paragraph §2.01.2 of this section apply to each user introducing pollutants into the Treatment Works, whether or not the user is subject to National Pretreatment Standards or any Federal, State, or local pretreatment requirements.

§2.01.2 Specific Prohibitions. The following pollutants shall not be introduced into the Treatment Works or community sewer:

1. pollutants which create a fire or explosion hazard in the Treatment Works, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 50 degrees Centigrade using the test methods specified in 40 CFR 261.21;
2. pollutants which will cause corrosive structural damage to the Treatment Works, but in no case discharges with a pH lower than 6.0;
3. solid or viscous pollutants in amounts which will cause obstruction to the flow in the Treatment Works resulting in interference;
4. any pollutant, including oxygen demanding and compatible pollutants (BOD, Suspended Solids, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with the Treatment Works.
5. heat in amounts which will inhibit biological activity in the Treatment Works resulting in Interference, but in no case, heat in such quantities that the temperature at the Treatment Plant exceeds 40°C(104°F);
6. petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through;
7. pollutants which result in the presence of toxic gases, vapors, or fumes within the Treatment Works in a quantity that may cause acute worker health and safety problems; and
8. any trucked or hauled pollutants (residential septage, chemical toilet wastes, dilute oily wastes and salt brine solutions are accepted at the Treatment Plant and are jointly regulated under MRWPCA Liquid Waste Ordinance 88-3 [as amended by Ordinance 93-1] and this Ordinance).

§2.02 Prohibitions on Toxic Pollutants – Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, that injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the treatment works, or exceed the limitation set forth in a National Categorical Pretreatment Standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Federal Act.

§2.03 Prohibitions on Storm Drainage and Ground Water – Storm water, ground water, rain water, street drainage or yard drainage shall not be discharged through direct or indirect connections to a community sewer unless a permit is issued by the Agency. The Agency may approve the discharge of such water only when no reasonable alternative method of disposal is available.

If a permit is granted for the discharge of such water into a community sewer, the user shall pay the applicable charges and fees and meet such other conditions as required by the Agency.

§2.04 Prohibitions on Unpolluted Water – Unpolluted water shall not be discharged through direct or indirect connection to a community sewer unless a permit is issued by the Agency. The Agency may approve the discharge of such water only when no reasonable alternative method of disposal is available.

If a permit is granted for the discharge of such water into a community sewer, the user shall pay the applicable charges and fees and shall meet such other conditions as required by the Agency.

§2.05 Prohibitions on Dilution as Substitute for Treatment – Except where expressly authorized to do so by an applicable Categorical Pretreatment Standard, no industrial user shall ever increase the use of process water or, in any other way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard.

§2.06 Limitations of Radioactive Wastes – No person shall discharge or cause to be discharged any radioactive waste into a community sewer except:

- a. when the person is authorized to use radioactive materials by the State Department of Health or other governmental agency empowered to regulate the use of radioactive materials, and
- b. when the waste is discharged in strict conformity with current California Radiation Control Regulations (California Administrative Code, Title 17) and the Nuclear Regulatory Commission regulations and recommendations for safe disposal, and
- c. when the person is in compliance with all rules and regulations of the other applicable regulatory agencies.

§2.07 Limitations on the Use of Garbage Grinders – Waste from garbage grinders shall not be discharged into a community sewer except:

- a. wastes generated in preparation of food normally consumed on the premises, or
- b. where the user has obtained a permit for the specific use from the Agency, and agrees to undertake whatever self-monitoring is required to enable the Agency to equitably determine the charges and fees based on the waste constituents and characteristics.

Such grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the community sewer. Garbage grinders shall not be used for grinding plastic, paper products, inert materials, or garden refuse.

§2.08 Limitations on Point of Discharge – No person shall discharge any substances directly into a manhole or other opening in a community sewer other than through an approved building sewer unless he has been issued a permit by the Agency. If a permit is issued for such direct discharge, the user shall pay the applicable charges and fees and shall meet such other conditions as required by the Agency.

§2.09 Holding Tank Waste – No person shall discharge any holding tank waste into a community sewer unless he has been issued a permit by the Agency. Unless otherwise allowed by the Agency under their terms and conditions of the permit a separate permit must be secured for each separate discharge. This permit will state the specific location of discharge, the time of

day the discharge is to occur, the volume of the discharge and the wastewater constituents and characteristics. If a permit is granted for discharge of such waste into a community sewer, the user shall pay the applicable charges and fees and shall meet such other conditions as required by the Agency. An exception to the above is that no permit will be required for discharge of domestic wastes from motor home holding tanks, provided that such discharges are made into an Agency-approved facility designed to receive such wastes.

§2.10 Limitation on Wastewater Strength

§2.10.1 No person shall discharge wastewater containing in excess of:

0.42	mg/l arsenic	0.018	mg/l mercury
3.4	mg/l cadmium	3.5	mg/l nickel
4.3	mg/l copper	2.3	mg/l silver
0.73	mg/l cyanide	2.7	mg/l total chromium
3.0	mg/l lead	2.6	mg/l zinc

§2.10.2 No person shall discharge any wastewater:

- a. Having a temperature higher than 150°F (65.5°C)
- b. Having a pH lower than 6.0 or higher than 10.5
- c. Containing in excess of 8.1 mg/l phenolic compounds
- d. Containing toxic inorganic pollutants in such quantities to cause or to contribute significantly to: 1) impairment of treatment plant worker safety; 2) disruptions of treatment plant operations; 3) exceedances of plant NPDES discharge limitations, or 4) violations of plant sludge disposal restrictions. Significant dischargers of toxic inorganics shall implement best practicable technologies for reducing the toxic organics content of their discharges.
- e. Containing toxic organic chemicals in such quantities to cause or to contribute significantly to: 1) impairment of treatment plant worker safety; 2) disruptions of treatment plant operations; 3) exceedances of plant NPDES discharge limitations; 4) violations of plant sludge disposal restrictions; or 5) violations or air toxics regulations. Significant dischargers of toxic organics shall implement best practicable technologies for reducing the toxic organics content of their discharges.
- f. Containing oil and grease of animal, vegetable, petroleum or mineral origin in such quantities to cause or to contribute significantly to: 1) disruptions of sewer lines and other collection system components; 2) interference with treatment plant operations; or 3) exceedances for plant NPDES discharge limitations. Significant dischargers of oil and grease shall implement best practicable technologies for reducing the oil and grease content of their discharges.
- g. Containing ammonia in such quantities to cause or to contribute significantly to: 1) impairment of treatment plant worker safety; 2) disruptions of treatment plant operations; 3) exceedances of plant NPDES discharge limitations; or 4) violations of plant sludge disposal restrictions.

Significant dischargers of ammonia shall implement best practicable technologies for reducing the ammonia content of their discharges.

- h. h. Containing BOD and/or TSS in such quantities to cause or to contribute significantly to: 1) disruptions of treatment plant operations; or 2) exceedances of plant NPDES discharge limitations for BOD/or TSS. Significant dischargers of BOD and TSS shall implement best practicable technologies for reducing the BOD/TSS content of their discharges.

§2.10.3 All National Categorical Pretreatment Standards upon their promulgation, shall apply in any instance where they are more stringent than those in this Ordinance. Limitations on wastewater strength in Sections 2.10.1 and 2.10.2 of this Ordinance may be supplemented with more stringent limitations pursuant to Section 4.05 Wastewater Discharge Permits herein below:

- a. If the Agency determines that the limitations in Section 2.10.1 and 2.10.2 may not be sufficient to protect the operation of the Agency's Treatment Works; or
- b. If the Agency determines that the limitations in Sections 2.10.1 and 2.10.2 may not be sufficient to enable the Agency's Treatment Works to comply with water quality standards or effluent limitations specified in the Agency's National Pollutant Discharge Elimination System (NPDES) Permit.

§2.10.4 Disposal of Unacceptable Waste – Wastes not permitted to be discharged into the community sewer must be transported to a state-approved disposal site. To protect the Treatment Works against illegal discharges, the Agency may require the discharger to submit a copy of the official hauling manifest or "Waste Haulers Report" within 30 days.

§2.10.5 Denial of New or Increased Pollutant Contributions - The Agency may deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the Treatment Works by Industrial Users where such contributions do not meet applicable Pretreatment Standards and Requirements or where such contributions would cause the Treatment Works to violate its NPDES Permit.

§2.10.6 Slug Discharge Evaluations - The Agency shall evaluate whether each Significant Industrial User needs a plan or other action to control Slug Discharges to the Treatment Works as per 40 CFR 403.8(2)(vi). The Agency will also include any slug control requirements issued to an Industrial User in that User's Industrial Wastewater Discharge Permit.

§2.11 Sewerage Design Requirements – All new sewers and connections to the community sewer shall meet all design requirements of the public entity member of the Agency having area jurisdiction in question, pursuant to the applicable Uniform Plumbing Code adopted by said member, and shall also meet all design requirements as may be established from time to time by the Agency.

ARTICLE 3 – WASTEWATER VOLUME DETERMINATION

§3.01 Determination of Volume – The volume of wastewater which a user discharges to a community sewer shall be determined by the Agency by use of one of the alternative methods described in this Article, with the method for each user or group of users to be selected by the Agency. Selection of such method will be based upon the principal activities of the user as they relate to wastewater flows, fluctuation of flows, practicality of obtaining flow measurements and

other pertinent factors. The volume of the wastewater being discharged shall be one of the factors used in establishing charges and may require certain users to obtain Wastewater Discharge Permits in conjunction with the determination of their wastewater volume.

§3.02 Metered Water Supply and Water Diversions – When charges and fees are to be based upon the water usage, such charges and fees shall be applied against the total amount of water used from all sources unless in the opinion of the Agency, significant portions of water received are not discharged to a community sewer. The total amount of water used from public and private sources will be determined by means of public meters or private meters, installed and maintained at the expense of the user and approved by the Agency. When charges and fees are to be based upon water usage, and where, in the opinion of the Agency, a significant portion of the water received from any metered source does not flow into the community sewer because of the principal activity of the user or removal by other means, the charges and fees will be applied against the volume of water discharged from such premises into the community sewer. Written notification and proof of the diversion of water must be provided by the user, and approved by the Agency, if the user is to avoid the application of the charges and fees against the total amount of water used from all sources. If acceptable to the Agency, the user may install a meter of a type and at a location approved by the Agency and at the user's expense. Such meters shall measure the amount of water diverted. Such meters shall be maintained at the expense of the user and be tested for accuracy when deemed necessary by the Agency, at the expense of the user.

§3.03 Metered Wastewater Volume – When charges and fees are to be based upon the metered volume of wastewater being discharged to a community sewer, the user shall install a meter of a type and at a location approved by the Agency, at the user's expense. Such meter shall measure the amount of wastewater being discharged and shall be maintained and tested for accuracy when deemed necessary by the Agency, at the expense of the user.

§3.04 Estimated Wastewater Volume – For users where, in the opinion of the Agency, it is unnecessary or impractical to install meters, the charges and fees may be based upon an estimate of the volume to be discharged as calculated by the Agency. A rational method will be used to estimate the quantity of wastewater discharged and may consider such factors as the number of fixtures, seating capacity, population equivalent, annual production of goods and services, or such other determination of water use necessary to estimate the wastewater volume discharged.

ARTICLE 4 – DISCHARGE REPORTS, WASTEWATER DISCHARGE PERMITS, NOTIFICATION, REPORTING REQUIRMENTS AND ADMINISTRATION

§4.01 Notification of Hazardous Wastes Discharged to the Treatment Works

§4.01.1 All industrial users shall notify the Agency, the EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into the Treatment Works of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month to the Treatment Works, the notification shall also contain the following information: 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 months. All industrial users shall provide notification no later than 180 days after the discharge of the listed or characteristic hazardous waste.

§4.01.2 Discharges are exempt from the requirements of paragraph 4.01.1 of this section during a calendar month in which they discharge no more than fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR part 261.30(d) and 261.33(3). Discharge of more than fifteen 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(3), requires notification.

§4.01.3 In the case of any new regulations under Section 3001 of the Resource Conservation and Recovery Act (RCRA), identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the Agency, the EPA Regional Waste Management Division Director, and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

§4.01.4 In the case of any notification made under Section 4.01, the industrial 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.

§4.02 Notification of Potential Problems – All industrial and commercial users shall notify the Agency *immediately* of all discharges that could cause problems at the Treatment Works, including any slug discharges of compatible or incompatible pollutants.

§4.03 Notification of Changes in Discharge – All industrial and commercial users shall promptly notify the Agency in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial/commercial user has submitted initial notification under 40 CFR 403.12(p) and paragraph §4.01 of this Ordinance.

§4.04 Discharge Reports

§4.04.1 General Discharge Report – The Agency may require that any person discharging or proposing to discharge wastewater into a community sewer, file a periodic Discharge Report.

The Discharge Report, at the discretion of the Agency, may include but not be limited to, nature or process, volume, rates of flow, mass emissions rate, production quantities, hours of operation, number and classification of employees, or other information which relates to the generation of waste including wastewater discharge. Such reports may also include the chemical constituents and quantity of liquid or gaseous materials stored on site even though they are not normally discharged. In addition to Discharge Reports, the Agency may require information in the form of Wastewater Discharge Permit Applications and Self-Monitoring Reports.

§4.04.2 Baseline Monitoring Report - Industrial Users subject to Federal Categorical Pretreatment standards that are currently discharging to or are scheduled to discharge to the Agency's Treatment Works shall submit to the Agency a Baseline Monitoring Report that meets all requirements and time guidelines set forth in 40 CFR 403.12(b) and any other such requirements as deemed appropriate by the Agency.

§4.04.3 Pretreatment Compliance Report - Industrial Users subject to Federal Categorical Pretreatment Standards shall submit to the Agency a report on their compliance status with any Categorical Pretreatment Standard deadline. This report must be received within 90 days following the date for final compliance with the applicable Categorical Pretreatment Standards, or in the case of a new source within 90 days following the commencement of introduction of wastewater to the Treatment Works. This report shall contain the information described in 40 CFR 403.12(d).

§4.04.4 Periodic Compliance Reports - All Categorical and Significant Non-Categorical dischargers to the Agency's Treatment Works shall submit Compliance Reports on a semi-annual basis (usually by June 30 and December 31 of each calendar year) to the Agency that contain the information described in 40 CFR 403.12(e) and 40 CFR 403.12(h).

§4.04.5 Report Certification Statement - All semi-annual Compliance Reports shall contain a Certification Statement signed by a qualified professional indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional Pretreatment is required for the Industrial User to meet the applicable Pretreatment Standards and Requirements. This statement shall contain the information described in 40 CFR 403.12(b)(6).

§4.04.6 Report Accuracy Statement - All reports and self-monitoring data submissions to the Agency by Industrial Users shall contain the following accuracy statement and must be signed as per the requirements contained in 40 CFR 403.12(i):

"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".

§4.05 Wastewater Discharge Permits

§4.05.1 Mandatory Permits – Each Significant Industry as defined in Section 1.03, *as well as* other users with a discharge equivalent to that of a Significant Industrial User, must obtain a Wastewater Discharge Permit before connecting to or discharging into a community sewer. All existing Significant Industrial Users, as well as existing industries with an equivalent discharge, shall obtain a Wastewater Discharge Permit within 180 days after the effective date of this Ordinance.

§4.05.2 Optional Permits – The Manager may issue a Wastewater Permit to any user, upon application, in accordance with the terms of this section in the following categories:

- a. a user who request charges and fees to be based on metered water supply and water diversions, or metered wastewater volume, or
- b. any user whose wastewater strength is less than the normal range for user classification to which he is assigned because of pretreatment, process changes or other reason, or

- c. any user who wishes to discharge wastewater on a temporary basis, such as ground water clean up or storage tank rinsings.

§4.05.3 Permit Application – Users seeking a Wastewater Discharge Permit shall complete and file with the Manager a permit application, accompanied by the applicable fees. The applicant may be required to submit, in units and terms appropriate for evaluation, the following information:

- a. name, address, and SIC number of applicant;
- b. volume of wastewater to be discharged;
- c. wastewater constituents and characteristics including, but not limited to, those mentioned in Sections 2.10 as determined by a laboratory approved by the Agency;
- d. time and duration of discharge;
- e. average and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
- f. site plan, floor plans, mechanical and plumbing plans and details to show all sewer and appurtenances by size, location and elevation;
- g. description of activities, facilities and plant processes on the premises, including all materials, processes and types of materials which are or could be discharged;
- h. each product produced by type, amount and rate of production;
- i. where known, the nature and concentration of any pollutants in the discharge which are limited by any Agency, State, or Federal Pretreatment Standards, and a statement regarding whether or not the Pretreatment Standards are being met on a consistent basis and if not, whether additional Operations and Maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable Pretreatment Standards;
- j. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards; the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

The following conditions shall apply to this schedule:

- 1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.)
- 2) No increment referred to in paragraph 1) shall exceed nine (9) months.
- 3) Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Manager including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with the increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Manager.

- k. number and type of employees, and hours of work;
- l. any other information as may be deemed by the Manager to be necessary to evaluate the permit application.

The Manager will evaluate the data furnished by the user and may require additional information. After evaluation and approval of all the data required, the Manager may issue a Wastewater Discharge Permit subject to terms and conditions provided herein.

§4.05.4 Permit Conditions – Wastewater Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other ordinances, regulations, and charges and fees established by the Agency. The conditions of Wastewater Discharge Permits shall be uniformly enforced by the Manager in accordance with this Ordinance and applicable state and federal regulations. Permits may contain the following:

- a. the unit charge or schedule of charges and fees for the wastewater to be discharged to the community sewer;
- b. the average and maximum wastewater constituents and characteristics;
- c. limits on rate and time of discharge or requirements for flow regulations and equalization;
- d. requirements for installation of inspection and sampling facilities;
- e. pretreatment requirements;
- f. requirements for controlling slug discharges of any wastewater or substance that has the potential to cause problems in the wastewater collection system or Interference or Pass Through at the Treatment Works;
- g. specifications for monitoring programs, which may include sampling locations, frequency and method of sampling, number, types and standards for test and reporting schedules;
- h. requirements for submission of technical reports or self-monitoring discharge reports (see Section §405.9);
- i. requirements for maintaining plant records relating to wastewater discharge as specified by the Agency and affording Agency access thereto;
- j. mean and maximum mass emissions rates, or other appropriate limits when incompatible pollutants (as defined by Sections 2.10.1 and 2.10.2) are proposed or present in the user's wastewater discharge; and
- k. other conditions as deemed appropriate by the Agency to ensure compliance with this Ordinance or any regulations affecting the operation of the Agency facilities.

§4.05.5 Duration of Permits – Wastewater Discharge Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The terms and conditions of the permit may be subject to modification and change by the Agency during the life of the permit as limitations or requirements are modified and changed. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

§4.05.6 Permit Modification – Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Discharge Permit of Industrial Users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where an industrial user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a Wastewater Discharge Permit they must do so within 180 days after the promulgation of the applicable National

Categorical Pretreatment Standard. In addition, the industrial user with an existing Wastewater Discharge Permit shall submit to the Manager within 180 days after the promulgation of an applicable Pretreatment Standard the information required by paragraphs (i) and (j) of Section §4.05.3.

§4.05.7 Transfer of a Permit – Wastewater Discharge Permits are issued to a specific user for a specific operation. A Wastewater Discharge Permit shall not be reassigned, transferred or sold to a new owner, new user, different premises, or a new or changed operation.

§4.05.8 Revocation of Permit – Any user who violates the conditions of the Wastewater Discharge Permit, applicable state and federal regulations, *or any provisions of this Ordinance including the following*, is subject to having this permit revoked:

- a. failure of a user to furnish correct factual data in the permit application;
- b. failure of a user to factually report the wastewater constituents and characteristics of the discharge;
- c. failure of the user to report significant changes in operations, or wastewater constituents and characteristics; or,
- d. refusal of reasonable access to the user's premises for the purpose of inspection or monitoring.

§4.05.9 Industrial Self-Monitoring

- a. **Monitoring and Analysis to Demonstrate Continued Compliance** – The self-monitoring reports required in this section shall contain the results of sampling and analysis of the industrial user's discharge, including the flow and the nature and concentration, or production and mass where requested by the Agency, of pollutants contained therein which are limited by the applicable national, state and local Pretreatment Standards and Industrial Discharge Permit Requirements and which meet all sampling/monitoring requirements contained in 40 CFR 403.12(g).
- b. **Notification of Industrial Self-Monitoring Violations and Repeat Sampling and Analysis Requirements** – If sampling performed by an industrial user indicates a violation, the user shall notify the Agency within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Agency within 30 days after becoming aware of the violation. In addition, the Agency will conduct a re-sampling within, but not to exceed, 30 days from the date of becoming aware of the violation as per 40 CFR 403.12(g)(2) in order to confirm discharge compliance.
- c. **Industrial Self-Monitoring Reports** – The reports required in this section shall be based upon all data obtained through Agency approved self-monitoring sampling and analysis which is performed by the industry during the period covered by the report (all monitoring results must be reported). The Agency shall specify the frequency and type of monitoring necessary to assess and assure compliance by industrial users with applicable national, state and local Pretreatment Standards and Requirements.
- d. **Industrial Self-Monitoring Sampling and Analysis** – All self-monitoring analyses shall be performed in accordance with procedures established by the Agency pursuant to Section 304(h) of the Act and contained in 40 CFR 136 and amendments thereto, or with any other test procedures approved by the Agency. Sampling shall be performed in accordance with the techniques approved by the Agency. Where 40 CFR 136 does not include sampling or analytical techniques for the pollutants in question, or where the

Agency determines that Section 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the Agency.

- e. **Reporting of Industrial Self-Monitoring Analysis Performed More Frequently Than Required** – If an industrial user is subject to self-monitoring reporting requirement(s), any pollutant monitored more frequently than required by the Agency, shall include the results of this monitoring in the self-monitoring report.

§4.05.10 Record-Keeping Requirements – Any industrial user subject to the reporting requirements established in Article 4 of this Ordinance shall maintain records of all information resulting from any monitoring activities required. Such records shall include for all samples:

- a. the date, exact location, method and time of sampling and the name(s) of the person or persons taking the samples;
- b. the dates analyses were performed;
- c. who performed the analyses;
- d. the analytical techniques/methods used; and
- e. the results of such analyses.

Any industrial user subject to reporting requirements shall be required to retain for a minimum of 3 years any records of monitoring activities and results and shall make such records available for inspection and copying by the Agency. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user when requested by the Agency.

§4.06 Monitoring Facilities – Users who propose to discharge, or who in the judgment of the Agency could discharge now or in the future, wastewater with constituents and characteristics different from that produced by a domestic premise (see Section 5.04 herein) may be required to install a monitoring facility.

When more than one user discharges into a common building sewer, the Agency may require installation of a separate monitoring facility for each user. Also when, in the judgment of the Agency, there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user, the Agency may require that separate monitoring facilities be installed for each separate discharge.

Monitoring facilities that are required to be installed shall be constructed, operated and maintained at the user's expense. The purpose of a facility is to enable inspection, sampling and flow measurement of wastewaters produced by a user. If sampling or metering equipment is also required by the Agency, it shall be provided, installed and operated at the user's expense. The monitoring facility will normally be required to be located on the user's premises outside of the building. The Agency may, however, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area with the approval of the public agency having jurisdiction over that street or sidewalk, and located so that it will not be obstructed by landscaping or parked vehicles.

If the monitoring facility is inside the user's fence, there shall be accommodations to allow safe and immediate access for Agency personnel, such as a gate secured with an Agency lock. There shall be ample room in or near such facility to allow accurate sampling and compositing of

samples for analysis. The entire facility and the sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition by and at the expense of the user.

When, in the judgment of the Agency, an existing user requires a monitoring facility, the user will be so notified in writing. Construction must be completed within 90 days following written notification unless a time extension is otherwise granted by the Agency.

§4.07 Inspection and Sampling – The Agency shall inspect the facilities of any user to ascertain whether the purpose of this Ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Agency's representative ready access at all reasonable times to all parts of the premises for the purposes of inspection or sampling or in the performance of any of their duties. The Agency shall have the right to set up on the user's property such devices as are necessary to conduct sampling or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards, that upon presentation of suitable identification, personnel from the Agency will be permitted to enter without delay for the purpose of performing their specific responsibilities.

§4.08 Pretreatment – Users shall make wastewater acceptable under the limitations established herein before discharging into any community sewer. Any facilities required to pretreat wastewater to a level acceptable to the Agency shall be provided and maintained at user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Agency for review, and shall be approved by the Agency before construction of the facility. The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent complying with the provisions of this Ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be approved by the Agency.

§4.09 Protection from Accidental Discharge – Each user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Agency for review, and shall be approved by the Agency before construction of the facility.

The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to provide the protection necessary to meet the requirements of this Ordinance.

§4.10 Confidential Information – All information and data on a user obtained from reports, questionnaires, permit applications, permit and monitoring programs and from inspections shall be available to the public or any other governmental agency without restriction unless the user specifically requests and is able to demonstrate, to the satisfaction of the Agency, that the release of such information would divulge information, processes or methods which would be detrimental to the user's competitive position.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be available to governmental agencies for use in making studies; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the Agency as confidential, shall not be transmitted to any governmental agency or to the general public by the Agency until and unless prior and adequate notification is given to the user.

§4.11 Discharge from Outside Agency Limits – Any user located in other than an Agency Member Entity shall request permission to discharge from the Manager. Upon review and approval of such a request, the Agency shall enter a contractual agreement with the user which shall require the user to comply with all local, state and federal pretreatment regulations as well as any National Categorical Pretreatment Standards yet to be promulgated. The Contractual Agreement shall also be subject to such terms, conditions, and fees as the Agency finds necessary or appropriate.

§4.12 Special Agreements – Special agreements and arrangements between the Agency and any persons or agencies may be established when in the opinion of the Agency, unusual or extraordinary circumstances compel special terms and conditions. Such agreements shall not, however, exempt the user from complying with any National Categorical Pretreatment Standard.

ARTICLE 5 – WASTEWATER CHARGES AND FEES

§5.01 Schedule of Charges and Fees – A schedule of charges and fees shall be adopted by the Agency, by ordinance or resolution, as permitted by law, which will enable it to comply with the revenue requirements of the State Clean Water Grant Program, and such charges and fees shall be determined in a manner consistent with regulations of the grant program.

§5.02 Classification of Users – All users are to be classified by the Agency either by assigning each one to a "user category" according to the principal activity conducted on the user's premises, by individual user analyzation or by a combination thereof. The purpose of such collective and/or individual classification is to facilitate the regulation of wastewater discharges based on wastewater constituents and characteristics, to provide an effective means of source control, and to establish a system of charges and fees which will ensure an equitable recovery of the Agency's costs.

§5.03 Types of Charges and Fees – The charges and fees as established in the Agency's schedules of charges and fees, may include, but not be limited to:

- a. user category charges;
- b. fees for connection to sewer system;
- c. fees for monitoring;
- d. fees for permit applications;
- e. appeal fees
- f. charges and fees based on wastewater constituents and characteristics to include industrial cost recovery provisions of the Federal Act; and

g. annexation fees.

§5.05 Basis for Determination of Charges – The charges and fees established for all users or categories of users shall be based upon the measured or estimated constituents and characteristics of the wastewater discharge of that user or user category which may include, but not be limited to, BOD, Suspended Solids and volume. The constituents and characteristics may be either measured or estimated, as determined by the Agency. The volume subject to charge shall be determined in accordance with Article 3 of this Ordinance.

§5.06 Basic Minimum Charge – Notwithstanding the provisions of Section 5.04, in any event the basic charge so determined for users in the residential category shall constitute the basic minimum charge for all users, and no user shall be charged less than this amount.

ARTICLE 6 – ENFORCEMENT

§6.01 Accidental Discharges

§6.01.1 Notification of Potential Problems – Users shall notify the Agency immediately upon accidentally discharging wastes which could cause problems to the Treatment Works or wastes in violation of this Ordinance, including any slug discharges, to enable countermeasures to be taken by the Agency to minimize damage to the community sewer, treatment facility, treatment processes and the receiving waters.

The notification shall be followed, within 15 days of the date of occurrence, by a detailed written statement describing the causes of the accidental discharge and the measures(s) being taken to prevent future occurrence.

Such notification will not relieve users of liability for any expense, loss or damage to the sewer system, treatment plan, or treatment process, or for any fines imposed on the Agency on account thereof under Section 13340 of California Water Code or for violations of Section 5650 of the California Fish and Game Code.

§6.01.2 Notices to Employees – In order that employees of users be informed of Agency requirements, users shall make available to their employees copies of this Ordinance together with such other wastewater information and notices which may be furnished by the Agency from time to time directed toward more effective water pollution control. A notice shall be furnished and permanently posted on the user's bulletin board advising employees whom to call in case of an accidental discharge in violation of this Ordinance.

§6.01.3 Preventive Measures – Any direct or indirect connection or entry point for persistent or deleterious wastes to the user's plumbing or drainage system should be eliminated. Where such action is impractical or unreasonable, the user shall appropriately label such entry points to warn against discharge of such wastes in violation of this Ordinance.

§6.02 Issuance of Cease and Desist Orders – When the Agency finds that a discharge of wastewater has taken place, in violation of prohibitions or limitations of this Ordinance, or the provisions of a Wastewater Discharge Permit, the Manager may issue an order to cease and desist, and direct those persons not complying with such prohibitions, limits, requirements, or provisions to:

- a. comply forthwith;
- b. comply in accordance with a time schedule set forth by the Agency; or
- c. take appropriate remedial or preventive action in the event of a threatened violation.

§6.03 Harmful Contributions – The Agency may immediately suspend the wastewater treatment service and/or Wastewater Discharge Permit when such suspension is necessary, in the opinion of the Agency, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the Agency to violate any condition of its NPDES Permit.

Any person notified of a suspension of the wastewater treatment service and/or the Wastewater Discharge Permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Agency shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the Treatment Works or endangerment to any individuals. The Agency shall reinstate the Wastewater Discharge Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence. This shall be submitted to the Agency within 15 days of the date of occurrence.

§6.04 Submission of Time Schedule – When the Agency finds that a discharge of wastewater has been taking place, in violation of prohibitions or limitations prescribed in this Ordinance, or wastewater source control requirement, effluent limitations or pretreatment standards, or the provisions of a Wastewater Discharge Permit, the Agency may require the user to submit for approval, with such modification as it deems necessary, a detailed time schedule of specific actions which the user shall take in order to prevent or correct a violation of requirements.

§6.05 Appeals – Any user, permit applicant, or permit holder affected by any decision, action, or determination, including Cease and Desist Orders, made by the Manager, interpreting or implementing the provisions of this Ordinance or in any permit issued herein, may file with the Manager a written request for reconsideration within 10 days of such decision, action, or determination, setting forth in detail the facts supporting the user's request for reconsideration.

If the ruling made by the Manager is unsatisfactory to the person requesting reconsideration, he may within 10 days after notification of Agency action, file a written appeal to the Agency's Board of Directors. The written appeal shall be heard by the Board within 30 days from the date of filing. The Board shall make a final ruling on the appeal within 15 days of the close of the meeting. The Manager's decision, action, or determination shall remain in effect during such period of reconsideration.

§6.06 Enforcement Response Plan – The Manager is authorized and directed to prescribe regulations necessary to implement this Article and a Pretreatment Enforcement and Response Plan ("ERP") as required by and in compliance with state and federal law and regulations. The ERP and any changes thereto shall be effective upon approval by resolution of the Board of Directors. Any enforcement measure or procedure contained in this Article and the ERP shall be considered to be complimentary and cumulative and not exclusive of any other enforcement measure or procedure and the Agency may pursue any one or all of such measures or any other remedy or relief which may be provided for by law.

§6.07 Publishing of Dischargers in Significant Noncompliance – The Agency will provide annual public notification in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the Agency of Industrial Users which at any time during the previous 12 months were in significant noncompliance (SNC) with applicable Pretreatment requirements as defined in 40 CFR 403.8(f)(2)(viii).

ARTICLE 7 – ABATEMENT

§7.01 Public Nuisance – Discharge of wastewater in any manner in violation of this Ordinance or of any order issued by the Manager as authorized by this Ordinance, is hereby declared a public nuisance and shall be corrected or abated as directed by the Manager. Any person creating a public nuisance shall be subject to provisions of Agency codes or ordinances governing such nuisance.

§7.02 Injunction – Whenever a discharge of wastewater is in violation of the provisions of this Ordinance or otherwise causes or threatens to cause a condition of contamination, pollution or nuisance, the Agency may petition the Superior Court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate in restraining the continuance of such discharge.

§7.03 Damage to Facilities – When a discharge of wastes causes an obstruction, damage, or any other impairment to Agency facilities, the Agency may assess a charge against the user for the work required to clean or repair the facility and add such charge to the user's sewer service charge.

§7.04 Correction of Violations; Collection of Costs; Injunction – In order to enforce the provision of this Ordinance, the Agency may correct any violation hereof. The cost of such correction may be added to any sewer service charge payable by the person violating the Ordinance or the owner or tenant of the property upon which the violation occurred, and the Agency shall have such remedies for the collection of such costs as it has for the collections of sewer service charges. The Agency may also petition the Superior Court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate, restraining any person from the continued violation of this Ordinance.

§7.05 Civil Liabilities and Penalties – Any person who intentionally or negligently violates any provision of this Ordinance, requirements, or conditions set forth in a permit duly issued, or who discharges wastewater which causes pollution, or violates any cease and desist order, prohibition, effluent limitation, national standard of performance, pretreatment or toxicity standard, including non-discharge pretreatment standards, shall be liable to injunctive relief for non-compliance imposed by the Agency against which the violation occurs. Said civil liability may be in a sum of not to exceed six thousand dollars (\$6,000.00) a day for each violation in which such violation occurs.

The Agency may petition the Superior Court to impose, assess and recover such sums. In determining such amount the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length or time over which the violations occurs, and corrective action, if any.

§7.06 Falsifying of Information – Any person who knowingly makes any false statements, representation record, report, plan or other document filed with the Agency, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, is hereby declared to be in violation of this Ordinance, and subject to the civil liabilities imposed under Section 7.05 of this Ordinance.

§7.07 Termination of Service – In order to effect its powers, the Agency may enter upon private property for the purpose of inspection and maintenance of sanitary and waste disposal facilities and may terminate service to property in which a violation of any rule, regulation, or this Ordinance is found to exist.

Prior to termination of service, however, the Agency Board shall notify, in writing, the owner and tenant, if any, of such property that service is intended to be so terminated and conduct a hearing thereon as herein provided. Such notice shall be mailed to the owner at the address shown on the records of the Assessor of the County, or as known to the Agency, and a copy shall be delivered to the tenant or posted conspicuously on the property. The notice shall state the date of proposed termination of service and the reasons therefore and the date the Agency Board shall hold a hearing upon such intended termination. Such a hearing shall not be held less than ten (10) days subsequent to the giving of the notice as herein required.

ARTICLE 8 – MISCELLANEOUS PROVISIONS

§8.01 Severability – If any provision, section, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The Board of Directors hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

§8.02 Repeal of Conflicting Ordinances – Ordinances No. 92-02, 93-03, and 2000-01 hereby are repealed. Further, in the event of conflict between this Ordinance and other ordinances, rules and regulations of the Agency adopted prior to this Ordinance, the provisions of this Ordinance shall prevail.

§8.03 Publication of Ordinance – Within fifteen (15) days after the passage of this Ordinance, the Agency Manager/Secretary shall cause it to be published at least once in a newspaper of general circulation published and circulated within Monterey County.

The foregoing Ordinance was introduced at a regular meeting of the Board of Directors of the Monterey Regional Water Pollution Control Agency and was passed and adopted on July 28, 2008 by the following vote:

Effective Date – This Ordinance shall take effect and be in force thirty (30) days from and after the final passage and adoption hereof.

AYES: Stefani, Calcagno, Russell, Nishi, Dayton, Pendergrass and Bloomer

NOES: None

ABSENT: Cortez, Cort, De La Rosa and Haferman

/s/ Joe Russell
Joseph Russell, Chair
Board of Directors

ATTEST:

/s/ Keith Israel
Keith Israel, General Manager
Secretary to Board of Directors