ORDINANCE NO. 2024-01

AN ORDINANCE OF THE SOUTH COUNTY REGIONAL WASTEWATER AUTHORITY AMENDING THE EXISTING ORDINANCE 2013-01 TO REGULATE SEWER USE AND SET UNIFORM REQUIREMENTS FOR DISCHARGE INTO THE WASTEWATER COLLECTION AND TREATMENT SYSTEM

WHEREAS, the South County Regional Wastewater Authority (Authority) is required to adopt a sewer use ordinance to protect the South County Regional Wastewater Treatment Plant (Plant); and

WHEREAS, sewer use ordinance 93-1 local limits were amended with Ordinance 2000-01; and

WHEREAS, the sewer use ordinance 2013-01 was adopted with amendments per direction from the Regional Water Quality Control Board; and

WHEREAS, the existing sewer use ordinance 2013-01 provides the legal authority to set uniform requirements for discharges into the wastewater collection and treatment system; and

WHEREAS, the United States Environmental Protection Agency (USEPA) has promulgated new rules pertaining to requirements of sewer use ordinances; and

WHEREAS, the adoption of these rules will ensure the continued compliance of the Plant with its National Pollutant Discharge Elimination System (NPDES) Permit and Federal Law; and

NOW, THEREFORE, THE SOUTH COUNTY REGIONAL WASTEWATER AUTHORITY DOES HEREBY ORDAIN AS FOLLOWS:

SECTION A

This ordinance may be called the “Pretreatment and Sewer Use Ordinance #2024-01”.

INDEX

SECTION 1 GENERAL PROVISIONS

SECTION 1.1 Authority
1.2 Purpose and Policy
1.3 Administration and Enforcement
1.4 Definitions
1.5 Abbreviations

SECTION 2 SEWER USE REQUIREMENTS

SECTION 2.1 Prohibited Discharge Standards
2.2 National Categorical Pretreatment Standards
2.3 Local Limits
2.4 State or Member Agency Requirements
2.5 Authority's Right of Revision
2.6 Dilution Prohibited as Substitute for Treatment
2.7 Discharge to Natural Outlets
2.8 Holding Tank Waste or Trucked Waste
2.9 Wash Rack Waste
2.10 Draining of Swimming Pools

SECTION 3 PRETREATMENT OF WASTEWATER

SECTION 3.1 Pretreatment Facilities
3.2 Grease Interceptors
3.3 Accidental Discharge/Slug Discharge Control Plans

SECTION 4 ADMINISTRATION

SECTION 4.1 Establishing Rules and Regulations
4.2 Wastewater Discharge Permits
4.3 Wastewater Discharge Permit Application Contents
4.4 Wastewater Discharge Permit Conditions
4.5 Wastewater Discharge Permit Modifications

SECTION 5 REPORTING REQUIREMENTS

SECTION 5.1 Baseline Monitoring Reports
5.2 Compliance Schedule Progress Reports
5.3 Reports on Compliance with Categorical Pretreatment Standard Deadline
5.4 Periodic Compliance Reports
5.5 Reports of Changed Conditions
5.6 Reports of Potential Problems
5.7 Reports from Unpermitted Users
5.8 Notice of Violation/Repeat Sampling and Reporting
5.9 Notification of the Discharge of Hazardous Waste
5.10 Analytical Requirements
5.11 Sample Collection
5.12 Date of Receipt of Reports
5.13 Records Retention
5.14 Certification Statements

SECTION 6 COMPLIANCE MONITORING

SECTION 6.1 Right of Entry: Inspection and Sampling
6.2 Search Warrants

SECTION 7 CONFIDENTIAL INFORMATION

SECTION 7.1 Confidential Information

SECTION 8 ENFORCEMENT

SECTION 8.1 Violation Notice
8.2 Publication of Users in Significant Noncompliance
8.3 Consent Order
8.4 Compliance Order
8.5 Cease and Desist Order
8.6 Administrative Fines
8.7 Emergency Suspension or Revocation of Wastewater Discharge Permit
8.8 Termination of Discharge
8.9 Reconsideration and Appeals
8.10 Hearing by Authority Manager
8.11 Hearing Procedure
8.12 Hearing by the Authority Board
8.13 Action by Authority Board
8.14 Injunctive Relief
8.15 Civil Penalties
8.16 Criminal Prosecution
8.17 Remedies Nonexclusive

3
SECTION 9 WASTEWATER USER CHARGES AND FEES

SECTION 9.1 Types of Charges for User
SECTION 9.2 Rates and Charges for Municipal Sewer Service
SECTION 9.3 Establishment of BOD/TSS
SECTION 9.4 Wastewater Volume Determination by Member Agencies
SECTION 1  GENERAL PROVISIONS

SECTION 1.1  AUTHORITY

This ordinance shall apply to all industrial users and other users subject to wastewater discharge permits of the South County Regional Wastewater Treatment Plant (Plant). The ordinance authorizes the issuance of wastewater discharge permits; authorizes monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires industrial reporting; and provides for the settling of fees for the equitable distribution of costs resulting from the program established herein. This ordinance authorizes the South County Regional Wastewater Authority (Authority) to administer the pretreatment program, to enforce its Enforcement Response Plan, and to apply applicable civil and criminal penalties in its wastewater discharge permits as required by 40 CFR Part 403.8(f)(1)(vi).

SECTION 1.2  PURPOSE AND POLICY

This ordinance sets uniform requirements for discharges into the sanitary sewer system and Plant and enables the Authority to comply with the administrative and waste quality requirements of the Clean Water Act, the water quality requirements set by the Central Coast Regional Water Quality Control Board (Central Coast Water Board), the 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 of wastewater discharged into those systems.

The objectives of this ordinance to comply with the Clean Water Act are:

A. To prevent the introduction of pollutants into the Plant and sanitary sewer system that will interfere with the operation of the system or contaminate the resulting sludge;
B. To prevent the introduction of pollutants into the Plant which will pass through the system, inadequately treated; into receiving waters or the atmosphere or otherwise be incompatible with the system;
C. To improve the opportunity to recycle and reclaim wastewaters and sludges from the system;
D. To protect the Plant, sanitary sewer system, and pretreatment personnel who may be affected by wastewater and sludge in the course of their employment, and to protect the general public; and
E. To enable the Plant to comply with its National Pollutant Discharge Elimination System (NPDES) permit conditions, sludge use and disposal requirements and any other federal or state laws to which the Plant is subject.

SECTION 1.3  ADMINISTRATION AND ENFORCEMENT

The Authority Manager or designee shall enforce the provisions of this ordinance, and for such
purposes shall have the powers of a peace officer. Such powers shall not limit or otherwise affect the powers and duties of other Authority officials. Any powers granted to or duties imposed upon Authority Manager may be delegated by the Authority Manager to a duly authorized employee.

SECTION 1.4 DEFINITIONS

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated.

A. Act or the Act: The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.
B. Approval Authority: Regional Water Quality Control Board, Central Coast Region, San Luis Obispo, CA.
C. Authority: South County Regional Wastewater Authority, its officers, directors, designees, or agents.
D. Authority Manager: The Manager of the Authority or a designated representative.
E. Authorized or Duly Authorized Representative of the User: An authorized representative of a user may be:
   (1) If the user is a corporation:
      (a) The president, secretary, treasurer, or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
      (b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
   (2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
   (3) If the user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
   (4) The individuals described in paragraphs (1) through (3), above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall
responsibility for environmental matters for the company, and the written authorization is submitted to the Authority.

F. **Beneficial Uses:** Uses of the Waters of the State that may be protected against quality degradation include, but are not necessarily limited to: domestic, municipal, agricultural and industrial supply power generation, recreation, aesthetic enjoyment, navigation and 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.

G. **Best Management Practices (BMPs):** The schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Sections 2.1, 2.2, and 2.3 of this ordinance. 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.

H. **Biochemical Oxygen Demand (BOD):** The quantity of oxygen utilized in the biochemical oxidation or organic matter under standard laboratory procedure for five (5) days at 20° centigrade expressed as a concentration (e.g., milligrams per liter [mg/l]).

I. **Building Sewer:** A lateral sewer conveying wastewater from the premises of the user to the public sanitary sewer system.

J. **Categorical Pretreatment Standards or Categorical Standards:** Any regulation containing pollutant discharge limits promulgated by USEPA in accordance with section 307(b) and (c) of the Clean Water Act (33 U.S.C. section 1317) that apply to a specific category of users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

K. **Color:** The optical density at the visual wavelength of maximum absorption relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.

L. **Composite Sample:** A sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

M. **Cooling Water:** The water discharge from any uses, such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.

N. **Commercial or Industrial Sewage:** Any and all liquids and/or solids contained within liquids from industrial, commercial, or institutional processes, except liquid borne wastes derived from ordinary living processes, and of such character as to permit satisfactory disposal, without special treatment, into the sanitary sewer system.

O. **Control Authority:** The term “Control Authority” shall refer to the South County Regional Wastewater Authority or the Authority Manager or the Authority Manager’s designee.

P. **Daily Maximum:** The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

Q. **Daily Maximum Limit:** The maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily
maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

R. **Effluent:** Shall mean the liquid outflow of any facility designed to treat, convey, or retain wastewater.

S. **Environmental Protection Agency (USEPA):** The United States 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.

T. **Existing Source:** Any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act (33 U.S.C. section 1317).

U. **Grab Sample:** A sample which is taken from a wastestream on a one-time basis with no regard to the flow in the wastestream and without consideration of time or strength and over a period of time not to exceed fifteen (15) minutes.

V. **Health Officer:** The Santa Clara County health officer, his/her assistants, or authorized deputies.

W. **Holding Tank Waste:** Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, boats, septic tanks, and vacuum pump tank trucks.

X. **Indirect Discharge:** The discharge or the introduction of non-domestic pollutants from any source regulated under section 307(b) and (c) or (d) by the Act, into the Plant (including holding tank waste discharged into the system).

Y. **Industrial User:** Any contributor of industrial waste or wastewater or a source of indirect discharge.

Z. **Industrial Waste or Wastewater:** Any non-domestic liquid or solid wastes from any commercial, industrial, or institutional establishment. Industrial waste is distinct from sanitary or domestic waste.

AA. **Inspector:** Inspector means the authorized inspector or representative of the Authority Manager.

BB. **Instantaneous Maximum Allowable Discharge Limit:** The maximum concentration (or loading) of a pollutant allowed to be discharged at anytime, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

CC. **Interceptor:** A device or trap to prevent the amount of grease, sand, oil or other solids or semi-solids from entering the sewer system.

DD. **Interference:** A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the Plant, its treatment processes or operations, or its sludge processes, use or disposal which is a cause of or significantly contributes to either a violation of any requirements of the Plant’s NPDES permit (including an increase in the magnitude or duration of a violation) or to the prevention of sewage sludge use or disposal by the Plant in accordance with the following statutory provisions and regulations or permits issued under the Solid Waste Disposal Act (SWDA), including Title II, more commonly, referred to a 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 (TSCA), and the Marine Protection, Research, and Sanctuaries Act.

EE. Local Limit: Specific discharge limits developed and enforced by the Authority upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR Part 403.5(a)(1) and (b).

FF. Medical Waste: Isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiological agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

GG. Member Agency: Either or both of the Cities of Gilroy or Morgan Hill, whose joint exercise of Powers agreement created the Authority.

HH. National Pollutant Discharge Elimination System (NPDES) permit: A permit issued to the Authority pursuant to section 402 of the Act that regulates operations of the Plant and discharge of treated effluent to Waters of the United States.

II. New Source:

1. Any building, structure facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Act that will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

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

   b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

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

2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, or facility, or installation meeting the criteria of section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

3. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

   a. Begun, or caused to being, 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 are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

JJ. **Noncontact Cooling Water:** Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

KK. **Pass Through:** A discharge which exits the Plant 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 Authority’s NPDES permit, including an increase in the magnitude or duration of a violation.

LL. **Permittee:** The person to whom a wastewater discharge permit has been issued pursuant to this ordinance.

MM. **Person:** An individual, firm, partnership, or corporation, and their heirs, assigns or agents.

NN. **pH:** The scale of 1 to 14 that measures acidity and alkalinity; 7.0 being neutral, 0-6.9 being acidic, and 7.1-14 being basic or alkaline. Technically, it is the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions in standard units.

OO. **Point of Discharge:** The point at which any private sewer joins the sanitary sewer system.

PP. **Pollutant:** Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, industrial wastes, biological materials, radioactive materials, heat, wreaked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the characteristics of wastewater (i.e. pH, temperature, total suspended solids [TSS], turbidity, color, BOD, Chemical Oxygen Demand [COD], toxicity, odor).

QQ. **Pretreatment:** The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants’ properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a publicly owned treatment works (POTW). The reduction or alteration can be obtained by physical, chemical, or biological processes, process changes, or other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

RR. **Pretreatment Requirements:** Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard imposed on a user.

SS. **Pretreatment Standard:** Prohibited discharge standards, categorical pretreatment standards, and local limits.
TT. **Publicly Owned Treatment Works (POTW):** A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by a municipality (as defined by section 502(4) of the Act). A POTW includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a treatment plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

UU. **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.

VV. **Sanitary Sewer:** A main line sewer for the acceptance of any sewage or liquid waste, except storm water, surface water, ground water, roof runoff, or other unpolluted water.

WW. **Septic Tank Waste:** Any sewage from holding tanks, such as vessels, chemical toilets, campers, trailers, and septic tanks.

XX. **Sewage:** All water, or a combination of liquid or water containing human waste, conducted away from residences, business buildings, and institutions, which is known as domestic or sanitary sewage, together with the liquid or water carried waste resulting from a manufacturing process employed in commercial or industrial establishments including washing, cleaning, or drain water from such processes, which is known as industrial waste.

YY. **Shall:** Is mandatory. **May** is permissive.

ZZ. **Significant Industrial User (SIU):** Except as provided in paragraphs (3) and (4) below, an SIU is:

1. An industrial user subject to categorical pretreatment standards; or
2. Any industrial user that:
   a. Discharges an average of ten thousand (10,000) gallons per average workday or more of process wastewater to the Authority’s wastewater treatment system (excluding sanitary, noncontact cooling and boiler blowdown wastewater); or
   b. Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic capacity of the Plant; or
   c. Is designated as such by the Authority on the basis that it has reasonable potential for adversely affecting the Plant’s operation or for violating any pretreatment standard or requirement.

3. The Authority may determine that an industrial user subject to categorical pretreatment standards is a Non-Significant Categorical Industrial User (NSCIU) rather than an SIU on a finding that the industrial user never discharges more than one hundred (100) gpd of total categorical wastewater (excluding sanitary, noncontact cooling, and boiler blowdown wastewater), unless specifically included in the pretreatment standard) and the following conditions are met:
(a) The industrial user, prior to the Authority’s finding, has consistently complied with all applicable categorical pretreatment standards and requirements;
(b) The industrial user annually submits the certification statement required in Section 5.14(B) together with any additional information necessary to support the certification statement; and
(c) The industrial user never discharges any untreated concentrated wastewater.

(4) Upon a finding that a user meeting the criteria in subsection (2) above has no reasonable potential for adversely affecting the Plant’s operation or for violating any pretreatment standard or requirement, the Authority may at any time on its own initiative or in response to a petition received from an industrial user, and in accordance with procedures in 40 CFR Part 403.8(f)(6), determine that such user should not be considered an SIU.

AAA. Significant Noncompliance (SNC): SNC is a condition where a user may have any of the following conditions:

(1) 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 during a six-(6-) month period exceeded (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in Section 1.4(BB);
(2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six-(6-) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined in Section 1.4(BB), multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils, and grease, and 1.2 for all other pollutants except pH);
(3) Any other violation of a pretreatment standard or requirement as defined in Section 2 that the Authority 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;
(4) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Authority’s exercise of its emergency authority to halt or prevent such a discharge;
(5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
(6) Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
(7) Failure to accurately report noncompliance; or
Any other violation(s), which may include violation of BMPs, which the Authority determines will adversely affect the operation or implementation of the Pretreatment Program.

BBB. **Slug Load or Slug Discharge**: Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 2.1 of this ordinance. A slug discharge is any discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the Authority’s regulations, local limits, or NPDES permit conditions.

CCC. **Standard Industrial Classification (SIC) Code**: A classification pursuant to the Standard Industrial Classification Manual issued by the U.S. Office of Management and Budget.

DDD. **Storm Water**: Any flow occurring during or following any form of natural precipitation and resulting from such precipitation including snowmelt.

EEE. **Total Dissolved Solids (TDS)**: Matter dissolved in water that will pass through a filter.

FFF. **Total Suspended Solids (TSS)**: The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtering.

GGG. **User**: A source of indirect discharge.

HHH. **Wastewater**: The liquid portion of industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, which may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

III. **Waters of the State**: All streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface, or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

**SECTION 1.5 ABBREVIATIONS**

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<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>BOD</td>
<td>Biochemical Oxygen Demand</td>
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<td>CFR</td>
<td>Code of Federal Regulations</td>
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<tr>
<td>COD</td>
<td>Chemical Oxygen Demand</td>
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<tr>
<td>gpd</td>
<td>Gallons Per Day</td>
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<td>l</td>
<td>Liter</td>
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<td>LEL</td>
<td>Lowest Explosive Limit</td>
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<td>mg</td>
<td>Milligrams</td>
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<tr>
<td>mgd</td>
<td>Million Gallons Per Day</td>
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<tr>
<td>mg/l</td>
<td>Milligrams Per Liter</td>
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<td>NIOSH</td>
<td>National Institute of Occupational Safety and Health</td>
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<tr>
<td>NPDES</td>
<td>National Pollutant Discharge Elimination System</td>
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<tr>
<td>O&amp;M</td>
<td>Operation and Maintenance</td>
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<td>pH</td>
<td>Hydrogen Ion Concentration</td>
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<td>POTW</td>
<td>Publicly Owned Treatment Works</td>
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<td>Acronym</td>
<td>Description</td>
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<tr>
<td>RCRA</td>
<td>Resource Conservation Recovery Act</td>
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<td>SIC</td>
<td>Standard Industrial Classifications</td>
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<td>SIU</td>
<td>Significant Industrial User</td>
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<tr>
<td>SWDA</td>
<td>Solid Waste Disposal Act (42 USC 6901, et seq.)</td>
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<tr>
<td>TOC</td>
<td>Total Organic Carbon</td>
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<tr>
<td>TDS</td>
<td>Total Dissolved Solids</td>
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<td>TSCA</td>
<td>Toxic Substances Control Act</td>
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<tr>
<td>TSS</td>
<td>Total Suspended Solids</td>
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<tr>
<td>TTO</td>
<td>Total Toxic Organics</td>
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<tr>
<td>USC</td>
<td>United States Code</td>
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<td>USEPA</td>
<td>U.S. Environmental Protection Agency</td>
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SECTION 2 SEWER USE REQUIREMENTS

SECTION 2.1 PROHIBITED DISCHARGE STANDARDS

It shall be unlawful for any user to contribute or cause to be contributed directly or indirectly, any pollutant or wastewater which will pass through or cause interference with the operation or performance of the POTW whether or not the user is subject to categorical pretreatment standards or any other national, state, or local pretreatment standard or requirement. A user shall not contribute the following pollutants, substances, or wastewater to the POTW:

A. Any liquids, solids, or gases which, by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause a fire or explosion or be injurious in any other way to the POTW or the operation of the POTW. This includes wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR Part 261.21. Closed-cup flashpoint values may be found in the National Institute of Occupational Safety and Health (NIOSH) Pocket Guide to Chemical Hazards. At no time shall two successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lowest Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, perchlorates, bromates, carbides, hydrides, sulfides, and any other substances which the Authority, the state, or USEPA has notified the user is a fire hazard to the system.

B. Solids or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities.

C. Wastes having a pH lower than 6.0 or higher than 11.0 or having any corrosive property capable of causing damage or hazards to structures, equipment, or personnel of the sanitary sewer system. Where the Authority deems it advisable, it may be required that any user discharging industrial wastes install and maintain, in an approved manner, a suitable device to continuously measure and record the pH of the wastes so discharged.

D. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to 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 Plant, or to exceed the limitations set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not limited to, any pollutant identified pursuant to the Act.

E. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life and health, or is sufficient to prevent entry into the sanitary sewer system for testing, maintenance, and repair.

F. Any substance which may cause the Plant’s effluent or any other product of the Plant such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to
interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the Plant to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the SWDA, or State criteria applicable to the sludge management method being used.

G. Any substance which will cause the Plant to violate its NPDES permit.

H. Any wastewater with objectionable color not removed in the treatment process.

I. Any wastewater with heat in amounts which inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the Plant exceeds 40° C (104°F) unless the Authority upon requests of the Plant approves alternate temperature limits.

J. Any pollutants including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutants concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a sudden unexpected discharge have a flow rate or contain concentrations or quantities or pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.

K. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by applicable State or Federal regulations.

L. Any wastewater which causes a hazard to human life or creates a public nuisance.

M. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, condensate, deionized water, noncontact cooling water, and unpolluted industrial wastewater.

N. Limitations on point of discharge: No person shall discharge directly into a manhole or other opening in the sanitary sewer system other than through an approved building sewer, except upon written application by the user and payment of the applicable user charges and fees.

O. Wastes containing visible amounts of grease, oil, petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in concentrations, flows, or amounts that will cause interference or pass through, sufficient to cause stoppage, plugging, or obstruction of flow to the Plant, or any other damage, or increased maintenance of the sanitary sewer system.

P. Any trucked or hauled pollutants may not be disposed of except at discharge points designated by the POTW.

Wastes prohibited by this section, shall not be processed or stored in such a manner that they could be discharged to the POTW. All floor drains located in process or materials storage areas must discharge to the user’s pretreatment facility before connecting with the POTW.
SECTION 2.2  NATIONAL CATEGORICAL PRETREATMENT STANDARDS

A. National categorical pretreatment standards shall be in addition to Prohibited Discharge Standards cited in Section 2.1 of this ordinance.

B. Upon promulgation of the categorical pretreatment standards for a particular industrial category, the categorical pretreatment standard, if more stringent than limitations imposed under this section for sources in that category, shall notify all affected users of the applicable reporting requirements of 40 CFR Part 403.12.

C. Where specific prohibitions or limits on pollutants or pollutant parameters are developed by the Authority in accordance with Prohibited Discharge Standards (Section 2.1 of this ordinance), such limitations shall be deemed pretreatment standards for the purpose of the Act.

SECTION 2.3  LOCAL LIMITS

The Authority is authorized to establish local limits pursuant to 40 CFR Part 403.5(c). The following pollutant limits are established to protect against pass through and interference. It shall be unlawful for any user to discharge wastewater containing in excess of the following daily maximum limits:
<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Daily Maximum Limit (mg/L)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arsenic</td>
<td>0.88</td>
</tr>
<tr>
<td>Biochemical oxygen demand (5-day)</td>
<td>610</td>
</tr>
<tr>
<td>Cadmium</td>
<td>0.01</td>
</tr>
<tr>
<td>Chloride</td>
<td>2,900</td>
</tr>
<tr>
<td>Chromium</td>
<td>5.1</td>
</tr>
<tr>
<td>Copper</td>
<td>1.8</td>
</tr>
<tr>
<td>Cyanide</td>
<td>1.8</td>
</tr>
<tr>
<td>Lead</td>
<td>0.50</td>
</tr>
<tr>
<td>Mercury</td>
<td>0.03</td>
</tr>
<tr>
<td>Nickel</td>
<td>2.7</td>
</tr>
<tr>
<td>Silver</td>
<td>4.2</td>
</tr>
<tr>
<td>Sodium</td>
<td>2,500</td>
</tr>
<tr>
<td>Total dissolved solids</td>
<td>9,500</td>
</tr>
<tr>
<td>Total suspended solids</td>
<td>1,000</td>
</tr>
<tr>
<td>Zinc</td>
<td>1.4</td>
</tr>
<tr>
<td>Oil and grease (as petroleum hydrocarbons)</td>
<td>100</td>
</tr>
<tr>
<td>Trace total identifiable chlorinated hydrocarbons</td>
<td>*</td>
</tr>
<tr>
<td>Trace toxic organic compounds</td>
<td>*</td>
</tr>
</tbody>
</table>

* Trace refers to the sum of all toxic organic compounds exceeding 1 mg/L. In such cases, the Authority may require additional testing and/or investigation to determine if the discharge may be allowed. The Authority may define the actual limits assigned to the discharger in the wastewater discharge permit.

Concentrations apply at the point where the waste is discharged to the POTW. All concentrations for metallic substance are for “total” metals unless indicated otherwise. The Authority may impose mass limitations in addition to or in place of the concentration-based limitations above.

The Authority may develop Best Management Practices, by ordinance or in a wastewater discharge permit, to implement the local limits and the requirements of Section 2.1 of this ordinance.
SECTION 2.4  STATE OR MEMBER AGENCY REQUIREMENTS

State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements or limitations in this ordinance. A Member Agency’s requirements and limitations on discharges shall apply in any case within territorial jurisdiction of the Member Agency where they are more stringent than Federal requirements or limitations in this ordinance.

SECTION 2.5  AUTHORITY’S RIGHT OF REVISION

The Authority reserves the right to establish by ordinance or wastewater discharge permits more stringent limitations or requirements on discharges to the sanitary sewer system.

SECTION 2.6  DILUTION PROHIBITED AS SUBSTITUTE FOR TREATMENT

It shall be unlawful for any user to increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the pretreatment standards. The Authority may impose mass limitations on users who are using dilution to meet applicable pretreatment standards and requirements, or in other cases where the imposition of mass limitations is appropriate.

SECTION 2.7  DISCHARGE TO NATURAL OUTLETS

It shall be unlawful to discharge to the ground surface, storm drain inlet, storm drain, roof drain, sidewalk, drainage ditch, parking lot, curb/gutter, creek, river, or channel any sanitary sewage, wastes, petroleum products, coal tar, or any refuse from any residential, commercial, industrial, or institutional establishments.

SECTION 2.8  HOLDING TANK WASTE OR TRUCKED WASTE

It shall be unlawful for any user to discharge holding tank waste or trucked waste into a sanitary sewer without prior written approval of the Authority. Unless otherwise provided in an approval, a separate written approval must be secured for each separate discharge. Applications for holding tank or trucked waste discharge approvals shall state the specific location of the discharge, the time of day the discharge is to occur, the volume of the discharge, and the wastewater constituents and characteristics of the discharge. If approval is granted for the discharge of such waste into the sanitary sewer system, the user shall pay the applicable user charges and fees and shall meet such other conditions as required by the Authority.

SECTION 2.9  WASH RACK WASTE

No user owning or operating private or public automobile wash rack shall permit any water or effluent to flow into the sanitary sewer system unless such wash rack is roofed over and is equipped with a sand-oil interceptor approved by the Authority.
SECTION 2.10 DRAINING OF SWIMMING POOLS

It shall be unlawful for any person to discharge water from swimming pools, whether public or private, into a storm sewer or gutter. All swimming pool water shall be discharged into a sanitary sewer system and only upon authorization of the Authority, payment of the applicable user charges and fees, and satisfaction of such other conditions as are reasonably required by the Authority.

SECTION 3 PRETREATMENT OF WASTEWATER

SECTION 3.1 PRETREATMENT FACILITIES

Users shall provide all wastewater pretreatment facilities required to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set forth in Section 2 of this ordinance within the time limitations specified by USEPA, the state, or the Authority, whichever is more stringent. Facilities required to pretreat wastewater to a level acceptable to the Authority shall be provided, operated, and maintained at the user’s expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Authority for review, and shall be acceptable to the Authority before construction of this facility. The review 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 acceptable to the Authority under the provisions of this ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Authority prior to the user’s initiation of the changes. The user shall retain all records relating to compliance with Pretreatment Standards and make them available to officials of the USEPA or Central Coast Water Board upon request.

Whenever deemed necessary, the Authority may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate, and/or consolidate points of discharge, separate sewage wastestreams from process wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user’s compliance with the requirements of this ordinance.

The Authority may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

SECTION 3.2 GREASE INTERCEPTORS

A. Any business or establishment such as, but not limited to, restaurants, bakeries, donut shops, takeout, drive-in eating establishments, ice cream or milk drive-in stations, hospitals, hotels, markets, recreation or reception halls, etc., where any grease or other objectionable materials may be discharged into the public sanitary sewer system or a private sewage disposal system, shall have a grease interceptor.
B. Interceptors shall be constructed in accordance with applicable standards approved by the Authority.

C. Each grease interceptor shall be so installed and connected that it shall be at all times easily accessible for inspection, cleaning, and removal of the intercepted grease. Proper installation of the grease interceptor shall meet the Plumbing Code and approval of the Authority.

D. Each business establishment, for which a grease interceptor is required, shall have an interceptor which shall serve only that business establishment.

E. Buildings remodeled to accommodate uses requiring interceptors shall be subject to this ordinance.

F. Waste discharged from fixtures and equipment in the above mentioned types of establishments which may contain grease or other objectionable materials, including, but not limited to, scullery sinks, pot and pan sinks, dishwashers, soup kettles, etc., and floor drains located in areas where such objectionable materials may exist, may be drained into the sanitary sewer system through the interceptor only after the approval by the Authority. Exception: toilets, urinals, and other fixtures containing fecal material may not flow through the interceptor.

G. Interceptors shall be maintained in efficient operating condition by periodic removal of the accumulated grease. No such collected grease shall be introduced into any drainage pipe or the sanitary sewer system or private sewage disposal system.

H. Abandoned grease interceptors shall be emptied and filled as required for abandoned septic tanks in the Uniform Plumbing Code (UPC).

SECTION 3.3 ACCIDENTAL DISCHARGE/SLUG DISCHARGE CONTROL PLANS

The Authority shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control slug discharges. The Authority may require the user to develop, submit for approval, and implement such plan or take other action that may be required to control slug discharges. Alternatively, the Authority may develop such a plan for any user. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

A. Description of the discharge practices, including non-routine batch discharges;

B. Description of stored chemicals;

C. Procedures for immediately notifying the Authority Manager of any accidental or slug discharge, as required by Section 5.6 of this ordinance; and

D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.
SECTION 4 ADMINISTRATION

SECTION 4.1 ESTABLISHING RULES AND REGULATIONS

The Authority is hereby authorized to establish any rules and regulations necessary or appropriate for the enforcement of this ordinance and may delegate and appoint employees of the Authority or the Member Agencies to act on his/her behalf.

SECTION 4.2 WASTEWATER DISCHARGE PERMITS

A. It shall be unlawful for any user to connect or to discharge into the sanitary sewer system without first obtaining a wastewater discharge permit or authorization from the Authority.

B. Users required to obtain a wastewater discharge permit shall complete and file an application with the Authority within fifteen (15) days of a notice to apply. Proposed new users shall apply a minimum of (90) days prior to the actual connection to the sanitary sewer system.

C. The Authority will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Authority may issue a wastewater discharge permit subject to terms and conditions provided herein.

D. Permits may be issued for a maximum duration of five (5) years. A permit may be issued for a period less than five (5) years or may be stated to expire on a specific date. Any user wishing to continue its discharge shall apply for permit reissuance prior to the expiration of the user’s existing wastewater discharge permit as outlined in the wastewater discharge permit.

E. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned, transferred to, or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the Authority. Any succeeding owner or user shall comply with the terms and conditions of the existing permit until a new permit is issued.

SECTION 4.3 WASTEWATER DISCHARGE PERMIT APPLICATION CONTENTS

The Authority may require users seeking a wastewater discharge permit to provide the following information as part of an application:

A. Identifying information
   (1) The name and address of the facility, including the name of the operator and owner.
   (2) Contact information, description of activities, facilities, and plant production processes on the premises;

B. Environmental permits. A list of any environmental control permits held by or for the facility;

C. Description of operations.
A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.

Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;

Number and type of employees, hours of operation, and proposed or actual hours of operation;

Type and amount of raw materials processed (average and maximum per day);

Site plans, floor plans, mechanical and plumbing plans, and details to show all sewer, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

D. Time and duration of discharges;

E. The location for monitoring all wastes covered by the wastewater discharge permit;

F. Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR Part 403.6(e);

G. Measurement of pollutants

(1) The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources.

(2) The results of sampling and analysis identifying the nature and concentration and/or mass, where required by the standard or by the Authority, of regulated pollutants in the discharge from each regulated process.

(3) Instantaneous, daily maximum, and long-term average concentrations, or mess, where required, shall be reported.

(4) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set forth in Section 5.10 of this ordinance. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the Authority or the applicable standards to determine compliance with the standard.

(5) Sampling must be performed in accordance with procedures set out in Section 5.11 of this ordinance.

H. Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for pollutants neither present nor expected to be present in the discharge based on Section 5.4(B) of this ordinance.

I. Any other information as may be deemed necessary by the Authority to evaluate the permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision. The Authority will evaluate the data furnished by the user and may require additional information. The Authority will determine whether to issue a wastewater discharge permit upon
receiving a complete permit application. The Authority may deny any application for a wastewater discharge permit.

SECTION 4.4  WASTEWATER DISCHARGE PERMIT CONDITIONS

Wastewater discharge permits shall be expressly subject to all provisions of this ordinance and all other applicable regulations, user charges, and fees established by the Authority or its Member Agencies.

Wastewater discharge permits must contain the following:

A. A statement that indicates the wastewater discharge permit issuance date, expiration date, and effective date.
B. A statement that the wastewater discharge permit is nontransferable without prior notification to the Authority in accordance with Section 3.2(E) of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.
C. Effluent limits, including BMPs, based on applicable pretreatment standards.
D. Self-monitoring, sampling, reporting, notification, and recordkeeping requirements. These requirements shall include an identification of pollutants (or BMPs) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.
E. The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge in accordance with Section 5.4(B).
F. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule.
G. Compliance schedules – If additional pretreatment and/or operations and maintenance are required to meet the pretreatment standards, the wastewater discharge permit shall require the user to follow and schedule to provide such additional pretreatment at the earliest possible date. 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 user shall prepare and submit at his/her expense a proposed schedule for inclusion in the permit. The Authority shall review and refine such schedule at the user’s expense.
(2) The schedule shall contain performance standards in the form of dates for the commencement and completion in the shortest of major events, leading to the construction and operation of additional pretreatment that may be required for the user to meet applicable pretreatment standards (e.g. hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
(3) No increment referred to in a paragraph (1) shall exceed nine (9) months.
(4) Not later than fourteen (14) days following each performance standard date and the final date for compliance, the user shall submit a progress report to the Authority, including, at minimum, whether or not it complied with the performance standard, the reason for the delay, and the steps being taken by the user to return to the schedule established.

(5) Failure to satisfy any performance standard of the final date for compliance shall constitute a material violation of the wastewater discharge permit.

H. Requirements for notifying the Authority of slug discharges: The Authority shall evaluate whether each user needs an accidental discharge/slug discharge control plan or other action to control slug discharges. The Authority may require any user to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:
   (1) Description of discharge practices, including nonroutine batch discharges;
   (2) Description of stored chemicals;
   (3) Procedures for immediately notifying the Authority of any accidental or slug discharge, as required by Section 6.6 of this ordinance; and,
   (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

I. Any grant of the monitoring waiver by the Authority must be included as a condition in the wastewater discharge permit.

Wastewater discharge permits may contain the following:

A. The unit charge or schedule of user charges and fees for the wastewater to be discharged to the sanitary sewer system;
B. Limits on the average and maximum wastewater constituents and characteristics;
C. Limits on the average and maximum rate and time of discharge or requirements for flow regulations and equalization;
D. Requirements for installation and maintenance of inspection and sampling facilities; or
E. Other conditions as deemed appropriate by the Authority to ensure compliance with this ordinance.

SECTION 4.5 WASTEWATER DISCHARGE PERMIT MODIFICATIONS

The Authority may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:
A. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
B. To address significant alterations or additions to the user’s operation, processes, or wastewater volume or character since the time of the wastewater discharge permit issuance;
C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
D. Information indicating the user poses a threat to the POTW, Authority personnel, public health, or the environment;
E. Violation of any terms or conditions of the wastewater discharge permit;
F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting; or
G. To correct typographical or other errors in the wastewater discharge permit.

The user shall be informed of any proposed changes to a permit at least thirty (30) days to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
SECTION 5 REPORTING REQUIREMENTS

SECTION 5.1 BASELINE MONITORING REPORTS

Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the sanitary sewer system any user subject to pretreatment standards and requirements shall submit to the Authority a Baseline Monitoring Report stating the following:

A. Identifying Information.
   (1) The name and address of the facility, including the name of the operator and owner.
   (2) Contact information, description of activities, facilities, and plant production processes on the premises;
B. Environmental Permits. A list of any environmental control permits held by or for the facility.
C. Description of Operations.
   (1) A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
   (2) Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
   (3) Number and type of employees, hours of operation, and proposed or actual hours of operation;
   (4) Type and amount of raw materials processed (average and maximum per day);
   (5) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
D. Time and duration of discharges;
E. The location for monitoring all wastes covered by the permit;
F. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR Part 403.6(e).
G. Measurement of Pollutants.
   (1) The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
   (2) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the user should measure the flows and
concentrations necessary to allow use of the combined wastestream formula in 40 CFR Part 403.6(e) to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR Part 403.6(e), this adjusted limit along with supporting data shall be submitted to the Authority.

(3) Sampling and analysis shall be performed in accordance with Section 4.4 of this ordinance.

(4) The Authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for pretreatment measures;

(5) The baseline report shall indicate the time, date, and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

H. Compliance Certification. A statement, reviewed by the user’s authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

I. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall be no later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 3.3(G) of this ordinance.

J. Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 4.3(F) of this ordinance and signed by an authorized representative of the user.

SECTION 5.2 COMPLIANCE SCHEDULE PROGRESS REPORTS

The following conditions shall apply to the compliance schedule required by Section 5.1(K) of this ordinance:

A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

B. No increment referred to above shall exceed nine (9) months;

C. The user shall submit a progress report to the Authority no later than fourteen (14) days following each date in the schedule and the final date of compliance including,
as a minimum, whether or not it complied with the increment of progress, the reason
for any delay, and, if appropriate, the steps being taken by the user to return to the
established schedule; and
D. In no event shall more than nine (9) months elapse between such progress reports to
the Authority.

SECTION 5.3 REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE

Within ninety (90) days following the date for final compliance with applicable categorical
pretreatment standards, or in the case of a new source following commencement of the
introduction of wastewater into the POTW, any user subject to pretreatment standards and
requirements shall submit to the Authority a report containing the information in Section 5.1(F)
and (G) of this ordinance. All compliance reports must be signed and certified in accordance with
Section 5.3(F) of this ordinance. All sampling will be done in conformance with Section 5.11 of
this ordinance.

SECTION 5.4 PERIODIC COMPLIANCE REPORTS

A. Except as specified in Section 5.4(C), all SIUs must, at a frequency determined by the
Authority, submit no less than twice per year (January 15 and July 15) reports
indicating the nature, concentration of pollutants in the discharge which are limited
by pretreatment standards and the measured or estimated average and maximum
daily flows for the reporting period. In cases where the pretreatment standard
requires compliance with a BMP or pollution prevention alternative, the user must
submit documentation required by the Authority or the pretreatment standard
necessary to determine the compliance status of the user.

B. The Authority may authorize a user subject to a categorical pretreatment standard to
forego sampling of a pollutant regulated by a categorical pretreatment standard if the
user has demonstrated through sampling and other technical factors that the
pollutant is neither present nor expected to be present in the discharge, or is present
only at background levels from intake water and without any increase in the pollutant
due to activities of the user. This authorization is subject to the following conditions:

   (1) The waiver may be authorized where a pollutant is determined to be present
       solely due to sanitary wastewater discharged from the facility provided that
       the sanitary wastewater is not regulated by an applicable categorical standard
       and otherwise includes no process wastewater.

   (2) The monitoring waiver is only valid for the duration of the effective period of
       the wastewater discharge permit, but in no case longer than five (5) years. The
       user must submit a new request for the waiver before the waiver can be
       granted for each subsequent wastewater discharge permit.

   (3) In making a demonstration that a pollutant is not present, the user must
       provide data from at least one sampling of the facility’s process wastewater
prior to any treatment present at the facility that is representative of all wastewater from all processes.

(4) The request for a monitoring waiver must be signed by a duly authorized representative of the user and include the certification statement in Section 5.14(A) of this ordinance.

(5) Non-detectable sample results may be used only as a demonstration that pollutant is not present if the USEPA-approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

(6) Any grant of the monitoring waiver by the Authority must be included as a condition in the user’s wastewater discharge permit. The reasons supporting the waiver and any information submitted by the user in its request for the waiver must be maintained by the Authority for three (3) years after expiration of the waiver.

(7) Upon approval of the monitoring waiver and revision to the user’s wastewater discharge permit by the Authority, the user must certify on each report with the statement in Section 5.14(C) below that there has been no increase in the pollutant in its wastestream due to activities of the user.

(8) In the event that a waived pollutant is found to be present or expected to be present because of changes that occur in the user’s operations, the user must immediately: comply with monitoring requirements or other more frequent requirements imposed by the Authority and notify the Authority.

(9) This provision does not supersede certification processes and requirements established in categorical pretreatment standards, except as other specified in the categorical pretreatment standard.

C. The Authority may reduce the requirement for periodic compliance reports to a requirement to report no less frequently than once per year, unless required more frequently in the pretreatment standard or by USEPA where the user’s total categorical wastewater flow does not exceed any of the following:

(1) 0.01 percent of the Plant’s design dry weather hydraulic capacity or five thousand (5,000) gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the user discharges in batches;

(2) 0.01 percent of the design dry weather organic treatment capacity of the Plant; and

(3) 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical pretreatment standard for which approved local limits were developed in accordance with Section 2.3 of this ordinance.

Reduced reporting is not available to users that have in the last two (2) years been in significant noncompliance, as defined Section 1.4(3AA) of this ordinance. In addition, reduced reporting is not available to a user with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the Authority,
decreasing the reporting requirement for this user would result in data that are not representative of conditions occurring during the reporting period.

D. All periodic compliance reports must be signed and certified in accordance with Section 5.14(A) of this ordinance.

E. All sampling of wastewater shall be done in a manner so that the sample is representative of the nature of the wastewater being discharged to the sanitary sewer. Sample data shall be collected and analyzed using methods listed in 40 CFR Part 136 and shall be submitted to the pretreatment program. All sample data collected and analyzed using these stated methods shall be submitted to the Pretreatment Program. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

F. If a user subject to the reporting requirements in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Authority, using the procedures described in Section 5.11 of this ordinance, the results of this monitoring shall be included in the report.

SECTION 5.5 REPORTS OF CHANGED CONDITIONS

Users must notify the Authority of any significant changes to the user’s operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change.

A. The Authority may require the user submit such information as may be deemed necessary to evaluate the changed conditions, including the submission of a wastewater discharge permit application under Section 4.3 of this ordinance.

B. The Authority may issue a wastewater discharge permit or modify an existing wastewater discharge permit in response to changed conditions or anticipated changed conditions.

SECTION 5.6 REPORTS OF POTENTIAL PROBLEMS

A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a slug discharge or slug load, that might case potential problems for the POTW, the user shall immediately telephone and notify the Authority of the incident. This notification shall include the location of the discharge, type of waste, concentration, and volume, if known, and corrective action taken by the user.

B. Within five (5) days following an accidental discharge, the user shall submit to the Authority a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liabilities which may be incurred as a result of damage to the POTW, fish kills, or any other
damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liabilities which may be imposed by this ordinance or other applicable law.

C. A notice shall be permanently posted on the user’s bulletin board or other prominent place advising employees whom to call in the event of a discharge as described in Section 5.6(A) above. Employers shall insure that all employees who may cause such an accidental discharge to occur are advised of the emergency notification procedure.

D. SIUs are required to notify the Authority immediately of any changes at its facility affecting the potential for a slug discharge.

SECTION 5.7 REPORTS FROM UNPERMITTED USERS

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Authority as may be required.

SECTION 5.8 NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING

If sampling performed by a user indicates a violation, the user must notify the Authority within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Authority within thirty (30) days after becoming aware of the violation. Resampling by the user is not required if the Authority performs sampling at the user’s facility at least once per month, or if the Authority performs sampling at the user’s facility between the time when the initial sampling was conducted and the time when the user or the Authority receives the results of this sampling, or if the Authority has performed the sampling and analysis in lieu of the user.

SECTION 5.9 NOTIFICATION OF THE DISCHARGE OF HAZARDOUS WASTE

Any user who commences the discharge of hazardous waste shall notify the POTW, the Central Coast Water Board, and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be hazardous waste under 40 CFR Part 261. Notifications must include the name of the hazardous waste as set for the on 40 CFR Part 261, the USEPA hazardous waste number, and the type of discharge (continuous, batch, or other). If more than one hundred (100) kg of such waste per calendar month to the POTW, the notification also shall contain the following:

A. An identification of the hazardous constituents
B. An estimation of the mass and concentration of such constituents
C. An estimation of the mass and concentrations in the wastestream expected to be discharged during the following twelve (12) months

All notification must take place no later than one hundred and eighty (180) days after the discharge commences.
SECTION 5.10 ANALYTICAL REQUIREMENTS

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where USEPA determines that the 40 CFR Part 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 applicable sampling and analytical procedures, including procedures suggested by the Authority or other parties approved by USEPA.

SECTION 5.11 SAMPLE COLLECTION

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

A. Except as indicated in Section 5.11(B) and (C) below, the user must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Authority. Where time-proportional composite sampling or grab sampling is authorized by the Authority, samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate USEPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved USEPA methodologies may be authorized by the Authority, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

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

C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Sections 5.1 and 5.2 of this ordinance, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Authority may authorize a lower minimum. For reports required by Section 5.4 of this ordinance, the user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.
SECTION 5.12 DATE OF RECEIPT OF REPORTS

Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

SECTION 5.13 RECORDS RETENTION

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with BMPs established under Section 2.2 of this ordinance. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the date analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the Authority, or where the user has been specifically notified of a longer retention period by the Authority.

SECTION 5.14 CERTIFICATION STATEMENTS

A. The following certification statement is required to be signed and submitted by users submitting the following documents: permit applications, initial monitoring waivers, baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, required periodic compliance reports, or submitting an initial request to forego sampling of a pollutant. The certification statement must be signed by an authorized representative of the user:

“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, of 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.”

B. Annual Certification for Non-Significant Categorical Industrial Users – A facility determined to be an NSCIU by the Authority must annually submit the following certification statement signed in accordance with the signatory requirements in Section 1.4(E). This certification must accompany an alternative report required by the Authority:
“Based on my inquiry of the person or persons directly responsible for managing compliance with categorical pretreatment standards under 40 CFR Part ____., I certify that, to the best of my knowledge and belief that during the period from ______ to ______ [month, day, year]:

(1) The facility described as [facility name] met the definition of a non-significant categorical industrial user as described in Section 1.4(AAA)(3) of the South County Regional Wastewater Authority Ordinance No. 2024-01;

(2) The facility has complied with all applicable pretreatment standards and requirements during this reporting period; and

(3) The facility has never discharged more than 100 gallons of total categorical wastewater on any given day during this report period.

This compliance certification is based on the following information:
_________________________________________________________
_________________________________________________________

C. Certification of Pollutants Not Present
Users that have an approved monitoring waiver based on Section 5.4(B) of this ordinance must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the user:

“Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standard for 40 CFR Part ____., I certify that, to the best of my knowledge and belief, there has been no increase in the level of [list of pollutant(s)] in the wastewater due to the activities at the facility since the filing of the last periodic report under Section 5.4(A) of the South County Regional Wastewater Authority Ordinance No. 2024-01"
SECTION 6 COMPLIANCE MONITORING

SECTION 6.1 RIGHT OF ENTRY: INSPECTION AND SAMPLING

The Authority Manager shall have the right to enter the premises of any user to ascertain whether the user is complying with all requirements of this ordinance and any wastewater discharge permit or order issued hereunder. Users shall allow the Authority Manager ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

A. Where a user has security measures in force which would 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, personnel from the Authority, Central Coast Water Board, or USEPA will be permitted to enter, without delay, for the purpose of performing their specific responsibilities.

B. The Authority Manager shall have the right to set up on the user’s property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user’s operations.

C. The Authority Manager may require the user to install monitoring equipment as necessary. The facility’s sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated according to the manufacturer’s specification to ensure their accuracy.

D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Authority Manager and shall not be replaced. The costs for clearing such access shall be borne by the user.

E. Unreasonable delays in allowing the Authority Manager access to the user’s premises shall be a violation of this ordinance.

SECTION 6.2 SEARCH WARRANTS

If the Authority 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 Authority designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, the Authority Manager may seek issuance of a search warrant from the Superior Court of Santa Clara County.
SECTION 7 CONFIDENTIAL INFORMATION

SECTION 7.1 CONFIDENTIAL INFORMATION

Information and data on a user obtained from reports, surveys, questionnaires, wastewater discharge permit applications, wastewater discharge permits, monitoring programs, and from inspections shall be available to the public or other governmental agency without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Authority that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related the NPDES, state disposal system and/or the pretreatment program, and in judicial review or enforcement proceedings involving the user furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined in 40 CFR Part 2.302, will not be recognized as confidential information and shall be available to the public without restriction.
SECTION 8 ENFORCEMENT

SECTION 8.1 VIOLATION NOTICE

Whenever the Authority finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, the Authority may serve upon the user a written notice of violation. Within fourteen (14) calendar days of receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Authority. Submission of such plan in no way relieves the user of liability for any violations occurring before and after receipt of the notice of violation. Nothing in this section shall limit the authority of the Authority to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

SECTION 8.2 PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The Authority shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the Authority, a list of users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements as defined in Section 1.4(AAA).

SECTION 8.3 CONSENT ORDER

The Authority may enter into a consent order, assurances of compliance, or other similar document establishing an agreement with any user responsible for noncompliance. Such documents shall include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 8.4 and 8.5 of this ordinance and shall be judicially enforceable.

SECTION 8.4 COMPLIANCE ORDER

When the Authority finds that a user has violated, or continues to violate, any provision of this ordinance, wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Authority may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated to correct the violation. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring and BMPs designed to minimize the amount of pollutants discharged to the sanitary sewer system. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.
SECTION 8.5  CEASE AND DESIST ORDER

When the Authority finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any pretreatment standard or requirement, or that the user’s past violations are likely to recur, the Authority may issue an order to the user directing it to cease and desist all such violations and directing the user to:

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

SECTION 8.6  ADMINISTRATIVE FINES

A. The Authority may issue and serve an administrative complaint on any user found to be in violation of provisions of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement. The complaint shall allege the act or failure to act that constitutes each violation, the provisions of law authorizing the imposition of an administrative penalty, and the proposed penalty. The complaint shall inform the user named of the time and place that a hearing shall be held on the allegations of the complaint, and that the user may elect to waive this hearing.

B. Within sixty (60) days after the user has been served, the Authority Manager shall hold a noticed public hearing, at which the Authority and the user may each present information relevant to the allegations of the complaint. Formal rules of evidence shall not apply to this hearing. The user named in the complaint may waive the right to a hearing by serving a written waiver on the Authority Manager prior to or at the time of the hearing. If the right to a hearing is waived, no hearing shall be held.

C. Whether or not a hearing is held, the Authority Manager shall issue and serve on the user named in the complaint, and on any person who appeared at the hearing, if any, and requested a copy, a written Decision and Order. The Decision and Order shall be issued within fifteen (15) working days after:

(1) The date the Authority Manager is served with a waiver of hearing if no hearing is held; or

(2) The date the hearing is concluded, if a hearing is held.

D. The user named in the complaint may appeal the Authority Manager’s Decision and Order to the Authority Board by delivering a written notice or appeal, accompanied by full payment of any penalties assessed in the Decision and Order, to the Clerk of the Authority Board within thirty (30) days of service of the Decision and Order. The notice of appeal shall set forth grounds for appeal and reasons why the appeal should be granted. The payment shall be held by the Authority Manager, who shall compile the record of the Authority Manager’s hearing for the Authority Board’s review.
E. The Authority Board may issue an Order Denying Review or may hear the appeal. If it hears the appeal, it shall do so within fifteen (15) working days of receiving the notice of appeal. On appeal, the Authority Board shall review the record of the Authority Manager’s hearing, if any, conduct an additional hearing at which formal rules of evidence shall not apply, and exercise its independent judgment on the matter. Within fifteen (15) working days after the appeal hearing is concluded, the Authority Board shall issue and serve on the user named in the complaint, and on any person who appeared at the hearing and requested a copy, a Decision and Order on Appeal affirming, reversing, or modifying the Authority Manager’s Decision and Order. The user named in the complaint may seek review of the Authority Board’s determination to the Superior Court of Santa Clara County by filing a petition for a writ of mandate within thirty (30) days following service of the Order Denying Review or the Decision and Order on Appeal, pursuant to California Government Code Section 54740.6.

F. Administrative penalties which may be imposed by the Authority Manager, or the Authority Board on appeal, are as follows:

1. An amount not to exceed two thousand dollars ($2,000) for each day for failing or refusing to furnish technical or monitoring reports.

2. An amount not to exceed three thousand dollars ($3,000) for each day for failing or refusing to timely comply with any compliance schedule established by the local agency.

3. An amount not to exceed five thousand dollars ($5,000) per violation for each day for discharges in violation of any waste discharge limitation, permit condition, or requirement issued, reissued, or adopted by the Authority.

4. An amount not to exceed ten thousand dollars ($10) per gallon discharge in violation of any suspension, cease and desist order, or other orders, or prohibitions issued, reissued, or adopted by the Authority.

G. In imposing penalties, the Authority Manager or Authority Board on appeal may take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the economic benefit derived through any noncompliance, the nature and persistence of the violation, the length of time over which the violation occurs, and corrective action, if any, taken or attempted by the Person.

H. Unless timely appeal, all orders under Section 8.6 of this ordinance become effective and final upon issuance, and payment of penalties shall be made within thirty (30) days. Any penalties which remain delinquent for sixty (60) days shall constitute a lien against the real property of the user upon which the violations resulting in the penalty occurred. All penalties collected shall be deposited in a special account of the Authority and shall be made available for the monitoring, treatment, and control of discharges into the POTW or for other mitigation measures.

I. No penalties shall be recoverable under Section 8.6 of this ordinance for any violation for which civil liability is recovered in the courts. Notwithstanding the foregoing, the Authority may, at its option, elect to petition the Superior Court of Santa Clara County to confirm any order establishing penalties under Section 8.6 of this ordinance and to
J. This Section 8.6 establishes an alternative procedure for enforcement of this ordinance and shall not be deemed to limit any other legal remedies to the Authority.

SECTION 8.7 EMERGENCY SUSPENSION OR REVOCATION OF WASTEWATER DISCHARGE PERMIT

A. The Authority may immediately suspend a user’s discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health, or welfare of persons. The Authority may also immediately suspend a user’s discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

1. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user’s failure to immediately comply voluntarily with the suspension order, the Authority may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment of individuals. The Authority may allow the user to recommence discharge when the user has demonstrated to the satisfaction of the Authority Manager that the period of endangerment has passed, unless the termination proceedings in Section 8.8 of this ordinance are initiated against the user.

2. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written report describing the cause(s) of the harmful contribution and the measures taken to prevent any future occurrence to the Authority Manager prior to the date of any hearing.

3. Nothing in Section 8.7(A) shall be interpreted as requiring a hearing prior to any emergency suspension.

B. The Authority Manager may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

1. Failure to notify the Authority Manager of significant changes to the wastewater prior to the changed discharge;
2. Failure to provide prior notification to the Authority Manager of changed conditions pursuant to Section 5.5 of this ordinance;
3. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
4. Falsifying self-monitoring reports and certification statements;
5. Tampering with monitoring equipment;
6. Refusing to allow the Authority Manager timely access to the facility premises and records;
7. Failure to meet effluent limitations;
(8) Failure to pay fines;
(9) Failure to pay sewer charges;
(10) Failure to meet compliance schedules;
(11) Failure to complete a wastewater survey or the wastewater discharge permit application; or
(12) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance.

SECTION 8.8 TERMINATION OF DISCHARGE

In addition to the provisions identified in Section 8.7(B) of this ordinance, any user who violates the following conditions are subject to discharge termination:

A. Violation of wastewater discharge permit conditions;
B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
D. Refusal of reasonable access to the user’s premises for the purpose of inspection, monitoring, or sampling; or
E. Violation of pretreatment standards in Section 2 of this ordinance.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity for a hearing to appeal the proposed action. Exercise of this option by the Authority shall not be a bar to, or a prerequisite for, taking any other action against the user.

SECTION 8.9 RECONSIDERATION AND APPEALS

A. Any user affected by a decision, action, interpretation, or determination other than an Order under Section 8.6 or a decision under Section 8.7 and 8.8 made or taken pursuant to this ordinance or to any wastewater discharge permit issued hereunder, may file with the Authority Manager a written request for reconsideration within ten (10) working days of such decision, action, interpretation, or determination, setting forth in detail the facts supporting the user’s request for reconsideration. The Authority Manager shall respond in writing five (10) working days.

SECTION 8.10 HEARING BY AUTHORITY MANAGER

The Authority Manager shall cause a hearing to be held:

A. Upon timely appeal of the summary suspension or revocation of a permit pursuant to Section 8.7.
B. Upon timely appeal of the Authority Manager’s decision to refuse, discontinue, or terminate service pursuant to Section 8.8.
C. Upon timely appeal from a response upon reconsideration by the Authority Manager pursuant to Section 8.9.

SECTION 8.11 HEARING PROCEDURE

The Authority Manager shall hold the hearing within fifteen (15) working days following notice of the appeal. The applicant shall be given notice of said hearing at least five (5) working days prior to the hearing date.

The time and place of the hearing shall be fixed in said notice. The Authority Manager shall hear the user and all witnesses together with any proper documentary evidence offered in support of or against the decision. The Authority Manager shall issue a written decision within fifteen (15) working days of the conclusion of the hearing upholding, modifying, or overruling the decision.

If, from evidence, the Authority Manager finds that substantial evidence exists to sustain the action, the Authority Manager shall order the appropriate action.

SECTION 8.12 HEARING BY THE AUTHORITY BOARD

Any user aggrieved by the written decision of the Authority Manager pursuant to Sections 8.10 and 8.11 may appeal such decision to the Authority Board. An appeal to the Authority Board shall be made by filing a written notice of appeal with the Clerk of the Board no later than ten (10) working days after the decision of the Authority Manager is issued. The notice shall set forth grounds for appeal and the reasons why such appeal should be granted. Upon receipt of said petition the Clerk shall immediately forward a copy to the Authority Manager, who shall compile the record of the hearing for the Board’s review.

SECTION 8.13 ACTION BY AUTHORITY BOARD

The Authority Board shall hear the appeal at its first available meeting following the receipt of the notice of appeal. On appeal, the Authority Board shall review the record of the Authority Manager’s hearing, conduct an additional hearing of the issues by the grounds for appeal (at which formal rules of evidence shall not apply), and exercise its independent judgment on the matter. The Authority Board may reverse or affirm, wholly or in part, any decision, termination or requirement of the Authority Manager or impose such conditions as the facts warrant. The decision of the Authority Board shall be final.

SECTION 8.14 INJUNCTIVE RELIEF

When the Authority Manager finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Authority Manager may petition the Superior Court of Santa Clara County through the Authority’s legal counsel for issuance of a temporary or permanent injunction, as appropriate, which restrains or compels specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the user. The Authority may also seek other such action as is appropriate for legal
and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

SECTION 8.15 CIVIL PENALTIES

A. A user who has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the Authority for a maximum civil penalty of twenty-five thousand dollars ($25,000) per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

B. The Authority may recover reasonable attorneys’ fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damage incurred by the Authority.

C. In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user’s violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against the user.

SECTION 8.16 CRIMINAL PROSECUTION

A. A user who willfully or negligently violates any provision of this ordinance, wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars ($1,000) per violation per day, or imprisonment for not more than six (6) months, or both.

B. A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of not more than one thousand dollars ($1,000) per violation per day, or imprisonment for not more than six (6) months, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

C. A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than one thousand dollars ($1,000) per violation per day, or imprisonment for not more than six (6) months, or both.
D. In the event of a second conviction, a user shall 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.

SECTION 8.17 REMEDIES NONEXCLUSIVE

The remedies provided for in this ordinance are not exclusive. The Authority may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the Authority’s Enforcement Response Plan. However, the Authority may take other action against any user when the circumstances warrant. Further, the Authority is empowered to take more than one enforcement action against any noncompliant user.
SECTION 9 WASTEWATER USER CHARGES AND FEES

SECTION 9.1 TYPES OF CHARGES FOR USER

The types of charges for industrial use may include, but are not limited to:

A. Fees for permit application
B. Fees for monitoring, analytical laboratory services, inspections, and surveillance.
C. Surcharges for BOD, TSS, volume and other discharge constituents.
D. Other fees as the Authority may deem necessary to carry out the requirements contained herein.

SECTION 9.2 RATES AND CHARGES FOR MUNICIPAL SEWER SERVICE

Rates for municipal sewer service and charges for industrial users shall be as fixed by resolution of the legislative bodies of the Member Agencies, a copy of which shall be kept on file at the Office of the Clerk of the Board. The charges established for the industrial users shall be based upon the measured or estimated constituents and characteristics of that user which may include, but not be limited to, BOD, TSS, COD, oil and grease, and volume of the wastewater.

SECTION 9.3 ESTABLISHMENT OF BOD/TSS

For the purposes of establishing the value of BOD/TSS for a commercial or industrial sewage, four or more representative samples shall be taken at reasonable intervals. Those industrial or commercial establishments whose wastes are found to fall continually within the same BOD/TSS limits will be checked only at the request of the owner of said establishment or at the discretion of the Administrator. The average (BOD/TSS) value of the waste as determined by such samples shall be applied for the billing purposes.

SECTION 9.4 WASTEWATER VOLUME DETERMINATION BY MEMBER AGENCIES

A. Meter Water Supply – User charges and fees shall be applied against the total amount of water used from all sources unless, in the opinion of the Member Agency, significant portions of water received are not discharged to the sanitary sewer system. 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 Member Agency.

B. Metered Wastewater Volume and Metered Diversions – For purposes of determining other than flat rate charges set forth by Council Resolution of any member Agency the volume of effluent discharged into the sanitary sewer system and sewer service charge for such use shall be measured by an effluent meter installed at the user’s expense and approved by the Program Administrator.

For users, where, in the opinion of the Member Agency, a significant portion of the water received from any metered source does not flow in to the sanitary sewer
system because of the principal activity of the user of removal by other means, the user charges and fees will be applied against the volume of water discharged from such premises into the sanitary sewer system. Written notification and proof of the diversion of water must be provided by the user if the user is to avoid the application of the user charges and fees against the total amount of water used from all sources. The user shall install a meter of a type and at a location approved by the Member Agency at the user’s expense. Such meters may measure either the amount of sewage discharged or the amount of water diverted. Such meters shall be tested for accuracy at the expense of the user when deemed necessary by the Authority Manager.

C. Estimated Wastewater Volume

(1) **Users Without Source Meters** - For users where, in the opinion of the Member Agency, it is unnecessary or impractical to install meters, the quantity of wastewater may be based upon an estimate prepared by the Member Agency and shall be considered as conclusive. This estimate shall be based upon a rational determination of the wastewater discharged and may consider such factors as the number of fixtures, seating capacity, population equivalent, production of goods and services or such other determinations of water use necessary to estimate the wastewater volume discharged.

(2) **Users With Source Meters** – For users who, in the opinion of the Member Agency divert a significant portion of their flow from a sanitary sewer, the user charges may be based upon an estimate of the volume prepared by the user, provided the obtains a wastewater discharge permit and pays the applicable user charges and fees. The estimate must include the method and calculations used to determine the wastewater volume and may consider such factors as the number of fixtures, seating capacity, population equivalents, production of goods and services, or such other determinants of water use and necessary volume discharge.

**SECTION C SEVERABILITY**

If any section, subsection, subdivision, sentence, clause, phrase, or word of this ordinance 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. The Authority hereby declares that it would have passed and adopted this ordinance, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid or unconstitutional.
Sewer Use Ordinance 2024-01 has been introduced to the SCRWA Board at a regular meeting held on the 3rd day of January 2024. Upon adoption, Sewer Use Ordinance 2024-01 will replace Sewer Use Ordinance 2013-01 in its entirety.

The provisions of this Ordinance are separable, and the invalidity of any phrase, clause, provision, or part shall not affect the validity of the remainder.

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance shall be adopted on the 3rd day of April 2024 and take effect thirty (30) days from and after the date of its final adoption by the SCRWA Board.

PASSED AND ADOPTED this 3rd day of April, 2024 by the following roll call vote:

AYES: DIRECTORS:
NOES: DIRECTORS:
ABSTAIN: DIRECTORS:
ABSENT: DIRECTORS:

APPROVED:

___________________________
Rene Spring, Chairperson

ATTEST:

___________________________
Saeid Vaziry, Secretary