

Chapter 2

Sewer Use

2.01 General Provisions

2.01.01 Title

This Chapter shall be known as the Sacramento Regional County Sanitation District's "Sewer Use Chapter."

2.01.02 Purpose

This Chapter sets forth uniform requirements for users of the Wastewater collection and treatment system of the Sacramento Regional County Sanitation District (hereafter District) and enables the District to protect its interceptors, treatment, pumping, and disposal systems and to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR 403).

The objectives of this Chapter are:

1. To protect the health and safety of the people and enhance the environmental quality of the District and its surroundings;
2. To comply with the laws of the State of California and of the United States relating to the protection of the environment, control of water pollution, pretreatment of industrial discharges, and the disposal of Hazardous Wastes to the District treatment works;
3. To prevent the introduction of Pollutants into the District Sewerage System that will interfere with the operation of the District Sewerage System;
4. To prevent the introduction of Pollutants into the District Sewerage System which will pass through the District Sewerage System, inadequately treated, into Receiving Waters, or the atmosphere, or otherwise be incompatible with the overall operation of the District Sewerage System;
5. To ensure that the quality of the Wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;
6. To protect District personnel who may be affected by Wastewater and sludge in the course of their employment and to protect the general public;
7. To provide, in conjunction with the Sewer Rate Chapter, for the equitable distribution of the cost of operation, maintenance and improvement of the Publicly Owned Treatment Works(POTW);

8. To prevent the introduction of Wastes to Sewers connected to the District Sewerage System that could result in the District being classified as a Hazardous Waste treatment, storage, or disposal facility under the laws of the State of California or the United States;
9. To provide for source monitoring and control of quantity, quality, and rate of flow of residential, commercial, and industrial Wastes entering the public Sewerage System; and
10. To establish enforcement procedures and penalties for violations.

2.01.03 Applicability of the Sewer Use Chapter

The requirements of this Sewer Use Chapter are applicable to all Persons within the District and to all Persons outside the District who are, by contract, agreement or action, users of the District Sewerage System; including any and all new and prospective users and any and all existing users.

Except as otherwise provided herein, the District Engineer of the Sacramento Regional County Sanitation District (District Engineer) shall administer, implement, and enforce the provisions of this Sewer Use Chapter. Any powers granted to or duties imposed upon the District Engineer except imposition of fines, penalties, or termination of service, may be delegated by the District Engineer to other County personnel.

2.01.04 Implementation

To assure that the purposes of this Chapter are carried out, the specific provisions of the Chapter will be supplemented by additional requirements and policies established by the District Engineer and separate Ordinances establishing charges for use of District Sewerage facilities. The District Engineer shall promulgate such detailed regulations and standards including drawings, specifications, and other requirements as are necessary to fully implement this Consolidated Ordinance.

2.02 Authorities and Responsibilities

2.02.01 Authority of the District Engineer

The District Engineer shall have the authority, in addition to such other authority as may be provided in this Chapter or by other means, to do all of the following:

1. Inspect the Premises of any person discharging Waste to the District Sewerage System, including but not limited to, any areas or points of sampling, discharge, process, storage, or any other areas as deemed reasonable and necessary by the District Engineer to document the Person's compliance with the requirements of this Sewer Use Chapter or a Wastewater Discharge Permit. The authority to inspect includes the authority to collect samples of any Wastes either being discharged, or having the potential to be discharged to the District Sewerage System, and to require the User to collect, have analyzed, and report the results of analyses of any Wastes either being discharged or having the potential to be discharged to the Sewerage System.
2. Witness any sampling and sampling procedures as required of any User as part of a self-monitoring program, or under the terms of this Sewer Use Chapter or Wastewater Discharge Permit.

3. Terminate service of and disconnect from the District Sewerage System any Person who does not comply with the requirements of this Sewer Use Chapter or that Person's Wastewater Discharge Permit.
4. Obtain copies of any monitoring and sampling records as necessary to establish compliance or non-compliance with the objectives of this Chapter or a Wastewater Discharge Permit, and if necessary, remove those records from the premises for copying purposes. These records include, but are not limited to, records required to be kept under 40 CFR 403.12.
5. In order to demonstrate compliance with this Chapter, Wastewater Discharge Permit requirements, and 40 CFR 403.12, require submission of all notices and self-monitoring reports from any Industrial User as required by this Sewer Use Chapter, the User's Wastewater Discharge Permit, or any appropriate State or federal law or regulation including, but not limited to, the reports required in 40 CFR 403.12. Industrial User reports shall be signed as required by 40 CFR 403.12(1).
6. Require any industrial Waste discharger to install and operate pretreatment facilities as deemed reasonable and necessary by the District Engineer to meet all National Pretreatment Standards, all provisions of the Wastewater Discharge Permit, and all requirements of this Chapter.
7. Specify and require any User to develop a compliance schedule to meet all applicable National Pretreatment Standards, all provisions of the Wastewater Discharge Permit, and all requirements of this Chapter and to require compliance reports on meeting scheduled milestones.
8. Inspect all areas and processes of any facility and the installation and operation of any pretreatment equipment.
9. Specify and require users to install, operate, and maintain a sampling facility for the purpose of obtaining representative Wastewater samples, a metering facility and instrumentation for the purpose of accurately quantifying discharge flows, and other continuous recording devices (pH, temperature, conductivity, or other specific Wastewater constituents) for the purpose of characterizing the Wastewater discharge. The District Engineer shall have the right to install, maintain, and operate where necessary District sampling and measuring equipment on the Premises of the discharger.
10. Issue any Administrative Order, including a Consent Order, Show Cause Order, Cease and Desist Order, and Compliance Order to any Person discharging to the Sewerage System.
11. Issue an Administrative Complaint proposing an Administrative civil penalty to any Person violating any National pretreatment standard, any provision of a Wastewater Discharge Permit, or any requirement of this Chapter.
12. Seek injunctive relief for violations of any National pretreatment standard, any provision of a Wastewater Discharge Permit, or any requirement of this Chapter.
13. Seek the imposition of civil penalties for violations of any National pretreatment standard, any provision of a Wastewater Discharge Permit, or any requirement of this Chapter.
14. Halt or suspend a discharge in the event of an actual or threatened discharge which is in violation of this Sewer Use Chapter, a Wastewater Discharge Permit, or the regulatory conditions of 40 CFR 403.8(f)(1)(vi)(B), or in the event of an emergency, or a condition in which the safety of humans or the environment is threatened. The District Engineer has the authority to require spill containment where deemed necessary by the District Engineer.

15. Require Waste minimization, source control evaluations, or plans to conserve water, or any combination thereof. Require investigation of new product or chemical agent substitution, implementation of inventory control procedures, implementation of employee education, conductance of internal audits, and implementing steps as necessary to minimize Waste produced.

2.03 Regulations

2.03.01 Permissible Discharges

Wastewater may be discharged into Public Sewers for conveyance, treatment, and disposal by the District, provided that such Wastewater discharge is in compliance with this Chapter and the conditions of any Wastewater Discharge Permit; and further provided that the User pays all applicable District Sewer connection and use charges, including any penalties or charges assessed under this Chapter. Notwithstanding any provision within this Chapter, no User shall obtain or otherwise acquire a right to continued discharge to the system, whether or not such User has obtained a Wastewater Discharge Permit pursuant to the terms of this Chapter. The District retains the authority to, at any time, modify the terms of this Chapter and/or any Wastewater Discharge Permit issued pursuant hereto, if such is required in the discretion of the District, in order to carry out the objectives of this Chapter.

2.03.02 General Prohibition

No Person shall discharge, or cause to be discharged, Wastewater into a Public Sewer which will result in Nuisance, Contamination, or pollution in Receiving Waters or groundwaters. Further, no Person shall discharge Wastewater in excess of any applicable federal or State discharge regulations, or provision of this Chapter. These general prohibitions apply to all users of the Sewerage System whether or not they are subject to Categorical Pretreatment Standards or any other national, State, or local Pretreatment Standards or requirements.

2.03.03 Prohibited Effects

No Person shall discharge, or cause to be discharged, Wastewater into a Public Sewer if it contains substances or has characteristics which, as determined by the District Engineer, alone or by interaction with other Wastewaters, cause or threaten to cause:

1. Damage to District Sewerage System.
2. Pass Through, Interference with, or impairment of the operation or maintenance of District Sewerage System.
3. Obstruction of flow in District Sewerage System.
4. Danger to life or safety of any person.
5. Interference with or overloading of treatment or disposal processes.
6. Flammable or explosive conditions in the Sewerage System.

7. The District's effluent or any other product of the treatment process, residues, sludges or scums, to be unsuitable for reclamation, reuse, or disposal, or to interfere with any processes for reclamation.
8. Noxious or malodorous gases or odors.
9. Discoloration or any other condition which affects the quality of the District's treatment plant influent or effluent in such a manner that inhibits the District's ability to meet receiving water quality, sludge quality, or air quality requirements established by regulatory agencies.
10. Conditions which violate any statute, or any rule, regulation, code or Ordinance of any Public Agency or regulatory agency having jurisdiction over the operation of or discharge of Wastewater through the Sewerage facilities.
11. Contamination of groundwater by penetration of the Sewer line.

2.03.04 Prohibited Substances or Characteristics.

No Person shall discharge, or cause to be discharged, the following to a Public Sewer:

1. Any unpolluted Stormwater, surface water, swimming pool water, groundwater, roof runoff, or subsurface drainage.
2. Any water or Waste having a pH lower than 5.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the District.
3. Any solid or viscous substance in amounts which may cause or threaten to cause obstruction to flow in Sewers or other Interference with proper operation or maintenance of the Sewerage System.
4. Any Wastewater containing Pollutants, including oxygen demanding Pollutants (BOD, etc.), released in a discharge at a flow rate and/or Pollutant concentration which alone or in combination with other Pollutants, will cause Interference or Pass Through, or will constitute a hazard to humans or animals.
5. Any substance in violation of any pretreatment standards, nor shall any Person increase the use of process water or dilute a discharge in any way as a partial or complete substitute for adequate treatment to comply with categorical or other pretreatment standards.
6. Any Wastewater which creates a fire or explosion hazard including, but not limited to, Wastestreams with a closed-cup flashpoint of less than sixty degrees centigrade (60°C), (140°F), using the test method specified in 40 CFR 261.21.
7. Any discharge which results in the presence of toxic gases, vapors, or fumes in a quantity that may cause acute worker health and safety problems within any part of the District Sewerage System.
8. Any Wastewater containing hazardous 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 human or animal health or safety, create an adverse effect on the waters of the State, or to exceed the limitations set forth in a National Pretreatment Standard.
9. Any Wastewater containing any substance that is defined as a Hazardous Waste by the State or federal regulatory agencies.

10. Any Slug discharges of restricted materials or other substances regulated by this Chapter.
11. Any noxious or malodorous liquids, gases, solids, or other Wastewater which, either singly or by interaction with other Wastes, are sufficient to create a public nuisance, a hazard to life, or to prevent entry into the Sewers for maintenance and repair.
12. Any Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye Wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent thereby violating the District's NPDES Permit.
13. Any Wastewater containing any radioactive Wastes or isotopes unless the Waste is discharged in strict conformance with current California Radiation Control Regulations (California Code of Regulations, Title 17).
14. Any Wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in Interference or Pass Through, but in no case Wastewater which causes the temperature at the treatment plant to exceed forty degrees centigrade (40°C) (104°F).
15. Any trucked or hauled Wastes not in accordance with the Sewer Use Chapter.
16. Any Medical Wastes, except where prior written approval for such discharges is given by the Engineer.
17. Any Wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the District Sewerage System.
18. Any petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through.

2.03.05 Prohibited Discharge Locations.

No Person shall discharge any Wastewater or any other substance directly into a manhole or other opening in the District Sewerage System other than in accordance with requirements established by this Chapter and through service Sewers approved by the District Engineer except that the District Engineer may grant permission and establish requirements and policies for such direct discharges.

2.03.06 Regulated Discharges

No Person shall discharge, or cause to be discharged, to the District Sewerage System any of the following without first applying for and receiving a Wastewater Discharge Permit or specific approval from the District Engineer:

1. Any discharge over a 24-hour period in excess of 25,000 gallons (excluding the domestic portion of said discharge) or containing the pounds of BOD or TSS equivalent to the poundage contained in 25,000 gallons per day of domestic Sewage containing 180 mg/l of BOD or TSS (37.5 pounds/day).
2. Any discharge which contains more than 300 mg/l of oil and grease of animal or vegetable origin, or more than 100 mg/l of oil and grease of petroleum origin.
3. Any waters or Wastes having a pH between 5.0 and 6.0 or higher than 9.5.

4. Any discharge which contains any of the following substances in excess of limits or conditions established by the District Engineer.
 - a. Metals, including but not limited to arsenic, cadmium, copper, lead, mercury, nickel, silver, chromium, and zinc.
 - b. Metal pickling Wastes or plating solutions.
 - c. Phenols or taste or odor-producing substances.
 - d. Soaps or detergents.
 - e. Organic solvents.
5. Any discharge with a temperature exceeding 160°F for a period greater than five consecutive minutes, or exceeding 120°F average, for any 8 hour period.
6. Any Stormwater, surface water swimming pool water, ground water, roof runoff, subsurface drainage, cooling water, or industrial process water which the District Engineer has determined to be polluted or otherwise unacceptable for discharge into a storm water drain system, or a Natural Outlet.
7. Garbage, except ground Garbage from residential and commercial Premises where food is prepared and consumed. Garbage shall be shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in Public Sewers, with no particle greater than 1/4-inch in any dimension.
8. Any radioactive Wastes discharged by a Person authorized to use radioactive materials by the State Department of Health or other governmental agency empowered to regulate the use of radioactive materials, and discharged in strict conformity with current California Radiation Control Regulations (California Code of Regulations, Title 17) for safe disposal.
9. Materials which cause unusual concentrations of inert Suspended Solids (such as, but not limited to, soil solids, Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) in Sanitary Sewers, Sewage treatment plant, or Receiving Waters.
10. Any trucked, hauled, or holding tank Waste, unless discharged into a District approved facility designed to receive such Waste in accordance with the terms of a valid Waste Hauler Wastewater Discharge Permit.
11. Discharges regulated by Federal Pretreatment Regulations promulgated under the Federal Act.
12. Any discharge of ground water. Such discharges must be in accordance with policies established by the District Engineer.
13. Discharges to the District Sewer that contain materials defined herein as Hazardous materials.
14. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.

2.03.07 National Pretreatment Standards

The National Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405 - 471 are hereby incorporated. Upon promulgation of the Federal General and Categorical Pretreatment Standards, the Federal Standards, if more stringent than limitations imposed under the Chapter for

dischargers, shall supersede the limitations imposed under this Chapter. The District Engineer shall notify all affected users of the applicable reporting requirements under Section 5 of this Chapter.

2.03.08 Specific Pollutant Limitations

No Person shall discharge Wastewater to the District Sewerage System which exhibits any characteristic which is specifically prohibited by an action of the District Board, or any Wastewater containing constituents in excess of any specific constituent level limitations as may be set by the District Board pursuant to 40 CFR 403.5 (b) (c) and (d). Specific Pollutant limitations regarding Waste characteristics and constituent limits may be adopted by resolution. The District may also incorporate Maximum Allowable Headworks Loadings (MAHLs) on a User-specified basis into Wastewater Discharge Permits where necessary.

Any violation of a specific Pollutant limitation as may be set forth in a District resolution shall subject the User to the same administrative actions, penalties, and enforcement actions as would be available for any other violation of this Chapter. The term "Chapter" as used elsewhere within this Sewer Use Chapter, shall be read to include the specific Pollutant limitations as may be set forth by resolution.

2.03.09 Pretreatment Facilities

Users shall provide necessary Wastewater treatment as required to comply with this Chapter and shall achieve compliance with all National Pretreatment Standards within the time limitations as specified by the Federal regulations, or this Chapter or the Wastewater Discharge Permit, whichever is earliest. Any facilities required to pretreat Wastewater to a level acceptable to the District shall be provided, operated, maintained and modified as necessary at the User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the District for review, and shall be acceptable to the District before construction of the 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 District under the provisions of this Chapter, the Wastewater Discharge Permit, or the National Pretreatment Standards all as currently enacted or as later amended or modified. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the District prior to the User's initiation of the changes.

Pretreatment facilities shall be maintained continuously in satisfactory and effective operation by the User at User's expense, to the satisfaction of the District.

2.03.10 Additional Pretreatment Measures

Whenever deemed necessary, the District Engineer may require users to restrict their discharge during peak flow or loading periods, designate that certain Wastewater be discharged only into specific Sewers, relocate or consolidate points of discharge, separate domestic Sewage Wastestreams from industrial Wastestreams, and such other conditions as may be necessary to protect the Sewerage System and determine the User's compliance with the requirements of this Chapter.

The District Engineer may require any User to install and maintain, on the User's property and at the User's expense, a suitable storage and flow control facility to ensure equalization of flow.

Any User with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

2.03.11 Spill Containment and Slug Control Plan

All users shall provide spill containment for protection against discharge of prohibited materials or other Wastes regulated by this Chapter. Such protection shall be designed to secure the discharges and to prevent them from entering into the system in accordance with reasonable engineering standards. Such facilities shall be provided and maintained at the User's expense.

The District Engineer may require any User to develop a discharge/Slug control plan that outlines discharge practices, including nonroutine batch discharges, describes stored chemicals, and contains procedures both to notify the District immediately of Slug discharges and to prevent adverse impacts from any accidental spills, and submit for approval and implement such a plan. Alternatively, the District Engineer may develop such a plan for any User.

2.03.12 Grease, Oil and Sand

Pretreatment by means of grease, oil, or sand intercepting devices shall be provided when, in the opinion of the District Engineer, it is necessary for proper handling of liquid Wastes, except that such devices shall not be required for Residential Users. Restaurant food processing discharges are subject to the requirements of this Section and restaurant process drains may be required to be connected to an intercepting device deemed sufficient by the District Engineer.

All intercepting devices shall be of a type and capacity approved by the District Engineer and shall be located so as to be readily and easily accessible for inspection and cleaning. All such devices shall be available for inspection by the District Engineer at all reasonable times. All grease, oil, and sand intercepting devices shall be maintained in continuously efficient operation at all times by the User.

2.03.13 District's Right of Revision

The District reserves the right to establish by ordinance or resolution more stringent limitations or requirements on discharges to the District Sewerage System if deemed necessary to comply with the objectives presented in this Chapter. No revision of limitations or requirements hereunder shall subject the District to civil liability or penalty for interference with a right, vested or otherwise, of any User.

2.03.14 Special Agreement

The District may enter into special agreements with Industrial Users setting out special terms under which such users may discharge to the District Sewerage System. In no case will a special agreement waive compliance with a pretreatment standard or requirement. However, the Industrial User may request, and if appropriate, receive a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. An Industrial User may also request a variance from the Categorical Pretreatment Standards from EPA. Such a request will be approved, if at all, only if the Industrial User can prove that factors relating to its discharge are fundamentally different from the factors considered by EPA when establishing that pretreatment standard. An Industrial User requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 CFR 403.13.

2.03.15 Dilution

No Industrial User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a

discharge limitation. The District Engineer may impose mass limitations on Industrial Users to prevent dilution to meet applicable Pretreatment Standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

2.04 Administration

2.04.01 Classification of Users

The District Engineer will classify all users for Wastewater disposal purposes in accordance with the principal activity conducted upon the Premises. The purpose of classification is to facilitate regulation of discharge to the District Sewerage System on the basis of each User's Waste characteristics and flow; to provide an effective means of industrial and commercial Waste source control; and to establish a system of Sewer use charges based upon flow and Waste strength which will insure equitable recovery of District capital and operating costs. As defined in Chapter 1, these users are:

1. Industrial
 - a. Class I User
 - b. Class II User
2. Commercial User
3. Residential User

All users are subject to the prohibitions set forth in this Chapter, with such federal and State statutes and regulations as may apply, and the specific Pollutant limitations as may be promulgated by the District Board either by ordinance or resolution.

2.04.02 Classification Questionnaire/Declaration of Wastes

A User classified pursuant to Section 2.04.01 of this Chapter as an industrial or commercial User shall not discharge Wastewater to the Public Sewer system without first filing a Wastewater Discharge Permit Classification Questionnaire (Questionnaire), provided by the District. Proposed new users shall file a Questionnaire at least sixty (60) days prior to connecting to the Collection System of a contributing agency and/or contributing to the District's Facilities. Industrial or commercial users shall provide all information required by the Questionnaire, and such additional information as the District Engineer may require. The District Engineer shall review such information and notify the User of acceptance or rejection thereof, and shall determine whether or not the User will be required to file a Wastewater Discharge Permit Application Form.

The User shall be responsible for furnishing an updated Wastewater Discharge Permit Classification Questionnaire prior to occurrence of any of the following events:

1. There is an addition to the User's Wastewater discharge stream which has not previously been declared; and/or
2. Activities at the User's facilities change such that the quantity of the hazardous material stored, handled or produced at any one time exceeds 55 gallons of liquid, 500 pounds of solids, or 200 cubic feet of gas; or Hazardous materials not previously declared are stored, handled or produced.

The District Engineer may from time to time request that a new Wastewater Discharge Permit Classification Questionnaire be completed, and the User shall comply within 30 days following the date of written notice thereof, whether or not the User's Wastestream or activities shall have changed since the completion of any previous Wastewater Discharge Permit Classification Questionnaire.

When requested by the District Engineer, a User must submit information on the nature and characteristics of its Wastewater. This may include the specific requirement to provide Wastewater analysis results. Such testing will be at the User's expense.

2.04.03 Wastewater Discharge Permit Application

Users required, or who may be required, by the District Engineer to obtain a Wastewater Discharge Permit shall complete and file with the District a Wastewater Discharge Permit Application on a form provided by the District. A new Wastewater Discharge Permit fee, payable prior to discharge, may be assessed at the time of the application.

Proposed new users shall apply at least 60 days prior to connecting to or contributing to the Collection System of a contributing agency and/or connecting to or contributing to the District's Facilities. In support of the application, the User shall submit, in units and terms appropriate for evaluation, all information as may be deemed by the District Engineer to be necessary to evaluate the Wastewater Discharge Permit Application. This information includes but is not limited to: identifying information; flow rates; Wastewater constituents and characteristics; time and duration of discharge; peak discharge amounts; locations of all discharge points; pretreatment facilities; sampling and monitoring equipment and points; description of activities, facilities, and plant processes, including raw materials, processes and types of materials which are or could be produced, by type; number of employees; site diagrams; and flow schematics. Specific information required for application evaluation will be identified in the District's Wastewater Discharge Permit Application package.

2.04.04 Wastewater Discharge Permit Application Evaluation

Upon request, New Industrial Users shall submit to the District, within ninety (90) days after commencement of discharge to the District's facilities, an analysis of said discharge delineating Wastewater constituents and characteristics including, but not limited to, those mentioned in 2.03 of this Chapter.

The District Engineer will evaluate the data furnished by the User and may require additional information. After evaluation and acceptance of the data furnished, the District Engineer may determine that no Wastewater Discharge Permit is required. If the District Engineer determines that a Wastewater Discharge Permit is required, the District Engineer may issue a Wastewater Discharge Permit subject to the terms and conditions provided in this Chapter.

2.04.05 Wastewater Discharge Permit Conditions

Wastewater Discharge Permits shall require the User to comply with all terms and conditions of this Chapter and all appropriate State and federal laws and regulations and may contain provisions, requirements and standards appropriate to carry out the Objectives of this Chapter, including but not limited to, the following:

1. Limits on the average and maximum Wastewater discharge constituents and characteristics. These limits may be based on Pollutant concentration and/or mass and may include prohibitions on discharge of said Pollutants.

2. Limits on average and maximum rate and time of discharge or requirements for flow regulation and/or equalization.
3. Specific maximum flow and loading rates, in accordance with the applicable fee paid when filing for Sewerage service or increasing said service, pursuant to the applicable Connection Fee Chapter.
4. Requirements for installation and maintenance of sampling and flow metering facilities.
5. Requirements for monitoring programs which may include flow metering, sampling locations, methods of sampling, frequency of sampling, detection and reporting limits, number, types and standards for tests and reporting schedule.
6. Compliance schedules.
7. Requirements for submission of technical reports or periodic compliance reports.
8. Requirements for record-keeping and provisions for allowing the District the right to inspect and copy all such records.
9. Requirements for notification of the District of the introduction of new or increased Pollutants or any change in plant processes or in the volume or character of the Wastewater constituents being introduced into the District's Sewerage System.
10. Requirements for prompt notification of Slug discharges, spills, discharges that would violate limitations, or any discharges that would violate a specific prohibition under 40 CFR 403.5 (b), with procedures for follow-up written notification within a specified time period.
11. Requirements for providing the District with a Slug control plan that outlines discharge practices, including nonroutine batch dischargers, describes stored chemicals, and contains procedures both to notify the District immediately of Slug discharges and to prevent adverse impacts from any accidental spills.
12. Requirements for providing the District with design and construction plans and specifications of the Wastewater Pretreatment Facility whether proposed or in existence.
13. Requirements for providing the District with plans and specifications of the discharger's industrial or commercial operation and/or processes, including such other information as the District Engineer may reasonably request that pertains to the industrial User's operation.
14. Requirements for notification of any planned alteration of the proposed or existing Wastewater pretreatment system.
15. Requirements for the notification of the District of planned alterations of the operations or processes of the industrial User, which could result in an alteration of the User's process discharge or the potential for an accidental spill or Slug discharge.
16. Requirement that the discharger notify the District prior to any proposed bypass other than due to accident or emergency.
17. Requirements to have emergency spill plans on file with the District.

18. Requirements to certify that the industrial User has not discharged Hazardous materials to the Sewerage System without a Wastewater Discharge Permit, and has not discharged substances which have been stored or used in the User's process and which the User contends will not, in the ordinary course of the User's operation, enter the Sewerage System.
19. Requirements, in accordance with 40 CFR 403.12 (g) for re-sampling following a discharge violation and the submittal of reports explaining the cause of the violation and the steps that have been or will be taken to prevent a recurrence of the violation.
20. Requirements for providing access to District personnel at all reasonable times to conduct sampling and/or inspection of any and all processes which can contribute to Wastestream, including the actual Wastewater discharge.
21. Requirements for providing the District with operation and maintenance records for the Wastewater Pretreatment Facility, including periodic updates, as appropriate.
22. Requirements for segregation of domestic Sewage and industrial or commercial Wastewater upstream of the Public Sewer.
23. The prohibition of dilution of regulated discharges as partial or complete substitute for adequate treatment to achieve compliance with Wastewater Discharge Permit conditions.
24. Signatory requirements specifying the responsible corporate officer for the User.
25. Other conditions as deemed appropriate by the District Engineer to ensure compliance with this Chapter.
26. Technical provisions or requirements related to the Wastewater Pretreatment Facility which, in the opinion of the District Engineer, may be necessary to insure the adequacy and reliability of the Wastewater pretreatment system. These technical conditions may include, among others, conditions requiring continuous monitoring, training personnel, alarm systems, automated shutoff, flow through monitoring, and/or provisions for discharges in batch amounts only subsequent to sample testing.
27. Provisions for a zero discharge limitation which specifically prohibits the discharge of any process Wastewater or specific constituents contained therein.

2.04.06 Changed Conditions

Pursuant to the applicable District Connection Fee Chapter, no industrial User shall discharge new or increased Pollutants, or make changes in the nature of its Pollutants without applying for and receiving a modification to its Wastewater Discharge Permit.

2.04.07 Wastewater Discharge Permit Duration

Permits shall be issued for a specified time period, not to exceed five (5) years. A Wastewater Discharge Permit may be issued for a period less than a year or may be stated to expire on a specific date. The User shall apply for Wastewater Discharge Permit reissuance a minimum of 120 days prior to the expiration of the User's existing Wastewater Discharge Permit. The terms and conditions of the Wastewater Discharge Permit may be subject to modification by the District during the term of the Wastewater Discharge Permit as limitations or requirements are modified or other just cause exists. The User shall be informed of any

proposed changes in his Wastewater Discharge Permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the Wastewater Discharge Permit shall include a reasonable time schedule for compliance.

2.04.08 Wastewater Discharge Permit Modifications

1. Promulgation of a National Pretreatment Standard.

Upon the promulgation of a National Pretreatment Standard, the Wastewater Discharge Permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard.

- a. Where a User, subject to a National Pretreatment Standard, has not previously submitted an application for a Wastewater Discharge Permit as required by Section 2.04 of this Chapter, the User shall apply for a Wastewater Discharge Permit within one hundred twenty (120) days after the promulgation of the applicable National Pretreatment Standard.
- b. Users with existing Wastewater Discharge Permits shall submit to the District Engineer within one hundred twenty (120) days after the promulgation of an applicable Federal Pretreatment Standard the information required by Section 2.04.03.

2. Imposition of More Stringent Requirements.

In the event the District determines (for reasons other than issuance of a new National Pretreatment Standard) that it is necessary, in order to comply with the objectives of the Chapter, to impose more stringent limitations or requirements on discharges to the Wastewater disposal system than are set forth in an existing Wastewater Discharge Permit, the District shall have the authority to require modifications of an existing Wastewater Discharge Permit to incorporate such limitations or requirements.

After consultations with the User regarding such Wastewater Discharge Permit modification, a compliance schedule shall be issued which shall set forth a schedule for the User to make such modifications to its processes or procedures as may be required to meet the more stringent limitations and requirements. If the Wastewater Discharge Permit modification will require construction or acquisition of equipment related to pretreatment, the compliance schedule shall provide for up to one hundred eighty (180) days to comply; however, this period may be extended for a period not to exceed an additional one hundred eighty (180) days upon determination by the District Engineer that good cause exists for an additional period. During the period of the compliance schedule, to the extent that the User remains in compliance with the Wastewater Discharge Permit conditions in effect prior to amendment and is complying with the terms of the compliance schedule, the User shall not be liable pursuant to the terms of this Chapter for noncompliance with the more stringent standards or requirements.

2.04.09 Wastewater Discharge Permit Transfer

Wastewater Discharge Wastewater Discharge Permits are issued to a specific User for a specific location and operation. A Wastewater Discharge Wastewater Discharge Permit shall not be reassigned or transferred or sold to a new owner, new User, different Premises, or a new or changed operation without the prior approval of the District Engineer. However, nothing in this section shall be construed to prevent the application of the terms and conditions of this Chapter, including enforcement penalties, from

applying to a succeeding owner, successor in interest, or other assigns of an existing Wastewater Discharge Permit holder.

2.04.10 Wastewater Discharge Permit Revocation, Suspension or Restrictions

A Wastewater Discharge Permit may be revoked or suspended, or restrictions may be imposed, by the District Engineer for failure of the permittee to comply with conditions of the Wastewater Discharge Permit or failure of the Permittee to pay when due any charges.

When the District Engineer has reason to believe that grounds exist for Wastewater Discharge Permit suspension, revocation or restrictions, he shall give written notice thereof by personal service or by registered or certified mail to the Permittee setting forth a statement of the facts and grounds deemed to exist, together with the time and place where the charges shall be heard by the District Engineer. The hearing date shall be not less than fifteen (15) calendar days after the mailing of such notice.

At the hearing, the Permittee shall have an opportunity to respond to the allegations set forth in the notice by presenting written and oral evidence. After the conclusion of the hearing, the District Engineer shall make his determination. The written decision and order of the District Engineer shall be sent by registered or certified mail to the Permittee or its representative at the Permittee's or representative's business address. In making the determination, the District Engineer shall consider the significance of the violation in terms of the ability of the POTW to meet its requirements, with the following exception: when the Permittee is in violation of Federal, State, or local laws or regulations, the Wastewater Discharge Permit may be revoked without considering whether the POTW is meeting its requirements.

Unless directed otherwise in the order of revocation or suspension of Wastewater Discharge Permit, the Permittee shall cease discharging into the Public Sewer at the effective time of said revocation or suspension, or shall conform with all restrictions, conditions, or limitations in the order at the effective time of such requirements.

Any further application for a Wastewater Discharge Permit at any location within the District by any Person subject to an order of revocation will be considered by the District after fully reviewing the records of the revoked Wastewater Discharge Permit, which records may be the basis for denial of a new Wastewater Discharge Permit.

A Wastewater Discharge Permit may be temporarily suspended by the District Engineer at any time if continued discharge of the Permittees' Wastewater into the District Sewerage System would, whether or not combined with other discharges, jeopardize ability of the treatment system to meet Water Quality Requirements or threaten damage to the Sewerage System or cause a Nuisance or an unsafe condition to occur. In lieu of temporary suspension of permits, the District Engineer may impose such temporary restrictions, conditions, or limitations upon quantities, qualities, and rates of discharge made thereunder as is deemed necessary to safely assure that Water Quality Requirements will not be violated, or to alleviate the unsafe condition. The District Engineer shall consider the significance of the conditions in terms of the ability of the system as a whole to meet its requirements, except in those instances where the Permittee's discharge is in violation of Federal, State, or local laws or regulations.

Notice of temporary suspension or imposition of temporary restrictions, conditions, or limitations shall ordinarily be given in writing by the District Engineer or his agent to the Permittee at least 48 hours prior to the time such suspension, restrictions, conditions, or limitations are to become effective. In the event that such notice is given after 1:00 p.m. on the last Working Day of any week, such effective time shall not be sooner than 10:00 a.m. of the second following Working Day. Delivery of said notice shall be made to the manager of the Permittee's place of business within the District; in the event the manager

shall be unavailable to receive such notice, then delivery to a person in apparent responsible charge shall constitute adequate notice. If the District Engineer determines that an emergency exists involving public health or safety or significant impairment of the treatment process, an immediate notice with an immediate effective time of such suspension, restrictions, conditions or limitations may occur.

2.04.11 Signatory Requirements

Where specified by the District Engineer, all applications, reports or other information submitted to the District must contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision and 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(s) who manage the system, or those 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." (40 CFR 403.6(a)(2)(ii)).

This statement shall be signed by an authorized representative of the industrial User as defined in 40 CFR 403.12 (1) (1-4).

2.04.12 Publication of Users in Significant Noncompliance

Pursuant to federal requirements, the District shall annually publish in the largest daily newspaper published in the Service Area a list of the users which, during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Requirements or Standards.

2.04.13 Records Retention

All records relating to compliance with Pretreatment Requirements and Standards shall be made available to officials of the EPA, State and District, or their authorized representatives. These records shall be retained for a minimum of three (3) years from the date of the compliance report to which these records are applicable or three (3) years from the date any investigation or enforcement action undertaken by the District, State, or EPA has been concluded, whichever occurs later. This period shall be automatically extended for the duration of any litigation concerning compliance with this Chapter, or where the User has been notified by the District Engineer of a longer retention period.

2.04.14 Confidentiality of Information

Information and data on a User obtained from reports, questionnaires, Wastewater Discharge Permit applications, permits, monitoring programs, and from inspections shall be available to the public or other governmental agency without notification unless the User specifically requests confidentiality as to any portion thereof and is able to demonstrate to the satisfaction of the District that the release of such information would divulge information, processes or methods of production entitled to protection as Trade Secrets of the User.

When requested by a User furnishing information to the District, the portions of that information which might disclose Trade Secrets or secret processes shall not be made available for inspection by the public but shall be made available to the District and other governmental agencies for uses related to this Chapter, the National Pollutant Discharge Elimination System (NPDES) and/or the pretreatment program. Those portions of the information shall also be available for use by the State or any State agency in

judicial review or enforcement proceedings involving the User furnishing the information. Wastewater constituents and characteristics will not be recognized as confidential information, and effluent data shall be available to the public without restriction.

Information and data requested from a User which the User believes to be proprietary and the release of which to the public would substantially impair the operations of the User, may alternatively be provided to the District for its review at the facility of the User rather than provided to the District for its keeping, at the discretion of the District. The burden will be on the User to demonstrate to the satisfaction of the District that such information is proprietary and that this alternative procedure is necessary or appropriate and will not prevent the District from properly carrying out the objectives of this Chapter. The EPA and State Agencies shall have the same right as the District as to onsite review of proprietary information.

In the event access to or disclosure of any such confidential or proprietary information is requested pursuant to an action brought under federal or State laws, the District shall have the option, in its sole discretion, of defending itself in such action or requiring the User to provide a defense. If the District makes written tender upon a User to defend such an action and such User does not appear in and assume the defense of such action within the time specified in the tender, the District shall be free to disclose the information to the party making request therefore. In any event, the User shall be liable to the District in defending such action and for any judgment rendered against the District in such action. Payment of all such amounts shall be made by the User within 30 days of billing by the District.

2.05 Reporting Requirements

2.05.01 Notification of Slug Load, or Inconsistent Discharge or Spill

It is the responsibility of every User to immediately telephone and notify the District at the telephone number provided therefore in the case of any Slug load or discharge or spill not entirely consistent with the terms and conditions of a Wastewater Discharge Permit. Notification shall include location of discharge, type of Waste, concentration and volume and corrective actions taken by the User.

Within five (5) days following such discharge, the User shall, unless waived by the District Engineer, submit a detailed written report describing the cause(s) of the incident and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of disruption or damage to the District Sewerage System, or damage to natural resources, or to person or property, or incurred in an attempt to avoid such disruption or damages; nor shall notification relieve the User of any fines, penalties, or other liability which may be imposed by this Chapter or other applicable law.

Users who are employers shall permanently post a notice on their bulletin board or other prominent place advising employees whom to call in the event of such a discharge. The User shall ensure that all employees who may cause or suffer such a discharge to occur, are advised of the emergency notification procedure.

Failure to notify the District of potential problem discharges shall be deemed a separate violation of this Chapter.

2.05.02 Baseline Monitoring Reports

Within either 180 days after the effective date of a Categorical Pretreatment Standards, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing significant industrial users subject to such Categorical Pretreatment Standards, and currently discharging to or scheduled to discharge to the District Sewerage System, shall be required to submit to the District a baseline monitoring report which contains the information listed in 40 CFR 403.12(b)(1)-(7).

At least ninety (90) days prior to commencement of discharge to the District's Sewerage System, each new source, and each source that becomes an industrial User subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the District a baseline monitoring report which contains the information listed in 40 CFR 403.12(b)(1)-(5). Each New Source shall also report the method of pretreatment it intends to use to meet applicable pretreatment standards. Each New Source shall give estimates of the information requested in paragraphs 40 CFR 403.12(b)(4) and (5) (anticipated flow and quantity of Pollutants discharged).

All baseline monitoring reports shall be signed and certified in accordance with Section 2.04.11 of this Chapter.

2.05.03 Compliance Schedule Progress Report

All Persons found to be in violation of this Sewer Use Chapter, a Wastewater Discharge Permit, or any State or Federal regulation prohibiting or limiting Waste discharge, may be required to prepare a schedule of actions to bring the discharge into compliance under the direction of the District Engineer. 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 facilities required for the User to meet the applicable Pretreatment Standards (such events include hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, beginning and conducting routine operation). The industrial User shall submit a progress report to the District no later than 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 to be met on such date, and if not, the date on which it expects to comply with this increment of progress, the reason for any delay, (and, if appropriate) the steps being taken by the industrial User to return to the established schedule. All compliance schedule progress reports must be signed and certified in accordance with Section 2.04.11 of this Chapter.

2.05.04 Report on Compliance with Categorical Standard Deadline

Within ninety (90) days following the date for final compliance with applicable Categorical Standards, or in the case of a New Source following commencement of the introduction of Wastewater into the District Sewerage System, each industrial User subject to such Pretreatment Standards and requirements shall submit to the District a report indicating the nature and concentration of all Pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and requirements, the average and maximum daily flow for these process units, and the actual average production rate for these process units (information described in 40 CFR 403.12(b)(4)-(6)). The report shall state whether the applicable Pretreatment Standards or requirements are being met on a consistent basis and, if not, what additional operational and maintenance changes and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or requirements. For industrial users subject to equivalent mass or concentration limits established by the District in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the industrial User's long term production rate. For all other Industrial Users subject to Categorical Standards expressed in terms of allowable Pollutant discharge per unit of production (or other measure of operation), this report shall include the Industrial

User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 2.04.11 of the Chapter.

2.05.05 Periodic Compliance Reports

Any User subject to a pretreatment standard and specified by the District to conduct self-monitoring shall, at a frequency determined by the District Engineer or his agent but in no case less than twice per year (during the months of June and December unless the months are altered, as allowed in 40 CFR 403.12(e)), submit to the District a report indicating the nature and concentration of Pollutants in the discharge which are limited by such Pretreatment Standards and a record of the measured or estimated average and maximum daily flows for the reporting period. Periodic compliance reports must be submitted within forty-five (45) days of collection of the Wastewater samples. All periodic compliance reports must be signed and certified in accordance with Section 2.04.11 of this Chapter.

If any industrial User monitors, at the point of compliance, any Pollutant more frequently than required by the District, the results of this monitoring shall be included in a periodic compliance report.

All Wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

2.05.06 Report of Changed Conditions

Each Industrial User is required to notify the District of any planned significant changes to the Industrial User's operations or system which might alter the nature, quality or volume of its Wastewater at least ninety (90) days before the change.

The District Engineer may require the User to submit such information as may be deemed necessary so evaluate the changed conditions, including the submission of a Wastewater Discharge Permit Application.

The District Engineer may issue a Wastewater Discharge Permit or modify an existing Wastewater Discharge Permit in response to changed conditions or anticipated changed conditions.

2.05.07 Discharge Reports from User

In addition to any other reports required by this Chapter, the District Engineer may require discharge reports, including, but not limited to questionnaires, technical reports, sampling reports, test analyses, and periodic reports of Wastewater discharge. This includes users not required to obtain a Wastewater Discharge Permit. The discharge report may include, but is not necessarily limited to, nature of the process, volume and rates of Wastewater flow, elements, constituents, and characteristics of the Wastewater, together with any information required in an application for a Wastewater Discharge Permit. The report shall be signed and certified in accordance with Section 2.04.11 of this Chapter.

When a report filed by a User pursuant to this Section 2.05 is not adequate in the judgment of the District Engineer, the District Engineer may require such User to supply such additional information as the District Engineer deems necessary. The District Engineer may install, maintain and operate sampling and flow monitoring devices for the purpose of evaluating the User's Wastewater discharge. All cost incurred by the District will be at the User's expense.

2.05.08 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a User indicates a violation, the User must notify the District Engineer within twenty-four (24) hours of becoming aware of the violation. The User shall repeat the sampling and analysis and submit the results of the repeat analysis to the District Engineer within thirty (30) days after becoming aware of the violation. The User is not required to resample if the District monitors at the User's facility at least once a month or if the District samples between the User's initial sampling and when the User receives the results of this sampling.

2.05.09 Record Keeping

All Persons subject to the reporting requirements of this Sewer Use Chapter and 40 CFR 403.12 shall maintain and retain, and make available for inspection and copying by EPA officials and District personnel or agents, all records and information required to be retained under this Chapter. These records shall remain available in accordance with Section 2.04.13.

2.06 Inspection and Monitoring

2.06.01 Rights of Entry

The District shall have the right to enter the facilities of any Industrial User to ascertain whether the purpose of this Chapter, and any Wastewater Discharge Permit or order issued hereunder, is being met and whether the Industrial User is complying with all requirements thereof. Users shall allow the District Engineer, as well as representatives of the State and EPA, 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.

Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the District, State, and EPA will be permitted to enter without delay, for the purposes of performing their specific responsibilities.

The District, State, and EPA 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.

Unreasonable delays in allowing District personnel access to the User's premises shall be a violation of this Chapter.

2.06.02 Inspection Warrants

Inspections shall ordinarily be made with the consent of the owner or possessor of such facilities. However, if such consent is refused to the District, the State, or the EPA, an administrative inspection warrant issued pursuant to the procedures set forth in Title 13 (commencing with 1822.50) of Part 3 of the Code of Civil Procedure, may be obtained.

To the extent that the owner or possessor of the premises requires that a warrant be sought, the District may, in its discretion, suspend the Wastewater Discharge Permit and/or any other right to discharge, to the sanitary facilities immediately, and such suspension may be continued until such time as a warrant has been received and the inspection has been completed. If no violation of this Chapter, Wastewater

Discharge Permit, or other applicable Federal or State regulation or law dealing with sanitation or hazardous substances is found, the suspension shall be lifted upon conclusion of the service of the administrative inspection warrant. In the event that a violation of this Chapter, Wastewater Discharge Permit, or other applicable Federal or State laws or regulations dealing with sanitation is found, the suspension may, in the discretion of the District, be continued or terminated, or other enforcement remedies may be sought.

2.06.03 Monitoring Facilities

The District Engineer may require any Industrial User to construct, at the User's own expense, a sampling and monitoring facility and/or control structure (including an approved type flume) together with necessary monitoring (which can include pH) and sampling equipment, in accordance with District construction standards and specifications. The sampling facility and/or control structure shall be constructed at a location approved by the District Engineer which will allow access by the District Engineer to the facility at all times. Construction shall be completed within a reasonable period after written notification from the District Engineer.

The District Engineer may require the User to install as many such sampling facilities and/or control structures as required to adequately monitor all discharge to the Sewerage System.

When required by the District Engineer an Industrial User shall install and maintain, at User's expense, an approved flow recording device for continuous measurement of the flow rate and volume of Waste discharged to the Public Sewer. The flow measuring station and records therefrom shall be accessible at all reasonable times to the District Engineer and copies of flow measurements shall be furnished the District Engineer as required. The District Engineer may utilize metering of the User's water supply instead of, or in addition to, District metering of the Wastewater discharge.

Any temporary or permanent obstruction to safe and easy access to the industrial facility to be inspected and/or sampled shall be promptly removed by the Industrial User at the written or verbal request of the District Engineer or his agent and shall not be replaced. The costs of clearing such access shall be borne by the Industrial User.

2.06.04 Self-Monitoring

The District may require any Waste discharger to monitor its discharge to the District Sewerage System and report the results of the monitoring to the District periodically. These monitoring and reporting requirements are specific to the discharger, and will be listed in the Wastewater Discharge Permit. The District Engineer may require additional monitoring and reporting to document compliance.

2.06.05 Sampling

The discharger shall sample its discharge to the Sewerage System at the frequency provided in the Wastewater Discharge Permit or as deemed reasonable and necessary by the District Engineer to demonstrate compliance. The District Engineer, at his or her discretion, may require sampling to be conducted by nonpermitted dischargers.

The discharger's sampling equipment and methods shall be observed by the District Engineer upon his request. Before conducting initial sampling, the discharger shall notify the District three days in advance and schedule a time for the District personnel to be present to observe the sampling procedure. All sampling, including installation of equipment and collection and analysis of sampling, required by the Wastewater Discharge Permit, this Sewer Use Chapter, or the District is at the expense of the discharger.

No person shall tamper with a sampling procedure or misrepresent a sampling analysis required by this Chapter.

2.06.06 Analytical Procedures

All samples shall be taken, preserved, and analyzed in accordance with the procedures presented in the Code of Federal Regulations, Title 40, Part 136 (Guidelines Establishing Test Procedures for the Analysis of Pollutants). Where no test procedure is specified by federal regulations, the procedure shall be such as is approved by the EPA. Unless approved otherwise by the District, all analyses shall be performed by a laboratory(s) certified by the State for the specific Pollutants and matrix to be analyzed.

2.06.07 Sampling Records

For each sampling event the User shall record and maintain the following information:

1. The date, exact place, method, and time of sampling and the names of the person or persons taking the samples.
2. Sample preservation used.
3. The dates analyses were performed.
4. Chain of custody of sample.
5. Who performed the analyses.
6. The analytical techniques and methods used, including detection limits.
7. The results of such analyses.
8. Any unusual observations or conditions (equipment or sample) noted during acquisition or analysis.

2.07 Enforcement

2.07.01 Enforcement Mechanisms

It is the intent of this Enforcement Section to provide adequate mechanisms to achieve a maximum degree of compliance with this Chapter by all users. These enforcement provisions apply to all classes of users, including Waste Haulers, to the extent such User violates any provision of this Chapter or Administrative Order of the District pursuant to this Chapter. To achieve compliance, the District will use a variety of enforcement mechanisms. The enforcement mechanisms set forth range from informal administrative action to formal criminal prosecution. The District may, in its discretion, implement the use of any mechanism or the concurrent use of several mechanisms in order to enforce the provisions of this Chapter. The enforcement mechanisms provided herein may be cumulative in respect to such other enforcement mechanisms or civil and criminal penalties as may be otherwise available under the laws of the State of California and the United States of America. Nothing in this Chapter is intended to prevent State and/or federal regulatory agencies from undertaking enforcement actions as may otherwise be available due to a violation of this Chapter which also constitutes a violation of federal or State statutes and regulations such as: 1) the Clean Water Act (33 U.S.C.A. § 1251, et seq.); 2) the California Porter-

Cologne Water Quality Act (California Water Code § 13000, et seq.); 3) the California Hazardous Waste Control Law (California Health and Safety Code §25100 - §25250); 4) the Resource Conservation and Recovery Act (42 U.S.C.A. 6901, et seq.) ; and 5) California Government Code §54739 - §54740.6. The referenced State and federal laws, along with other pertinent laws, provide authority for the District's enforcement mechanisms.

2.07.02 Notice of Violation

Whenever the District Engineer finds that any User has violated or is violating this Chapter, a Wastewater Discharge Permit or order issued hereunder, or any other pretreatment requirement, the District Engineer may serve, by personal service, or by registered or certified mail, upon said User a written notice of violation (NOV) Within thirty (30) days of the receipt of this notice, or such shorter period as may be prescribed in the NOV 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 District Engineer. Submission of this plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the District to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation, or before expiration of the response period.

2.07.03 Consent Orders

The District Engineer is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such orders will include specific action to be taken by the User to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as the Administrative Orders issued pursuant to Sections 2.07.05 and 2.07.06 below and shall be judicially enforceable.

2.07.04 Show Cause Hearing

The District Engineer may order any User which causes or contributes to any violation of this Chapter, a Wastewater Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, to appear before the District Engineer and show cause why a proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and an order that the User show cause why this proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least fifteen (15) days prior to the hearing. Such notice may be served on any authorized representative of the User. Whether or not the User appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be a prerequisite for taking any other action against the User.

2.07.05 Compliance Orders and Compliance Schedules

Upon determination by the District Engineer that a User has violated or continues to violate the Chapter, a Wastewater Discharge Permit or an order issued hereunder, or any other pretreatment standard or requirement, the District Engineer may issue an order to the User responsible for the discharge directing that the User come into compliance within a time period specified by the District Engineer. If the User does not come into compliance within the period so specified, Sewer service shall be discontinued until such time as the User comes into compliance.

Upon determination by the District Engineer that a User has violated or continues to violate the Chapter, a Wastewater Discharge Permit or an order issued hereunder, or any other pretreatment standard or requirement, and needs to construct and/or acquire and install equipment related to pretreatment, the District Engineer may issue a compliance schedule which will, upon the effective date of the compliance schedule, amend the User's Wastewater Discharge Permit. The compliance schedule may contain terms and conditions by which a User must operate during its term and may provide specific dates for achieving compliance with each term and condition for construction and/or acquisition and installation of required equipment related to pretreatment.

Compliance orders and compliance schedules may also contain other requirements to address the noncompliance, including additional self-monitoring, submittal of drawings or reports, audit of Waste minimization practices, or other provisions to ensure compliance with this Chapter. Compliance orders and compliance schedules may not extend the deadline for compliance established for a federal pretreatment standard or requirement, nor do they release the User of liability for any violation, including any continuing violation. Issuance of a compliance order or a compliance schedule shall not be a prerequisite to taking any other action against the User.

2.07.06 Cease and Desist Orders

When the District Engineer finds that a User is violating this Chapter, the User's Wastewater Discharge Permit, any order issued hereunder, or any other pretreatment standard or requirement, or that the User's past violations are likely to recur, the District Engineer may issue an order to the User directing it to cease and desist all such violations and direct the User to:

1. Immediately comply with all requirements.
2. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a prerequisite to taking any other action against the User.

2.07.07 Administrative Complaints

The District may issue an Administrative Complaint to any Person who violates any provisions of this Chapter. The Administrative Complaint shall allege the act or failure to act that constitutes the violation of the District's requirements, the provisions of law authorizing civil liability to be imposed, and the proposed administrative civil penalty.

The Administrative Complaint shall be served by personal delivery or certified mail on the Person subject to the District's discharge requirements, and shall inform the Person served that a hearing shall be conducted within 60 days after the Person has been served. The hearing shall be before a hearing officer designated by the governing board of the District. The Person who has been issued an Administrative Complaint may waive the right to a hearing, in which case the District shall not conduct a hearing. A Person dissatisfied with the decision of the hearing officer may appeal to the governing board of the District within 30 days of notice of the hearing officer's decision.

If after the hearing, or appeal, if any, it is found that the Person has violated reporting or discharge requirements, the hearing officer or board may assess an administrative civil penalty against that Person. In determining the amount of the administrative civil penalty, the hearing officer or board may take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the economic benefit derived through any noncompliance, the nature and persistence of the

violation, the length of time over which the violation occurs and corrective action, if any, attempted or taken by the discharger.

These Administrative civil penalties shall be as follows:

1. In an amount which shall not exceed two thousand dollars (\$2,000) for each day for failing or refusing to furnish technical or monitoring reports.
2. In an amount which shall not exceed three thousand dollars (\$3,000) for each day for failing or refusing to timely comply with any compliance schedule established by the District.
3. In an amount which shall not exceed five thousand dollars (\$5,000) per violation for each day for discharges in violation of any Waste discharge limitation, Wastewater Discharge Permit condition, or requirement issued, reissued, or adopted by the District.
4. In an amount which does not exceed ten dollars (\$10) per gallon for discharges in violation of any suspension, cease and desist order or other orders, or prohibition issued, reissued, or adopted by the District.
5. The amount of any administrative penalties imposed under this section which have remained delinquent for a period of 60 days shall constitute a lien against the real property of the discharger from which the discharge originated resulting in the imposition of the civil penalty. The lien provided herein shall have no force and effect until recorded with the County recorder and when recorded shall have the force and effect and priority of a judgment lien and continue for 10 years from the time of recording unless sooner released, and shall be renewable in accordance with the provisions of Sections 683.110 to 688.220, inclusive, of the Code of Civil Procedure.

All monies collected under this section shall be deposited in a special account of the District and shall be made available for the monitoring, treatment, and control of discharges in the District's sanitation or Sewer system or for other mitigation measures.

Unless appealed, orders setting administrative civil penalties shall become effective and final upon issuance thereof, and payment shall be made within 30 days.

District Counsel, or other special counsel designated by the District Board, shall institute appropriate court actions authorized by the above referenced sections to effect statutorily authorized remedies, upon order of the Board.

2.07.08 Emergency Suspensions

The District Engineer may immediately suspend a User's discharge whenever such suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause an imminent and substantial endangerment to the environment, or to the health or safety of persons, or that threatens to interfere with the operation of the District Sewerage System.

1. Any User notified of a suspension of its discharge shall immediately stop or eliminate its discharge. In the event of a User's failure to immediately comply voluntarily with the suspension order, the District Engineer shall take such steps as deemed necessary, including immediate severance of the Sewer connection, to prevent or minimize damage to the District Sewerage System, its receiving stream, or endangerment to any individuals. The District Engineer shall allow the User to

recommence its discharge when the User has demonstrated to the satisfaction of the District Engineer that the period of endangerment has passed, unless the termination proceedings set forth in Section 2.07.09 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 statement describing the causes of the harmful discharge and the measures taken to prevent any future occurrence to the District Engineer, prior to the date of any show cause or termination hearing under Sections 2.07.03-2.07.07 and 2.07.09. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this action.

2.07.09 Termination of Discharge

In addition to those provisions in Section 2.04.10 of this Chapter, any User which violates the following conditions of this Chapter, a Wastewater Discharge Permit, or an order issued hereunder, is subject to discharge termination. Termination may include immediate disconnection or obstruction of the building or service Sewer so as to prevent discharge into the public main from such User. Discharge may include domestic, toilet and sink Waste.

1. Violation of Wastewater Discharge Permit conditions.
2. Failure to accurately report the Wastewater constituents and characteristics of its discharge.
3. Failure to report significant changes in operations or Wastewater volume, constituents and characteristics prior to discharge.
4. Refusal of reasonable access to the User's Premises for the purpose of inspection, monitoring or sampling.
5. Violation of the Pretreatment Standards in Section 2.03 of this Chapter.
6. Failure to pay service charges.

Such User will be notified of the proposed termination of its discharge and a hearing on an order to show cause under Section 7.03.04 of this Chapter why the proposed action should not be taken.

2.07.10 Injunctive Relief

Whenever a User has violated a pretreatment standard or requirement or continues to violate the provisions of this Chapter, a Wastewater Discharge Permit or an order issued hereunder, or any other pretreatment requirement, the District Engineer may petition the Superior Court for the issuance of a temporary or permanent injunction, as appropriate, to restrain or compel the performance by the User of such acts as will bring the User into compliance with the Wastewater Discharge Permit, order, or other requirement imposed by this Chapter. Such other action as is appropriate for legal and/or equitable relief may also be sought by the District. A petition for injunctive relief need not be filed as a prerequisite to taking any other action against a User.

2.07.11 Civil Penalties

Any User who violates any provision of this Chapter, a Wastewater discharge Wastewater Discharge Permit, an order of the District or District Engineer, or a pretreatment standard or requirement relating to:

1. Pretreatment of any industrial Wastewater (including any Wastewater from Class I or II users);
2. The prevention of the entry of such industrial Waste into the District's Sewerage System;

may be civilly liable to the District in a sum not to exceed \$25,000 per day for each day and each event in which such violation occurs.

The District may petition the superior court to impose, assess, and recover the sums provided for above pursuant to Section 54740 of the California Government Code.

Remedies under this section are in addition to and do not supersede or limit any other remedy, civil or criminal, but no liability shall be recoverable under this section for any violation for which liability is recovered under Section 2.07.07.

Filing a suit for civil penalties shall not be a prerequisite for taking any other action against a User.

2.07.12 Criminal Prosecution

Any Person who willfully or negligently violates any provision of this Chapter, any order or Wastewater Discharge Permit issued hereunder, or any other pretreatment 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 thirty (30) days in County jail, or both.

Any Person 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 Chapter, Wastewater Discharge Permit or order, or who falsifies, tamper: with or knowingly renders inaccurate any monitoring device or method required under this Chapter 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 thirty (30) days, or both. Each separate act of falsification, tampering, or knowingly rendering inaccurate shall constitute a new and separate offence and shall be subject to the penalties contained herein.

2.07.13 Liability for Certain Costs Incurred by the District

Any User causing expense, loss, damage or other liability to the District as a result of any discharge as set forth in Section 2.05.01 shall be liable to the District for such expense, loss, damage or other liability and shall pay the same to the District within thirty (30) days of billing by the District Engineer.

2.07.14 Remedies Nonexclusive

The provisions in Section 2.07 are not exclusive remedies. The District reserves the right to take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the District's enforcement response plan. However, the District

reserves the right to take other action against any User when the circumstances warrant. Further, the District is empowered to take more than one enforcement action against any noncompliant User.

2.08 Waste Hauler Program

2.08.01 Permissible Waste Hauler Discharge

It is the intent of the District that the treatment facility shall only be used for the disposal of Wastes which are compatible with the treatment plant process and the continued operation of the treatment plant as a nonhazardous Waste disposal facility. Therefore, it is the intent of this Chapter to prohibit the discharge from Waste Haulers of any Hazardous Waste as may be defined by either federal or State statute and regulation, whichever is more stringent and, further, to prohibit all such Wastes as are prohibited within Sections 2.03.02-2.03.04 of this Chapter, when such Wastes are trucked to the District's Sewerage System and discharged pursuant to the District's Waste Hauler Program.

2.08.02 Waste Hauler Discharge Permit

No Person shall discharge trucked-in Waste to any part of the District's Sewerage System or Wastewater treatment plants unless and until such Person has complied with all of the requirements of this Section, and has received a valid Waste Hauler Discharge Permit.

1. Waste Hauler Discharge Permit Term. The District Engineer may issue Waste Hauler discharge permits for a period of one (1) year, with such permits being renewable on further application from the permittee for additional one-year periods.
2. Waste Hauler Discharge Permit Conditions. The District may prescribe such requirements as may be reasonable to ensure the carrying out of the purpose and policies of this Chapter, as well as the stated purpose of the Waste Hauler Program as set forth herein. The conditions upon which a Waste Hauler's Discharge Permit will be issued may include, but are not limited to, the following:
 - a. Proof of a Sacramento County Environmental Management Department, Environmental Health Division, Waste Hauler Registration;
 - b. Provision of a list with license numbers of each vehicle which the Waste Hauler proposes to use for discharge of Waste at the District's Sewerage System;
 - c. Certification that the Waste Hauler has in place, and will maintain, vehicle insurance coverage which insures the Waste Hauler and the District against claims of personal injury and property damage (said minimum limits and coverage requirements may from time to time be set forth by the District);
 - d. The furnishing of a cash deposit or other security acceptable to the District Engineer; and
 - e. The payment of all such fees as may be prescribed from time to time by the District Board.

2.08.03 Cash Deposit - Security

To ensure compliance of each Waste Hauler with the provisions of this Chapter, and to further ensure payment of fees and charges for the discharge of trucked-in Waste, a cash deposit, or other security acceptable to the District, shall be required of each permittee. The cash deposit shall be in an amount of one thousand dollars (\$1,000.00). However, if the District Engineer determines the cash deposit should be increased in order to protect the interest of the District based on the nature of the current operations of a permittee or the prior history of compliance with the Waste Hauler program requirements, then the District Engineer may increase such cash deposit or security to an amount sufficient to protect the interests of the District. The security amount shall not exceed five thousand dollars (\$5,000.00), without prior Board approval of said security amount.

1. Time for Payment. The cash deposit or acceptable security shall be posted prior to the issuance of the Waste Hauler Discharge Permit. To the extent the District draws on such cash deposit or security for costs, fees, payments or penalties, as authorized hereunder, the permittee shall deposit with the District such additional funds as may be required to bring its cash deposit or security up to the total amount required under the Waste Hauler Discharge Permit prior to the continued discharge of Waste. If the permittee fails to maintain a sufficient deposit with the District to meet its Waste Hauler Discharge Permit conditions, the District may suspend the Wastewater Discharge Permit (and permission to discharge) until such time as a sufficient deposit or security has been tendered and accepted.
2. Forfeiture of Deposit. All or a portion of the cash deposit or acceptable security may be forfeited to the District if any of the following actions occur:
 - a. The permittee knowingly provides false information on any application, Wastewater Discharge Permit, or manifest form;
 - b. The permittee discharges a non-domestic Waste which does not comply with this Chapter, including the provisions of Local Limits and the general and specific prohibitions contained herein;
 - c. The permittee disposes of a Waste regulated under this Chapter in an unlawful manner in any location within the District's Service Area;
 - d. The permittee becomes delinquent in making payment of applicable charges and fees for discharge of Waste; and/or
 - e. The permittee otherwise fails to comply with provisions contained in this Chapter.

2.08.04 Waste Hauler Discharge Permit Revocation, Suspension or Restriction

A Waste Hauler Discharge Permit may be revoked by the District Engineer or his agent for failure of the permittee to comply with conditions of the Waste Hauler Discharge Permit or failure of the permittee to pay when due any charges.

When the District Engineer has reason to believe that grounds exist for Waste Hauler Discharge Permit suspension, revocation or restrictions, he shall give written notice thereof by registered or certified mail or by personal service to the permittee setting forth a statement of the facts and grounds deemed to exist.

Unless directed otherwise on the notice of revocation or suspension of Waste Hauler Discharge Permit, the permittee shall cease discharging into the Public Sewer at the effective time of said revocation or

suspension, or shall conform with temporary restrictions, conditions, or limitations at the effective time of such requirements.

Any further application for a Waste Hauler Discharge Permit by any Person subject to an order of revocation will be considered by the District after fully reviewing the records of the revoked Waste Hauler Discharge Permit, which records may be the basis for denial of a new Waste Hauler Discharge Permit.

A Waste Hauler Discharge Permit may be temporarily suspended by the District Engineer at any time if continued discharge of the permittee's Wastewater into the District Sewerage System would, whether or not combined with other discharges, jeopardize ability of the treatment system to meet Water Quality Requirements or threaten damage to the Sewerage System or cause a Nuisance or an unsafe condition to occur. In lieu of temporary suspension of permits, the District Engineer may impose such temporary restrictions, conditions, or limitations upon quantities, qualities, and rates of discharge made thereunder as is deemed necessary to safely assure that Water Quality Requirements will not be violated, or to alleviate the unsafe condition. The District Engineer shall consider the significance of the conditions in terms of the ability of the system as a whole to meet its requirements, except in those instances where the permittee's discharge is in violation of federal, State, or local laws or regulations.

2.08.05 Manifest and Reporting Procedures

Any Waste Hauler who is discharging at a District facility shall be required to comply with the manifesting and reporting requirements established by the District Engineer. Each discharger shall be required to provide a manifest document which shall indicate the source of all Wastes contained within the Waste load to be discharged. The District Engineer may promulgate such other requirements with regard to manifesting as are in the determination of the District Engineer necessary to properly carry out the objectives of this Chapter and the intent of the Waste Hauler Program.

2.08.06 Regulation of Procedures

The District Engineer shall adopt such procedures as may be appropriate for the implementation of the Waste Hauler Program. These procedures may include, but are not limited to, regulation of the times for discharge, the amounts of discharge and manner of discharge. The procedures may also include requirements such as laboratory testing of samples of the Waste prior to discharge, and reporting of the ultimate disposal location for Wastes which are not accepted at a District facility on the basis of analytical results.