

ORDINANCE NO. 74

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ORDINANCE OF THE SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT SUPERSEDING ORDINANCE NUMBER 73 WHICH ESTABLISHES REGULATIONS FOR THE USE OF THE INLAND EMPIRE BRINE LINE

THE BOARD OF DIRECTORS FOR THE SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT HEREBY ORDAIN AS FOLLOWS:

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PREAMBLE

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4 The San Bernardino Valley Municipal Water District (Valley District) provides a portion of
5 the water for Users located within the San Bernardino service area. The Wastewater
6 generated from a significant number of these Users is treated at the City of San Bernardino
7 Municipal Water Department (SBMWD) Water Reclamation Plant (WRP) and discharged to
8 the Santa Ana River. Various federal, state and local Regulatory Agencies have established
9 goals and standards to assure that high quality water is available to the people in the Santa
10 Ana River Basin.

11
12 Concerns related to possible increases in TDS levels over time has committed the Valley
13 District and SBMWD to research possible discharge solutions for Users who generate high
14 strength brine Wastewater. A practical solution for the discharge of brine Waste is the
15 Inland Empire Brine Line (also known as the Santa Ana Regional Interceptor, "SARI").
16 The Inland Empire Brine Line (Brine Line) system was developed by the Santa Ana
17 Watershed Project Authority (SAWPA), of which Valley District is a member, for the
18 specific purpose of transporting high strength brine Wastewater to the Orange County
19 Sanitation District (OCSD) for treatment and disposal to the Pacific Ocean.

20
21 The SBMWD, and others, will enter into a cooperative agreement with Valley District to
22 purchase Brine Line capacity. The SBMWD purchased the required capacity and
23 constructed a disposal station located at the WRP for the discharge of hauled brine Waste to
24 the Brine Line. The use of the disposal station will result in the isolation of high strength
25 brine Wastewater and will reduce the effect of these Wastewaters on the Santa Ana River.

ARTICLE I GENERAL PROVISIONS

101.0 PURPOSE AND POLICY

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31
32 The purpose of this Ordinance is to provide for and obtain the maximum benefit from use of
33 the Brine Line facilities and to ensure compliance with all of the provisions of the SAWPA
34 Ordinance No. 5, as amended. This shall be accomplished by regulating the use of the Brine
35 Line sewer system and tributaries thereto and the Wastewater discharged to this sewer
36 system, by providing for the distribution of the costs of the construction, administration,
37 operation and maintenance of the system, and by providing procedures that will allow
38 Valley District to comply with all regulatory requirements imposed upon Valley District by
39 contract requirements and by federal, state, and local agencies. In order to conform to
40 limitations and requirements from applicable Regulatory Agencies, Valley District must
41 regulate the discharge of Wastewater into the Brine Line. This Ordinance shall apply to all
42 Direct Users, Hauled Liquid Waste Generators or Liquid Waste Haulers that discharge
43 Wastewater tributary to the Brine Line.

44
45
46 A. This Ordinance shall provide for the regulation of Wastewater discharges into the

1 Brine Line in accordance with the Federal Government's objectives of general
2 pretreatment regulations as stated in Section 403.2 of Title 40 of the Code of
3 Federal Regulations (CFR) which are for the following purposes:

- 4 1. To prevent the introduction of pollutants into the Brine Line that will interfere
5 with the operation of the OCS D Publically Owned Treatment Works (POTW),
6 including Interference with its use or disposal of municipal biosolids;
7
 - 8 2. To prevent the introduction of pollutants into OCS D's POTW which will pass
9 through the treatment works, inadequately treated, to the receiving waters or
10 otherwise be incompatible with such works;
11
 - 12 3. To improve opportunities to recycle and reclaim municipal and Industrial
13 Wastewaters and biosolids;
14
 - 15 4. To enable Valley District to comply with requirements from the Federal
16 Environmental Protection Agency and OCS D and any other federal or state
17 laws to which Valley District and/or OCS D's POTW is subjected;
18
 - 19 5. To enable Valley District to control the privileges to any use of the Brine Line
20 and tributaries thereto; and
21
 - 22 6. To protect and preserve the health and safety of the citizens and personnel of
23 Valley District, SAWPA, OCS D, and contracted agencies.
24
- 25 B. This Ordinance shall apply to all Direct Users, Hauled Liquid Waste Generators, or
26 Liquid Waste Haulers that discharge Wastewater to the Brine Line and tributaries
27 thereto. This Ordinance authorizes:
- 28 1. The issuance of Waste discharge permits;
29
 - 30 2. The issuance of Hauled Liquid Waste Generator Permits;
31
 - 32 3. The issuance of Liquid Waste Hauler Permits by the Santa Ana Watershed
33 Project Authority (SAWPA);
34
 - 35 4. Monitoring, compliance, and enforcement activities;
36
 - 37 5. Brine Line contribution plan check services;
38
 - 39 6. User reporting requirements;
40
 - 41 7. The establishment of fees; and
42
 - 43 8. The equitable distribution of costs resulting from the program established
44 herein.
45
46

1 C. This Ordinance shall be administered by the General Manager of Valley District or
2 his designated representative.

3 D. All Direct Users, Hauled Liquid Waste Generators, or Liquid Waste Haulers that
4 discharge Wastewater to the Brine Line and tributaries thereto must also comply
5 with all of the provisions of the SAWPA Ordinance No. 5, as amended or
6 superseded.

7
8 **102.0 AUTHORIZATION**

9 This Ordinance is enacted pursuant to the authorization of the Municipal Water District Law
10 of 1911, California Water Code Section 71000 et seq., California Government Code Section
11 6500 et seq., the Clean Water Act (33 U.S.C. 1251 et seq.), California Government Code
12 Section 54725 et.seq., Water Code 13,000 et. Seq. and the General Pretreatment Regulations
13 (40 C.F.R. 403).

14
15 **103.0 DEFINITIONS**

16 Unless otherwise defined herein, terms pertaining to water quality shall be as adopted in the
17 latest edition of Standard Methods for the Examination of Water and Wastewater, published
18 by the American Public Health Association, the American Water Works Association, and
19 the Water Environment Federation. Unless otherwise defined herein, terms pertaining to
20 construction and building shall be defined as being the same as set forth in the International
21 Conference of Building Officials Uniform Building Code, current edition. Unless the
22 context specifically indicates otherwise or as previously indicated, the meaning of the terms
23 used in this Ordinance shall be as follows:

- 24
25 1. **Analytical Methods** shall mean the sample analysis techniques prescribed in 40
26 CFR Part 136 and amendments thereto. Where 40 CFR Part 136 does not contain
27 sampling or analytical techniques for the pollutant in question, or where the E.P.A.
28 determines that Part 136 sampling and analytical techniques are inappropriate for
29 the pollutant in question, sampling and analysis shall be performed using validated
30 Analytical Methods or any other applicable sampling and analytical procedures
31 approved by Valley District, including procedures suggested by Valley District or
32 other parties as approved by the E.P.A.
- 33
34 2. **Authorized Representative** shall mean:
- 35
36 a. A responsible corporate officer, if the User is a corporation, of the level of
37 president, secretary, treasurer, or vice president in charge of a principal
38 business function, or any other person who performs similar policy or decision
39 making functions for the corporation; or the manager of one or more
40 manufacturing or production processes, or operation, if authority to sign
41 documents has been assigned or delegated to the manager in accordance with
42 corporate procedures.
- 43
44 b. A general partner or proprietor if the User is a partnership or sole
45 proprietorship respectively;
46

- 1 c. If the User is a federal, state, or local government facility: a director, highest
2 appointed official, employee designated to oversee the operation and
3 performance of the activities of the government facility, or their designee.
4
- 5 d. A duly Authorized Representative of the individual designated in Paragraph (a-
6 c) if such representative is responsible for the overall operation of the facility
7 from which the discharge originates and such authorization is confirmed in
8 writing to the General Manager by the individual described in Paragraph (a-c)
9 of this definition.
- 10
- 11 3. **Batch Discharge** shall mean any Valley District approved intermittent discharge
12 of pollutants from sources such as, but not limited to, process tanks, holding tanks,
13 rinse tanks, or treatment systems.
14
- 15 4. **Biochemical Oxygen Demand (BOD)** shall mean the quantity of oxygen,
16 expressed in mg/L, required to biologically oxidize material in a Waste or
17 Wastewater sample measured under approved laboratory methods of five days at
18 twenty degrees Centigrade.
19
- 20 5. **Brine Line** shall mean all Wastewater conveyance systems, truck disposal stations
21 and sewer Service Lateral Line connections which are used for the discharge and
22 transfer of Liquid Waste to OCSD's POTW.
23
- 24 6. **Brine Line Collection Station** shall mean any disposal station authorized by
25 SAWPA for the discharge of hauled Liquid Waste.
26
- 27 7. **Bypass** shall mean the intentional diversion of Wastestreams from any point of a
28 User's Pretreatment Facility.
29
- 30 8. **Capacity Unit** shall equal 10,000 gallons per day of Discharge Right.
31
- 32 9. **Categorical User** shall mean all Industrial Users subject to National Categorical
33 Pretreatment Standards promulgated by the EPA in accordance with Sections 307
34 (b) and (c) of the Clean Water Act (33 U.S.C.-1317) and as listed by the E.P.A.
35 under the appropriate subpart of 40 CFR Chapter I, Subchapter N, as it exists and
36 as it may be amended.
37
- 38 10. **Chemical Oxygen Demand (COD)** shall mean the quantity of oxygen, expressed
39 in mg/L, required to chemically oxidize material in a Waste or Wastewater sample,
40 under specific conditions of an oxidizing agent, temperature, and time. COD
41 results are not necessarily related to BOD results.
42
- 43 11. **City Collection System** shall mean all pipes, sewers and conveyance systems
44 conveying Wastewater to the Brine Line and tributaries thereto that are owned and
45 maintained by a municipality, excluding sewer Service Lateral Line connections.
46

- 1 **12. Class I User** shall mean those Users with a direct connection to the Brine Line or
2 tributaries thereto and excluding Special Purpose Discharge Users.
3
- 4 **13. Class II User** shall mean those Users that use a Liquid Waste Hauler to transport
5 their Wastewater to a designated Brine Line disposal site.
6
- 7 **14. Class III User** shall mean those Users with a Special Purpose Discharge that is
8 directly connected to the Brine Line or tributaries thereto or transported to a
9 designated Brine Line disposal site by means of a Liquid Waste Hauler.
10
- 11 **15. Class IV User** shall mean those Liquid Waste Haulers that haul Wastewater by
12 truck or other means from Class II or III Users for disposal at a designated Brine
13 Line disposal site.
14
- 15 **16. Class V User** shall mean those Industrial Users which have a temporary need to
16 discharge Domestic Wastewater to the Brine Line or tributaries thereto. The
17 temporary period shall be from one (1) to one hundred eighty (180) days or a time
18 period established by the General Manager.
19
- 20 **17. Code of Federal Regulations (CFR)** shall mean the codification of the general
21 and permanent rules published in the Federal Register by the executive
22 departments and agencies of the Federal Government.
23
- 24 **18. Collection System** shall mean all Wastewater conveyance systems owned and
25 maintained by Valley District for purposes of conveying Wastewater to OCS D's
26 POTW for treatment and excludes sewer service lateral connections.
27
- 28 **19. Combined Wastestream Formula** shall mean the formula, as outlined in the
29 General Pretreatment Regulations of the Clean Water Act, 40 CFR 403.6(e), for
30 determining Wastewater discharge limitations for Categorical Industrial Users and
31 Significant Industrial Users whose Effluent is a mixture of regulated, unregulated,
32 and Dilution Wastewater as defined in the formula.
33
- 34 **20. Commission** shall mean the governing body of SAWPA as defined by the Joint
35 Exercise of Powers Agreement establishing SAWPA.
36
- 37 **21. Compliance Schedule** shall mean a time schedule enforceable under this
38 Ordinance containing increments of progress called milestones, which are in the
39 form of dates. These milestones shall be for the commencement and/or completion
40 of major events leading to the construction and operation of additional
41 pretreatment facilities or the implementation of policies, procedures or operational
42 management techniques required for the User to comply with all applicable
43 federal, state or local environmental regulations which may directly or indirectly
44 affect the quality of the User's Wastewater Effluent.
45
- 46 **22. Composite Sample** shall mean a series of Grab Samples of equal volume taken at

1 a predetermined time or flow rate for a predetermined period of time which are
2 combined into one sample.
3

- 4 23. **Conventional Pollutants** shall be defined as BOD, COD, Total Suspended Solids,
5 pH, fecal coliform, oil and grease, total nitrogen and such additional pollutants as
6 are now or may be in the future specified and controlled in OCSD's NPDES
7 permit for its POTW where said POTW has been designed and used to reduce or
8 remove such pollutants.
9
- 10 24. **Cooling Water** shall mean all water used solely for the purpose of cooling a
11 manufacturing process, equipment, or product.
12
- 13 25. **Cyanide (Amenable)** shall mean those cyanides that are amenable to chlorination
14 as described in 40 CFR 136.3
15
- 16 26. **Dilution** shall mean the increase in use of process water, potable water or any
17 other means to dilute a discharge as a partial or complete substitute for adequate
18 treatment to achieve discharge requirements.
19
- 20 27. **Direct Discharger** shall mean a User who has a direct connection to the Brine
21 Line for the discharge of brine Waste.
22
- 23 28. **Discharge Right** shall mean the Wastewater capacity purchased by a User for use
24 with the Brine Line and tributaries thereto.
25
- 26 29. **District Collection System** shall mean all pipes, sewers and conveyance systems
27 conveying Wastewater to the Brine Line and tributaries thereto that are owned and
28 maintained by a community services district, special district, or water district,
29 excluding sewer Service Lateral Line connections.
30
- 31 30. **Domestic Wastewater** shall mean Wastewater, including domestic septic system
32 Waste, from private residences and Wastewater from other premises resulting
33 from the use of water for personal washing, sanitary purposes or the discharge of
34 human excrement and related matter. Domestic Wastewater when analyzed by
35 standard methods shall contain no more than two hundred fifty mg/L of Total
36 Suspended Solids (TSS), two hundred fifty mg/L of BOD and four hundred twenty
37 mg/L of COD.
38
- 39 31. **Effluent** shall mean treated Wastewater flowing from treatment facilities, the
40 OCSD's POTW, or a User's pretreatment equipment.
41
- 42 32. **E.P.A.** shall mean the United States Environmental Protection Agency.
43
- 44 33. **Federal Categorical Pretreatment Standard** shall mean the National
45 Pretreatment Standards, established by the E.P.A., specifying quantities or
46 concentrations of pollutants or pollutant properties which may be discharged or

1 introduced into the Brine Line or tributaries thereto by existing or new Industrial
2 Users in specific industrial categories established as separate regulations under the
3 appropriate subpart of 40 CFR Chapter I, Subchapter N, as it exists and as it may
4 be amended.
5

6 **34. Flow Monitoring Facilities** shall mean equipment and structures approved by
7 Valley District and provided at the User's expense to measure, totalize, and/or
8 record the incoming water to the User's facility or the Wastewater discharged to
9 the Brine Line sewer or tributaries thereto.

10
11 **35. General Manager** shall mean the Valley District General Manager or his
12 designated representative.
13

14 **33. Good Faith** shall mean the User's honest intention to remedy noncompliance
15 together with actions that give support to the intention without the use of
16 enforcement actions by Valley District. Examples of these intentions are
17 improved housekeeping practices or the installation of pretreatment equipment
18 to reduce or eliminate pollutants. Notwithstanding such good faith, a User may
19 be subject to mandatory penalties under California Water Code, Section 13385
20 and amendments thereto.
21

22 **36. Grab Sample** shall mean an individual sample collected over a period of time not
23 exceeding fifteen minutes.
24

25 **37. Gravity Separation Interceptor** shall mean an approved detention chamber
26 designed to remove floatable material from Industrial Wastewater prior to
27 discharge into the Brine Line System.
28

29 **38. Hauled Liquid Waste Generator** shall mean any User that does not have a direct
30 connection to the Brine Line and who utilizes the services of a Liquid Waste
31 Hauler to discharge User's Liquid Waste to the Brine Line.
32

33 **39. Hauled Liquid Waste Generator Permit** shall mean a permit issued by the
34 Valley District and its Authorized Representative and must be obtained by any
35 discharger using a Liquid Waste Hauler to transport their Liquid Waste to a
36 designated Brine Line Truck Disposal Station.
37

38 **40. Hazardous Substance** shall mean any substance capable of creating imminent
39 endangerment to health or the environment including, but not limited to, any
40 substance designated under 40 CFR Section 310.11(d) or any hazardous chemical
41 substance subject to regulation under the Toxic Substances Control Act, 15 USCA,
42 Section 2601, et seq. By way of example, this includes substances which are toxic,
43 explosive, corrosive, flammable or irritants, or which generate pressure through
44 heat or decomposition, e.g., heavy metals, pesticides, strong acids or bases,
45 distillate fuels, oxidants, among other things.
46

- 1 41. **Heating Water** shall mean all water used solely for the heating of a manufacturing
2 process, equipment, or product.
3
- 4 42. **Industrial User** shall mean all persons, entities, public or private, industrial,
5 commercial, governmental, or institutional that discharge or cause to be
6 discharged, Industrial Wastewater into the Brine Line or tributaries thereto or any
7 other sewer system owned and operated by Valley District.
8
- 9 43. **Industrial Wastewater** shall mean all non-domestic, including all Wastewater
10 from any producing, manufacturing, processing, institutional, governmental,
11 commercial, service, agricultural or other operation. Industrial Wastewater may
12 also include cooling tower and boiler blowdown water, potable water treatment
13 Wastewater, stormwater, and chemical toilet Wastewater pursuant to the Combined
14 Wastestream Formula, 40 CFR 403.6(e).
15
- 16 44. **Infectious Waste** shall mean all Wastes which are likely to transmit etiologic
17 agents which normally cause, or significantly contribute to the cause of, increased
18 morbidity or mortality of human beings.
19
- 20 45. **Inspector** shall mean a person authorized by the General Manager to inspect any
21 User discharging or anticipating discharging Wastewater into conveyance,
22 processing, or disposal facilities to the Brine Line or tributaries thereto.
23
- 24 46. **Interference** shall mean any discharge from a User which, alone or in conjunction
25 with discharges from other sources, inhibits, upsets or disrupts the Brine Line or
26 tributaries thereto, OCSD's POTW, treatment processes or operations, or sludge
27 processes, use or disposal; and which causes a violation of any requirement of
28 OCSD's NPDES permit, Section 405 of the Clean Water Act, the Solid Waste
29 Disposal Act (SWDA) (including Title II, more commonly referred to as the
30 Resource Conservation and Recovery Act (RCRA)), state regulations contained in
31 any State Sludge Management Plan prepared pursuant to Subtitle D of the SWDA,
32 the Clean Air Act, the Toxic Substances Control Act, or the Marine Protection
33 Research and Sanctuaries Act and any amendments to these Acts or regulations.
34
- 35 47. **Liquid Waste** shall mean all Wastewater authorized by SAWPA and Valley
36 District to be discharged to the Brine Line.
37
- 38 48. **Liquid Waste Hauler** shall mean any person engaged in the hauling of Liquid
39 Waste from a User, excluding domestic Waste, for disposal at the designated
40 Valley District disposal station.
41
- 42 49. **Liquid Waste Hauler Permit** shall mean a permit issued by SAWPA, on behalf of
43 Valley District and/or its Authorized Representative which must be obtained by all
44 Liquid Waste Haulers prior to discharging any Liquid Waste at the designated
45 Valley District disposal station.
46

1 50. **Local Limits** shall mean specific prohibitions or pollutant limitations or pollutant
2 parameters that are developed by OCSD in accordance with 40 CFR 403.5(c).

3
4 51. **Lower Explosive Limit (LEL)** shall mean the minimum concentration of a
5 combustible gas or vapor in the air that will ignite if an ignition source is present.

6
7 51. **Major Administrative Violations** shall mean, but are not limited to, the
8 following:

- 9
10 1. Failure to notify the General Manager of a Slug Discharge immediately after
11 discovery of said discharge;
- 12
13 2. Failure to respond, by a given date, to letters requiring responses or to
14 administrative orders;
- 15
16 3. Missing a compliance date by more than thirty (30) days;
- 17
18 4. Falsification of documents or attempting to mislead Valley District, SAWPA,
19 or OCSD in any manner whatsoever;
- 20
21 5. Failure to cooperate with Valley District employees or contracted employees
22 exercising their authority under this Ordinance;
- 23
24 6. A pattern of Minor Administrative Violations;
- 25
26 7. Failure to admit Valley District employees or contracted employees, in the
27 course of their job, onto the User's property;
- 28
29 8. Failure to produce records as required;
- 30
31 9. Failure to accurately report noncompliance;
- 32
33 10. Failure to submit required reports (self-monitoring, 180-day baseline
34 monitoring report, 90-day compliance report, Compliance Schedule progress
35 reports) or submitting such reports more than thirty days late;
- 36
37 11. Failure to pay pursuant to Section 304.0 of this Ordinance, permit application
38 fees, permit renewal fees, or Administrative Penalties within sixty (60) days of
39 due date;
- 40
41 12. Failure to pay all required fees, penalties, and charges within sixty (60)
42 calendar days from the due date;
- 43
44 13. Intentional discharge of a prohibited Waste by a Liquid Waste Hauler into the
45 Brine Line or tributaries thereto; or
46

- 1 14. Wastewater discharge without a valid Wastewater Discharge Permit after
2 notification.
3
- 4 52. **Mass Emission Rate** shall mean the weight of pollutants discharged to the Brine
5 Line or tributaries thereto during a given period of time from a User.
6
- 7 53. **May** means permissive.
8
- 9 54. **Member Agency** shall mean either Eastern Municipal Water District, Inland
10 Empire Utility Agency, Orange County Water District, San Bernardino Valley
11 Municipal Water District, or Western Municipal Water District, or any other Public
12 Agency that subsequently becomes a member of SAWPA.
13
- 14 55. **mg/L** shall mean milligrams per liter.
15
- 16 56. **Milestone** shall mean increments of progress in the form of dates, not to exceed
17 nine months, and are used in Compliance Schedules. Milestones shall be for the
18 commencement and/or completion of major events leading to the construction and
19 operation of additional pretreatment facilities or the implementation of policies,
20 procedures or operational management techniques required for the User to comply
21 with all applicable federal, state or local environmental regulations which may
22 directly or indirectly affect the quality of the User's Wastewater Effluent.
23
- 24 57. **Minor Administrative Violations** shall mean, but are not limited to, the
25 following:
26
- 27 1. Submission of incomplete reports or questionnaires;
 - 28 2. Failure to submit reports by the scheduled due date;
 - 29 3. Failure to respond to questionnaires;
 - 30 4. Missing a compliance date without proper prior notification to Valley District;
 - 31 5. Failure to conduct sampling when required;
 - 32 6. Failure to notify the General Manager of a violation of permit conditions within
33 one working day of the discovery of the violation; or
 - 34 7. Failure to pay all required fees, penalties and charges within forty-five (45)
35 calendar days from the due date.
36
- 37 58. **Noncompliance Monitoring Program (NMP)** shall mean an Administrative
38 Order requiring an Industrial User to determine the mass emission or concentration
39 of pollutants or other conditions specified in the Industrial User's permit in their
40 Industrial Wastewater discharge for all days within a five consecutive day period
41
42
43
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45
46

1 that Industrial Wastewater is discharged to the Brine Line and submit production
2 data for that period.
3

4 59. **Monthly Average** shall mean the average of daily measurements over a calendar
5 month as calculated by adding all the daily measurements taken during the
6 calendar month and dividing that sum by the sum of the number of daily
7 measurements taken in the month.
8

9 60. **NAICS** shall mean the North American Industry Classification System published
10 by the Executive Office of the President of the United States, Office of
11 Management and Budget.
12

13 61. **National Pretreatment Standard** shall mean any regulation containing pollutant
14 discharge limits promulgated by the E.P.A. in accordance with section 307(b) and
15 (c) of the Clean Water Act, which applies to Industrial Users. This term includes
16 prohibitive discharge limits established pursuant to 40 CFR Part 403.5.
17

18 62. **New Source** shall mean any building, structure, facility, or installation from which
19 there is or may be a discharge of pollutants, the construction of which commenced
20 after the publication of proposed Pretreatment Standards under Section 307 (c) of
21 the Federal Clean Water Act which will be applicable to such source if such
22 Standards are thereafter promulgated in accordance with that Section, provided
23 that:
24

25 A. The building, structure, facility or installation is constructed at a site at which
26 no other source is located; or
27

28 B. The building, structure, facility or installation totally replaces the process or
29 production equipment that causes the discharge of pollutants at an existing
30 source; or
31

32 C. The production or Wastewater generating processes of the building, structure,
33 facility or installation are substantially independent of an existing source at the
34 same site. In determining whether these are substantially independent, factors
35 such as the extent to which the new facility is integrated with the existing plant
36 and the extent to which the new facility is engaged in the same general type of
37 activity as the existing source may be considered.
38

39 63. **OCSD** shall mean the Orange County Sanitation District.
40

41 64. **Oil and Grease** shall mean any of the following in part or in combination:
42

43 A. Petroleum derived products (e.g., oils, fuels, lubricants, solvents, cutting oils,
44 mineral oils);
45

46 B. Vegetable derived products (e.g., oils, shortenings, water soluble cutting oils);

1
2 C. Animal derived products (e.g., fats, greases, oils, lard).
3

- 4 65. **Pass Through** shall mean any discharge which exits OCSD's POTW into waters
5 of the United States in quantities or concentrations which, alone or in conjunction
6 with a discharge or discharges from other sources, causes a violation of any
7 requirement of the OCSD's NPDES permit, including an increase in the magnitude
8 or duration of a violation.
9
- 10 66. **Permittee** shall mean any User who has received a Wastewater Discharge Permit
11 to discharge Wastewater into the Brine Line or tributaries thereto.
12
- 13 67. **Person** shall mean any individual, firm, company, association, society, general or
14 limited partnership, limited liability company, trust, corporation, governmental
15 agency or group, and includes the plural or the singular.
16
- 17 68. **Pollutant** shall mean Conventional Pollutants, Domestic Wastewater, Hazardous
18 Substances, Infectious Waste, Slug Discharges, dredged spoil, solid Waste,
19 incinerator residue, sewage, garbage, sewage sludge, munitions, chemical Wastes,
20 biological materials, radioactive materials, medical Waste, heat, rock, sand, cellar
21 dirt and industrial, municipal, and agricultural Waste.
22
- 23 69. **POTW** shall mean a **Publicly Owned Treatment Works**. This definition includes
24 all devices, equipment, pipes, and systems used in the transmission, storage,
25 treatment, recycling and reclamation of municipal sewage, sludge, or Industrial
26 Wastewater.
27
- 28 70. **Pretreatment** shall mean the reduction of the amount of pollutants, the elimination
29 of pollutants, or the alteration of the nature of the pollutant properties in
30 Wastewater prior discharging such pollutants into the Brine Line or tributaries
31 thereto. The reduction or alteration may be obtained by physical, chemical or
32 biological processes, process changes or by any other means, except Dilution.
33
- 34 71. **Pretreatment Facility** shall mean any works or devices for the treatment or flow
35 limitation of Wastewater prior to discharge to the Brine Line or tributaries thereto.
36
- 37 72. **Pretreatment Requirements** shall mean any substantive or procedural
38 requirement related to pretreatment, other than a National Pretreatment Standard,
39 imposed on an Industrial User.
40
- 41 73. **Pretreatment Waste** shall mean all Waste, liquid or solid, removed from a
42 Wastestream or Wastewater discharge by physical, chemical, or biological means.
43
- 44 74. **Public Agency** shall mean the State of California and any city, county, special
45 district, or other Public Agency within the State of California.
46

- 1 75. **Qualified Professional** shall mean any person who by virtue of education,
2 training, or experience is qualified to evaluate and assess pollutant discharges and
3 violations of this Ordinance.
4
- 5 76. **RCRA** shall mean the Resource Conservation and Recovery Act (42 U.S.C. 6901,
6 et seq.) and its regulations 40 CFR Parts 260-266 and 270 and as amended.
7
- 8 77. **Regulatory Agencies** shall mean those agencies having jurisdiction over the
9 operation of Valley District, SAWPA, and/or OCSD including, but not limited to:
10
- 11 A. United States Environmental Agency, Region IX, San Francisco, CA and
12 Washington, D.C. (E.P.A.);
13
- 14 B. California State Water Resources Control Board (SWRCB);
15
- 16 C. California Regional Water Quality Control Board, Santa Ana Region
17 (RWQCB);
18
- 19 D. South Coast Air Quality Management District (SCAQMD);
20
- 21 E. California Environmental Protection Agency (CalEPA); and
22
- 23 F. California Department of Health Services (DOHS).
24
- 25 78. **Sampling Facilities** shall mean structure(s) and equipment approved by Valley
26 District and provided at the User's expense for Valley District or the User to
27 measure and record Wastewater pollutant levels, collect representative Wastewater
28 samples, and/or provide direct access to terminate the Wastewater discharge.
29
- 30 79. **Sanitary Waste** shall mean Domestic Wastewater.
31
- 32 80. **SAWPA** shall mean the Santa Ana Watershed Project Authority.
33
- 34 81. **SARI** shall mean the Santa Ana Regional Interceptor.
35
- 36 82. **Valley District** shall mean the San Bernardino Valley Municipal Water District or
37 its agencies which hold a discharge contract.
38
- 39 83. **Self-monitoring** shall mean Wastewater samples taken by a User or the User's
40 contracted laboratory, consultant, engineer, or similar entity.
41
- 42 84. **Service Lateral Line** shall mean the Wastewater collection pipe extending from
43 premises where the Wastewater is generated up to and including the connection to
44 the Brine Line or tributaries thereto.
45
- 46 85. **Shall** means mandatory.

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86. **Significant Industrial User (SIU)** shall mean all Industrial Users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N. An SIU includes any User that:

- A. Discharges Industrial Wastewater at an average rate of at least 25,000 gallons per day (gpd) to the Brine Line or tributaries thereto (excluding sanitary, noncontact cooling and boiler blowdown Wastewater);
- B. Contributes a process Wastestream that makes up 5 percent or more of the average dry weather hydraulic or organic capacity of OCSD's POTW; or
- C. Is designated as an SIU by the General Manager on the basis that the User has reasonable potential for adversely affecting the Brine Line or tributaries thereto or OCSD's POTWs or for violating any pretreatment standard or requirement.

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

- A. Chronic violations of Wastewater discharge limits, which are defined as those in which sixty-six percent or more of all of the measurements for each pollutant taken during a consecutive six month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant;
- B. Technical review criteria (TRC) violations, which are defined as those in which thirty-three percent or more of all of the measurements for each pollutant taken during a consecutive six month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);
- C. Any other violation of a Pretreatment Effluent limit (daily maximum or longer term average) that Valley District determines has caused, alone or in combination with other discharges, Interference or Pass Through (including endangering the health of Valley District employees, contract employees, or the general public);
- D. Any discharge of a pollutant that has caused imminent endangerment to human health or welfare or to the environment or has resulted in exercise of emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days after the scheduled date, a Compliance Schedule milestone contained in an Administrative Order, for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide, within thirty (30) days of the due date, any required reports

1 such as baseline monitoring reports, 90-day compliance reports, periodic self-
2 monitoring reports, and reports on compliance with Compliance Schedules;

3
4 G. Failure to pay, within thirty (30) days, all applicable User application, permit,
5 and enforcement penalty fees;

6
7 H. Failure to report accurately non-compliance; or

8
9 I. Any other violations which Valley District believes will adversely affect the
10 operation and implementation of Valley District's contracted pretreatment
11 program or the Brine Line or tributaries thereto.

12
13 88. **Single Pass Cooling Water** shall mean water that is used solely for the purpose of
14 cooling and is used only once before being discharged.

15
16 89. **Single Pass Heating Water** shall mean water that is used solely for the purpose of
17 heating and is used only once before being discharged.

18
19 90. **Slug Discharge** shall mean any discharge of a non-routine, episodic nature,
20 including but not limited to an accidental spill or a non-customary Batch Discharge
21 of Wastewater, material or Waste with such a high volume or pollutant
22 concentration which will cause damage, Interference, or pass through in the Brine
23 Line or tributaries thereto, OCSD's POTW, or sludge processes, use, or disposal.

24
25 91. **Special Purpose Discharge** shall mean a Wastewater discharge to the Brine Line
26 or tributaries thereto requiring a Class III Wastewater Discharge Permit which has
27 origins from unpolluted water, storm water runoff, groundwater, treated
28 groundwater, subsurface drainage or other similar sources of Wastewater.

29
30 92. **Temporary User** shall mean any User who is granted temporary permission by the
31 General Manager to discharge Wastewater to the Brine Line or tributaries thereto
32 and controlled by a Class V Wastewater Discharge Permit.

33
34 93. **Total Suspended Solids** shall mean the total amount of residue retained by
35 laboratory filtration and dried at 103-105° C.

36
37 94. **Total Toxic Organics, (TTO)** shall mean the sum of all quantifiable values
38 greater than 0.01 mg/L of the regulated toxic organic compounds which are found
39 in the User's Wastewater Discharge Permit.

40
41 95. **Unpolluted Water** shall mean cooling and Heating Water, single pass cooling and
42 Heating Water, air conditioning condensate, ice melt, condensate, landscape
43 irrigation, crop irrigation, rain water, and water not containing any substances
44 limited or prohibited by Effluent standards in effect or water whose discharge will
45 not cause any violation of OCSD's NPDES permit limits.
46

- 1 96. **Upset** shall mean an exceptional incident which causes temporary and
 2 unintentional non-compliance with the discharge limitations or prohibitions
 3 applicable to a User or OCSD's POTW and which is beyond the reasonable control
 4 of a User or OCSD's POTW and as more fully set forth in OCSD's NPDES permit,
 5 40 CFR Part 403.16, and California Water Code, Section 13385.
 6
- 7 97. **User** shall mean any Member Agency, person or entity, public or private,
 8 residential, industrial, commercial, governmental, institutional, or Liquid Waste
 9 Hauler that discharges or causes to be discharged, Wastewater or waterborne
 10 Waste into the Brine Line or tributaries thereto.
 11
- 12 98. **Waste** shall mean any discarded solid, semi-solid, liquid, or gaseous material.
 13
- 14 99. **Wastestream** shall mean individually identifiable sources of Waste that contribute
 15 to a User's Wastewater discharge.
 16
- 17 100. **Wastewater** shall mean the used water and water carried Waste from a User that is
 18 discharged to a sewer. Storm water, surface water, and ground water infiltration
 19 may also be included in this definition.
 20
- 21 101. **Wastewater Discharge Contract** shall mean a written contract between SAWPA
 22 and a Member Agency or between a Member Agency and a potential User for the
 23 purpose of conveying a defined Discharge Right to use the Brine Line or tributaries
 24 thereto.
 25
- 26 102. **Wastewater Discharge Permit** shall mean the permit issued and enforced by the
 27 General Manager permitting and regulating the discharge of Wastewater into the
 28 Brine Line and tributaries thereto.
 29

30 **104.0 ADMINISTRATION**

- 31
- 32 A. **ADOPTION OF INTERPRETIVE RULES:** The General Manager of the Valley
 33 District may adopt interpretive rules consistent with the provisions of this
 34 Ordinance for the administration of the Brine Line. Interpretive rules pertain to,
 35 but shall not be limited to, discharge limitations, Pretreatment Requirements,
 36 standards for Wastewater lines and services and implementation of standards
 37 promulgated pursuant to the Federal Water Pollution Control Act as amended by
 38 the Clean Water Act.
 39
- 40 B. **GENERAL POWERS OF THE GENERAL MANAGER.** Except as otherwise
 41 provided herein, the General Manager shall administer, implement and enforce the
 42 provisions of this Ordinance. Any powers granted or duties imposed upon the
 43 General Manager may be delegated by the General Manager to persons acting in
 44 the beneficial interest or employ of Valley District, but shall remain the
 45 responsibility of the General Manager. In addition to the authority to prevent or
 46 eliminate discharges through enforcement of discharge limitations and

1 prohibitions, the General Manager shall have the following powers:
2

- 3
- 4 1. **Endangerment to the health or welfare of the community.** The General
5 Manager, after informal notice to the affected User, may immediately and
6 effectively halt or prevent any discharge of pollutants into the Brine Line or
7 tributaries thereto, by any means available, including physical disconnection
8 from the Brine Line or tributaries thereto, whenever the Wastewater discharge
9 reasonably appears to present an imminent endangerment to the health or
10 welfare of the community.
 - 11 2. **Endangerment to the environment or the POTW.** The General Manager,
12 after written order to the User, may halt or prevent any discharge of pollutants
13 into the Brine Line or tributaries thereto, by any means available, including
14 physical disconnection from the Brine Line or tributaries thereto, whenever
15 such discharge presents or may present an imminent and substantial
16 endangerment to the environment or threatens to damage or interfere with the
17 operation of the Brine Line or tributaries thereto or OCSD's POTW.
 - 18
 - 19 3. The discharges referred to in items 1 and 2 above may be halted or prevented
20 without regard to the compliance by the User with other provisions of this
21 Ordinance.

22

23 C. **SPECIFIC POWERS OF THE GENERAL MANAGER.** If Wastewater in
24 violation of this Ordinance is discharged or proposed to be discharged into the
25 Brine Line or tributaries thereto, the General Manager may take any action
26 necessary to:

- 27
- 28 1. Prohibit the discharge of such Wastewater;
 - 29
 - 30 2. Require a User to demonstrate that in-plant modifications will reduce or
31 eliminate the pollutant or substance so that the discharge will not violate this
32 Ordinance;
 - 33
 - 34 3. Require treatment, including storage facilities or flow equalization necessary to
35 reduce or eliminate the pollutants or substance so that the discharge will not
36 violate this Ordinance;
 - 37
 - 38 4. Require the User making, causing or allowing the discharge to pay any
39 required Industrial User permit fees, inspection fees, surcharges, fines,
40 penalties, damages, legal expenses, attorney's fees and any other cost or
41 expense incurred by Valley District for handling, treating or disposing of
42 excess pollutant loads imposed on OCSD's POTW, and/or associated with
43 alleged or actual violations of OCSD's NPDES permit attributed to the User's
44 discharge;
 - 45
 - 46 5. Require timely and factually complete reports from the User responsible for

1 such discharge; or
2

- 3 6. Require such other or further remedial action as may be deemed to be desirable
4 or necessary to achieve the purposes of this Ordinance.
5

6 **105.0 NOTICE**

7 Unless otherwise provided herein, any notice required of the General Manager under this
8 Ordinance shall be in writing and served in person or by first class mail, postage prepaid and
9 certified. Such notice shall be deemed to have been given at the time of deposit in a United
10 States Postal Service facility.
11

12 **106.0 CONFIDENTIALITY**

13 Any information submitted by the User to Valley District pursuant to this Ordinance may be
14 claimed as confidential by the User. Any such claim must be asserted at the time of
15 submission by placing the words "**Confidential Business Information**" on each page
16 containing such information. If no claim is made at the time of submission, Valley District
17 may make the information available to the public without further notice. All User
18 information and data on file with Valley District shall be available to the public and public
19 agencies without restriction unless the User specifically requests and is able to demonstrate
20 to the satisfaction of Valley District that the release of such information would disclose
21 information and data which would be detrimental to the User's competitive position. The
22 demonstration of the need for confidentiality made by the User must meet the burden
23 necessary for withholding such information from the public under applicable state and
24 federal laws. Information and data concerning or relating to Wastewater quality and
25 quantity shall not be deemed confidential. All sample data obtained either by the User or
26 Valley District shall not be considered confidential. All production related information used
27 to calculate mass based discharge limitations or required for the development of a
28 Wastewater Discharge Permit shall not be considered confidential information. Confidential
29 information may be made available, upon request, to governmental agencies for enforcement
30 or judicial purposes related to this Ordinance, OCS D's NPDES Permit or the pretreatment
31 program, and as required by state or federal law.
32

33 **107.0 TIME LIMITS**

34 Any time limit or deadline provided in any written notice or any provision of this Ordinance
35 may be extended only by a written extension by the General Manager and only upon a
36 showing of good cause by the User.
37

38 **ARTICLE 2**
39 **GENERAL PROHIBITIONS AND LIMITATIONS**
40 **ON DISCHARGES**
41

42 **201.0 PROHIBITED WASTE DISCHARGES**

43 Except as hereinafter provided, no person or User shall discharge or cause to be discharged
44 into the Brine Line or tributaries thereto or any opening, sump, tank, clarifier, piping or
45 Waste treatment system which drains or flows into the Brine Line or tributaries thereto any
46 of the following:

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1. Any earth, sand, rocks, ashes, cinders, spent lime, stone, stone cutting dust, gravel, plaster, diatomaceous earth, concrete, glass, metal filings, or metal or plastic objects, garbage, grease, viscera, paunch manure, bones, hair, hides, or fleshings, whole blood, dead animals, feathers, straw, shavings, grass clippings, rags, spent grains, spent hops, Waste paper, wood, plastic, tar, asphalt residues, residues from refining or processing fuel or lubrication oil and similar substances, or solid, semi-solid or viscous material in quantities or volume which will obstruct the flow of sewage in the Brine Line or tributaries thereto or any object which will cause clogging of a sewer or sewage lift pump, or interferes with the normal operation of the Brine Line or tributaries thereto or OCSD's POTW.
2. Any compound or material which will produce noxious odors in the Brine Line or tributaries thereto or OCSD's POTW.
3. Any discharge that results in toxic gases, vapors or fumes within the Brine Line or tributaries thereto in a quantity that may cause acute health and safety problems for Valley District employees, SAWPA employees, contract employees, and the public.
4. Any recognizable portions of human or animal anatomy.
5. Any solids, liquids, gases, devices, or explosives which by their very nature or quantity are or may be, sufficient either alone or by interaction with other substances or sewage to cause fire or explosion hazards, exceed 10% of the LEL at the point of discharge or in the Collection System, or in any other way create imminent danger to Valley District, SAWPA, or contract Wastewater personnel, OCSD's POTW, the environment or public health.
6. Any Wastewater or material with a closed cup flash point of less than 140 degrees Fahrenheit or 60 degrees Celsius using the test methods specified in 40 CFR 261.21.
7. Any overflow from a septic tank, cesspool or seepage pit, or any liquid or sludge pumped from a cesspool, septic tank or seepage pit, except as may be permitted by the General Manager.
8. Any discharge from the Wastewater holding tanks of recreational vehicles, trailers, buses and other vehicles, except as may be permitted by the General Manager.
9. Any quantity of Wastewater flow in excess of permitted limits or purchased capacity.
10. Any stormwater, groundwater, street drainage, subsurface drainage, yard

1 drainage or runoff from any field, roof, yard, driveway or street. The General
2 Manager may approve, on a temporary basis, the discharge of such water only
3 when no reasonable alternative method of discharge is available.
4

- 5 11. Any substance or heat in amounts which will inhibit biological activity in
6 OCSD's POTW resulting in Interference or which will cause the temperature of
7 the sewage in the Brine Line or tributaries thereto to be higher than 140 degrees
8 Fahrenheit. In no case shall any substance or heat be discharged to the Brine
9 Line or tributaries thereto which will raise OCSD's POTW influent higher than
10 104 degrees Fahrenheit (40 degrees Celsius).
11
- 12 12. Any radioactive Waste in excess of federal, state or county regulations.
13
- 14 13. Any pollutants, material or quantity of material which will cause:
15
16 A. Damage to any part of the Brine Line or tributaries thereto;
17
18 B. Abnormal maintenance of the Brine Line or tributaries thereto;
19
20 C. An increase in the operational costs of the Brine Line or tributaries thereto;
21
22 D. A nuisance or menace to public health;
23
24 E. Interference or pass through in OCSD's POTW, its treatment processes,
25 operations, sludge processes, use or disposal. This applies to each User
26 introducing pollutants into the Brine Line or tributaries thereto whether or
27 not the User is subject to other National Pretreatment Standards or any
28 national, State, or local Pretreatment Requirements; or
29
30 F. A violation of the OCSD's NPDES permit.
31
- 32 14. Any quantities of herbicides, algacides, or pesticides in excess of Local Limits
33 or National Pretreatment Standards.
34
- 35 15. Any petroleum oil, non-biodegradable cutting oil, or products of mineral oil
36 origin in excess of Local Limits or National Pretreatment Standards.
37
- 38 16. Any material or quantity of material(s) which will cause abnormal sulfide
39 generation.
40
- 41 17. Any water or Wastewater used to artificially raise the Industrial User's
42 discharge volume and added for the purpose of diluting Wastes which would
43 otherwise exceed applicable permitted discharge limitations.
44
- 45 18. Any Wastewater having a corrosive property capable of causing damage to the
46 Brine Line or tributaries thereto, OCSD's POTW, equipment, or structures or

1 presenting a hazard to Valley District, SAWPA, or contract personnel.
 2 However, in no case shall Wastewater be discharged to the Brine Line or
 3 tributaries thereto or OCSD's POTW with a pH below 6.0 or greater than 12.0.
 4

- 5 19. Any substance which will cause discoloration of OCSD's POTW Effluent
 6 which results in a violation of OCSD's NPDES permit.
 7
- 8 20. Any pollutant, including oxygen demanding pollutants (BOD, COD, etc.),
 9 released in a discharge at a flow rate and/or pollutant concentration which will
 10 cause Interference with OCSD's POTW or the Brine Line or tributaries thereto.
 11
- 12 21. Pollutants which result in the presence of toxic gases, vapors, or fumes within
 13 the Brine Line or tributaries thereto or OCSD's POTW in a quantity that may
 14 cause acute worker health and safety problems.
 15
- 16 22. Any unpolluted water, including Cooling Water, Heating Water, stormwater,
 17 subsurface water, Single Pass Cooling Water, and Single Pass Heating Water.
 18 The General Manager may approve, on a temporary basis, the discharge of
 19 such water only when no reasonable alternative method of discharge is
 20 available. The User shall pay all applicable User charges and fees.
 21
- 22 23. Any substance which may cause OCSD's POTW Effluent or any other product
 23 such as residues, sludges, or scums to be unsuitable for reclamation or reuse or
 24 which will interfere with any of the reclamation processes. This includes any
 25 material which will cause the sludge at OCSD's POTW to violate applicable
 26 sludge use or disposal regulations developed under the Federal Clean Water
 27 Act, 33 USCA, Section 1251 et seq., or any regulations affecting sludge use or
 28 disposal developed pursuant to the Solid Waste Disposal Act, 42 USCA,
 29 Section 6901, et seq.; Clean Air Act, 42 USCA, Section 7401, et seq.; Toxic
 30 Substance Control Act, 15 USCA, Section 2601, et seq., or any other
 31 applicable State Regulations.
 32
- 33 24. Any Hazardous Substance which violates the objectives of the General
 34 Pretreatment Regulations (40 CFR 403), this Ordinance, or any statute, rule,
 35 regulation or chapter of any Public Agency having jurisdiction over said
 36 discharge.
 37
- 38 25. Any material, pollutants or Wastewater in excess of the quantities and
 39 limitations established by resolution.
 40
- 41 26. Any radiator fluid or coolant, cutting oil, water soluble cutting oil, or water
 42 based solvent.
 43

44 **202.0 DILUTION PROHIBITED AS A SUBSTITUTE FOR TREATMENT**

45 No Industrial User shall increase the use of water, or in any other manner, attempt to dilute a
 46 Wastewater discharge as a partial or complete substitute for adequate treatment to achieve

1 compliance with this Ordinance and the User's Wastewater Discharge Permit, or to establish
2 an artificially high flow rate for permitted Mass Emission Rates or permitted flow amounts.
3

4 **203.0 LIMITATIONS ON SURFACE RUNOFF AND GROUNDWATER**

5

6 A. Groundwater, surface runoff water, or subsurface drainage shall not be discharged
7 into the Brine Line or tributaries thereto, except as provided herein. The General
8 Manager may approve the discharge of such water only as a part of a water quality
9 improvement program approved by the General Manager and when no alternative
10 method of disposal is reasonably available or to mitigate an environmental risk or
11 health hazard.
12

13 B. Special Purpose Discharges (i.e. groundwater, surface runoff water, or subsurface
14 drainage) approved by the General Manager for discharge to the Brine Line or
15 tributaries thereto shall require a Class III Wastewater Discharge Permit.
16

17 **204.0 LIMITATIONS ON UNPOLLUTED WATER**

18

19 A. Unpolluted water such as Single Pass Cooling Water shall not be discharged to the
20 Brine Line or tributaries thereto, except as provide herein. The General Manager
21 may approve the discharge of such water only as a part of a water quality
22 improvement program approved by the General Manager and when no reasonable
23 alternative method of disposal or reuse is available, or to mitigate an environmental
24 risk or health hazard.
25

26 B. Unpolluted water approved for discharge to the Brine Line or tributaries thereto
27 shall require a Class III Wastewater Discharge Permit from Valley District.
28

29 **205.0 LIMITATIONS ON DOMESTIC WASTEWATER AND SEPTAGE WASTE**

30

31 A. Domestic Wastewater or septage Waste from a private sewage disposal system
32 shall not be discharged to the Brine Line or tributaries thereto, except in specific
33 cases authorized by the General Manager. The General Manager may approve the
34 discharge on a temporary basis when no reasonable alternative method is available.
35

36 B. All approved temporary Domestic Wastewater or septage Waste discharges to the
37 Brine Line or tributaries thereto shall require a Class V Wastewater Discharge
38 Permit from Valley District. The User granted the permit shall be responsible for
39 all applicable charges and fees and shall abide by all permit conditions.
40

41 **206.0 LIMITATIONS ON POINT OF DISCHARGE**

42 No person or User, shall discharge any Wastewater directly into a manhole or other opening
43 in the Brine Line or tributaries thereto other than through an approved building sewer
44 connection, unless written permission for the discharge has been granted by the General
45 Manager. This prohibition shall not apply to authorized Valley District personnel, contract
46 employees, or Member Agency employees involved with the maintenance, cleaning, repair,

1 or inspection of the Brine Line or tributaries thereto.
2

3 **207.0 LIMITATIONS ON THE USE OF GRINDERS**

4 Waste from industrial or commercial grinders shall not be discharged to the Brine Line or
5 tributaries thereto, except Waste generated in packing or preparing food or food products.
6 Such grinders shall shred the Waste to a dimension not to exceed one-half (1/2) inch in any
7 dimension and all particles generated will be freely carried under normal flow conditions
8 prevailing in the Brine Line or tributaries thereto.
9

10 **208.0 LIMITATIONS ON BOD AND TSS**

11 All Wastewater discharged to the Brine Line or tributaries thereto shall have a daily
12 maximum and a Monthly Average limit for BOD and TSS. All BOD and TSS discharges in
13 excess of the established limitations shall be subject to a surcharge fee and/or a
14 noncompliance fee. These limitations, surcharge fees and noncompliance fees shall be
15 established by resolution by Valley District.
16

17 **209.0 LIMITATIONS ON INFECTIOUS WASTE DISPOSAL**

18
19 A. Those Users that generate liquid Infectious Waste not associated with those found
20 in Domestic Wastewater must obtain written permission from the General Manager
21 prior to disposal of the liquid Infectious Waste to the Brine Line or tributaries
22 thereto. The User must submit a written request to the General Manager that shall
23 include:
24

- 25 1. The source and volume of the Infectious Waste;
- 26 2. The procedures and equipment used for Waste disinfection; and
- 27 3. Employee training procedures.
28

29
30
31 B. If the General Manager determines that the Waste would not be completely
32 disinfected, the General Manager shall issue a written denial to the User and state
33 the reasons for the denial. This denial shall be issued within thirty (30) days from
34 receipt of the written request.

35 C. If the General Manager determines that complete disinfection of the Waste can be
36 achieved prior to discharge of the Waste to the Collection System, then conditional
37 written approval may be granted by the General Manager for the disposal of the
38 Waste. Such written letter of approval shall be sent to the User within thirty (30)
39 days of receipt of the written request.
40

41 D. If the User is granted permission for disposal, the User shall:
42

- 43 1. Completely disinfect the Liquid Waste prior to discharge to the Brine Line or
44 tributaries thereto as outlined in the approval letter;
- 45 2. Not dispose of solid Infectious Waste to the Brine Line or tributaries thereto,
46

1 including hypodermic needles, syringes, instruments, utensils or other paper
 2 and plastic items of a disposable nature, or recognizable portions of the human
 3 or animal anatomy; and
 4

- 5 3. Permit Valley District, Authorized Representatives, and/or SAWPA to conduct
 6 periodic inspections to verify that all disinfection methods, procedures, and
 7 practices are being performed.
 8

9 **210.0 LIMITATIONS ON DISPOSAL OF WASTE SOLUTIONS AND SLUDGES**

10 All Waste solutions, sludges, and materials in violation of the User's Wastewater Discharge
 11 Permit limitations for discharge to the Brine Line or tributaries thereto, shall be disposed of
 12 in a legally approved manner at a legally approved disposal site specific for the Waste being
 13 disposed. All disposed Waste shall be properly manifested as to its origin, type, amount and
 14 disposal site in compliance with all applicable laws and regulations.
 15

16 **211.0 SLUG DISCHARGES**

- 17
 18 A. If the General Manager determines that a User has caused a slug load discharge
 19 into the Brine Line or tributaries thereto in quantities or concentrations and in a
 20 manner or method not previously approved by the General Manager, then the User
 21 shall be liable for any non-compliance monetary fee, fine or penalty as established
 22 by resolution by Valley District. If the User's slug load discharge has resulted in
 23 damage to the Brine Line or tributaries thereto or caused Interference or pass
 24 through at OCS D's POTW, then the User shall be liable for all associated costs
 25 including, administrative costs and overhead, treatment, repairs, regulatory fines,
 26 penalties, legal expenses, damages, and attorney's fees.
 27
 28 B. Upon finding that a User has caused a slug load discharge into the Brine Line or
 29 tributaries thereto, then the User shall submit a written report to the General
 30 Manager how the slug load discharge occurred and how it will be prevented in the
 31 future. This report shall be due within ten (10) calendar days of notification to the
 32 User by the General Manager.
 33
 34 C. Repeated Slug Discharges by the User shall be grounds for permit revocation and
 35 cessation of all Wastewater discharges to the Brine Line or tributaries thereto.
 36
 37

38 **ARTICLE 3**
 39 **WASTEWATER DISCHARGE PERMITS**
 40

41 **301.0 GENERAL PERMIT REQUIREMENTS**

42 All Users who propose to directly or indirectly discharge Liquid Waste to the Brine Line
 43 must receive written authorization prior to discharge through the permit application process.
 44 Direct Dischargers shall submit a Direct User Discharge Permit Application to Valley
 45 District and Hauled Liquid Waste Generators shall submit a Hauled Liquid Waste Generator
 46 Permit Application to Valley District's Authorized Representative.

1
2 **302.0 PERMITTING PROCESS**
3

4 A. Valley District or its Authorized Representative may request, as part of the
5 permitting process, the following information from Users who propose to
6 discharge Liquid Waste to the Brine Line.
7

- 8 1. Name, address, assessor's parcel number and location (if different from the site
9 address) for the company.
- 10
- 11 2. Name and address of the Authorized Representative(s).
- 12
- 13 3. Name, address, email address(es), telephone number, telefax number and
14 description of the industries or clients using Liquid Waste Hauler services
15 which discharge to the Brine Line or tributaries thereto.
16
- 17 4. NAICS number according to the Federal North American Industry
18 Classification System, Office of Management and Budget, 1997, as amended.
19
- 20 5. E.P.A. hazardous Waste generator's number.
21
- 22 6. Wastewater samples analyzed for specified pollutants. The samples shall be
23 analyzed by a State certified laboratory in accordance with the methods
24 published by the E.P.A. in 40 CFR Part 136.
25
- 26 7. Time and duration of the Wastewater discharges.
27
- 28 8. Average and maximum daily Wastewater flow rates, including any seasonal
29 variation of all Wastestreams discharged.
30
- 31 9. A list of all environmental control permits held.
32
- 33 10. A statement from the property owner or landlord, if different from the
34 Industrial User, agreeing to the Industrial User's activities, manufacturing
35 processes, and chemical and material storage.
36
- 37 11. Site plans, floor plans, mechanical and plumbing plans with details to show all
38 sewers, sewer connections, pretreatment equipment, systems and devices,
39 production areas and all areas of Wastewater generation.
- 40 12. A description of operations which shall include the nature, average rate of
41 production, and NAICS classification of the operation(s) carried out by the
42 Industrial User. This description shall include a schematic process diagram
43 that indicates points of discharge to the Brine Line or tributaries thereto.
44
- 45 13. Flow measurement. The User shall submit information showing the measured
46 average daily and maximum daily flow in gallons per day to the Brine Line or

1 tributaries thereto from federally regulated process Wastestreams and other
2 Wastestreams as necessary to allow use of the Combined Wastestream
3 Formula.
4

5 14. Measurement of pollutants. The User shall identify the National Pretreatment
6 Standard applicable to each regulated process. The User shall submit the
7 results of sample analyses identifying the nature and concentration (or mass
8 where required) of regulated pollutants in the discharge from each regulated
9 process. Both daily maximum and average concentration (or mass) shall be
10 reported. All analyses shall be performed in accordance with the techniques
11 prescribed in 40 CFR part 136 and amendments thereto.
12

13 15. Certification statement. As set forth in 40 CFR Part 403.6(a)(2)(ii), executed by
14 an Authorized Representative of the User and prepared by a Qualified
15 Professional, indicating whether or not pretreatment standards (national
16 categorical and local) are being met on a consistent basis. If not, the Industrial
17 User shall state if additional operation and maintenance or additional
18 pretreatment equipment is necessary to achieve compliance with pretreatment
19 standards and requirements.
20

21 16. All data submitted, including monitoring data, shall be certified accurate by an
22 Authorized Representative of the Industrial User as set forth in 40 CFR Part
23 403.6(a)(2)(ii).
24

25 17. Facility Waste Management Plan as defined in Section 421.0 of this Ordinance.
26

27 18. Where a federal categorical process has been identified, the User shall submit a
28 Baseline Monitoring Report with all the elements required by 40 CFR
29 403.12(b) no later than ninety (90) days before discharge commences.
30

31 19. Any other information as may be necessary for the General Manager or
32 Authorized Representative to evaluate the permit application.
33

34 B. Within ninety (90) days of receiving the completed Wastewater Discharge Permit
35 Application, the General Manager or Authorized Representative shall evaluate the
36 data included in the permit application. Following the evaluation, the General
37 Manager or Authorized Representative may issue a Wastewater Discharge Permit
38 subject to the terms and conditions provided in this Ordinance or deny the permit.
39 Issuance of the permit is contingent on the following conditions being met:
40

- 41 1. The proposed discharge of the applicant is in compliance with the prohibitions
42 and limitations of this Ordinance and related Valley District resolutions;
43
- 44 2. The proposed operation and discharge of the applicant would not interfere with
45 the normal and efficient operation of the Brine Line or tributaries thereto and
46 OCSD's POTW;

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3. The proposed discharge, operation or business activity of the applicant shall not result in a violation of OCSD's NPDES permit or cause a Pass Through of any toxic materials to the environment or OCSD's POTW sludge; and
 4. The applicant has been invoiced for all applicable Direct User Permit fees by Valley District or its Authorized Representative.
- C. The General Manager may suspend the permit application process if the User's business will not be operational and no Wastewater is planned for discharge at the conclusion of the application review process. The User must notify the General Manager at least ninety (90) calendar days prior to the commencement of the business activities and Wastewater discharge.
- D. If the General Manager determines that the proposed discharge(s) will not be acceptable, then the General Manager shall disapprove the application and shall notify the applicant in writing, specifying the reason(s) for denial.
- E. Approved Wastewater Discharge Permits shall be subject to all provisions of this Ordinance and all other applicable regulations, charges and fees established by resolution by Valley District. Permits may contain the following:
1. The unit charge or schedule of User charges and fees for the Wastewater discharged to the Brine Line and tributaries thereto as established by ordinance or resolution;
 2. Schedule of penalty fees for noncompliance as established by resolution;
 3. Limitations on the average monthly and maximum daily Wastewater pollutants and Mass Emission Rates for pollutants;
 4. Limitations on the average monthly and maximum daily Wastewater flow rates;
 5. Requirements for the submittal of a Facility Waste Management Plan;
 6. Requirements for the submittal of daily, monthly, annual and long term production rates;
 7. Requirements for reporting changes and/or modifications to equipment and/or processes that affect the quantity or quality of the Wastewater discharged;
 8. Requirements for installation and maintenance of monitoring and sampling equipment and devices;
 9. Requirements for the installation of pretreatment technology, pollution control,

1 or construction of appropriate spill containment devices;
2

3 10. Specifications for monitoring programs which may include: sampling
4 location(s); frequency of sampling; pollutant violation notification and
5 resampling requirements; number, types and standards for tests; reporting
6 schedules; and self-monitoring standard operating procedures (SOPs);
7

8 11. Requirements for reporting flow exceedances and pollutant violations;
9

10 12. Consent to entry onto the User's premises to assess compliance by inspection,
11 records examination, sampling, and monitoring;
12

13 13. If compliance with pretreatment standards cannot be met on a consistent basis,
14 then a Compliance Schedule shall be required. This schedule shall provide the
15 shortest possible time for the User to provide additional pretreatment and/or
16 operations and maintenance to achieve compliance. The Compliance Schedule
17 shall contain increments of progress (called milestones) in the form of dates,
18 not to exceed nine months, for the commencement and completion of major
19 events leading to the construction and operation of additional pretreatment
20 required for the User to achieve compliance with applicable categorical
21 pretreatment standards;
22

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

31 15. Requirements for submission of technical or discharge reports, Baseline
32 Monitoring Reports (BMR), compliance reports, or reports on continued
33 compliance;
34

35 16. Reports on compliance with categorical pretreatment standard deadlines. All
36 Categorical Industrial Users shall submit reports to the General Manager
37 containing the information described in this Section. For existing Categorical
38 Industrial Users, the report shall be submitted within ninety (90) days following
39 the date for final compliance with applicable categorical pretreatment
40 standards. For new Categorical Industrial Users, the report shall be due thirty
41 (30) days following the commencement of Wastewater discharge into the Brine
42 Line or tributaries thereto. These reports shall contain long term production
43 rates and actual production during the Wastewater sampling periods;
44

45 17. Fact sheets containing information describing the products produced by the
46 User; federal categorical designation (if applicable); what means are used to

1 produce the products; the Waste generated by producing the product; plot plans
2 and diagrams of the facility and Wastewater pretreatment facilities; process
3 flow diagrams of production, Wastewater flow, and Wastewater pretreatment
4 facilities; and Waste disposal methods;
5

6 18. All Significant and Categorical Industrial Users shall submit progress reports
7 on compliance every six months. These reports shall include Effluent sample
8 analyses with the name and concentration or mass of the pollutants in the
9 Wastewater Discharge Permit; average and maximum daily Wastewater flows
10 for all regulated processes and total flow for the reporting period; average and
11 maximum daily production rates; and total production rate for the reporting
12 period;
13

14 19. All required reports: BMRs, compliance reports, periodic reports on continued
15 compliance, and sample data submittals, must be signed by an Authorized
16 Representative of the User;
17

18 20. All reports required by subparagraph 19 of this Subsection must have an
19 accompanying certification statement by a Qualified Professional stating
20 whether the pretreatment standards are or are not being met as set forth in 40
21 CFR Section 403.12(b)(6) and amendments thereto;
22

23 21. Requirements for maintaining and retaining all records relating to the
24 Wastewater monitoring, sample analyses, production, Waste disposal,
25 recycling, and Waste minimization as specified by the General Manager;
26

27 22. Requirements for notification of slug or accidental discharges and significant
28 changes in volume or characteristics of the pollutants discharged;
29

30 23. Statement that User/Permittee is liable for all penalties, fines, damages, legal
31 expenses, attorney's fees, administrative and overhead costs for violation of
32 any applicable pretreatment ordinances, standards and requirements and this
33 Ordinance and amendments thereto; and
34

35 24. Other conditions as deemed appropriate by the General Manager to ensure
36 compliance with this Ordinance.
37

38 F. No vested right shall be given, granted or acquired by the issuance of
39 permits provided for in this Ordinance.
40

41 G. Plans submitted for a sewer connection to the Brine Line or tributaries thereto shall
42 not be approved by the General Manager for any sewer connection which will
43 convey industrial Wastewater to the Brine Line or tributaries thereto unless the
44 User has first obtained the appropriate permit.
45

46 H. The General Manager shall deny or condition new or increased discharges of

1 pollutants, or changes in the nature of pollutants, to the Brine Line or tributaries
2 thereto by Users where such discharges do not meet applicable pretreatment
3 standards and requirements or where such discharges would cause OCSD's POTW
4 to violate its NPDES permit.
5

6 **303.0 PERMIT DURATION**

7 Direct User Permits shall be issued for a time period specified by Valley District.
8

9 **304.0 DUTY TO COMPLY**

10 All Users that have been issued a Wastewater Discharge Permit and/or a Hauled Liquid
11 Waste Generator Permit, have a duty to comply with this Ordinance, related resolutions, and
12 all conditions and limitations in the permit. Failure to comply with the requirements
13 contained in this Ordinance, related resolutions and/or the permit may be grounds for
14 administrative actions, or enforcement proceedings including, injunctive relief, civil or
15 criminal penalties, and summary abatements pursuant to Article 5 of this Ordinance.
16 Mandatory minimum penalties shall also be assessed where appropriate.
17

18 **305.0 PERMIT RENEWAL**

19 All Users subject to Wastewater discharge permitting by Valley District shall submit a
20 completed Wastewater Discharge Permit application for permit renewal at least ninety (90)
21 days prior to the expiration of the User's existing permit. All Users shall pay all applicable
22 permit fees prior to the renewal of the permit. No Wastewater Discharge Permit shall be
23 renewed if the User has not paid all applicable fees within 30 days of invoicing by Valley
24 District, submitted required monitoring information or production reports, or submitted any
25 other required permit information. In the event the General Manager cannot issue the permit
26 prior to the expiration date of the current permit, the completed application will serve as an
27 extension of the expired permit for up to thirty (30) working days or as extended by the
28 General Manager. Users which do not have a valid Wastewater Discharge Permit shall be
29 considered in violation of this Ordinance and subject to enforcement action and any
30 applicable surcharge fee, fine, penalties, damages, legal expenses, attorney's fees,
31 administrative and overhead costs.
32

33 **306.0 PERMIT MODIFICATIONS**

34 The terms and conditions of the Wastewater Discharge Permit may be subject to
35 modification by the General Manager or Authorized Representative during the term of the
36 permit as limitations or requirements are modified or added or due to other just causes
37 including, but not limited to:
38

- 39 A. To incorporate any new or revised federal, state, or local laws, including
40 pretreatment standards or requirements;
- 41
- 42 B. To address significant alterations or modifications to the User's operation,
43 processes, or Wastewater volume or character since the time of the Wastewater
44 Discharge Permit issuance;
- 45
- 46 C. A change in the OCSD's POTW that requires either a temporary or permanent

1 reduction or elimination of the permitted discharge. Reasonable time frames for
2 compliance will be used for Users affected by the change(s);

3
4 D. The permitted Wastewater discharge poses a threat to the OCSD's POTW, Valley
5 District personnel, contract employees, the public, or receiving waters;

6
7 E. Violation of any term or condition of the Wastewater Discharge Permit;

8
9 F. Misrepresentations or failure to fully disclose all relevant facts in the Wastewater
10 Discharge Permit application or in any required reporting; or

11
12 G. To correct typographical or other errors in the Wastewater Discharge Permit.

13
14 The User shall be informed of any proposed permit changes at least thirty days prior to the
15 effective date of the changes. Any modifications in the permit shall include a reasonable
16 time schedule for compliance.

17
18 **307.0 PERMIT TRANSFER**

19 Wastewater Discharge Permits are issued to a specific User for a specific operation for a
20 specified time. No Wastewater Discharge Permit shall be reassigned, transferred, pledged or
21 sold to a new owner, new User, or different premises.

22
23 **308.0 WASTEWATER DISCHARGE PERMIT RIGHTS**

24 Except as otherwise provided in Article 3, Section 309.0, no User shall exceed, on a
25 Monthly Average basis, its Wastewater Discharge Permit right into the Brine Line or
26 tributaries thereto. Whenever a User's Monthly Average flow exceeds the User's permitted
27 treatment and disposal right, the User shall notify Valley District within five calendar days
28 of discovering the exceedance. If the monthly flow exceedance is an isolated event, then the
29 User shall be liable for costs incurred with the additional Wastewater discharge in excess of
30 the purchased Discharge Right. If the monthly exceedance is a necessary part of the User's
31 business activities, then the User shall, within five calendar days, make application to
32 acquire and pay for sufficient additional treatment and disposal capacity right in the Brine
33 Line or tributaries thereto which shall be retroactive to the date of the exceedance. The
34 additional purchased right shall result in a capacity right that exceeds the User's Monthly
35 Average flow by ten percent. Any User who fails to purchase the additional capacity right
36 when required shall be subject to enforcement actions.

37
38 **309.0 OPERATIONAL EMERGENCY DISCHARGE**

39 Notwithstanding the provisions of Article 3, Section 308.0, if due to an Operational
40 Emergency, a User must discharge in excess of its existing treatment and disposal right, then
41 the User may do so for a period not to exceed ninety (90) days without incurring the
42 obligation to acquire an additional treatment and disposal right, provided that the User fully
43 complies with the provisions of this Section, this Ordinance, and pays for such discharge as
44 determined by the General Manager.

45
46 A. As used herein, "Operational Emergency", shall mean:

- 1 a. A breakdown of the User's equipment, or other malfunction, which
2 necessitates the User's need to release in excess of its existing treatment
3 and disposal right.
- 4 b. A breakdown at an authorized Brine Line Truck Disposal Station (Primary
5 Station) which necessitates the User's need to dispose at an alternate Brine
6 Line Truck Disposal Station (Alternate Station).
- 7
- 8 B. In an Operational Emergency which necessitates that a User dispose at an Alternate
9 Station, Valley District will accept a valid Liquid Waste Generator Permit issued
10 by another SAWPA Member Agency.
- 11
- 12 C. In an Operational Emergency which necessitates that a User dispose at an Alternate
13 Station, the User must present a valid Liquid Waste Hauler Permit.
- 14
- 15 D. In an Operational Emergency involving the breakdown of the User's equipment, or
16 other malfunction, the User shall provide written notice to Valley District or its
17 Authorized Representative, prior to, or by, the next business day following the
18 commencement of the emergency discharge which includes:
 - 19 1. The nature of the emergency requiring the excess discharge;
 - 20 2. The anticipated duration of the excess discharge; and
 - 21 3. The name of the User's employee whom Valley District may contact for further
22 information.
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- 27 E. Valley District may impose on the discharger such requirements as are appropriate
28 and necessary to protect Valley District's facilities and interest, including the Brine
29 Line and tributaries thereto.
- 30
- 31 F. All Users in an Operational Emergency shall pay to Valley District a surcharge on
32 the flow exceeding the existing treatment and disposal right, in addition to the
33 payment of the volumetric charges for the entire daily flow. The surcharge shall be
34 applied to the excess flow and be calculated at 100% of the current volumetric
35 charge.
- 36
- 37 G. If, upon expiration of the ninety (90) day period, the User's Monthly Average flow
38 continues to exceed the User's existing treatment and disposal right, then the User
39 shall immediately acquire additional increments of treatment and disposal right
40 pursuant to Article 3, Section 308.0 of this Ordinance.
- 41
- 42 H. A User causing or making an Operational Emergency Discharge shall be liable for
43 any surcharges, fees, fines, penalties, damages, legal expenses, attorney's fees,
44 administrative and overhead costs, and other direct or indirect costs incurred by
45 Valley District as a result of such discharge.
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ARTICLE 4
MONITORING, REPORTING, INSPECTION
AND FACILITIES REQUIREMENTS

401.0 MONITORING AND REPORTING

- A. At the direction and discretion of the General Manager, any User discharging Wastewater directly or indirectly into the Brine Line or tributaries thereto, may be required to install sampling station(s) or measuring device(s) to measure the quality and quantity of Wastewater discharged. These measuring devices may include but are not limited to: flow meters and recorders, pH meters and recorders, electrical conductivity meters and recorders, and process water meters. These monitoring stations may be required to include a security closure that can be secured with a lock provided by Valley District or its Authorized Representative during sampling or monitoring.
- B. The sampling station and/or measuring device shall be provided by the User in compliance with this Ordinance and all applicable building, plumbing, and construction codes. Monitoring or metering facilities may be required to have a security closure that can be locked with a Valley District lock during sampling and monitoring. Construction shall be completed within a reasonable time frame as required in written notification from the General Manager.
- C. The General Manager shall have the absolute right to install temporarily upon the User's property such devices as are necessary to conduct Wastewater sampling, compliance monitoring or metering operations.
- D. No User shall interfere with, delay, resist, or refuse entrance to authorized Valley District personnel or contract employees attempting to install Wastewater monitoring equipment on the User's property. Any permanent or temporary obstruction of easy access to the sampling, monitoring, or metering locations shall be immediately removed by the User or property owner at the written or oral request of the General Manager and shall not be replaced.
- E. The sampling station or measuring devices shall be maintained for continuous sampling or metering. The measuring devices shall be calibrated as often as necessary to ensure accurate measurements according to manufacturer's specifications. All maintenance and calibration work shall be performed at the User's expense.
- F. All Users that are required to install and maintain monitoring equipment shall immediately report the failure of such equipment. The immediate notification may be accomplished by a telephone call, e-mail, telefax transmission, personal visit to Valley District, or a hand delivered notification to Valley District. A written report documenting the cause of the failure and the corrective actions taken shall be

1 submitted to the General Manager within five (5) days of discovering the failure.
2

3 G. All Users that are required to self-monitor shall have all samples collected and
4 analyzed and reported according to 40 CFR 403.12(b)(5)-(h) and amendments
5 thereto.
6

7 H. All Users that are required to self-monitor shall submit all records of sampling that
8 include the following information and documents:
9

- 10 1. The date, exact place, method, and time of sampling and the names of the
11 person or persons taking the samples;
- 12 2. The dates the analyses were performed;
- 13 3. Who performed the analyses;
- 14 4. The analytical techniques/methods used;
- 15 5. The results of such analyses; and
- 16 6. A copy of the laboratory sample analysis sheet.

17 I. All permitted Users that take more than one Grab Sample in a 24-hour period to
18 demonstrate compliance with oil and grease shall comply with the following
19 conditions:
20

- 21 1. No single oil and grease Grab Sample shall exceed the User's permitted
22 instantaneous maximum limit for oil and grease at any time.
- 23 2. The average result from all individual oil and grease Grab Samples taken in a
24 twenty-four hour period shall not exceed the User's permitted limit for oil
25 and grease.
26

27 J. All Users that are required to self-monitor shall report pollutant violations in any
28 required Wastewater sample to the General Manager within 24 hours of becoming
29 aware of the violation. The reporting may be accomplished by a telephone call, e-
30 mail, telefax transmission, or a personal visit to Valley District. The violation
31 reporting shall contain the date and time of the Wastewater sample, the discharge
32 flow for the sample, a possible explanation for the violation(s), the proposed
33 corrective actions, and the date scheduled for the required resample. Failure to
34 report pollutant violations as stated shall constitute a violation of this Ordinance
35 and may subject the User to enforcement actions.
36

37 K. Any sample taken from a sample box, designated sampling station or other
38 representative sampling location shall be considered representative of the
39 Wastewater discharged to the Brine Line or tributaries thereto.
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- L. All Users that are required to have flow measurement are required to take daily 24 hour readings of their Wastewater Effluent flow. The User shall report exceedances of their Monthly Average permitted flow within 24 hours of discovering the violation. The reporting may be accomplished by a telephone call, e-mail, telefax transmission, personal visit, or a hand delivered notification to Valley District. The flow exceedance report shall have the total flow, the reason for the flow exceedance, and the name of the person reporting the flow exceedance. Failure to report flow exceedances as stated shall constitute a violation of this Ordinance and may subject the User to enforcement actions.
 - M. All Users that have pollutant violations are required to resample their Wastewater discharge for the pollutant in violation. This resampling is required and is separate and independent of any Wastewater sampling performed by Valley District. All resampling shall be obtained and analyzed according to 40 CFR 403.12(b)(5) – (h). All laboratory analyses shall be performed by a laboratory certified by the State of California, Department of Health Services, as being competent to perform the pollutant analyses requested. The laboratory results from this resample and all required forms shall be submitted to the General Manager no later than thirty days after the User discovers or becomes aware of the violation. Failure to submit the laboratory results within the 30-day requirement will result in Significant Noncompliance (SNC) for the User and the issuance of a Notice of Violation to the User.
 - N. All Users, whose Wastewater discharge is monitored by Valley District or its Authorized Representative, shall be responsible for all resampling requirements contained in part (M) of this Section when a pollutant violation is detected. Valley District shall notify the User of the resampling requirements by a telephone call, e-mail, telefax transmission, or personal visit within twenty-four hours of confirming a pollutant or flow violation.
 - O. All Users that desire to conduct their own Wastewater sampling in lieu of a certified contract laboratory shall submit a written plan describing the equipment used, equipment cleaning methodology, employee training, sample preservation methods, and chain of custody procedures. The User's Wastewater sampling plan shall be approved by the General Manager prior to the implementation of the plan. Any sample taken by a User without an approved plan or from an unapproved laboratory shall not be valid and may subject the User to enforcement actions.
 - P. All Users monitoring their Wastewater discharge for pollutants and characteristics required for determining Valley District use charges shall submit the sample results in the form of self-monitoring reports as required in their Wastewater Discharge Permit. The frequency of sampling, analysis, and reporting shall be set forth in the User's Wastewater Discharge Permit. The analyses of the sample pollutants and characteristics shall be at the sole expense of the User. Only sample analyses approved or performed by Valley District shall be used in the determination of the

1 Valley District use charge.
2

3 **402.0 INSPECTION**
4

- 5 A. The General Manager shall inspect the facilities of any User using the Brine Line
6 or tributaries thereto to ascertain whether all requirements of this Ordinance are
7 being met. Persons on the premises shall allow the General Manager ready access
8 at all reasonable times to all parts of the premises for the purpose of inspection,
9 sampling, and records examination.
10
- 11 B. The User shall ensure that there is always a person on site, during normal business
12 hours, knowledgeable of the User's processes and activities to accompany the duly
13 authorized Valley District representative(s) during the inspection.
14
- 15 C. The User shall provide immediate access when an emergency exists, regardless of
16 the hour of the day.
17
- 18 D. All pretreatment equipment shall be immediately accessible at all times for the
19 purpose of inspection. At no time shall any material, debris, obstacles or
20 obstructions be placed in such a manner that will prevent immediate access to the
21 pretreatment equipment.
22
- 23 E. No person shall interfere with, delay, resist or refuse entrance to the General
24 Manager when attempting to inspect any facility involved directly or indirectly
25 with a discharge of Wastewater to the Brine Line or tributaries thereto.
26
- 27 F. Where a User has security measures in force which would require proper
28 identification and clearance before entry into the premises, the User shall make all
29 necessary arrangements with the User's security personnel so that, upon
30 presentation of suitable identification, personnel from Valley District or duly
31 authorized personnel from Valley District will be permitted to enter, without delay,
32 for the purpose of performing their specific responsibilities.
33
- 34 G. The User shall make available for copying by the General Manager all records
35 required to be kept under the provisions of this Ordinance.
36

37 **403.0 INSPECTION WARRANTS**

38 If the General Manager has been refused access to a building, structure, or property, or any
39 part thereof with a Wastewater discharge to the Brine Line or tributaries thereto, and is able
40 to demonstrate cause to believe that there may be a violation of this Ordinance, or that there
41 is a need to inspect or sample the User's facilities as part of a routine inspection and
42 sampling program of Valley District designed to verify compliance with this Ordinance or
43 any permit or order issued hereunder, or to protect the overall public health, safety and
44 welfare of the community, then the General Manager may seek issuance of an inspection
45 warrant duly issued pursuant to the procedure set forth in Title 13 (commencing with
46 Section 1822.50) of Part 3 of the Code of Civil Procedure. However, in the event of an

1 emergency affecting the public health or safety, an inspection may be performed without
2 consent or the issuance of a warrant.

3 4 **404.0 RECORD KEEPING**

5 All Users shall keep records of Waste hauling, reclamations, Wastewater pretreatment,
6 monitoring device recording charts and calibration reports, Effluent flow, and sample
7 analysis data, on the site of the Wastewater generation. All these records are subject to
8 inspection and shall be copied as needed. All records must be kept on the site of
9 Wastewater generation for a minimum period of three years. The records retention period
10 may be extended beyond three years in the event criminal or civil action is taken or an
11 extensive company history is required.

12 13 **405.0 FLOW MEASUREMENT**

14 Any Industrial User who discharges 25,000 gallons per day or more of Industrial
15 Wastewater, or as required by the General Manager, shall install a continuous monitoring
16 flow meter capable of measuring all the User's Industrial Wastewater discharged to the
17 Brine Line or tributaries thereto. The User shall maintain an Effluent flow log sheet and
18 record the Effluent flow on a daily basis. The flow measurement device shall conform to
19 standards issued by the General Manager. The User shall report to the General Manager the
20 type and size of the flow meter. The flow meter shall be equipped with a non-resetting flow
21 totalizer. All flow meters shall be calibrated as often as necessary to ensure accuracy of the
22 actual flow discharged within plus or minus five percent. All flow meter installations shall
23 have posted in a conspicuous place, the flow meter's size, type, totalizer units, and flow
24 multipliers.

25 26 **406. INTERCEPTOR REQUIREMENTS**

27 All Users required to install a Gravity Separation Interceptor shall comply with the
28 following conditions:

- 29
- 30 A. All interceptor chambers shall be immediately accessible at all times for the
31 purpose of inspection, sampling, cleaning, and maintenance. The User shall
32 provide a separate ring and cover for each separate interceptor chamber and any
33 additional covers to insure adequate cleaning capabilities. All rings shall be
34 affixed to the interceptor to insure a gas and water tight seal. At no time shall any
35 material, debris, obstacles or other obstructions be placed in such a manner that
36 will prevent immediate access to the interceptor.
- 37
- 38 B. Any interceptor legally and properly installed before the effective date of this
39 Ordinance shall be acceptable as an alternative to the interceptor requirements of
40 this Ordinance. The interceptor shall be effective in removing floatable and
41 settleable material and shall be immediately accessible for inspection, sampling,
42 cleaning, and maintenance.
- 43
- 44 C. All drains and openings connected to an approved Gravity Separation Interceptor
45 shall be equipped with screens or devices which will exclude from the Wastewater
46 discharge all material and particles with a cubic dimension greater than 1/2 of an

1 inch.
2

- 3 D. All Gravity Separation Interceptors shall be equipped with an influent tee
4 extending no more than six inches below the operating fluid level of the
5 interceptor. The interceptor shall also have tees extending to within 12 inches of
6 the bottom at the exit side of each chamber in the interceptor, including the final
7 chamber. In a case where a manufacturer's engineered interceptor design is
8 contrary to this requirement, the General Manager shall review the design and
9 either approve or deny an exemption to this requirement.
10
- 11 E. All interceptors shall be equipped with a sample box or sample wye as determined
12 by the General Manager.
13
- 14 F. No User shall install or use any elbows or tees in any interceptor sample box.
15
- 16 G. If the General Manager finds that an interceptor is incapable of adequately
17 retaining floatable and settleable material in the Wastewater flow, is structurally
18 inadequate, or is undersized for the facility, then the General Manager shall reject
19 such interceptor and declare that the interceptor does not meet the requirements of
20 this Section. The User shall thereupon be required to install, at the User's expense,
21 an interceptor that is acceptable to the General Manager.
22

23 **407.0 STANDARD INTERCEPTOR DESIGNS**

24 The General Manager shall maintain a file, available to the public, of suitable designs of
25 Gravity Separation Interceptors. This file shall be for informational purposes only and shall
26 not provide or imply any endorsements of any kind. Installation of an interceptor of a
27 design shown in this file, or of any design meeting the size requirements set forth in this
28 Ordinance shall not subject Valley District to any liability for the adequacy of the
29 interceptor under actual conditions of use. The User and property owner shall not be
30 relieved of the responsibility for keeping floatable and settleable material out of the Brine
31 Line or tributaries thereto.
32

33 **408.0 INTERCEPTOR MAINTENANCE**

- 34
- 35 A. Any person who owns or operates a Gravity Separation Interceptor shall properly
36 maintain the interceptor at all times. The interceptor shall be cleaned as often as
37 necessary to ensure that sediment and floating materials do not accumulate to
38 impair the efficiency of the interceptor and odors do not accumulate which would
39 cause a public nuisance. An interceptor is not considered to be properly
40 maintained, if for any reason the interceptor is not in good working condition or if
41 the operational fluid capacity has been reduced by more than 25% by the
42 accumulation of floating material, sediment, oils or greases.
43
- 44 B. The use of chemicals or other materials for the emulsification, suspension, or
45 dissolution of oil and grease is prohibited.
46

- 1 C. No User shall use any microbiological product in a grease interceptor that was not
2 specifically designed to use such microbiological agents to metabolize fats, oils,
3 and greases.
4
- 5 D. When an interceptor is cleaned, the removed sediment, liquid and floating material
6 shall be legally disposed of other than to the Brine Line or tributaries thereto and
7 shall not be reintroduced into the interceptor or discharged into another interceptor
8 at another location not designed and permitted to accept such Waste.
9
- 10 E. If the interceptor is not maintained adequately under the conditions of use, the
11 interceptor may be resized and the User shall install one that is effective in
12 accomplishing the intended purpose.
13
- 14 F. The owner and lessee, sub-lessee, proprietor, operator or superintendent of any
15 facility, required to install an interceptor, are individually and severally liable for
16 any failure of properly maintaining such interceptor.
17

18 **409.0 LIQUID WASTE HAULERS**

19 All Liquid Waste Haulers shall obtain a Liquid Waste Hauler Permit from SAWPA and
20 comply with all of the permitting and disposal procedures established herein and pay all
21 applicable fees. All Liquid Waste Haulers shall also abide by the following requirements
22 and conditions:
23

- 24 A. The designated and authorized Brine Line disposal site(s) for permitted Liquid
25 Waste Haulers shall be established by SAWPA.
26
- 27 B. Liquid Waste disposed of at the designated disposal site shall be subject to
28 sampling and analysis to determine compliance with all applicable provisions of
29 this Ordinance. The sampling shall be performed or supervised by authorized
30 personnel of Valley District and shall be taken at any time during the delivery of
31 the load, including prior to the discharge of the load from the Liquid Waste Hauler
32 to Valley District's designated disposal site. If the Wastes are found to be
33 unacceptable, the Liquid Waste Hauler may be liable for all costs associated with
34 the inspection, sampling, and analysis.
35
- 36 C. If the Liquid Waste Hauler is in the business of hauling both industrial Wastes and
37 domestic Wastes, the Liquid Waste Hauler shall remove all domestic Waste
38 contamination from the interior of the vacuum tank prior to removing any
39 industrial Wastes from a site.
40
- 41 D. If any Liquid Waste Hauler's load is determined to be hazardous pursuant to
42 applicable federal, state, or local regulations, and the Waste hauler is not licensed
43 to transport hazardous Waste, then the Liquid Waste Hauler shall be required to
44 remain at Valley District's designated disposal site. The Liquid Waste Hauler shall
45 then make arrangements for the legal transfer and disposal of the load. If the
46 Liquid Waste Hauler refuses to remain on site, the General Manager shall notify

1 the appropriate law enforcement agency to respond to this violation.
2

- 3 E. All Liquid Waste manifest forms shall be completed in full and signed by an
4 Authorized Representative of Valley District before any load is allowed for
5 discharge into the permit designated disposal site.
6
- 7 F. Falsification by a Liquid Waste Hauler of any information in any SAWPA permit
8 application, hauler's report or manifest, or correspondence shall be a violation of
9 this Ordinance and may result in the suspension, revocation, or termination of the
10 Liquid Waste Hauler Permit and all discharge privileges.
11
- 12 G. All reports and records required to be retained by this Ordinance, shall be retained
13 for a minimum of three years and shall be made available to the General Manager
14 immediately upon request.
15
- 16 H. All Liquid Waste Haulers shall pay all applicable fees and charges. Failure to pay
17 any applicable fee or charge shall be a violation of this Ordinance and shall be
18 cause for the General Manager to suspend all Waste discharge privileges until all
19 applicable fees and charges have been paid.
20
- 21 I. Contents of septic tanks, seepage pits, cesspools, or any other similar receptacles,
22 which contain no industrial Waste, shall not be disposed of at the designated
23 Valley District disposal site.
24
- 25 J. All Liquid Waste Haulers operating within Valley District's jurisdiction or
26 tributaries thereto, shall provide documentation as to the origin of the Wastes
27 hauled prior to discharging into Valley District's designated disposal site. The
28 origin of the Waste means the physical address from where the Wastes were
29 generated and, if different, the physical address from where the Wastes were
30 obtained.
31
- 32 K. If the Waste hauled by a Liquid Waste Hauler is found unacceptable for discharge
33 into Valley District's designated disposal site, then the Liquid Waste Hauler shall
34 dispose of the Wastes at a legal disposal site. The Liquid Waste Hauler shall
35 provide Valley District with a copy of the Waste hauler's manifest documenting the
36 legal disposal of the rejected Wastes within fourteen (14) calendar days from the
37 date the Waste was rejected. Failure to provide verifiable documentation shall
38 constitute a violation of this Ordinance and may result in the suspension,
39 revocation, or termination of the Liquid Waste Hauler Permit and all discharge
40 privileges.
41
- 42 L. No Liquid Waste Hauler shall use any temporary, stationary, or mobile liquid
43 storage device in an attempt to mix or dilute any rejected load in order to achieve
44 compliance.
45
- 46 M. No Liquid Waste Hauler shall dispose of any rejected load into any septic tank,

1 cesspool, seepage pit or similar devices, any grease interceptor or trap, any storm
2 drain, any Collection System opening except those authorized in writing by the
3 General Manager, or return the rejected load back to the site of origin.

4
5 N. Liquid Waste Haulers are prohibited from discharging domestic Waste into the
6 Brine Line or tributaries thereto. No Liquid Waste Hauler shall mix industrial
7 Waste and domestic septic Wastes in an attempt to discharge the mixture to the
8 designated Valley District disposal site.

9
10 O. No Liquid Waste Hauler shall discharge or cause to be discharged any material
11 defined as hazardous by RCRA.

12
13 P. SAWPA shall be notified immediately in the event any Liquid Waste Hauler is
14 determined to be in violation of any provision of this Ordinance. SAWPA shall
15 issue appropriate enforcement proceedings against the Liquid Waste Hauler as
16 necessary to protect the Brine Line or tributaries thereto, OCSD's POTW,
17 employees, the public, and the environment.

18
19 Q. Suspension and periods of probation may be imposed by the General Manager
20 and/or SAWPA for any length of time, up to one year.

21
22 R. Any authorized Valley District employee or Authorized Representative shall have
23 the authority to order the immediate cessation of the discharge from any Liquid
24 Waste Hauler truck into the designated Valley District disposal site. Such order
25 shall be based on the employee's best professional judgment that said discharge
26 may be in violation of any applicable condition of this Ordinance or may otherwise
27 be harmful to the operation of Valley District's Truck Disposal Station, the Brine
28 Line or tributaries thereto, OCSD's POTW or its employees.

29
30 S. Any Liquid Waste Hauler determined to be in violation of this Section may be
31 prohibited from future Liquid Waste disposal at the designated Valley District
32 disposal site.

33 34 **410.0 USE OF AND DAMAGE TO EQUIPMENT OR FACILITIES**

35
36 A. No person shall enter, break, damage, destroy, uncover, alter, change, modify,
37 deface or tamper with any temporary or permanent structure, equipment, or
38 appurtenance which is part of the Brine Line without prior written approval by the
39 General Manager.

40
41 B. Any person who discharges or causes the discharge of any Wastewater or materials
42 which cause detrimental effects on Valley District's Truck Disposal Station, the
43 Brine Line, or OCSD's POTW, or whose actions causes the imposition of fines or
44 penalties by state, federal or other Regulatory Agencies against Valley District,
45 shall indemnify Valley District from such regulatory actions and be liable for all
46 fines, penalties, damages, legal expenses, attorney's fees, administrative and

1 overhead costs. An administrative fee of ninety (90) percent of Valley District's
2 repairs and personnel costs shall be added to these charges. All charges shall be
3 payable to Valley District within thirty days of invoicing by Valley District.
4

5 **411.0 SEPARATION OF DOMESTIC AND INDUSTRIAL WASTE**

6 Any User who discharges Industrial Wastewater to the Brine Line or tributaries thereto shall
7 keep Domestic Wastewater separate from all Industrial Wastewater until the Industrial
8 Wastewater has passed through all required pretreatment equipment or devices, and the
9 User's Industrial Wastewater sample point(s). For existing Categorical Industrial Users and
10 Significant Industrial Users which cannot separate the domestic Wastes from the industrial
11 Wastes prior to a permitted sampling point, the Combined Wastestream Formula shall be
12 applied to determine applicable discharge limitations.
13

14 **412.0 LIMITATION ON WASTEWATER STRENGTH**

15 No person shall discharge Industrial Wastewater into the Brine Line or tributaries thereto
16 unless the Wastewater conforms to all of the pollutant limitations and requirements of this
17 Ordinance and related Valley District resolutions. Pollutant limitations shall be revised and
18 adopted by resolution as necessary to ensure compliance with OCSD's POTW Effluent and
19 biosolids reuse. For Categorical Industrial Users, the following options exist:
20

- 21 A. Where a categorical pretreatment standard is expressed in terms of either the mass
22 or the concentration of a pollutant in Wastewater, the General Manager may
23 impose equivalent concentration or mass limits in accordance with 40 CFR
24 403.6(c).
25
- 26 B. When Wastewater subject to a categorical pretreatment standard is mixed with
27 Wastewater not regulated by the same standard, the General Manager shall impose
28 an alternate limit using the Combined Wastestream Formula.
- 29 C. A variance from a categorical pretreatment standard may be issued if the User can
30 prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13,
31 that factors relating to its discharge are fundamentally different from the factors
32 considered by the E.P.A. when developing the categorical pretreatment standard.
33

34 **413.0 LOCAL LIMITS**

35 The General Manager shall implement pollutant limitations developed as Local Limits by
36 OCSD pursuant to 40 CFR 403.5(c) and amendments thereto. These limitations are
37 necessary to assure compliance with the OCSD's NPDES permit, including the prohibition
38 against pass through of any pollutants that cause a violation of the permit or cause
39 Interference with the POTW. The pollutant limitations may be allocated among Industrial
40 User classes or individual Users as uniform concentration limits, or as the ratio of the total
41 mass per User, or as a selected industry reduction, or by such other method considering
42 factors such as persistence of the pollutant, equity, treatment feasibility, economic
43 feasibility, and economics of scale, pollution prevention and Waste minimization measures,
44 anticipated growth and enforcement feasibility. Customer specific allocations at current
45 POTW loadings may be created for public health facilities providing a life saving service or
46 procedure so long as the pollutant discharged will not contribute to pass through,

1 Interference or other violation of the OCSD's NPDES permit.
2

3 **414.0 PRETREATMENT OF INDUSTRIAL WASTEWATERS**

4 All Users shall:

- 5
- 6 A. Provide Wastewater pretreatment, as required, to comply with this Ordinance.
- 7
- 8 B. Achieve compliance with all applicable Federal Categorical Pretreatment
9 Standards, as contained in 40 CFR Chapter I, Subchapter N, as it exists and as it
10 may be amended, and Local Limits, whichever is more stringent, within the time
11 limitations as specified by the federal pretreatment regulations.
- 12
- 13 C. Pretreat Wastewater to a level acceptable to the General Manager and provide,
14 operate, and maintain all necessary equipment, systems, and devices at the User's
15 expense.
- 16
- 17 D. Provide detailed plans showing the pretreatment equipment, systems, devices and
18 operating procedures. These plans shall be submitted to the General Manager for
19 review and written approval prior to any construction or installation of any
20 equipment. The review of such plans and operating procedures will in no way
21 relieve the User from the responsibility of pretreating Wastewater to produce an
22 Effluent acceptable to the General Manager under the provisions of this Ordinance.
- 23
- 24 E. Whenever deemed necessary, the General Manager may require Users to restrict
25 their Wastewater discharge, relocate and/or consolidate points of discharge,
26 separate domestic Wastestreams from industrial Wastestreams, and other such
27 conditions as may be necessary to protect OCSD's POTW and determine the
28 User's compliance with the requirements of this Ordinance.
- 29
- 30 F. Notify the General Manager of any pretreatment equipment failure within 24-hours
31 of discovering the failure. The notification may be made by a telephone call, e-
32 mail, telefax transmission, personal visit to Valley District's office, or a hand
33 delivered notification to Valley District's office.

34 35 **415.0 UNAUTHORIZED MONITORING AND PRETREATMENT EQUIPMENT** 36 **MODIFICATIONS**

37 No User shall knowingly falsify, tamper with, or render inaccurate any monitoring device or
38 any pretreatment equipment or device. Such falsification, tampering, or inaccuracy will be
39 considered a violation of this Ordinance and will subject the User to enforcement actions.
40

41 **416.0 PRETREATMENT EQUIPMENT BYPASS**

42 No User shall Bypass any pretreatment equipment or device unless the Bypass is necessary
43 to prevent loss of life, personal injury, and severe property damage or when no feasible
44 alternative exists. The User may allow the Bypass to occur provided that it does not cause
45 pollutant limitation violations and is necessary to perform essential maintenance to insure
46 adequate operation of the pretreatment equipment or devices. Notification of the Bypass

1 shall comply with the following conditions:
2

3 A. Anticipated Bypass: The User shall submit a written notice to the General Manager
4 at least ten days before the date of the scheduled Bypass.
5

6 B. Unanticipated Bypass: The User shall notify the General Manager immediately
7 upon learning that any pretreatment equipment or device has been Bypassed. The
8 User shall submit a written notice to the General Manager within five working
9 days. The report shall include:

- 10 1. A description of the Bypass, the cause of the Bypass, and the duration of the
11 Bypass;
12
- 13 2. If the Bypass was corrected;
14
- 15 3. The actions taken or proposed to reduce or prevent a reoccurrence of the
16 Bypass.
17
18

19 **417.0 PROHIBITED DISCHARGE OF RECOVERED PRETREATMENT WASTE**

20 No person shall discharge Waste recovered from pretreatment equipment, systems, or
21 devices into the Brine Line or tributaries thereto without authorization and permits from
22 Valley District and/or other Regulatory Agencies having jurisdiction over the discharge of
23 the Waste. All recovered Pretreatment Waste shall be disposed of in accordance with all
24 applicable federal, state, county, and local laws and regulations.
25

26 **418.0 STORMWATER DIVERSION**

- 27 A. All Users having outdoor areas which allow Wastewater and stormwater to enter a
28 common opening connected to the Brine Line or tributaries thereto shall install and
29 maintain, at the User's expense, a stormwater diversion valve in the common
30 opening.
31
- 32 B. The stormwater diversion valve design and use shall be reviewed and approved by
33 the General Manager prior to installation.
34
- 35 C. The valve shall allow Wastewater to enter the Brine Line or tributaries thereto
36 during dry weather and prevent stormwater from entering the Brine Line or
37 tributaries thereto during periods of inclement weather.
38
- 39 D. Unless permitted to do so in accordance with subparagraph (F) hereof, no User
40 shall allow Wastewater and stormwater to mix.
41
- 42 E. During periods of inclement weather, the User shall immediately suspend all
43 outdoor Wastewater generating activities and divert all stormwater to a storm
44 drain.
45
46

1 F. If the discharge of stormwater would create a pollution threat to surface or
2 subsurface waters, the User may make application to the General Manager
3 requesting that the stormwater be discharged to the Brine Line or tributaries
4 thereto. Approval of a stormwater discharge to the Brine Line or tributaries thereto
5 shall be based on:

- 6 1. Hydraulic capacity of the areas Collection System.
- 7 2. Hydraulic capacity of the OCSD's POTW.
- 8 3. Total volume of stormwater to be discharged in a 24-hour period.
- 9 4. A demonstrated need to discharge stormwater to the Brine Line or tributaries
10 thereto to prevent surface and subsurface water contamination.
- 11 5. A good faith effort made by the User to prevent the pollution of stormwater
12 by industrial Waste generated by the User.

13 **419.0 INDUSTRIAL USER MODIFICATIONS**

14 All permitted Industrial Users shall report proposed changes in their operations to the
15 General Manager for approval 30 days prior to initiation of the changes. The reporting shall
16 be done in writing from the Authorized Representative of the permitted Industrial User. For
17 the purposes of this section "changes" shall include any of the following:

- 18 A. A sustained 20% increase or decrease in the Industrial Wastewater flow discharged
19 or in production capacity.
- 20 B. Additions, deletions or changes to processes or equipment.
- 21 C. Experimentation with new processes and/or equipment that will affect the quantity
22 or quality of the Wastewater discharged.

23 **420.0 SPILL CONTAINMENT SYSTEMS**

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

- 26 A. No User shall operate a spill containment system that allows incompatible
27 substances to mix and thereby creating a hazardous or toxic substance in the event
28 of a failure of one or more containers.
 - 29 B. Spill containment systems shall consist of a system of dikes, walls, barriers, berms,
30 or other devices designed to contain spillage of the liquid contents of containers.
 - 31 C. Spill containment systems shall be constructed of materials that are impermeable
32 and non-reactive to the liquids being contained.
- 33
34
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1 D. Spill containment systems shall conform to local regulations and policies as to
2 percent containment, container type, size, outdoor covering, and the length of time
3 spilled material may remain in the spill containment system.

4
5 E. At no time shall a User use a spill containment system for the storage of Waste
6 other than from a spill.

7
8 **421.0 FACILITY WASTE MANAGEMENT PLAN**

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

11
12 **A. TOXIC ORGANIC MANAGEMENT PLAN (TOMP)** A TOMP is required of
13 all Categorical Industrial Users which are permitted to submit a TOMP in lieu of
14 required pollutant monitoring. Valley District reserves the right to require Total
15 Toxic Organic monitoring of all Users allowed to submit a TOMP.

16
17 **B. SLUG DISCHARGE PREVENTION CONTROL PLAN (SDPCP)** A SDPCP
18 is required of all Industrial Users which have Batch Discharge provisions, stored
19 chemicals or materials, or the potential for a Slug Discharge which, if discharged
20 to the Brine Line or tributaries thereto, would violate any of the prohibited
21 discharge requirements of this Ordinance.

22
23 **C. PRETREATMENT SYSTEMS OPERATIONS AND MAINTENANCE**
24 **MANUAL** Such a manual shall be submitted by all Industrial Users operating and
25 maintaining pretreatment equipment for the removal of pollutants from
26 Wastewater.

27
28 **D. HAZARDOUS MATERIALS AND HAZARDOUS WASTE MANAGEMENT**
29 **PLAN** Such a Plan is required of all Industrial Users that use or possess hazardous
30 materials or generate hazardous Waste. A city or county Fire Department-required
31 Business Emergency Plan may be substituted for this management plan.

32
33 **E. WASTE MINIMIZATION/POLLUTION PREVENTION PLAN (WM/PPP)**

34
35 1. WASTE MINIMIZATION/POLLUTION PREVENTION PLAN (WM/PPP) is
36 required of any Industrial User:

37
38 a. For whom the General Manager has determined such WM/PPP is necessary
39 to achieve a water quality objective;

40
41 b. Determined by the California State Water Quality Control Board ("state
42 board") to be a chronic violator, and the state board, regional board or
43 Valley District determines that pollution prevention (as defined in Water
44 Code Section 13263.3 (b)) could assist;

45
46 c. That significantly contributes, or has the potential to significantly

1 contribute, to the creation of a toxic hot spot as defined in Water Code
2 Section 13391.5.

- 3
4 2. A WM/PPP required of an Industrial User shall include all of the following:
5
6 a. An analysis of one or more of the pollutants, as directed by the state board,
7 regional board, or Valley District, that the User discharges to the Brine Line
8 or tributaries thereto, description of the sources of the pollutants, and a
9 comprehensive review of the processes used by the User that result in the
10 generation and discharge of the pollutants.
11
12 b. An analysis of the potential for pollution prevention to reduce the
13 generation of the pollutants, including the application of innovative and
14 alternative technologies and any adverse environmental impacts resulting
15 from the use of those methods.
16
17 c. A detailed description of the tasks and time schedules required to
18 investigate and implement various elements of pollution prevention
19 techniques.
20
21 d. A statement of the User's pollution prevention goals and strategies,
22 including priorities for short-term and long-term action.
23
24 e. A description of the User's existing pollution prevention methods.
25
26 f. A statement that the User's existing and planned pollution prevention
27 strategies do not constitute cross media pollution transfers unless clear
28 environmental benefits of such an approach are identified to the satisfaction
29 of Valley District and information that supports that statement.
30
31 g. Proof of compliance with the Hazardous Waste Source Reduction and
32 Management Review Act of 1989 (article 11.9 (commencing with Section
33 25244.12) of Chapter 6.5 of Division 20 of the Health and Safety Code) if
34 the User is also subject to that act.
35
36 h. An analysis, to the extent feasible, of the relative costs and benefits of the
37 possible pollution prevention activities.
38
39 i. A specification of, and rationale for, the technically feasible and
40 economically practicable pollution prevention measures selected by the
41 User for implementation.
42
43 3. Any person who fails to complete a pollution prevention plan, submits a plan
44 that does not comply with this Section, or fails to implement a plan required by
45 Valley District, shall be liable to Valley District for any civil penalty assessed
46 administratively by Valley District or by a court in accordance with this

1 Ordinance.
2

3 **422.0 FEDERAL CATEGORICAL PRETREATMENT STANDARDS**

4 All Users subject to a National Categorical Pretreatment Standard shall comply with all
5 requirements of such standard, and shall also comply with any limitation contained in this
6 Ordinance. The National Categorical Pretreatment Standards found in 40 CFR Chapter I,
7 Subchapter N and amendments thereto are incorporated herein by this reference. Where
8 duplication of the same pollutant limitation exists, the limitation which is more stringent
9 shall prevail. Compliance with National Categorical Pretreatment Standards for existing
10 sources subject to such standards or for existing sources which hereafter become subject to
11 such standards shall be achieved within three (3) years following promulgation of the
12 standards unless a shorter compliance time is specified in the standards or by the General
13 Manager. New sources shall install, have in operating condition and begin using all
14 pollution control equipment required to meet applicable pretreatment standards before
15 beginning any discharge. New sources must meet all applicable pretreatment standards
16 within the shortest feasible time, not to exceed ninety days.
17

18 **423.0 NOTICE OF POTENTIAL PROBLEMS TO POTW**

19 All Users shall immediately notify Valley District of all Wastewater discharges that could
20 cause a problem at OCSD's POTW or in the Brine Line or tributaries thereto, including any
21 slug loadings of any material. Wastewater discharges that may cause a problem at OCSD's
22 POTW or the Brine Line or tributaries thereto include, but are not limited to, acids, alkalis,
23 oils, greases, high strength organic Waste, hazardous materials and Waste, colored Wastes,
24 and Batch Discharges. All Users shall provide the General Manager, within five business
25 days from the incident, a written report detailing the cause of the discharge and the
26 corrective actions taken to prevent a recurrence.
27

28 **424.0 WRITTEN RESPONSES**

29 All Users required to provide a written response to any correspondence, order, or notice
30 from the General Manager shall do so in accordance with the date specified in the
31 correspondence, order, or notice. Failure to provide the written response by the date
32 requested shall constitute a violation of this Ordinance and may subject the User to
33 enforcement actions.
34

35 **425.0 FALSIFYING INFORMATION**

36 Any User who knowingly makes any false statement, representation, or certification in any
37 record, correspondence, or other document submitted or required to be maintained under this
38 Ordinance, including monitoring reports and records, or reports of compliance or
39 noncompliance shall be in violation of this Ordinance and may subject the User to
40 enforcement actions.
41

42 **ARTICLE 5**
43 **ENFORCEMENT**

44 **500.0 PURPOSE AND SCOPE**

45 Valley District finds that in order for Valley District to comply with the laws, regulations,
46 and rules imposed upon it by Regulatory Agencies and to ensure that the Brine Line and

1 OCSD's sewerage facilities and treatment processes are protected and are able to operate
2 with the highest degree of efficiency, and to protect the public health and environment,
3 specific enforcement provisions must be adopted to govern the discharges to the Brine Line
4 and tributaries thereto by permitted Users.
5

6 **501.0 ENFORCEMENT RESPONSE PLAN (ERP)**

7 To the extent required by law or agreement, Valley District shall use the SAWPA
8 Enforcement Management System, as amended, as its Enforcement Response Plan (ERP), as
9 amended, as required by 40 CFR 403.8(f)(5) and adopted by resolution, to coordinate
10 progressive enforcement actions against Users and persons in noncompliance with this
11 Ordinance. The ERP establishes progressive enforcement measures and the amount of
12 monetary penalties for violations of this Ordinance. In the event any provisions of this
13 Article 5 are in conflict with the provisions of the ERP, the ERP shall control.
14

15 **502.0 LEGAL ACTION**

16 If any User discharges Wastewater into the Brine Line or tributaries thereto contrary to the
17 provisions of this Ordinance, federal or state Pretreatment Requirements, or any order of
18 Valley District, then Valley District's Counsel may commence an action for appropriate
19 legal, equitable or injunctive relief in the appropriate court of law.
20

21 **503.0 REMEDIES NONEXCLUSIVE**

22 The enforcement remedies for this Ordinance are not exclusive. The General Manager may
23 take any, all, or any combination of these remedies against a non-compliant User.
24 Enforcement of Ordinance, pretreatment, and Wastewater Discharge Permit violations will
25 generally be in accordance with Valley District's ERP. The General Manager, however,
26 may take other actions against any User when the circumstances warrant. Further, the
27 General Manager is also empowered to take more than one enforcement action against any
28 non-compliant User.
29

30 **504.0 JUDICIAL COLLECTION**

31 After an order making a monetary assessment has become final, or after a court in an action
32 has entered a final judgement in favor of Valley District, the General Manager may initiate a
33 civil action through Valley District's legal counsel, if not earlier filed as a part of the
34 Judicial Review, in the appropriate court to recover the amount assessed plus prevailing
35 interest from the date of the final order or the date of the final judgment, as the case may be.
36 In such an action, the validity, amount, and appropriateness of such penalty shall not be
37 subject to review. Any User who fails to pay on a timely basis the amount of an assessment
38 of a civil penalty as described in this Section shall be required to pay, in addition to such
39 amount and interest, attorneys' fees and costs for collection proceedings and a quarterly
40 nonpayment penalty for each quarter during which such failure to pay persists. Such
41 nonpayment penalty shall be in an amount equal to twenty percent of the aggregate amount
42 of such User's penalties and nonpayment penalties that are unpaid as of the beginning of
43 such quarter.

44 In addition to the penalties provided herein, the General Manager may recover all reasonable
45 attorney fees, court costs, court reporters fees and other expenses of litigation by appropriate
46 civil suit against the User found to have violated any of the provisions of this Ordinance or

1 the orders, rules, regulations, and permits issued hereunder.
2

3 **505.0 JUDICIAL REVIEW**

4 Unless the User given a Notice of Violation or other Administrative Order makes a
5 responsive statement or a request for hearing within ten calendar days from receipt of the
6 notice or order, the notice or order is a final order. If the request for a hearing is made
7 within a ten calendar day limitation, then the order constituting the hearing decision order
8 shall be a final order. Any User adversely affected by a final order may appeal the order to
9 the appropriate court of law.
10

11 **506.0 PAYMENT OF FEES, CHARGES, AND PENALTIES**

- 12
- 13 A. Unless otherwise specified, all fees, charges and penalties imposed pursuant to this
14 Ordinance are due and payable within forty-five calendar days of receipt of notice
15 or invoicing by Valley District.
16
- 17 B. For Users who fail to pay any required fee, charge or penalty by the due date, the
18 following penalties shall apply:
19
- 20 1. Forty-six days after the date of invoice, a penalty of ten percent (10%) of the
21 original invoice amount, not to exceed \$1,000.00 shall be assessed.
22
- 23 2. Ninety days after the date of invoice, a total penalty of ten percent (10%) of the
24 original invoice amount, not to exceed a maximum of \$4,000.00 shall be
25 assessed.
26
- 27 C. Any invoice outstanding and unpaid after ninety days shall be cause for immediate
28 initiation of Wastewater Discharge Permit revocation proceedings or immediate
29 suspension of the Wastewater Discharge Permit.
30
- 31 D. Penalties charged under this Section shall not accrue to those invoices successfully
32 appealed, provided the General Manager receives written notification of said
33 appeal prior to the payment due date.
34
- 35 E. Payment of disputed charges is still required by the due date during the General
36 Manager's review of any appeal submitted by a User.
37

38 **507.0 DAMAGE TO FACILITIES OR INTERRUPTION OF NORMAL**
39 **OPERATIONS.**

- 40
- 41 A. Any User who discharges any Waste which causes or contributes to any
42 obstruction, Interference, damage, or any other impairment to the Brine Line or
43 tributaries thereto or OCSD's POTW and sewerage facilities or to the operation of
44 those facilities shall be liable for all costs required to clean or repair the facilities
45 together with expenses incurred by Valley District, SAWPA or OCSD to resume
46 normal operations. Such discharge shall be grounds for permit revocation. A

1 service charge of twenty-five percent (25%) of Valley District's costs shall be
2 added to the costs and charges to reimburse Valley District for miscellaneous
3 overhead, including administrative personnel and record keeping. The total amount
4 shall be payable within forty-five (45) days of invoicing by Valley District.
5

- 6 B. Any User who discharges a Waste which causes or contributes to Valley District
7 violating its discharge requirements established by any Regulatory Agency and/or
8 OCSD and causing Valley District to incur additional expenses or suffer losses or
9 damage to its facilities, shall be liable for any costs or expenses incurred by Valley
10 District, including regulatory fines, penalties, and assessments made by other
11 agencies or a court.
12

13 **508.0 APPEALS.** Except as otherwise provide in Section 510.0:
14

- 15 A. Any User affected by any decision, action, or enforcement action, made by the
16 General Manager interpreting or implementing the provisions of this Ordinance or
17 Wastewater Discharge Permit, may file with the General Manager a written appeal
18 for reconsideration within ten business days from the receipt of the notice. The
19 User shall state in detail the facts supporting the User's request for reconsideration.
20 The General Manager shall render a decision on the request for reconsideration to
21 the User in writing within ten business days from receipt of the appeal.
22 Submission of such a request in no way relieves the User of liability for any
23 violations occurring before or after receipt of the decision, order, or enforcement
24 action, nor stay the requirements of achieving or maintaining compliance.
25
- 26 B. If the ruling on the request for reconsideration made to the General Manager is
27 unsatisfactory, the User requesting reconsideration may, within ten business days
28 after notification of the General Manager's action, file a written appeal with the
29 Valley District Board of Directors. A fee of one hundred dollars (\$100.00) shall
30 accompany any appeal to the Valley District Board of Directors. The written
31 appeal shall be heard by the Valley District Board of Directors within thirty
32 business days from the date of filing. The Valley District Board of Directors shall
33 make a final ruling on the appeal within forty-five business days from the date of
34 filing.
35

36 **509.0 ALTERNATIVE ENFORCEMENT PROCEDURES**

37 As additional and alternate enforcement provisions, the General Manager may utilize the
38 procedures and seek the civil penalties provided in Sections 54739, 54740, 54740.5 and
39 54740.6 of the California Government Code for violations of this Chapter, federal or
40 California Pretreatment Requirements or the terms and provisions of any permits issued
41 pursuant to this Ordinance.
42

43 **510.0 INVALIDITY**

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

1
2 **511.0 INTERPRETATION - INTENT**

3 All the provisions of this Ordinance are to be reasonably interpreted. The intent herein is to
4 recognize that there are varying degrees of hazard to the Brine Line, OCSD's POTW,
5 personnel, environment and the public and to apply the principle that the degree of
6 protection shall be commensurate with the degree of hazard.
7

8 **ARTICLE 6**
9 **MISCELLANEOUS PROVISIONS**

10
11 **600.0 SEVERABILITY**

12 If any provision of these regulations or the application to any other circumstances is held
13 invalid, the remainder of the regulations or the application of such provision to other Users
14 or other circumstances shall not be affected.
15

16 **601.0 EFFECTIVE DATE**

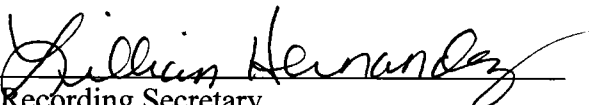
17 This Ordinance shall take effect immediately upon adoption.
18

19 **602.0 JUDICIAL REVIEW OF ORDINANCE**

20 Pursuant to Section 1094.6 of the Code of Civil Procedure, the time within which judicial
21 review shall be sought concerning the adoption of this Ordinance is 90 days following the
22 date on which the decision adopting it is final. The decision adopting this ordinance is final
23 on the date it is adopted.
24

25 I HEREBY CERTIFY that the foregoing Ordinance was duly adopted by the Valley District
26 Board of Directors at a Board meeting thereof, held on the 19th day of July, 2011, by the
27 following vote, to wit:
28

<u>BOARD OF DIRECTORS</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
<u>C. Patrick Milligan</u>	X	_____	_____	_____
<u>George Aguilar</u>	X	_____	_____	_____
<u>Mark Bulot</u>	X	_____	_____	_____
<u>Steve Copelan</u>	_____	_____	_____	X
<u>Mark Alvarez</u>	X	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

38
39 
40 Recording Secretary
41
42