

ORDINANCE NO. 92

AN ORDINANCE REGULATING THE USE OF THE WASTEWATER FACILITIES OF THE SELMA-KINGSBURG-FOWLER COUNTY SANITATION DISTRICT AND AMENDING ORDINANCE NO. 64 IN ITS ENTIRETY.

The Board of Directors of the Selma-Kingsburg-Fowler County Sanitation District of the County of Fresno, State of California, does ordain as follows:

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CHAPTER I

GENERAL PROVISIONS

Section 1.01 Short Title. This Ordinance may be cited as the S-K-F CSD Sewer Use Ordinance.

Section 1.02 Purpose and Policy. This sewer use ordinance sets uniform requirements for discharges into the wastewater collection, transport, and treatment system and enables the Selma-Kingsburg-Fowler County Sanitation District to meet its contractual obligations to comply with the administrative provisions of the Clean Water Grant regulations, the water quality requirements set by the Regional Water Quality Control Board and the applicable effluent limitations, national standards of performance, toxic and pretreatment effluent standards, and any other discharge criteria which are required or authorized by State or Federal law, and to derive the maximum public benefit by regulating the quality and quantity of wastewater discharge into those systems. This ordinance provides for the establishment of a surveillance and enforcement procedure to control the discharge of certain wastewater and the issuance of Nonresidential Wastewater Discharge Permits to certain users. Revenues derived from said Nonresidential Wastewater Discharge Permits required by this ordinance shall be used to defray the District's cost of conducting the pretreatment program and Nonresidential Wastewater Discharge Permit system.

The following documents were reviewed and used as source materials for complying with the federal and state laws, regulations, and guidelines in the writing of this ordinance:

- 1) California State Water Resources Control Board; Guidelines for Determining Effectiveness of Local Source Control Programs, June 1976.
- 2) 40CFR, Part 35; Grants for Construction of Treatment Works (Proposed Rule), Federal Register. Vol. 42, No. 80, April 25, 1978.
- 3) 40CFR, Part 261 - Identification and Listing of Hazardous Waste, July 1, 1991.
- 4) 40CFR Part 401 - General Provisions (Subchapter N - Effluent Guidelines and Standards), July 1, 1991.
- 5) 40CFR Part 403 - General Pretreatment Regulations For Existing and New Sources of Pollution, July 1, 1991.
- 6) Clean Water Act (Federal Water Pollution Control Act) U.S.C. Section 1251 et seq.
- 7) Resource Conservation and Recovery Act (Solid Waste Disposal Act) 42 U.S.C. Section 6901 et seq.

8) Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund) 42 U.S.C. Section 9601 et seq.

9) U.S. Environmental Protection Agency; Federal Guidelines State and Local Pretreatment Programs, EPA-430/9-76-017 a, b, and c, January 1977.

10) U.S. Environmental Protection Agency; Guidance Manual for POTW Pretreatment Program Development, October 1983.

11) U.S. Environmental Protection Agency; Pretreatment Compliance Monitoring and Enforcement Guidance, July 1986.

12) U.S. Environmental Protection Agency; Guidance Manual for the Identification of Hazardous Wastes Delivered to Publicly Owned Treatment Works by Truck, Rail, or Dedicated Pipe, June 1987.

13) U.S. Environmental Protection Agency; Guidance Manual for Preventing Interference at POTW's, September 1987.

14) U.S. Environmental Protection Agency; Guidance Manual on the Development and Implementation of Local Discharge Limitations Under the Pretreatment Program, December 1987.

15) U.S. Environmental Protection Agency; Industrial User Permitting Guidance Manual, September 1989.

16) U.S. Environmental Protection Agency; Guidance for Developing Control Authority Enforcement Response Plans, September 1989.

17) Water Pollution Control (BNA Policy and Practice Series), The Bureau of National Affairs, Washington, D.C.

Section 1.03 Definitions. Unless otherwise defined herein, terms used herein shall be as adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation, and in the latest edition of Glossary--Water and Wastewater Control Engineering, published by the American Public Health Association, the American Society of Civil Engineers, the American Water Works Association, and the Water Pollution Control Federation. Waste constituents and characteristics shall be measured by the Guidelines Establishing Test Procedures for the Analysis of Pollutants, found in 40 CFR 136. It is intended that these definitions supplement, expand and add to those provided in other District Ordinances, and in the event of conflict, these definitions shall be controlling in the interpretation of this ordinance.

.01 "Act": shall mean the "Federal Water Pollution Control Act Amendments" of 1972 (PL 92-500) and any amendments thereto including the "Clean Water Act of 1977, the Water Quality Act of 1987, as well as any guidelines, limitations, and standards promulgated by the U.S. Environmental Protection Agency pursuant to the Act.

.02 "Applicant": shall mean the person making application for a Nonresidential Wastewater Discharge Permit, unless otherwise specified, and shall be the owner of premises to be served by the sewer for which a permit is requested or his authorized agent.

.03 Best Available Technology Economically Achievable (BAT or BATEA): shall mean, subject to economic and engineering feasibility limitations, incorporation of the top-of-the-line current technology, with a capacity up to and including no discharge of pollutants. Considerations include the age of the equipment and facilities involved; the process used; the engineering aspects of applying various types of control techniques; process changes; the cost of achieving the effluent reduction resulting from applying the technology; and non-water quality environmental impacts, such as energy use.

.04 Best Conventional Pollutant Control Technology (BCT): shall mean measures and practices for point sources of conventional pollutants, determined with consideration of the reasonableness of attainment costs versus effluent reduction benefits, the age of equipment and facilities involved, and energy impacts.

.05 Best Management Practices (BMPs): shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce water pollution. The term also includes treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

.06 Best Practicable Technology (BPT or BPCTA): shall mean technology based on the average of the best existing performance levels achieved by exemplary plants of various sizes, ages, and unit processes within an industry.

.07 "Biochemical Oxygen Demand" (BOD): shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C, expressed in terms of concentration (milligrams per liter).

.08 Blowdown: shall mean the minimum discharge of recirculating water to discharge materials contained in the process, when the further buildup would cause concentrations or amounts to exceed limits established by best engineering practice.

.09 "Building": shall mean any structure used for human habitation or a place of business, recreation or other purpose containing sanitary facilities.

.10 "Building Drain": shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from drainage piping inside the walls of a building and which conveys liquid wastes to the building sewer intersecting at a point two feet from the building foundation.

.11 "Building Sewer": shall mean a sewer conveying wastewater from the premises of a user to a community sewer.

.12 "Beneficial Uses": shall mean uses of the water of the state that may be protected against quality degradation including, but not necessarily limited to, domestic, municipal, agricultural and industrial supply, power generation, recreation, aesthetic enjoyment, navigation and the preservation and enhancement of fish, wildlife, and other aquatic resources or reserves, and other uses, both tangible or intangible as specified by Federal or State law.

.13 "City or Cities": shall mean the City of Selma, City of Kingsburg, and/or City of Fowler, as applicable.

.14 "Commercial Establishments": shall mean any building used for conducting private or public wholesale or retail transactions involving the exchange of services, commodities or financial business. Such facilities normally produce domestic wastes, but may also contain industrial wastes.

.15 "Community Sewer": shall mean a sewer owned, operated and/or maintained by the District, a city, or other public agency tributary to the treatment facility operated by the District.

.16 "Compatible Pollutant": shall mean BOD, suspended solids, pH (within the range of 6.0 - 9.0) and fecal coliform bacteria, and such additional pollutants as are now or may be in the future specified and controlled in this District's California Regional Water Quality Control Board waste discharge permit for its wastewater facilities where said facilities have been designed and used to reduce or remove such pollutants.

.17 "Condominium": shall mean residence sited in multiple residence unit buildings, but usually owned by different individuals. Common areas of the subdivision are owned jointly by all unit owners.

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

.19 "Contractor": shall mean an individual, firm, corporation, partnership or association duly licensed by the State of California to perform the type of work to be done under the permit and shall be the owner or his agent.

.20 "Controlled Substance": shall mean any substance which is a toxic substance or an incompatible pollutant or which may cause pollution or which may interfere with or pass through the POTW, or which is regulated by this ordinance or a Nonresidential Wastewater discharge Permit.

.21 "Cooling Water": shall mean the water discharged from any use such as air conditioning, cooling or refrigeration, during which the only pollutant added to the water is heat.

.22 "County": shall mean the County of Fresno, California.

.23 "Critical User": shall mean user who is required to obtain a permit, as defined in Section 5.01.

.24 "Discharge": shall mean to pump, to place, to deposit, to permit, or to cause to flow or to be transported by a flow.

.25 "District": shall mean the Selma-Kingsburg-Fowler County Sanitation District of the County of Fresno, State of California.

.26 "District's Counsel": shall mean an attorney appointed by the Governing Board to represent the District.

.27 "Domestic Wastes": shall mean liquid wastes (a) from the noncommercial preparation, cooking, and handling of food; or (b) containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities, and institutions.

.28 "Equivalent SFR Unit": shall mean any discharge of wastewaters, expressed in fractions or multiples of the prevailing quantities of daily emissions of gallonage, pounds of BOD and pounds of SS for the average single family residence (SFR) as stated in the currently effective Amendment to Ordinance No. 3 "An Ordinance Providing For the Establishment of Sewer Service Charges".

.29 "Existing Source": shall mean any building, structure, facility or installation from which there is or may be a discharge of pollutants, and which is not a New Source, as defined herein.

.30 "Garbage": shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage, and sales of food.

.31 "Governing Board" or "Board": shall mean the five-person Board of Directors constituted under the County Sanitation District Act (Health and Safety Code Sections 4700 et seq.) empowered as a group acting in public meetings to legislate in all matters related to the District's jurisdiction as established by the laws of the State of California.

.32 "Hazardous Substance": shall mean any substance which is imminently hazardous to District personnel, the public, or the environment; and includes but is not necessarily limited to: (A) any substance designated pursuant to section 311(b)(2)(A) of the Federal Water Pollution Control Act, (B) any element, compound, mixture, solution or substance designated pursuant to section 102 of the Comprehensive Environmental Response, Compensation and Liability Act, (C) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (but

not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by Act of Congress), (D) any toxic pollutant listed under section 307(a) of the Federal Water Pollution Control Act, (E) any hazardous air pollutant listed under section 112 of the Clean Air Act, and (F) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 7 of the Toxic Substances Control Act.

.33 "Holding Tank Waste": shall mean any waste from holding tanks such as vessels, chemical toilets, industrial process detention tanks, and brine tanks and grease/sand interceptors.

.34 "House Sewer": shall mean any sewer or drain beginning at the plumbing or drainage outlets of any buildings and running to the property line.

.35 "Incompatible Pollutant": shall mean any pollutant which is not a "compatible pollutant" as defined in this section or which may interfere with or pass through the wastewater facilities or which may cause abnormal increase in the operation costs of the wastewater facilities.

.36 "Industrial Establishment (or Industrial User)": shall mean any building that discharges industrial wastewater or wastewater containing any of the constituents referenced in Chapter II of this Ordinance, or as defined in Ordinance No. 3 as now and hereafter amended.

.37 "Industrial Wastewater": shall mean the liquid wastes resulting from the processes employed in industrial, manufacturing, trade, or business establishments, as distinct from domestic wastes. This includes wastewater from a source other than an industrial plant or facility which introduces toxic or hazardous substances into publicly owned treatment works, including, without limitation: medical offices; dental offices; hospitals; schools; research, educational and commercial laboratories; warehouses; shopping centers; car washes; print stores; residential, commercial, and public uses of pesticides and fertilizers; gas stations; and septage collection and disposal.

.38 "Infectious Waste": shall mean wastes which contain pathogenic organisms.

.39 "Institutional Facilities": shall mean any publicly or privately-owned school, publicly-owned building from which Federal, State, County, City or Special District activities are conducted or offered for public use. Such facilities shall include schools, hospitals, jails, libraries, offices, equipment yards and maintenance buildings, laboratories, parks, rubbish stations, detention homes and fire stations.

.40 "Interference": shall mean any discharge which, alone or in conjunction with a discharge or discharges from other sources, both: (a) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and (b) therefore causes either a violation of the District's waste discharge

requirements (including and increase in the magnitude or duration of a violation) or the prevention of sewage sludge use or disposal in compliance with applicable Federal, State, or local statutory provisions and regulations or permits issued thereunder.

.41 "Lateral Sewer": shall mean that portion of the building drain within a public street which, with the House Sewer, comprises the Side Sewer.

.42 "Manager": shall mean the General Manager of the District or his designated representative(s) acting within the scope of the policy directives of the Governing Board of the District.

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

.44 "Mobile Home": shall mean a residence on wheels which required a special permit to be moved and usually sited in a park or development exclusively zoned for such residences. Normally the spaces are rented from the owner-operator of such developments which can offer community facilities such as a recreation building, swimming pools, sauna, et cetera. Mobile Homes are those mobile residences with 400 square feet or more of floor space.

.45 "Multiple Family Dwellings": shall mean buildings such as duplexes, triplexes, apartments, et cetera, under a single owner, usually occupied by renters.

.46 "Natural Outlet": shall mean a channel, pond, ditch, lake, or other body of surface or ground water.

.47 "New Source": shall mean any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, subject to certain conditions specified in 40CFR 403.3(k).

.48 "Nuisance": shall mean anything which is injurious to health or is indecent or offensive to the senses or an obstruction to the free use of property so as to interfere with the comfort or enjoyment of life or property or which affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

.49 "Outside Sewer": shall mean a private sewer beyond the limits of the District.

.50 "Pass Through": shall mean a discharge which exits the POTW into waters of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources,

is a cause of a violation of any requirement of the POTW's waste discharge requirements (including an increase in the magnitude or duration of a violation).

.51 "Pathogenic Organisms": shall mean bacteria, protozoa, viruses, or other life forms which may cause disease.

.52 "Permit": shall mean any written authorization required pursuant to this or any other rule, regulation or ordinance of District for the installation of any sewage works, including but not limited to Nonresidential Wastewater Discharge Permit.

.53 "Person": shall mean any individual, partnership, firm, association, corporation, or public agency including the State of California and the United States of America.

.54 "P.C.B.": shall mean polychlorinated biphenols, a group of synthetic organic compounds.

.55 "pH": shall mean a measure of the hydrogen-ion concentration in a solution, expressed as the logarithm (base ten) of the reciprocal of the hydrogen-ion concentration in gram moles per liter.

.56 "Plumbing System": shall mean the distributing pipes for the water supply; the fixtures and fixture traps; the soil, waste, and vent pipes; the building drain and building sewer; and the stormwater drainage pipes; with their devices, appurtenances, and connections within and adjacent to the building.

.57 "Pollution": shall mean an alteration of the quality of the waters of the state by waste to a degree which adversely affects such waters for beneficial use or facilities which serve such beneficial uses. Pollution may include contamination.

.58 "Publicly Owned Treatment Works (POTW)": shall mean a treatment works as defined by section 212 of the Federal Water Pollution Control Act, which is owned by a State or municipality (as defined by section 502(4) of the Federal Water Pollution Control Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant. POTW shall also mean the wastewater facilities of the District.

.59 "Premises": shall mean a parcel of real estate including any improvements thereon which is determined by the District to be a single user for purposes of receiving, using, and paying for service.

.60 "Pretreatment": shall mean application of physical, chemical, or biological processes to reduce the amount of pollutants in or alter the nature of the pollutant properties in a wastewater prior to discharging such wastewater into the wastewater facilities.

- .61 "Pretreatment Requirement": shall mean any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard, imposed on a user.
- .62 "Pretreatment Standard (or National Pretreatment Standard)": shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 40CFR 403.5.
- .63 "Private Sewer": shall mean a sewer which has an independent sewage disposal not connected with a public sewer and which accommodates one or more services.
- .64 "Public Sewer": shall mean a sewer in a public right-of-way or easement owned or controlled by the District or cities or any sewer constructed by the District.
- .65 "Residence or Residential Unit": shall mean a building for occupancy by one or a family of persons as a permanent or temporary habitat. Normally used to refer to a Single Family Residence (SFR), a house sited physically separate from any other building.
- .66 "Sanitary Wastewater": shall mean (1) Domestic wastewater with storm and surface water excluded. (2) Wastewater discharged from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, industrial plants, or institutions. (3) The water supply of a community after it has been used and discharged into a sewer.
- .67 "Secretary": shall mean that ex officio appointed by the Board to serve as Board Secretary.
- .68 "Sewer": shall mean a pipe or conduit for transporting wastewater.
- .69 "Sewerage System": shall mean the collection, transport, pumping, treatment, and disposal facilities owned, operated, or maintained by the District.
- .70 "Side Sewer": shall mean the part of the horizontal piping beginning at the foundation wall of any building and terminating in the main sewer or septic tank.
- .71 "Significant Industrial User (SIU)": shall mean (a) all industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and (b) any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the Manager on the basis that the industrial user has a reasonable potential for adversely affecting the

POTW's operation or for violating any pretreatment standard or requirement.

.72 "Significant Violation (or Significant Non-Compliance)": shall mean

(A) Chronic violations of wastewater discharge limits, defined as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

(B) Technical Review Criteria (TRC) violations, defined as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a 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 the Manager determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

(D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under 40CFR403.8(f)(1)(vi)(B) to halt or prevent such a discharge;

(E) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a Permit or Administrative Order for starting construction, completing construction, or attaining final compliance;

(F) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(G) Failure to accurately report noncompliance;

(H) Any other violation or group of violations which the Manager determines will adversely affect the operation or implementation of the District's pretreatment program.

.73 "Standard Industrial Classification" (SIC): shall mean the compilation of industries and their discharges of pollutants, which is printed by the U.S. Office of Management and Budget in its Standard Industrial Classification Manual.

.74 "Storm Water": shall mean any flow occurring during or immediately following any form of natural precipitation and resulting therefrom.

.75 "Street": shall mean any public highway, road, street, avenue, alley, way, easement or right-of-way.

.76 "Suspended Solids (SS)": shall mean the total suspended matter that floats on the surface of, is suspended in, or settles from wastewater, or other liquids, and which is removable by laboratory filtering.

.77 "Total Toxic Organics": shall mean the sum of all quantifiable values greater than 0.01 mg/L for all toxic organics covered by the electroplating point source category and the metal finishing point source category.

.78 "Trailer": shall mean mobile residence normally set up in a park constructed to provide utility hookups for such dwellings. Trailers are limited to 35 feet in length by the California Motor Vehicle Code and may be towed on the public highway without a special permit. Such residences have less than 400 square feet of floor space.

.79 "Toxic Substances": shall mean any toxic substances in amounts exceeding standards promulgated by the Administrator of the United States Environmental Protection Agency pursuant to Section 307 (a) of the Act, and the "Toxic Substances Control Act" (P.L. 94-469), and chemical elements or compounds, phenols or other taste or odor-producing substances, or any other substances which are not susceptible to treatment or which may interfere with the biological processes or efficiency of the treatment system.

.80 "Unpolluted Water": shall mean water not containing any pollutants limited or prohibited by applicable regulations, standards, or limitations and whose discharge will not cause any violation of receiving water quality standards.

.81 "User": shall mean any person who discharges, causes, or permits the discharge of wastewater into the District's wastewater treatment system.

.82 "User Classification": shall mean a classification of user based on the 1972 (or subsequent) edition of the Standard Industrial Classification (SIC) Manual prepared by the Office of Management and Budget.

.83 "Waste": shall mean sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of, disposal.

.84 "Wastewater": shall mean waste and water, whether treated or untreated, discharged into or permitted to enter a community sewer.

.85 "Wastewater Constituents and Characteristics": shall mean the individual chemical, physical, biological and radiological parameters, including volume and flowrate and such other parameters that define, classify, or measure the contents, quality, quantity, or strength of wastewater.

.86 "Wastewater Facilities": shall mean any devices, facilities, structures, equipment, or works owned, operated or maintained by the District for the purpose of the collection, transmission, storage, treatment, recycling, reclamation and disposal

of industrial and domestic waste, or necessary to recycle or reuse water at the most economical cost over the estimated life of the system, including intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment, and their appurtenances; extension, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

.87 "Watercourse": shall mean a channel in which a flow of water occurs either continuously or intermittently.

.88 "Waters of the State": shall mean any water, surface or underground, including saline waters within the boundaries of the State.

CHAPTER II

PROHIBITIONS AND LIMITATIONS ON WASTEWATER DISCHARGES TO THE WASTEWATER FACILITIES

Section 2.01 Introduction. This chapter is applicable to areas within the boundaries of the Selma-Kingsburg-Fowler County Sanitation District and to all other areas and entities which by contract are bound to comply with the ordinances, resolutions, rules and regulations of the District.

Section 2.02 Prohibitions on Wastewater Discharges. No person shall discharge or deposit or cause or allow to be discharged or deposited into the wastewater facilities any wastewater which may cause interference or pass through or which contains the following:

2.02.01 Oils and Grease.

- (A) Oil and grease concentrations or mass emission rates in violation of applicable federal pretreatment standards.
- (B) Wax, grease, or oil of animal, vegetable, mineral or petroleum origin (including emulsified forms) in any concentration or quantity which may cause or significantly contribute to flow obstruction, pass through or interference, or otherwise be incompatible with the wastewater facilities.

2.02.02 Explosive Mixtures. Liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater facilities or to the operation of the facilities. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes and any other liquids having a closed-cup flashpoint of less than 140 F, peroxides, chlorates, perchlorates, bromates, carbides, formaldehyde, hydrides, and sulfides.

At no time shall the reading on a combustible gas meter at the point of discharge, or at any point in the wastewater facilities exceed 5% of the lower explosive limit (LEL) of the meter.

2.02.03 Noxious Material. Noxious or malodorous solids, liquids, or gases, which either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, may cause acute worker health and safety problems, or are or may be sufficient to prevent entry into a sewer for its maintenance and repair.

2.02.04 Improperly Shredded Garbage. Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the public sewers, with no particle greater than three eights (3/8) inch in any dimension.

2.02.05 Radioactive Wastes. Radioactive wastes or isotopes of such half-life or concentration that they do not comply with regulations or orders issued by the appropriate authority having control over their use and which will or may cause damage or hazards to the wastewater facilities or personnel operating the facilities.

2.02.06 Solid or Viscous Wastes. Solid or viscous wastes which will or may cause obstruction to the flow in a sewer, or otherwise interfere with the proper operation of the wastewater facilities. Prohibited materials include, but are not limited to, any incompatible pollutant greater than 3/8 inch in any dimension, grease, uncomminuted garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, polishing compounds, resin beads, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, and similar substances.

2.02.07 Excessive Discharge Rate (Slug Loads).

(A) Hydraulic: that rate of flow which shall result from the averaging of the flow rates over a period of 15 consecutive minutes and which shall be greater than five (5) times the twenty-four (24) hour total volume expressed in million gallons per day (MGD), or a monthly flow volume greater than that specified by connection permit shall be considered excessive.

(B) Loadings: those concentrations of pollutants such as toxics, grease and oil, and other constituents, which in a grab sample are greater by a factor of five (5) than the average 24-hour concentration allowed in the industrial waste permit or a mass emission greater than that specified by connection permit shall be considered excessive.

(C) B.O.D. and S.S.: those concentrations of Biochemical Oxygen Demand and Suspended Solids which, in a composite sample taken at intervals of fifteen (15) minutes over a period of four (4) hours, are greater by a factor of five (5) than the average 24-hour concentration allowed in the industrial waste permit or a mass emission greater than that specified by connection permit shall be considered excessive.

(D) Any pollutant, including oxygen demanding pollutants (B.O.D., etc.) released in a discharge at a flow rate and/or concentration which may cause interference or pass through.

2.02.08 Toxic or Hazardous Substances.

(A) Any toxic or hazardous substance in a manner or quantity which is in violation of any Federal, State, or District regulation, standard, or limitation;

(B) Any hazardous substance by truck, by rail, or by dedicated pipeline;

(C) Any chemical element or compound, including taste or odor producing substances, which are not susceptible to treatment or which

may interfere with the biological processes or efficiency of the wastewater facilities.

2.02.09 Unpolluted Waters. Any unpolluted water including, but not limited to, water from cooling systems or of stormwater origin, which will increase the hydraulic load on the treatment system.

2.02.10 Discolored Materials. Wastes with objectionable color not removable by the treatment process. Such color shall be objectionable if it causes the plant effluent to fail to meet state or EPA standards for turbidity or light transmittance, or if it causes pollution to waters of the state.

2.02.11 Corrosive Wastes. Any waste which will cause corrosion or deterioration detrimental to the design life expectancy of the treatment system. All wastes discharged to the public sewer system must have a pH value in the range of six (6.0) to nine (9.0) standard units. Materials which may be prohibited under this section include, but are not limited to, acids, caustic, sulfides, concentrated chloride and flouride compounds, and substances which will react with water to form acidic products.

2.02.12 Interference With Reclamation or Reuse. Any waste which will cause, threaten to cause, or is capable of causing either alone or by interaction with other substances in the District's effluent or any other product of the treatment process, residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process.

2.02.13 Nuisance. Any waste which will cause, threaten to cause, or is capable of causing either alone or by interaction with other substances a detrimental environmental impact or a nuisance in the waters of the state or a condition unacceptable to the District or to any public agency having regulatory jurisdiction over the District.

2.02.14 Incompatible Pollutants. Any waste which is not a "compatible pollutant" as defined in this Ordinance or which may interfere with or may pass through the system or which may cause abnormal increase in the operation costs of the wastewater facilities.

Section 2.03 Limitations on Wastewater Discharges. The following Table specifies the maximum concentrations of pollutants allowable in wastewater discharges to the wastewater facilities.

Table 2.03-1

pH -- acceptable range 6.0-9.0 pH units

Temperature -- not to exceed temperatures that will cause interference or that will cause the influent at the treatment plant to exceed 104 degrees F, but in no case to exceed 150 degrees F.

Radioactivity -- not to exceed limits specified in Sections 30285 and 30287 of the California Code of Regulations.

Electrical Conductivity -- not to exceed 1650 umho/cm. A discharger which has a flow volume less than 10,000 gallons per day or less than 300,000 gallons per month shall have no maximum concentration limit for Electrical Conductivity except that such discharge shall not be an incompatible pollutant nor shall it pass through the POTW or interfere with the POTW.

Limitations for other incompatible pollutants have not been established for general application. The Manager will determine and implement such limits for such constituents as he may find necessary to insure compliance with the District's California Regional Water Quality Control Board waste discharge requirements and with more restrictive pretreatment standards for new sources as prescribed by the Environmental Protection Agency (EPA).

Limitations and prohibitions on wastewater strength contained in this Ordinance, including those of Table 2.03-1, may be supplemented with more stringent limitations and prohibitions pursuant to Section 5.04 and the provisions of Section 5.04 shall, in such cases, be controlling. The District may provide the more stringent limitations and prohibitions as follows:

- a) If the District determines that the limitations and prohibitions in this Ordinance may not be sufficient to protect the operation of the District's treatment works, or
- b) If the District determines that the limitations and prohibitions in this Ordinance may not be sufficient to enable the District's treatment works to comply with water quality standards or effluent limitations specified in the District's California Regional Water Quality Control Board waste discharge requirements.

2.03.01 Federal Limitations. Any user who does not comply with the Pretreatment Standards as required by the Act and any applicable regulations there under, whether promulgated prior to or subsequent to the effective date of this Ordinance, violates this Ordinance. Said regulations include standards cited in 40 CFR Chapter 1, Subchapter N, parts 401-471. The more stringent of the standards will apply whenever local, State, and Federal standards overlap. Violation and prosecution under this ordinance does not preclude violation and prosecution by other affected Federal, State or local agencies in accordance with applicable law.

2.03.02 Dilution. The dilution of any wastewater discharge for the purpose of satisfying discharge limitations is prohibited.

Section 2.04 Limitations on Point of Discharge. No person shall discharge any substances directly into a manhole or other opening in a community sewer other than through an approved building sewer unless, upon written application by the user and payment of the applicable user charges and fees, the District issues a permit for such direct discharges.

Section 2.05 Trucked or Hauled Waste. The discharge of trucked or hauled waste is prohibited, except as authorized by the District in accordance with the terms and conditions of a Permit for Septic Pumpage Discharge and the District's regulations and procedures for septic pumpage dischargers.

All materials removed from pretreatment devices or facilities and prohibited by this ordinance, including but not necessarily limited to holding tank wastes, shall be stored, transported, treated and disposed of in accordance with applicable Federal, State, and local regulations.

Section 2.06 Medical Facility Wastes.

(A) Infectious wastes from hospitals, clinics, and mortuaries may be disposed of to the sanitary sewer system subject to the following limitations and requirements:

- (1) Pathologic specimens may not be disposed of to the sanitary sewer system.
- (2) The material shall be ground by an approved grinder so that the material shall pass a 3/8" screen opening.
- (3) The materials must not violate any other requirements of these rules and regulations or applicable State and/or Federal statutes, laws, and rules and regulations.

(B) Ground organic kitchen waste from hospital food preparation and disposal facilities excluding all paper and plastic items may be discharged into the sanitary sewer system.

(C) The following shall not be discharged to the sanitary sewer system by any means:

- (1) Disposable hypodermic needles, syringes, and associated articles following their use in hospitals, out-patient clinics, medical and dental offices, etc.
- (2) Solid wastes generated by patients suspected or diagnosed as having a communicable disease.
- (3) Portions of the human anatomy.
- (4) Wastes excluded by other provisions of this Ordinance except as specifically permitted in this section.

(D) Nothing in this section shall be construed to limit the authority of the Health Officer of the County to define wastes as being infectious.

Section 2.07 Special Agreements. Nothing in this section shall be construed as preventing any special agreement or arrangement between the District and any user of the wastewater facilities whereby wastewater of unusual strength or character is accepted into said facilities and specially treated subject to any payments or user

charges as may be applicable, except that Federal or State standards shall not be waived in any case.

Section 2.08 Non-industrial Users. Hospitals, clinics, schools, commercial facilities, public agency facilities, and any other class of discharger may require treatment as industrial facilities for purposes of applying this Ordinance. The applicability may be extended to residential users at the sole discretion of the District in special instances.

CHAPTER III

CONTROL OF PROHIBITED WASTES

Section 3.01 Regulatory Actions. If wastewaters containing any substance described in Chapter II of this Ordinance are or may be discharged or proposed to be discharged into the sewerage system of the District or to any sewer tributary thereto, the Manager and/or the District's counsel may take any action necessary to:

(A) Prohibit the discharge of such industrial wastewater into the collection system and treatment works.

(B) Require pretreatment of any industrial wastewater which the District determines is necessary in order to meet standards established by the Federal or California state government or other regulatory agencies or which the District determines is necessary in order to protect its wastewater facilities or the proper and efficient operation thereof or the health or safety of its employees or the environment.

(C) Require the person proposing, making, causing, or allowing the discharge to pay to the District for excess costs to the District for supplementary treatment, wastewater facilities, operations or maintenance needed as a result of allowing the discharge into the collection system and treatment works of such industrial waste.

(D) Take such other remedial action as may be deemed by the Manager to be desirable or necessary to achieve the purpose of this ordinance.

Section 3.02 Submission of Plans. Where pretreatment or equalization of wastewater flows prior to discharge into any part of the wastewater facilities is required, plans, specifications, and other pertinent data or information relating to such pretreatment or flow-control facilities shall first be submitted to the District for review and approval in writing. Such written approval shall not exempt the discharge or such facilities from compliance with any applicable code, ordinance, rule, regulation, or order of any governmental authority. Any subsequent alterations or additions to such pretreatment or flow-control facilities may be required by the Manager and shall not be made without due notice to and prior approval of the Manager.

Section 3.03 Pretreatment.

3.03.01 General. Users shall make wastewater acceptable under the limitations established herein before discharging to the community sewer. Any facilities required to pretreat wastewater to a level acceptable to the District shall be provided and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the District for review, and shall be acceptable to, and approved by, the District in

writing before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the District under the provisions of this Ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to, and be approved in writing by, the District.

3.03.02 Interceptors. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Manager, they are necessary for the proper handling of the liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, and other harmful ingredients. All interceptors shall be of a capacity sufficient to provide the appropriate quality of effluent, and shall be in an easily accessible location for purposes of cleaning and inspection.

3.03.03 Commercial Garbage Grinders. No owner of a commercial garbage grinder shall maintain or operate or permit to be maintained or operated any such grinder which may discharge any waters, wastes, or other substances into the District sewer without first providing, at such person's expense, such preliminary treatment as may be necessary to reduce the suspended solids, daily flow, or objectionable characteristics or constituents to within the maximum limits contained in Chapter II.

3.03.04 Water Softening Units. In order to minimize salts discharged into the sewerage system, water softening units must be well operated and maintained in strict accordance with manufacturer's instructions and applicable provisions of the California Health and Safety Code.

Section 3.04 Pretreatment Facilities Operations. If pretreatment or control of waste flows is required, such facilities shall be maintained in good working order and shall be operated so as to insure continuous compliance with District ordinances, resolutions, rules and regulations and any applicable permits by the user at the user's own cost and expense. Pretreatment facilities are at all times subject to the requirements of these rules and regulations and all other applicable codes, ordinances and laws. Intermittent operation of pretreatment facilities, except as approved in writing by the Manager, during discharge to District's wastewater system is prohibited.

Section 3.05 Admission to Property. Whenever it shall be necessary for the purposes of these rules and regulations, the Manager, upon the presentation of credentials, may enter upon any property or premises at reasonable time for the purpose of (1) reviewing and copying any records required to be kept under the provisions of this Ordinance, (2) inspecting any monitoring equipment or pretreatment facility or discharge-producing process, or (3) sampling any discharge of wastewater to the wastewater facilities. The Manager may enter upon the property at any hour under emergency circumstances. In the event of such emergency entry, the Manager shall make every effort to immediately notify the discharger's

designated agent. Consent to admission to property is given by the use of the District's wastewater facilities.

Section 3.06 Protection from Accidental Discharge. Each industrial user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the industrial user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the District for review, and shall be approved in writing by the Manager before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify his facility as necessary to meet the requirements of this Ordinance.

Section 3.07 Reporting of Accidental Discharge. If, for any reason, a user does not comply with or will be unable to comply with any prohibition or limitation in this Ordinance, the user responsible for such discharge shall immediately notify the District so that corrective action may be taken to protect the wastewater facilities. For the purposes of this section, immediately shall mean at the earliest possible time, but in no case more than 24-hours after becoming aware of the non-complying discharge. Upon request by the Manager, a written report addressed to the Manager detailing the characteristics of the discharge and corrective action taken to prevent future violative discharges, shall be filed by the responsible industrial user within five (5) days of the occurrence of the non-complying discharge.

Such notification will not relieve the user of liability for any expense, loss, or damage to the sewerage system, treatment plant, or treatment process, or for any fines imposed on the District on account thereof under Section 13350 of the California Water Code.

Section 3.08 Preventive Measures. The Manager may require any user to implement best management practices (BMP) for the purposes of preventing pollution and/or minimizing waste discharge. These may include, but are not limited to, elimination or labeling of drains, connections or other entry points so as to prevent discharge of waste in violation of this ordinance. BMP may also include, but is not limited to, product substitution in order to prevent discharge of wastes in violation of this ordinance.

Section 3.09 Slug Discharge Control Plan. The Manager may require any user to develop and implement a slug discharge control plan if necessary in order to meet standards established by the Federal or California state government or other regulatory agencies or to protect the wastewater treatment system or the proper and efficient operation thereof or the health or safety of its employees or the environment. Slug discharge control plans may be required as a result of permit application review, industrial site visits or inspections, or for any other reason.

CHAPTER IV

INDUSTRIAL WASTEWATER MONITORING AND REPORTING

Section 4.01 Reporting Requirements.

(A) The Manager may require any user to monitor wastewater discharge and to submit monitoring reports to the Manager, at a frequency specified by the Manager.

(B) Monitoring reports shall include, at the discretion of the Manager, nature of process, volume, rates of flow, mass emission rates, production quantities, hours of discharge, concentrations of controlled pollutants, and other information relating to wastewater discharge. Such reports may also include the chemical constituents and quantity of liquid materials stored on site even though they are not normally discharged. In addition to monitoring reports, the Manager may require information in the form of Nonresidential Wastewater Discharge Permit Applications and other reports as stipulated in 40 CFR 403.12, which include:

1. Baseline reports (403.12b)
2. Compliance schedules (403.12c)
3. Report on compliance with categorical pretreatment standard deadline
(403.12d)
4. Periodic reports on continued compliance (403.12e)
5. Notice of potential problems, including slug loading
(403.12f)
6. Monitoring and analysis to demonstrate continued compliance
(4.03.12g)
7. Reporting requirements for industrial users not subject to
categorical Pretreatment standards (403.12h)
8. Notification of changed discharge or new discharge (403.12j)
9. Notification of hazardous waste discharge (403.12p)

(C) Any report required by the Act, whether such requirement be prior to or subsequent to the effective date of this Ordinance, shall be signed and certified by a responsible corporate officer, proprietor, general partner, or representative for whom written authorization has been received by the POTW from one of the aforementioned persons. Said certification shall consist of the following statement:

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

(D) If sampling performed by an industrial user indicates a violation, the user shall notify the Manager within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeated analysis to the Manager within 30 days after becoming aware of the violation.

Section 4.02 Records and Monitoring.

(A) All industrial users who discharge or propose to discharge wastewaters to the wastewater facilities shall maintain such records of production and related factors, effluent flows, and pollutant amounts or concentrations as are necessary to demonstrate compliance with the requirements of this Ordinance and any applicable state or federal pretreatment standards or requirements, and shall notify the Manager of any new or changed discharge.

(B) Such records shall be kept for a minimum of three (3) years, made available upon request by the Manager. All such records relating to compliance with pretreatment standards shall be made available to officials of the U. S. Environmental Protection Agency upon demand. A summary of such data indicating the industrial user's compliance with this Ordinance shall be prepared upon request by the Manager.

(C) The owner or operator of any premises or facility discharging industrial wastes into the wastewater facilities shall install, operate and maintain at his own cost and expense suitable monitoring equipment on each connection discharging industrial wastes to facilitate the accurate observation, sampling, and measurement of wastes. Such equipment shall be maintained in proper working order and kept safe and accessible at all times.

(D) The monitoring equipment shall be located and maintained on the industrial user's premises outside of the building. When such a location would be impractical or cause undue hardship on the user, the Manager may allow such facility to be constructed in the public street or sidewalk area, with the approval of the public agency having jurisdiction over such street or sidewalk, and located so that it will not be obstructed by public utilities, landscaping, or parked vehicles.

(E) When more than one user can discharge into a common sewer, the Manager may require installation of separate monitoring equipment for each user. When there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user, the Manager may require that separate monitoring facilities be installed for each separate discharge.

(F) Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with District requirements and all applicable construction standards and specifications.

(G) If the monitoring facility is inside the user's fence, there shall be accommodations to allow access for District personnel, such as a gate secured with a District lock. There shall be ample room in or near such sampling manhole to allow accurate sampling and compositing of samples for analysis. The manhole, sampling, and

measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Section 4.03 Confidential Information. All information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agencies. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the District as confidential in accordance with the provisions of 40 CFR Part 2 entitled, "Confidentiality of Business Information", shall not be transmitted to the general public by the District until and unless prior and adequate notification is given to the user of the POTW, provided, however, that confidential information shall be available to the state, any state agency, U.S. Environmental Protection Agency or any Federal Agency with jurisdiction.

Section 4.04 Inspection, Sampling, and Analysis-General. The District may inspect the facilities of any user to ascertain whether the purpose of this Ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the District or its representative ready access at all reasonable times to all parts of the premises for the purpose of inspection or sampling or in the performance of any of their duties. The District shall have the right to set up on the user's property such devices as are necessary to conduct sampling or metering operations, and every effort will be made so that such devices and operations do not interfere with the normal business operations of the discharger. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that, upon presentation of suitable identification, personnel from the District will be permitted to enter without delay for the purposes of performing their specific responsibilities.

4.04.01 Compliance Determination. Compliance determinations with respect to Chapter II prohibitions and limitations may be made on the basis of either instantaneous grab samples or composite samples of wastewater. Composite samples may be taken over a 24-hour period, or over a longer or shorter time span, as determined necessary by the Manager to meet the needs of specific circumstances.

4.04.02 Analysis of Industrial Wastewaters. Laboratory analysis of industrial wastewater samples shall be performed in accordance with the approved test procedures listed in 40 CFR 136.

4.04.03 Sampling Frequency. Sampling of industrial wastewater for the purpose of compliance determination with respect to Chapter II prohibitions and limitations will be done at random intervals as the Manager may determine necessary to the pretreatment program goals.

CHAPTER V

NONRESIDENTIAL WASTEWATER DISCHARGE PERMIT SYSTEM

Section 5.01 Nonresidential Wastewater Discharge Permits Required. The District has implemented a Nonresidential Wastewater Discharge Permit system in order to regulate the discharge of industrial wastewater pursuant to Section 3.01. All significant industrial users proposing to connect to or discharge into any part of the wastewater facilities must first obtain a Nonresidential Wastewater Discharge Permit therefor. All existing significant industrial users connected to or discharging to any part of the wastewater facilities must obtain a Nonresidential Wastewater Discharge Permit within one hundred twenty (120) days after the effective date of this Ordinance.

Nonresidential Wastewater Discharge Permits shall be classified as follows:

Class I : Significant Industrial Users

Class II : All Others

Any nonresidential user may be required to apply for a Nonresidential Wastewater Discharge Permit. The Manager may issue a Nonresidential Wastewater Discharge Permit to any user, upon application, subject to the terms and conditions specified therein.

Section 5.02 Permit Application. Users seeking a Nonresidential Wastewater Discharge Permit shall complete and file with the District an application on the form prescribed by the Manager, and accompanied by the applicable fee. In support of this application, the user shall submit the following information:

- (A) Name, address, and SIC number of applicant.
- (B) Volume of wastewater to be discharged.
- (C) Wastewater constituents and characteristics including, but not limited to, those set forth in Chapter II of this Ordinance as determined by a State-approved analytical laboratory.
- (D) Time and duration of discharge.
- (E) Average and thirty (30) minute peak wastewater flow rates, including daily, monthly, and seasonal variations, if any.
- (F) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location, and elevation.
- (G) Description of activities, facilities, and plant processes on the premises including all materials and types of materials which are, or could be, discharged.

- (H) Each product produced by type, amount, and rate of production.
- (I) Number and type of employees, and hours of work.

(J) Listing of, or copies of, all environmental control permits.

(K) Any other information as may be deemed by the Manager to be necessary to evaluate the permit application.

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

Section 5.03 Permit Fees. Applications for issuance or renewal of Nonresidential Wastewater Discharge Permits shall include the required fee, as specified below:

<u>Classification</u>	<u>Initial Permit</u>	<u>Renewal Permit</u>
Class I	\$200	\$100
Class II	\$150	\$100

The cost of excessive laboratory analysis required to establish user's compliance with this ordinance shall be billed to the industrial facility sampled.

Section 5.04 Permit Conditions. Nonresidential Wastewater Discharge Permits shall be expressly subject to all provisions of this Ordinance, including Section 5.08, and all other regulations, user charges, and fees established by the District. The conditions of Nonresidential Wastewater Discharge Permits shall be enforced in accordance with this Ordinance, and applicable state and federal regulations. The following general permit conditions shall be applicable to all Nonresidential Wastewater Discharge Permits:

- 1) To comply with all of the provisions, terms and requirements of the ordinances, rules and regulations of the District.
- 2) To furnish any information on nonresidential wastewater discharge as required by the District.
- 3) To pay all fees required by District ordinance including but not limited to connection fees, annexation fees, bond debt service charges, fixed charges, operation and maintenance charges, cities' collection system reserve charges and industrial pretreatment chemical charges.
- 4) To pay any additional cost or expense incurred by the District for handling and treating excess loads imposed on the wastewater facilities.

- 5) To pay any cost or expense incurred by the District in the enforcement of the provisions of its ordinances and the correction of violations thereof.
- 6) To make wastewater acceptable under the limitations of the S-K-F CSD Sewer Use Ordinance before discharge to the sewerage system.
- 7) To operate and maintain any required wastewater pretreatment devices in a satisfactory manner approved by the District.
- 8) To provide immediate access to authorized District personnel to any facility directly or indirectly connected to the sewerage system under emergency conditions and at all other reasonable times.
- 9) To cooperate at all times with authorized District personnel in the inspection, sampling and study of the Permittee's facilities and wastewater discharge.
- 10) To divert rainwater and one-pass cooling water for disposal other than to the sewerage system.
- 11) To apply for a revised Nonresidential Wastewater Discharge Permit if there is any change in the location, grade, materials, construction or configuration of the physical sewer connection or if there is any change in the Permittee's processes or operations which affect the quantity or quality of the wastewater discharge.
- 12) To immediately notify the District (phone 209-896-4420, 24 hours a day) of any wastewater discharge which is not in compliance with the S-K-F CSD Sewer Use Ordinance or which exceeds limitations specified in this permit or which might be reasonably judged to constitute a hazard to District personnel, treatment plant or sewerage system.
- 13) To operate only one nonresidential wastewater discharge point to the sewerage system under the authority granted by the permit.

Any or all of the following specific permit conditions may be included in Nonresidential Wastewater Discharge Permits:

- 14) To install, operate and maintain at Permittee's cost and expense an automatic, permanent wastewater flow monitoring system approved by the District which provides a primary flow measuring device, indication, recording and totalizing of flow and a signal generating device that can be used to activate the District's and other automatic samplers.
- 15) To install, operate and maintain at Permittee's cost and expense an automatic wastewater sampling system approved by the District which provides a flow proportional composite sample, a sample volume of not less than two liters, refrigerated storage and self-purging capability.
- 16) To install operate and maintain at Permittee's cost and expense an automatic pH recording system approved by the District

which provides a pH recording instrument and a pH probe located downstream of all pretreatment operations and just before discharge to the sewerage system.

17) To install, operate and maintain at Permittee's cost and expense a batch pH neutralization system approved by the District which provides a storage facility for wastewater of pH less than 6.0 or greater than 9.0, a pH measuring device, neutralizing agent and a permanently bound record of pH neutralization before discharge to the sewerage system.

18) To install, operate and maintain at Permittee's cost and expense an automatic pH recording and control system approved by the District which provides a pH recording instrument, a pH probe located downstream of all pretreatment operations and just before discharge into the sewerage system, storage for a neutralizing agent, a neutralization chamber, a continuous neutralizing agent injection system activated by pH level and adequate agitation.

19) To implement a spill prevention, control and countermeasure plan approved by the District which provides protection from accidental discharge of wastes prohibited or regulated by the S-K-F CSD Sewer Use Ordinance and which provides for the construction, operation and maintenance, at Permittee's cost and expense, of facilities necessary to implement said plan.

20) To implement an illicit discharge prevention plan approved by the District which provides information to Permittee's employees regarding regulation and limitations of wastewater discharge to the sewerage system and which includes permanently posting in a conspicuous place a notice furnished by the District advising employees whom to call in case of discharge in violation of the S-K-F CSD Sewer Use Ordinance.

21) To install, operate and maintain at Permittee's cost and expense a grease interceptor approved by the District which (a) prevents excessive grease and oil from entering the sewerage system (b) provides at least 1250 gallons storage capacity, at least two compartments, baffles to retain floatable greases and oils and a sampling port and (c) excludes any sanitary waste from entering the interceptor.

22) To install, operate and maintain at Permittee's cost and expense a sand interceptor approved by the District which (a) prevents sand and settleable grit from entering the sewerage system (b) provides a 30-minute detention time based on peak wastewater discharge rate, a minimum capacity of 500 gallons, at least two compartments, baffles to reduce wastewater velocity sufficiently to settle sand and grit and (c) excludes any sanitary waste from entering the interceptor.

23) To operate and maintain any garbage grinders in a manner which prevents discharge of wastewater in violation of the S-K-F CSD Sewer Use Ordinance.

24) To operate and maintain any water softening units in strict accordance with manufacturer's instructions and in a manner to minimize salts discharge into the sewerage system.

25) To maintain a District-approved prohibited substances inventory accounting system which includes a bound log book containing permanent entries that account, either by mass or by volume, for the disposition of substances prohibited by the S-K-F CSD Sewer Use Ordinance or by this permit.

26) To keep waste hauler reports on file for a period of three years using forms provided by the District.

Other permit conditions, including but not necessarily limited to the following, may be included in Nonresidential Wastewater Discharge Permits:

A. The unit charge or schedule of user charges and fees for the wastewater to be discharged to the system;

B. The average and maximum wastewater constituents and characteristics (specific limitations);

C. Limits on rate and time of discharge or requirements for flow regulation and equalization;

D. Monitoring and reporting requirements;

E. Compliance schedules;

F. Requirements to install best available technology (BAT), best conventional pollutant control technology (BCT), or best practicable technology (BPT);

G. Requirements to implement best management practices (BMP) to prevent pollution or minimize waste discharge;

H. Any other conditions as may be deemed necessary by the Manager.

Section 5.05 Notices to Employees. In order that employees of users be informed of District requirements, users shall make available to their employees copies of this Ordinance together with such other wastewater information and notices which may be furnished by the District from time to time directed toward more effective water pollution control. A notice shall be furnished and permanently posted on the user's bulletin board advising employees whom to call in case of an accidental discharge in violation of this Ordinance.

Section 5.06 Duration of Permits. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period of less than five years, or may be stated to expire on a specific date. The terms and conditions of the permit may be subject to modification and change by the District during the life of the permit, as limitations or requirements as identified in Chapter

II are modified and changed. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

Section 5.07 Transfer of a Permit. A Nonresidential Wastewater Discharge Permit is issued to a specific user for a specific operation. The permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation.

Section 5.08 Revocation of a Permit. Any user who violates the following conditions of his permit or of this Ordinance, or applicable State or Federal regulations, is subject to having the permit revoked. Violations subjecting a user to possible revocation of the permit include, but are not limited to, the following:

(A) Failure of a user to accurately report the wastewater constituents and characteristics of his discharge.

(B) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics.

(C) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring.

(D) Violation of conditions of the permit.

Section 5.09 Special Agreements. Special agreements and arrangements between the District and any persons or agencies may be established when, in the opinion of the District, unusual or extraordinary circumstances compel special terms and conditions, except that Federal or State standards shall not be waived in any case.

CHAPTER VI

ENFORCEMENT PROCEDURES

Section 6.01 Notification of Violation. Whenever the Manager finds that any person has violated or is violating any permit condition, order, prohibition, waste discharge requirement, effluent limitation, pretreatment standard or pretreatment requirement, he may deliver to such person a written Notice of Violation stating the nature of the violation and providing a reasonable specified time for the satisfactory correction thereof.

Section 6.02 Submission of Time Schedule (Compliance Schedule). The Manager may require the user to submit for approval, with such modifications as he deems necessary, a detailed time schedule of specific actions which the user shall take in order to prevent or correct a violation of requirements.

Section 6.03 Issuance of Administrative Orders. Upon notification of violation, the Manager may issue an Administrative Order which directs the violator to comply as follows:

- (A) Immediately cease and desist discharge;
- (B) Immediately cease and desist violation and comply forthwith;
- (C) Comply in accordance with a time schedule set forth by the Manager;
- (D) Take appropriate remedial or preventive action in the event of a threatened violation; or
- (E) Explain noncompliance and/or show cause why further enforcement actions should not be taken.

Section 6.04 Appeals. A) Any user, permit applicant, or permit holder affected by any decision, action, or determination, including Administrative Orders, made by the Manager, interpreting or implementing the provisions of this Ordinance or in any permit issued herein, may file with the District a written request for reconsideration within ten (10) day of such decision, action, or determination, setting forth in detail the facts supporting the user's request for reconsideration.

If the ruling made by the Manager is unsatisfactory to the person requesting reconsideration, this person may, within ten (10) days after notification of District action, file a written appeal to the District's Governing Board. The written appeal shall be heard by that body within sixty (60) days from the date of filing. The District's Governing Board shall make a final ruling on the appeal within ten (10) days of the close of the meeting. The Manager's decision,

action, or determination shall remain in effect during such period of reconsideration.

B) Any person aggrieved by a final order issued by the Board of Directors of the District under Section 6.05B, may obtain review of the order of the Board in the Superior Court by filing in the court a petition for writ of mandate within 30 days following the service of a copy of a decision and order issued by the Board.

If no aggrieved party petitions for writ of mandate within the time provided by this section, an order of the Board shall not be subject to review by any court or agency, except that the Board may grant review on its own motion of an order issued under Section 6.05B after the expiration of the time limits set by that section.

Section 6.05 Complaints, Hearings.

A) Administrative Hearing. The Manager may issue an administrative complaint to any person who violates any requirement adopted or ordered by the District pursuant to Section 3.01. The complaint shall allege the act or failure to act that constitutes the violation of the District's requirements, the provisions of law authorizing civil liability to be imposed, and the proposed civil penalty.

The complaint shall be served by personal delivery or certified mail on the person subject to the District's discharge requirements, and shall inform the person served that an administrative hearing shall be conducted within 60 days after the person has been served. The administrative hearing shall be before the Manager at a specified time and place so that such person may explain noncompliance and/or show cause why further enforcement actions should not be taken. The purpose of the administrative hearing is to provide the user with an opportunity to respond prior to the assessment of fines, penalties or further enforcement actions.

Within ten (10) days of the administrative hearing, the Manager shall inform the user of his findings, which may include correction of violations and collection of costs pursuant to Section 7.02 and which may include a recommendation to the Governing Board that civil penalties and/or criminal penalties be assessed in accordance with Chapter VII of this Ordinance.

The person who has been issued an administrative complaint may waive the right to an administrative hearing, in which case the Manager may issue findings and recommendations based on available information and evidence.

B) Governing Board Hearing. The Manager may issue an administrative complaint to any person who violates any requirement adopted or ordered by the District pursuant to Section 3.01. The complaint shall allege the act or failure to act that constitutes the violation of the District's requirements, the provisions of law authorizing civil liability to be imposed, and the proposed civil penalty.

The complaint shall be served by personal delivery or certified mail on the person subject to the District's discharge requirements, and shall inform the person served that a hearing shall be conducted within 60 days after the person has been served. The hearing shall be before the Board of Directors of the District at a specified time and place so that such person may explain noncompliance and/or show cause why further enforcement actions should not be taken. The purpose of the Governing Board hearing is to provide the user with an opportunity to respond prior to the assessment of fines, penalties or further enforcement actions. Within thirty (30) days of the Governing Board Hearing, the Manager or the Governing Board shall inform the user of the findings. The Governing Board may impose civil penalties in accordance with Section 7.03 of this ordinance, or may petition the Superior Court for the issuance of a preliminary or permanent injunction, or the assessment of penalties in accordance with Chapter VII of this Ordinance.

The person who has been issued an administrative complaint may waive the right to a hearing, in which case the Board of Directors shall consider the Manager's recommendation.

If after the hearing or waiver of right to a hearing, it is found that the person has violated reporting or discharge requirements, the Board may assess a civil penalty against that person. In determining the amount of the civil penalty, the Board may take into consideration all relevant circumstances, including, not limited to, the extent of harm caused by the violation, the economic benefit derived through any noncompliance, the nature and persistence of the violation, the length of time over which the violation occurred and corrective action, if any, attempted or taken by the discharger.

6.05.01 Compliance Order. After the Governing Board has reviewed the evidence or considered the Manager's recommendation, it may issue an order to the party responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices, or other related appurtenances shall have been installed or existing treatment facilities, devices, or other related appurtenances are properly operated, and the Governing Board may issue such further orders and directives are necessary and appropriate.

Section 6.06 Legal Action. Any violation of any permit condition, order, prohibition, waste discharge requirement, effluent limitation, pretreatment standard or pretreatment requirement shall be considered a public nuisance, and the District counsel, upon directive of the Governing Board, shall commence an action for appropriate legal and/or equitable relief in the Superior Court of the County.

Section 6.07 Public Nuisance. Any person creating a public nuisance is guilty of a misdemeanor.

Section 6.08 Injunction. Whenever a violation of any permit condition, order, prohibition, waste discharge requirement, effluent limitation, pretreatment standard or pretreatment requirement causes

or threatens to cause a condition of contamination, pollution, or nuisance, the District may petition the Superior Court for the issuance of a preliminary or permanent injunction or both, as may be appropriate in restraining the continuance of such discharge.

Section 6.09 Damage to Facilities. When a discharge of wastes causes an obstruction, damage, or any other impairment to District facilities, the District may assess a charge against the user for the work required to clean or repair the facility and add such charge to the user's charges and fees. These charges are in addition to any civil or criminal penalties which may be imposed.

Section 6.10 Emergency Authority. The Manager shall immediately, upon notification of violation either orally or in writing, terminate wastewater service or sever or plug any building sewer or lateral sewer or other point of discharge as necessary to effectively and immediately halt or prevent any discharge which reasonably appears to present an imminent endangerment to the health or welfare of persons.

The Manager shall immediately, upon written notification of violation with an opportunity to respond, terminate wastewater service or sever or plug any building sewer or lateral sewer or other point of discharge as necessary to effectively and immediately halt or prevent any discharge which presents or may present an endangerment to the environment or which threatens to interfere with the operation of the wastewater facilities.

Section 6.11 Administrative Guidelines for the Enforcement of the S-K-F CSD Sewer Use Ordinance. Guidelines for enforcing the provisions of this ordinance shall be developed by the District and adopted by ordinance or resolution of the District.

Section 6.12 Public Notification of Significant Violators. The District shall publish, annually, in the largest daily newspaper published in the District, the names of all industrial dischargers which, during the previous 12 months, were significantly violating applicable pretreatment standards or other pretreatment requirements.

CHAPTER VII

PENALTIES AND COSTS

Section 7.01 General. A violation of this Ordinance is a misdemeanor punishable by imprisonment in the county jail not to exceed thirty (30) days or by a fine not to exceed one thousand dollars (\$1,000), or by both.

Section 7.02 Correction of Violations; Collection of Costs; Injunction. In order to enforce the provisions of this Ordinance, the District may correct any violation thereof, and the cost of such correction (including but not necessarily limited to costs of investigation, analysis, document review, administration, enforcement, treatment or any other associated costs incurred by the District or any fines or other costs imposed on the District by any Federal or State agency or court) may be added to any sewer service charge payable by the person violating this Ordinance or the owner or tenant of the property upon which the violation occurred, and the District shall have such remedies for the collection of such costs as it has for the collection of sewer service charges. The District may also petition the Superior Court of the State of California for the issuance of a preliminary or permanent injunction, or both, as may be appropriate, restraining any person from the continued violation of this Ordinance.

Section 7.03 Civil Penalties.

(A) Any person who violates any requirement adopted or ordered by the District pursuant to Section 3.01 may be civilly liable in a sum of not to exceed twenty-five thousand dollars (\$25,000) a day for each violation.

(B) Civil Penalties may be imposed as follows:

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

(2) In an amount which shall not exceed three thousand dollars (\$3,000) for each day for failing or refusing to timely comply with any compliance schedule established by the District.

(3) In an amount which shall not exceed five thousand dollars (\$5,000) per violation for each day for discharges in violation of any waste discharge limitation, permit condition, or requirement issued, reissued, or adopted by the District.

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

(5) The amount of civil penalties imposed under this section which have remained delinquent for a period of 60 days shall constitute a lien against the real property of the discharger from which the discharge originated resulting in the imposition of the civil penalty. The lien provided herein shall have no force and effect until recorded with the county recorder and when recorded shall have force and effect priority of a judgment lien and continue for ten (10) years from the time of recording unless sooner released, and shall be renewable in accordance with the provisions of Sections 683.110 to 683.220, inclusive, of the Code of Civil Procedure.

(6) All monies collected under this section shall be deposited in a special account of the District, and shall be made available for the monitoring, treatment, and control of discharges into the District's wastewater facilities or for other mitigation measures.

(7) The District may, at its option, elect to petition the Superior Court to confirm any other establishing civil penalties and enter judgment in conformity therewith in accordance with the provisions of Sections 1285 to 1287.6, inclusive, of the Code of Civil Procedure.

These sums shall be recoverable by the District in accordance with District billing procedures.

Section 7.04 Criminal Penalties (reference 33 United States Code Section 1319)

A) Negligent Violations - Any person who negligently violates any permit condition, order, prohibition, waste discharge requirement, effluent limitation, pretreatment standard or pretreatment requirement, or negligently introduces into the wastewater facilities any pollutant or hazardous substance which such person knew or reasonably should have known could cause personal injury, property damage, interference, or pass-through shall be liable in a sum of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than one year, or both.

B) Knowing Violation - Any person who knowingly violates any permit condition, order, prohibition, waste discharge requirement, pretreatment standard or pretreatment requirement, or knowingly introduces into the wastewater facilities any pollutant or hazardous substance which such person knew or reasonably should have known could cause personal injury, property damage, interference, or pass-through shall be liable in a sum of not less than \$5,000 nor more than \$50,000 per day or violation, or by imprisonment for not more than three years, or both.

C) Knowing Endangerment - Any person who knowingly violates any permit condition, order prohibition, waste discharge requirement, pretreatment standard or pretreatment requirement, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury shall be liable in a sum of not more than \$250,000 or imprisonment of not more than 15 years, or both. A

person which is an organization shall be liable in a sum of not more than \$1,000,000.

Section 7.05 Termination of Service. The District may revoke any connection permit or any Nonresidential Wastewater Discharge Permit, or terminate or cause to be terminated wastewater service to any premise if a violation of any permit condition, order, or provision of this Ordinance is found to exist or if a discharge of wastewater causes or threatens to cause a condition of contamination, pollution, or nuisance as defined in this Ordinance. This provision is in addition to other statutes, rules, or regulations authorizing termination of service for delinquency in payment.

Section 7.06 Malicious Discharge (reference California Penal Code Chapter 1057, Section 374.2). Any person who maliciously discharges, dumps, releases, places, drops, pours, or otherwise deposits, or maliciously causes to be discharged, dumped, released, placed, dropped, poured or otherwise deposited any substance capable of causing substantial damage or harm to the operation of the wastewater facilities, or deposits in commercial quantities any other substance into a manhole, cleanout or other sanitary sewer facility not intended as a point of deposit for sewage, which is connected to the sewerage system, without possessing a written authorization thereof granted by the Manager, shall be subject to imprisonment for not more than two years or a fine of up to \$25,000, or both.

CHAPTER VIII

SAVINGS CLAUSE

Section 8.01 Disclaimer. If any provision, paragraph, word, section, or article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and articles shall not be affected and shall continue in full force and effect.

CHAPTER IX

CONFLICT

Section 9.01 Supersedure. All existing District ordinances or parts of ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

CHAPTER X

EFFECTIVE DATE

Section 10.01 Operative Date. This Ordinance shall be operative and take effect thirty days after passage. This Ordinance, or a summary thereof, shall be published, as provided by law, one time in the Fowler Ensign, Kingsburg Recorder, and Selma Enterprise, newspapers of general circulation printed and published in the District. The ordinance and the votes of the several members of the Board of Directors shall be entered into the minutes of the District.

John A. Wright
Chairman of the Board of Directors

ATTEST:

David Michel
Secretary to the Board

The foregoing ordinance was introduced by Director Derr, who moved its adoption, seconded by Director Fernandez, and adopted on roll call on June 14, 2001 by the following vote:

AYES: DIRECTORS:Derr, Fernandez and Wright

NOES: DIRECTORS: None

ABSTAIN OR ABSENT: DIRECTORS: Case and Koligian

AYES: 3 NOES: 0 ABSENT OR NOT VOTING: 2

WHEREUPON, the Chairman declared the foregoing ordinance adopted, and SO ORDERED.

David Michel, Secretary

SUMMARY NOTICE OF ADOPTION OF S-K-F CSD SEWER USE ORDINANCE

The Board of Directors of the Selma-Kingsburg-Fowler County Sanitation District, on June 14, 2001, adopted Ordinance No. 92, the S-K-F CSD Sewer Use Ordinance. It establishes the regulations and limitations regarding discharge to the public sewer and includes the following chapters: general provisions; prohibitions and limitations on wastewater discharges to public sewers; control of prohibited waste; industrial wastewater monitoring and reports; nonresidential wastewater discharge permit system; enforcement procedures, and penalties and costs.

The foregoing ordinance was introduced by Director Derr, who moved its adoption, seconded by Director Fernandez, and adopted on roll call on June 14, 2001 by the following vote:

AYES: Directors Derr, Fernandez and Wright

NOES: None

ABSTAIN OR ABSENT: Directors Case and Koligian

AYES: 3 ; NOES: 0 ; ABSENT OR NOT VOTING: 2 .

June 15, 2001

/s/ David Michel
S-K-F CSD General Manager

S-K-F CSD

RESOLUTION NO. 92007

**A RESOLUTION
ADOPTING ADMINISTRATIVE GUIDELINES
FOR THE ENFORCEMENT OF THE
S-K-F CSD SEWER USE ORDINANCE**

May 14, 1992

RESOLUTION NO. 92007

A RESOLUTION ADOPTING ADMINISTRATIVE GUIDELINES FOR THE
ENFORCEMENT OF THE S-K-F CSD SEWER USE ORDINANCE

SELMA-KINGSBURG-FOWLER COUNTY SANITATION DISTRICT

RESOLVED, by the BOARD OF DIRECTORS of the Selma-Kingsburg-Fowler County Sanitation District that,

WHEREAS, the BOARD has adopted Ordinance No. 64 (the S-K-F CSD Sewer Use Ordinance), which regulates discharges to the wastewater system; and

WHEREAS, guidelines for enforcing the regulations established in Ordinance No. 64 are necessary for its implementation.

Now, THEREFORE, it is found, determined and ordered as follows:

That the "Administrative Guidelines for the Enforcement of the S-K-F CSD Sewer Use Ordinance," attached hereto and by reference incorporated herein, are hereby adopted and approved.

The foregoing resolution was introduced by Director Brockett, seconded by Director Dennis and adopted on roll call on May 14, 1992 by the following vote:

DIRECTOR BROCKETT	<u>Aye</u>
DIRECTOR CONRAD	<u>Aye</u>
DIRECTOR DENNIS	<u>Aye</u>
DIRECTOR SATTERBERG	<u>Aye</u>
DIRECTOR VAGIM	<u>(Absent)</u>

AYES: 4; NOES: 0; ABSENT OR NOT VOTING: 1

WHEREUPON, the Chairman declared the foregoing resolution adopted, and SO ORDERED.

R E Blanton

R. E. Blanton
Secretary of the Board of Directors

SELMA-KINGSBURG-FOWLER
COUNTY SANITATION DISTRICT

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE
S-K-F CSD SEWER USE ORDINANCE

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 - I-E. Failure to notify of season beginning, shutdowns or cleanup activities as required
 - I-F. Failure to return permit application or permit with required signatures and signatory certification by deadline required
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- V-C. Failure to respond to Notice of Violation by deadline
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NOTES:

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF
THE S-K-F CSD SEWER USE ORDINANCE

SAMPLING, MONITORING and REPORTING

<u>Non-Compliance</u>	<u>Circumstances</u>	<u>Range of Response</u>	<u>Penalties</u>
<p>Failure to sample, monitor or report (routine reports)</p> <p>I-A.1</p>	<p>Isolated (once in 3 months)</p>	<p>Phone call from Laboratory Technician II or Laboratory Director with offer of help or meeting</p>	
<p>Failure to sample, monitor or report (routine reports)</p> <p>I-A.2</p>	<p>Infrequent (second time in 3 months)</p>	<p>Phone call from Laboratory Technician II or Laboratory Director with offer of help or meeting and follow-up letter</p>	
<p>Failure to sample, monitor or report (routine reports)</p> <p>I-A.3</p>	<p>Frequent (third time in 3 months) - Significant Non-Compliance</p>	<p>Notice of Violation from Laboratory Director</p>	<p>If no action resolving Notice of Violation in 45 days - publication in newspaper</p>
<p>Failure to notify of Industrial User known effluent limit violation or slug discharge</p> <p>I-B.1</p>	<p>Isolated or Infrequent 1 or 2 in 6 months No pass through, interference, incompatibility, damage or personnel endangerment caused</p>	<p>Notice of violation from Laboratory Director</p>	

SAMPLING, MONITORING and REPORTING

<u>Non-Compliance</u>	<u>Circumstances</u>	<u>Range of Response</u>	<u>Penalties</u>
<p>Failure to notify of Industrial User known effluent limit violation or slug discharge</p> <p>I-B.2</p>	<p>Frequent or continuous 3 or more in 6 months - Significant Non-Compliance</p> <p>No pass through, interference, incompatibility, damage or personnel endangerment caused.</p>	<p>Administrative Hearing before General Manager</p>	<p>If no action resolving Notice of Violation in 45 days - publication in newspaper</p>
<p>Failure to notify of Industrial User known effluent limit violation or slug discharge</p> <p>I-B.3</p>	<p>Resulted in pass through, interference, incompatibility, damage or personnel endangerment - first time</p>	<p>Administrative Hearing before General Manager</p>	<p>Recoup regulatory agency fines, damage and operating costs plus possible recommendation for fine</p>
<p>Failure to notify of Industrial User known effluent limit violation or slug discharge</p> <p>I-B.4</p>	<p>Resulted in pass through, interference, incompatibility, damage or personnel endangerment - first time</p> <p>Industrial User not satisfied with results of Administrative Hearing or if General Manager recommends fine.</p>	<p>Case brought before District Board</p>	<p>Fine of 5% of the total of the prior 12 month's flow portion of the sewer service charges or \$1,000, whichever is greater</p>

SAMPLING, MONITORING and REPORTING

<u>Non-Compliance</u>	<u>Circumstances</u>	<u>Range of Response</u>	<u>Penalties</u>
Failure to notify of Industrial User known effluent limit violation or slug discharge I-B.5	Resulted in pass through, interference, incompatibility, damage or personnel endangerment - second time	Administrative Hearing before General Manager	Recoup regulatory agency fines, damage and operating costs, plus possible recommendation for fine
Failure to notify of Industrial User known effluent limit violation or slug discharge I-B.6	Resulted in pass through, interference, incompatibility, damage or personnel endangerment - second time Industrial User not satisfied with results of Administrative Hearing or if General Manager recommends fine	Case brought before District Board	Fine of 10% of the total prior 12 month's flow portion of the sewer service charges or \$2,500, whichever is greater
Failure to notify of Industrial User known effluent limit violation or slug discharge I-B.7	Resulted in pass through, interference, incompatibility, damage or personnel endangerment - third time or intentional	Administrative Hearing before General Manager	Recoup regulatory agency fines, damage and operating costs, plus possible recommendation for fine

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF
THE S-K-F CSD SEWER USE ORDINANCE

SAMPLING, MONITORING and REPORTING

<u>Non-Compliance</u>	<u>Circumstances</u>	<u>Range of Response</u>	<u>Penalties</u>
<p>Failure to notify of Industrial User known effluent limit violation or slug discharge</p> <p>I-B.8</p>	<p>Resulted in pass through, interference, incompatibility, damage or personnel endangerment - third time or intentional Industrial User not satisfied with results of Administrative Hearing or if General Manager recommends fine</p>	<p>Case brought before District Board</p>	<p>Fine of 20% of the total prior 12 month's flow portion of the sewer service charges or \$5,000, whichever is greater</p>
<p>Failure to make samples available to District staff within 15 minutes</p> <p>I-C.1</p>	<p>Once in 6 months</p>	<p>Phone call from Laboratory Technician II or Laboratory director with offer of help or meeting</p>	
<p>Failure to make samples available to District staff within 15 minutes</p> <p>I-C.2</p>	<p>Twice in 6 months</p>	<p>Phone call from Laboratory Director with offer of help or meeting and follow-up letter</p>	
<p>Failure to make samples available to District staff within 15 minutes</p> <p>I-C.3</p>	<p>Three times or more in 6 months</p>	<p>Notice of Violation from Laboratory Director</p>	<p>If no action resolving Notice of Violation in 45 days - publication in newspaper</p>

SAMPLING, MONITORING and REPORTING

<u>Non-Compliance</u>	<u>Circumstances</u>	<u>Range of Response</u>	<u>Penalties</u>
Tampering with District samplers, flow meters or monitoring equipment I-D.1	First time Second time or first time if Industrial User not satisfied with results of Administrative Hearing or if first time General Manager recommends fine	Administrative Hearing before General Manager Case brought before the District Board	Re-assessment of service charges and effluent limit violation in light of tampering Fine of 10% of the total prior 12 month's flow portion of the sewer service charges or \$2,500, whichever is greater
Failure to notify of season beginning, shut-downs or cleanup activities as required I-E.1	Isolated - one season	Phone call from Laboratory Technician II or Laboratory Director with offer of help or meeting	If no action resolving Notice of Violation in 45 days - publication in newspaper
Failure to notify of season beginning, shut-downs or cleanup activities as required I-E.2	Two seasons.	Notice of Violation from Laboratory Director and Administrative Hearing before General Manager	If no action resolving Notice of Violation in 45 days - publication in newspaper

SAMPLING, MONITORING and REPORTING

<u>Non-Compliance</u>	<u>Circumstances</u>	<u>Range of Response</u>	<u>Penalties</u>
Failure to notify of season beginning, shut-downs or cleanup activities as required I-E.3	Three seasons or two seasons if Industrial User not satisfied with results of Administrative Hearing or if General Manager recommends fine	2nd Notice of Violation from General Manager and case brought before the District Board	5% of the total prior 12 month's flow portion of the sewer service charges or \$1,000, whichever is greater
Failure to return permit application or permit with required signatures and signatory certification by deadline required I-F.1	First week	Phone call from Laboratory Technician II or Laboratory Director with offer of help or meeting	
Failure to return permit application or permit with required signatures and signatory certification by deadline required I-F.2	Third week	Phone call from Laboratory Technician II or Laboratory Director with offer of help or meeting and follow-up letter	
Failure to return permit application or permit with required signatures and signatory certification by deadline required I-F.3	No response to follow-up	Notice of Violation from Laboratory Director	If no action resolving Notice of Violation in 45 days - publication in newspaper

SAMPLING, MONITORING and REPORTING

<u>Non-Compliance</u> Failure to sample representatively and/or handle samples properly I.G.1	<u>Circumstances</u> Isolated - once or twice in 6 months	<u>Range of Response</u> Phone call from Laboratory Technician II or Laboratory Director with offer of help or meeting and follow-up letter explaining proper techniques	<u>Penalties</u>

SAMPLING, MONITORING and REPORTING

<u>Non-Compliance</u>	<u>Circumstances</u>	<u>Range of Response</u>	<u>Penalties</u>
Failure to sample representatively and/or handle samples properly I-G.2	Frequent - three times or more in 6 months	Notice of Violation from Laboratory Director and meeting with industry by Laboratory Director	If no action resolving Notice of Violation in 45 days - publication in newspaper
Ordinance or Permit violation - administrative (non-effluent limit violation) I-H.1	Isolated - once or twice in 6 months	Phone call from Laboratory Technician II or Laboratory Director with offer of help or meeting and follow-up letter	If no action resolving Notice of Violation in 45 days - publication in newspaper
Ordinance or Permit violation - administrative (Non-effluent limit violation) I-H.2	Frequent - three times or more in 6 months	Notice of Violation from Laboratory Director	If no action resolving Notice of Violation in 45 days - publication in newspaper
Minor sampling, monitoring or reporting deficiencies (computational or typographical errors) I-I.1	Infrequent - one to two in three months	Phone call from Laboratory Technician II requiring corrections be made and/or submitted	

SAMPLING, MONITORING and REPORTING

<u>Non-Compliance</u>	<u>Circumstances</u>	<u>Range of Response</u>	<u>Penalties</u>
Minor sampling, monitoring or reporting deficiencies (computational or typographical errors) I-I.2	Frequent - 3 or more in three months	Phone call from Laboratory Director with offer of help or meeting and follow-up letter	
Major or gross sampling, monitoring or reporting deficiencies (missing information, late reports) I-J.1	Isolated or infrequent - one or two within 3 months	Phone call from Laboratory Director with offer of help or meeting and follow-up letter	
Major or gross sampling, monitoring or reporting deficiencies (missing information, late reports) I-J.2	Continued. Remains uncorrected 30 days or more - Significant Non-Compliance	Notice of Violation from Laboratory Director	Publication in newspaper
Reporting false information I-K.1	Isolated - once in 3 years Significant Non-Compliance	Notice of Violation from Laboratory and Administrative Hearing before General Manager	Publication in Newspaper, plus possible recommendation for fine

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF
THE S-K-F CSD SEWER USE ORDINANCE

SAMPLING, MONITORING and REPORTING

<u>Non-Compliance</u>	<u>Circumstances</u>	<u>Range of Response</u>	<u>Penalties</u>
<p>Reporting false information</p> <p>I-K.2</p>	<p>More than once in 3 years or once in 3 years if no action resolving Notice of Violation within 45 days or if Industrial User not satisfied with results of Administrative Hearing Significant Non-Compliance or if General Manager recommends fine</p>	<p>Case brought before the District Board</p>	<p>Fine of 10% of the total prior 12 month's flow portion of the sewer service charges or \$2,500, whichever is greater. Permit suspension or revocation if severe. Criminal action if warranted.</p>

COMPLIANCE SCHEDULES (Construction Phases or Planning)

<u>Non-Compliance</u>	<u>Circumstances</u>	<u>Range of Response</u>	<u>Penalties</u>
Failure to submit compliance schedule II-A.1	Anytime required	Notice of Violation from Laboratory Director	If no action resolving Notice of Violation in 45 days - publication in newspaper
Missed compliance schedule milestone II-B.1	Will not cause late final date or other milestone dates	Phone call from Laboratory Technician II to determine progress, require progress report with explanation	
Missed compliance schedule milestone II-B.2	Will result in other missed milestones. Violation for good and valid cause.	Phone call from Laboratory Director to determine progress, require progress report with explanation	
Missed compliance schedule milestone II-B.3	Will result in other missed milestones. No good or valid cause - Significant Non-Compliance 1st time in one compliance schedule	Notice of Violation from Laboratory Director and meeting with General Manager. Reschedule compliance milestone.	If no action resolving Notice of Violation in 45 days - publication in newspaper

COMPLIANCE SCHEDULES (Construction Phases or Planning)

<u>Non-Compliance</u>	<u>Circumstances</u>	<u>Range of Response</u>	<u>Penalties</u>
Missed compliance schedule milestone II-B.4	Will result in other missed milestones. No good or valid cause - Significant Non-Compliance 2nd time in one compliance schedule	2nd Notice of Violation from Laboratory Director. Administrative Hearing before General manager. Reschedule compliance milestones	If no action resolving 2nd Notice of Violation in 45 days - publication in newspaper plus possible recommendation for fine
Missed compliance schedule milestone II-B.5	Will result in other missed milestones. No good or valid cause - Significant Non-Compliance 3rd time in one compliance schedule or 2nd time if Industrial User not satisfied with results of administrative hearing or if General Manager recommends fine	Case brought before the District Board	5% of the total prior 12 month's flow portion of the sewer service charges or \$1,000, whichever is greater
Missed completion date II-C.1	Violation due to force majeure (strike, act of God, etc.)	Administrative Hearing before General Manager. Require new completion date as soon as possible. If necessary set new accelerated milestones. Notice of Violation from General Manager	

COMPLIANCE SCHEDULES (Construction Phases or Planning)

<u>Non-Compliance</u>	<u>Circumstances</u>	<u>Range of Response</u>	<u>Penalties</u>
<p>Missed completion date II-C.2</p>	<p>Up to 30 days outstanding Failure or refusal to comply without good or valid cause</p>	<p>2nd Notice of Violation from General Manager and case brought before the District Board. Publication in newspaper.</p>	<p>5% of the total prior 12 month's sewer service charges of \$1,000, which- ever is greater.</p>
<p>Missed completion date II-C.3</p>	<p>31 - 60 days outstanding. Failure or refusal to comply without good or valid cause</p>	<p>Case brought before the District Board</p>	<p>10% of the total prior 12 month's sewer service charges or \$2,500, whichever is greater</p>
<p>Missed completion date II-C.4</p>	<p>61 - 90 days outstanding. Failure or refusal to comply without good or valid cause</p>	<p>Case brought before the District Board</p>	<p>20% of the total prior 12 month's sewer service charges or \$5,000, which- ever is greater.</p>
<p>Failure to install monit- oring or pretreatment equipment II-D.1</p>	<p>Continued - Significant Non-Compliance More than 90 days outstand- ing - Failure or refusal to comply without good or valid cause.</p>	<p>Case brought before the District Board</p>	<p>50% of the total prior 12 month's sewer service charges or \$10,000, which- ever is greater. Suspension of permit until schedule completed.</p>

COMPLIANCE SCHEDULES (Construction Phases or Planning)

<u>Non-Compliance</u>	<u>Circumstances</u>	<u>Range of Response</u>	<u>Penalties</u>
Failure to submit progress or completion reports II-E.1	Once per compliance schedule	Phone call from Laboratory Technician II with offer of help or meeting	
Failure to submit progress or completion reports II-E.2	Infrequent - Twice per compliance schedule	Phone call from Laboratory Director with offer of help and follow-up letter	
Failure to submit progress or completion reports II-E.3	Three times or more in one compliance schedule	Notice of Violation from Laboratory Director	If no action resolving Notice of Violation in 30 days - publication in newspaper

EFFLUENT LIMITS

<u>Non-Compliance</u> Ordinance or Permit Violation - discharge pH or EC	<u>Circumstances</u> Infrequent - (any sample)	<u>Range of Response</u> Phone call from Laboratory Technician II with offer of help or meeting on each incident Increased monitoring frequency	<u>Penalties</u>
III-A.1 Ordinance or Permit Violation - discharge pH or EC	Frequent - second sample in any 3-month period	Notice of Violation from Laboratory Director requiring compliance schedule	If no action resolving Notice of Violation in 45 days - publication in newspaper
III-A.2 Ordinance or Permit Violation - discharge pH or EC	Repeated - four samples in any 6-month period	Second Notice of Violation Notice of Administrative Hearing before General Manager	Possible recommendation for fine
III-A.3 Ordinance or Permit Violation - discharge parameters other than pH or EC, including categorical pollutants	Isolated - once or twice in 6 months on same parameter. No immediate threat to Publicly owned Treatment Works	Notice of Violation from Laboratory Director requiring compliance schedule allowing housekeeping measures Increased monitoring frequency	If no action resolving Notice of Violation in 45 days - publication in newspaper
III-B.1 Ordinance of Permit Violation - discharge parameters other than pH or EC, including categorical pollutants	Three time or more in 6 months on same parameter. No immediate threat to Publicly owned Treatment Works	Notice of Violation from Laboratory Director requiring compliance schedule requiring equipment installation	If no action resolving Notice of Violation in 45 days - publication in newspaper
III-B.2			

EFFLUENT LIMITS

<u>Non-Compliance</u>	<u>Circumstances</u>	<u>Range of Response</u>	<u>Penalties</u>
<p>Ordinance or Permit Violation - discharge parameters other than pH or EC, including categorical limits</p> <p>III-B.3</p>	<p>Isolated Immediate threat to Publicly Owned Treatment Works.</p>	<p>Cease and Desist Order from General Manager. Administrative Hearing before General Manager Increased monitoring frequency</p>	<p>Recoup the costs of damages and alternative Publicly Owned Treatment Works operation, plus possible recommendation for fine</p>
<p>Ordinance or Permit Violation - discharge parameters other than pH or EC, including categorical limits</p> <p>III-B.4</p>	<p>Second time, immediate threat to Publicly Owned Treatment Works or first time if Industrial User not satisfied with results of Administrative Hearing or if General Manager recommends fine.</p>	<p>Cease and Desist Order from General Manager. Case brought before District Board.</p>	<p>Fine of 10% of the total prior 12 month's flow portion of the sewer service charges or \$2,500, whichever is greater. Recoup the costs of damages and alternative Publicly Owned Treatment Works operation.</p>
<p>Failure to operate pretreatment equipment</p> <p>III-C.1</p>	<p>Isolated - once in 6-month period</p>	<p>Phone call with offer of help or meeting and follow-up letter</p>	
<p>Failure to operate pretreatment equipment</p> <p>III-C.2</p>	<p>Frequent - twice or more in 6-month period</p>	<p>Notice of Violation from Laboratory Director</p>	<p>If no action resolving Notice of Violation in 45 days - publication in newspaper</p>

EFFLUENT LIMITS

<u>Non-Compliance</u>	<u>Circumstances</u>	<u>Range of Response</u>	<u>Penalties</u>
Discharge of prohibited pollutant or pollutants with no numerical limits III-D.1	In concentrations with a potential for causing pass-through, interference, incompatibility, damage or personnel endangerment	Cease and Desist order from General Manager. Administrative Hearing before General Manager	Publication in newspaper plus possible recommendation for fine
Discharge of prohibited pollutant or pollutants with no numerical limits III-D.2	In concentrations causing pass through, interference, incompatibility, damage or personnel endangerment	Cease and Desist Order from General Manager. Recoup the costs of regulatory agency fines, damages and alternate Publicly Owned Treatment Works operation. Case brought before the District Board.	10% of the total prior 12-month's flow portion of the sewer service charges or \$2,500, whichever is greater.
Discharge of prohibited pollutant or pollutants with no numerical limits III-D.3	Continuing discharge in concentrations higher than clarified when first recognized. No immediate threat to Publicly Owned Treatment Works.	Notice of Violation from Laboratory Director	If no action resolving Notice of Violation in 45 days - publication in newspaper
Slug Load III-E.1	Isolated without known damage	Notice of Violation from Laboratory Director requiring preventive measures to keep from recurring	If no action resolving Notice of Violation in 45 days - publication in newspaper

EFFLUENT LIMITS

<u>Non-Compliance</u>	<u>Circumstances</u>	<u>Range of Response</u>	<u>Penalties</u>
Slug load III-E.2	Isolated resulting in pass-through, interference, incompatibility, damage or personnel endangerment - Significant Non-Compliance	Administrative Hearing before General Manager. Recoup agency fines and alternative Publicly Owned Treatment Works operation. Case brought before District Board.	20% of the total prior 12-month's flow portion of the sewer service charges or \$5,000, whichever is greater.
Slug load III-E.3	Recurring - Significant Non-Compliance	Case brought before the District Board	50% of the total prior 12-month's flow portion of the sewer service charges or \$10,000, whichever is greater. Permit suspension
Discharge without a permit or approval III-F.1	One time without known environmental or Publicly Owned Treatment Works damage	Notice of Violation and Administrative Hearing before General Manager to prove disconnection or gain appropriate approval	If no action resolving Notice of Violation in 45 days - publication in newspaper plus possible recommendation for fine
Discharge without a permit or approval III-F.2	Continuing	Case brought before the District Board	\$1,000 fine; possible physical disconnection. Collection of treatment costs, criminal charges if illegal connection

EFFLUENT LIMITS

<u>Non-Compliance</u>	<u>Circumstances</u>	<u>Range of Response</u>	<u>Penalties</u>
<p>Discharge without a permit or approval</p> <p>III-F.3</p>	<p>One time resulting in pass-through, interference, incompatibility, damage or personnel endangerment - Significant Non-Compliance</p>	<p>Administrative Hearing before General Manager. Recoup costs of regulatory agency fines, damages and alternative Publicly Owned Treatment Works operation. Case brought before District Board.</p>	<p>\$2,500 fine; possible physical disconnection. Collection of treatment costs. Criminal charges if illegal connection. Recoup damages, excess operational costs and regulatory agency fines.</p>
<p>Discharge without a permit or approval</p> <p>III-F.4</p>	<p>More than once resulting in pass through, interference, incompatibility, damage or personnel endangerment</p>	<p>Case brought before the District Board</p>	<p>Minimum \$10,000 fine; request for criminal investigation. Disconnection. Recoup damages, excess operational costs and regulatory agency fines.</p>

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF
THE S-K-F CSD SEWER USE ORDINANCE

NON-COMPLIANCE DETECTED THROUGH INSPECTIONS OR FIELD INVESTIGATIONS			
<u>Non-Compliance</u>	<u>Circumstances</u>	<u>Range of Response</u>	<u>Penalties</u>
Failure to maintain sand interceptors IV-A.1.	Isolated - any instance	Immediate notification or telephone call from Lab Tech II	
Failure to maintain sand interceptors IV-A.2	Frequent - 3 or more instances in one month, or 4 or more instances in any 3 month period	Notice of Violation by Lab Director requiring immediate compliance	
Failure to maintain sand interceptors IV-A.3	Continued - 6 or more instances in any 3 month period	Notice of Violation Administrative hearing before General Manager	Possible recommendation for fine

NON-COMPLIANCE DETECTED THROUGH INSPECTIONS OR FIELD INVESTIGATIONS

<u>Non-Compliance</u>	<u>Circumstances</u>	<u>Range of Response</u>	<u>Penalties</u>
Minor violation noted during inspections IV-B.1	Isolated - One or two during single inspection	Discuss at time of inspections by Laboratory Director and visually reinspect within 1 month	
Minor violation noted during inspections IV-B.2	Three or more during single inspection	Discuss at time of inspections by Laboratory Director and formal follow-up letter. Re-inspect within 1 month	
Minor violation of permit condition IV-B.3	Evidence of negligence or intent - Significant Non-Compliance	Notice of Violation by Laboratory Director and Administrative Hearing before General Manager	Publication in newspaper and possible recommendation for fine
Major violation of permit condition IV-C.1	Isolated - One instance during one inspection	Discuss at time of inspection by Laboratory Director. Notice of Violation from Laboratory Director	If no action resolving Notice of Violation in 45 days - publication in newspaper
Major violation of permit condition IV-C.2	Evidence of negligence or intent or more than once - Significant Non-Compliance	Meeting with General Manager 2nd Notice of Violation from General Manager	Publication in newspaper and possible recommendation for fine

ENFORCEMENT ESCALATION

<u>Non-Compliance</u>	<u>Circumstances</u>	<u>Range of Response</u>	<u>Penalties</u>
No follow-up by user to phone call V-A.1	Isolated - once or twice in three months	Phone call from Laboratory Technician II with offer of help or meeting and follow-up letter	
No follow-up by user to phone call V-A.2	Three or more in three months	Follow-up letter from Laboratory Director and offer meeting with District staff	
No response to follow-up letter or District meeting by deadline specified V-B.1	One or two in three months	2nd follow-up letter from Laboratory Director and/or offer of meeting	
No response to follow-up letter or District meeting by deadline specified V-B.2	Three times or more in three months	Notice of Violation from Laboratory Director and Administrative Hearing before General Manager	If no action resolving Notice of Violation in 45 days - publication in newspaper

ENFORCEMENT ESCALATION

<u>Non-Compliance</u>	<u>Circumstances</u>	<u>Range of Response</u>	<u>Penalties</u>
<p>No response to second follow-up letter within 15 days</p> <p>V-B.3</p>	<p>Anytime</p>	<p>Notice of Violation from Laboratory Director and Administrative Hearing before General Manager</p>	<p>If no action resolving Notice of Violation in 45 days - publication in newspaper</p>
<p>Failure to respond to Notice of Violation by deadline</p> <p>V-C.1</p>	<p>Isolated - once in 6 months</p>	<p>2nd Notice of Violation from Laboratory Director and Administrative Hearing before General Manager</p>	<p>If no action resolving Notice of Violation in 45 days - publication in newspaper</p>
<p>Failure to respond to Notice of Violation by deadline</p> <p>V-C.2</p>	<p>Twice in 6 months</p>	<p>Case brought before the District Board</p>	<p>5% of the total prior 12-month's flow portion of the sewer service charges or \$1,000, whichever is greater.</p>
<p>Failure to respond to Notice of Violation by deadline</p> <p>V-C.3</p>	<p>Three times in 6 months (Different Notices of Violation)</p>	<p>Case brought before the District Board</p>	<p>10% of the total prior 12-month's flow portion of the sewer service charges or \$2,500, whichever is greater.</p>

ENFORCEMENT ESCALATION

<u>Non-Compliance</u>	<u>Circumstances</u>	<u>Range of Response</u>	<u>Penalties</u>
Failure to resolve Notice of Violation by deadline V-D.1	Up to 30 days outstanding	2nd Notice of Violation and Administrative Hearing before General Manager Case brought before the District Board	10% of the total prior 12-month's flow portion of the sewer service charges or \$2,500, whichever is greater.
Failure to resolve Notice of Violation by deadline V-D.2	31 - 60 days outstanding	Case brought before the District Board	20% of the total prior 12-month's flow portion of the sewer service charges or \$5,000, whichever is greater.
Failure to resolve Notice of Violation by deadline V-D.3	61 - 90 days outstanding	Case brought before the District Board	50% of the total prior 12-month's flow portion of the sewer service charges or \$10,000, whichever is greater. Permit suspension

NOTES:

- 1) For any violation causing damage to the District sewerage system, causing harm to personnel or causing the District to incur excess operational, legal, laboratory, maintenance or administration costs, those costs shall be recoverable from the violator.
- 2) Violation, during compliance schedule progress of the same parameter limit covered by the compliance schedule, are not subject to further enforcement action unless they are so extreme as to cause pass through, interference, incompatibility, damage or personnel endangerment.
- 3) Frequency of non-compliance may be based on the same infraction in multiples or on different occurrences of the same type of violation.
- 4) Any circumstance warranting more immediate action than stated here to prevent pass through, interference, sludge contamination, structural damage, or worker injury will be dealt with accordingly.
- 5) Continuing or excessive NOV's may result in the case being brought before the Board for possible permit revocation.
- 6) Continuing or excessive requirement for phone calls or letters may result in a NOV.
- 7) All regulatory agency fines or penalties imposed on the District that are shown to be caused in full or in part by a violator shall be recovered from such violator.