

**TITLE 8
WASTEWATER**

**Chapter 8.05
WASTEWATER TREATMENT AND WATER RECLAMATION FACILITY**

8.05.010 Top priority.

The board of directors of the Hi-Desert Water District pursued as a top priority the development of the wastewater treatment and water reclamation facility with a goal to be operational by 2012. This goal was met in the final quarter of 2019. [Amended by district 4/2020; Ord. 87, 2019; Res. 09-03].

**Chapter 8.10
WASTEWATER PUBLIC ADVISORY COMMITTEE (WPAC)**

8.10.010 Purpose.

The wastewater public advisory committee was formed by the board of directors of the Hi-Desert Water District in October 2007 to serve as a community voice in the development and planning of the wastewater treatment and water reclamation project. [Ord. 87, 2019].

8.10.020 Mission.

The mission of the wastewater public advisory committee is to offer citizen input on wastewater policies and programs. Membership is designed to reflect the knowledge and interest of major affected constituencies: ratepayers, businesses, church/religious groups, senior citizens, engineering and construction industry, environmental advocacy, etc. [Ord. 87, 2019].

8.10.030 Scope.

The scope of the wastewater public advisory committee for the planning and design of the wastewater treatment and reclamation plant and collection system includes:

- A. Community involvement program;
- B. Stakeholder outreach and public information;
- C. Phasing options;
- D. Financing options;
- E. Financial assistance program;
- F. Wastewater rate formulation. [Ord. 87, 2019].

8.10.040 Role.

The role of the wastewater public advisory committee is advisory, offering citizen input to Hi-Desert Water District staff. District staff will utilize this input to help formulate and provide the Hi-Desert Water District board recommendations for board consideration and direction on wastewater policy. [Ord. 87, 2019].

8.10.050 Meetings.

The WPAC meets the first Tuesday of each month at 6:30 p.m. in the Hi-Desert Water District board room at 55439 Twentynine Palms Highway, Yucca Valley, CA 92284. [Ord. 87, 2019].

Chapter 8.15

WASTEWATER PRETREATMENT

8.15.010 General provisions.

- A. Purpose and Policy. This chapter sets forth uniform requirements for users of the publicly owned treatment works for the district and enables the district to comply with all applicable state and federal laws, including the Clean Water Act (33 U.S.C. 1251 et seq.) and the general pretreatment regulations (40 CFR Part 403). The objectives of this chapter are:
1. To prevent the introduction of pollutants into the publicly owned treatment works that will interfere with its operation;
 2. To prevent the introduction of pollutants into the publicly owned treatment works that will pass through the publicly owned treatment works, inadequately treated, into receiving waters, or otherwise be incompatible with the publicly owned treatment works;
 3. To protect both publicly owned treatment works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
 4. To promote reuse and recycling of industrial wastewater and sludge from the publicly owned treatment works;
 5. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the publicly owned treatment works; and
 6. To enable the district to comply with its waste discharge requirements (WDR) permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the publicly owned treatment works is subject.

This chapter shall apply to all users of the publicly owned treatment works. The chapter authorizes the issuance of individual wastewater discharge permits or general permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

- B. Administration. Except as otherwise provided herein, the general manager shall administer, implement, and enforce the provisions of this title. Any powers granted to or duties imposed upon the general manager may be delegated by general manager to a duly authorized district employee.
- C. Words and Phrases. For the purpose of this title, all words used herein in the present tense shall include the future; all words in the plural number shall include the singular number; and all words in the singular number shall include the plural number. "Shall" is mandatory, and "may" is permissive.

- D. Effect of Heading. The title, division or section headings contained in this title shall not be deemed to govern, limit or modify in any manner the scope, meaning or intent of any section or subsection of this title.
- E. Abbreviations. The following abbreviations, when used in this title, shall have the designated meanings:
1. BOD Biochemical Oxygen Demand
 2. BMP Best Management Practices
 3. CFR Code of Federal Regulations
 4. COD Chemical Oxygen Demand
 5. EPA U.S. Environmental Protection Agency
 6. Gpd Gallons per Day
 7. IU Industrial User
 8. mg/l Milligrams per Liter
 9. NPDES National Pollutant Discharge Elimination System
 10. POTW Publicly Owned Treatment Works
 11. RCRA Resource Conservation and Recovery Act
 12. SIU Significant Industrial User
 13. TSS Total Suspended Solids
 14. U.S.C. United States Code
 15. WDR Waste Discharge Requirements
- F. Definitions. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this title, shall have the meanings hereinafter designated:
1. "Act" or "the Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.
 2. "Approval authority" means the state of California.
 3. Authorized Representative of the User
 - a. If the user is a corporation:
 - i. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - ii. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws

and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit or general permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- b. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
 - c. If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
 - d. The individuals described in subsections (F)(3)(a) through (c) of this section may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the district.
4. "Best management practices" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in HDWDC 8.15.020(A)(1) and (2). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
 5. "Biochemical oxygen demand" or "BOD" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l)
 6. "Board" shall mean the board of directors of the Hi-Desert Water District.
 7. "Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of any building and conveys it to the building sewer beginning five feet outside the inner face of the building wall.
 8. Building Sewer or Sewer Lateral. See subsection (F)(44) of this section.
 9. "Categorical pretreatment standard or categorical standard" means any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405 through 471.
 10. "Chemical oxygen demand" means a measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.
 11. "Collection line" means the sewer pipeline to which the sewer laterals, as defined below, are connected.

12. "Daily maximum" means the arithmetic average of all effluent samples for a pollutant collected during a calendar day.
13. "Daily maximum limit" means the maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
14. "District" means the Hi-Desert Water District or the district board of directors.
15. "Environmental Protection Agency" or "EPA" means the U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.
16. "Equivalent dwelling unit (EDU)" means the unit of measure which is based on the flow characteristics of an average single-family residence in terms of sewage quantity and constituent quality.
17. "Existing source" means any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.
18. "General manager" means the district's general manager, or another person, who is designated by the district to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this title. The term also means a duly authorized representative of the general manager.
19. "Grab sample" means a sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.
20. "Indirect discharge" or "discharge" means the introduction of pollutants into the POTW from any nondomestic source.
21. "Industrial wastewater" means wastewater containing solid, liquid or gaseous substances discharged or flowing from an industrial manufacturing or commercial premises resulting from manufacturing, processing, treating, recovery or development of natural or artificial resources of whatever nature.
22. "Industrial user" means a source of indirect discharge.
23. "Instantaneous maximum allowable discharge limit" means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
24. "Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the district's waste discharge requirements (WDR) permit or

of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent state or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

25. "Local limit" means specific discharge limits developed and enforced by the district upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).
26. "Medical waste" means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
27. "Monthly average" means the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
28. "Monthly average limit" means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
29. New Source.
 - a. 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; provided, that:
 - i. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - ii. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - iii. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
 - b. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsection

(F)(29)(a)(ii) or (iii) of this section but otherwise alters, replaces, or adds to existing process or production equipment.

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

i. Begun, or caused to begin, as part of a continuous on-site construction program any placement, assembly, or installation of facilities or equipment; or significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this subsection.

30. "Noncontact cooling water" means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

31. "Pass through" means a discharge which exits the POTW 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 district's WDR permit, including an increase in the magnitude or duration of a violation.

32. "Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.

33. "pH" means a measure of the acidity or alkalinity of a solution, expressed in standard units.

34. "Pollutant" means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

35. "Premises" means any lot, piece or parcel of land, building or establishment.

36. "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

37. "Pretreatment requirements" means any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.
38. Pretreatment Standard or Standards. "Pretreatment standards" shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.
39. "Prohibited discharge standards" or "prohibited discharges" means the discharge of certain substances; these prohibitions appear in HDWDC 8.15.020(A).
40. "Publicly owned treatment works" or "POTW" means a treatment works, as defined by Section 212 of the Act (33 U.S.C. 1292), which is owned by the district. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.
41. "Sanitary sewage" means sewage which originates in the sanitary conveniences of a dwelling, business building, factory or institution.
42. "Septic tank waste" means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
43. "Service connection" means the connection connecting the building sewer with the sewer lateral, as defined below.
44. "Sewer lateral" or "building sewer" means the sewer pipeline from a building sewer to a collection line.
45. "Sewage" means a combination of water and carried wastes from residences, business buildings, institutions and industrial establishments. Sewage includes human excrement and gray water (household showers, dishwashing operations, etc.).
46. "Sewer service" means sewage, wastewater and industrial wastewater collection, transmission, treatment and disposal service provided by the district.
47. Significant Industrial User.
 - a. A user subject to categorical pretreatment standards; or
 - b. A user that:
 - i. Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
 - ii. Contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - iii. Is designated as such by the district on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

- c. The district may determine that an industrial user subject to categorical pretreatment standards is a nonsignificant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:
 - i. The industrial user, prior to the district's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;
 - ii. The industrial user annually submits the certification statement required in HDWDC 8.15.060(M) (see 40 CFR 403.12(q)), together with any additional information necessary to support the certification statement;
 - iii. The industrial user never discharges any untreated concentrated wastewater; and
 - iv. The industrial user complies with any other district requirements.
- d. Upon a finding that a user meeting the criteria in subsection (F)(47)(b) of this section has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the district may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

48. "Slug load" or "slug" means any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in HDWDC 8.15.020(A). A slug discharge is any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions.

49. "Standard Industrial Classification Code" means a classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

50. "Storm water" means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

51. "Suspended solids" means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

52. "User" or "industrial user" means a source of indirect discharge.

53. "Wastewater" means liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

54. "Wastewater treatment plant" or "treatment plant" means that portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste. [Ord. 87, 2019].

8.15.020 General sewer use requirements.

A. Prohibited Discharge Standards.

1. **General Prohibitions.** No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.
2. **Specific Prohibitions.** No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater or process or store such pollutants in such a manner that they could be discharged to the POTW:
 - a. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;
 - b. Wastewater having a pH less than 5.0 or more than 9.0, or otherwise causing corrosive structural damage to the POTW or equipment;
 - c. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than one-quarter inch or 0.635 centimeters in any dimension;
 - d. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
 - e. Wastewater having a temperature greater than 160 degrees F (71 degrees C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);
 - f. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
 - g. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
 - h. Trucked or hauled pollutants, except at discharge points designated by the general manager in accordance with HDWDC 8.15.030(D);
 - i. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a

public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

- j. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the district's WDR permit;
- k. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;
- l. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the general manager;
- m. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- n. Medical wastes, except as specifically authorized by the general manager in a wastewater discharge permit;
- o. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
- p. Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
- q. Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/l;
- r. Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent or any single reading over 10 percent of the lower explosive limit of the meter;
- s. Septic tank or cesspool drainage or pumpage without prior approval of the general manager;
- t. Any paints or waste products from paint manufacture;
- u. Any ashes, cinders, sand, earth, coal, rubbish or metals of any kind;
- v. Any greases, oils and sludges from service stations, garages, repair shops, machine shops, cleaning establishments or other industries or establishments;
- w. Hazardous wastes.

B. National Categorical Pretreatment Standards. Users must comply with the categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405 through 471.

1. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the general manager may impose equivalent concentration or mass limits in accordance with subsections (B)(5) and (6) of this section.
2. When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the general manager may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users.
3. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the general manager shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).
4. A categorical industrial user may obtain a net/gross adjustment to a categorical pretreatment standard in accordance with the following subsections:
 - a. Categorical pretreatment standards may be adjusted to reflect the presence of pollutants in the industrial user's intake water in accordance with this section. Any industrial user wishing to obtain credit for intake pollutants must make application to the district. Upon request of the industrial user, the applicable standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of subsection (B)(2) of this section are met.
 - b. Criteria.
 - i. Either (A) The applicable categorical pretreatment standards contained in 40 CFR Chapter I, Subchapter N specifically provide that they shall be applied on a net basis; or (B) the industrial user demonstrates that the control system it proposes or uses to meet applicable categorical pretreatment standards would, if properly installed and operated, meet the standards in the absence of pollutants in the intake waters.
 - ii. Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the industrial user demonstrates that the constituents of the generic measure in the user's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.
 - iii. Credit shall be granted only to the extent necessary to meet the applicable categorical pretreatment standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with standard(s) adjusted under this section.
 - iv. Credit shall be granted only if the user demonstrates that the intake water is drawn from the same body of water as that into which the POTW

discharges. The district may waive this requirement if it finds that no environmental degradation will result.

5. When a categorical pretreatment standard is expressed only in terms of pollutant concentrations, an industrial user may request that the district convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the general manager. The district may establish equivalent mass limits only if the industrial user meets all the conditions set forth in subsections (B)(5)(a)(i) through (v) of this section.

a. To be eligible for equivalent mass limits, the industrial user must:

- i. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
- ii. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical pretreatment standard, and not have used dilution as a substitute for treatment;
- iii. Provide sufficient information to establish the facility's actual average daily flow rate for all waste streams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
- iv. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge;
- v. Have consistently complied with all applicable categorical pretreatment standards during the period prior to the industrial user's request for equivalent mass limits; and
- vi. Comply with all other district requirements.

b. An industrial user subject to equivalent mass limits must:

- i. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
- ii. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
- iii. Continue to record the facility's production rates and notify the general manager whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in subsection (B)(5)(a)(iii) of this section. Upon notification of a revised production rate, the general manager will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and

- iv. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to subsection (B)(5)(a)(i) of this section so long as it discharges under an equivalent mass limit.
 - c. When developing equivalent mass limits, the general manager:
 - i. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the industrial user by the concentration-based daily maximum and monthly average standard for the applicable categorical pretreatment standard and the appropriate unit conversion factor
 - ii. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
 - iii. May retain the same equivalent mass limit in subsequent individual wastewater discharger permit terms if the industrial user's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to subsection (F) of this section.
 6. The general manager may convert the mass limits of the categorical pretreatment standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual industrial users. The conversion is at the discretion of the general manager.
 7. Once included in its permit, the industrial user must comply with the equivalent limitations developed in this subsection (B) in lieu of the promulgated categorical standards from which the equivalent limitations were derived.
 8. Many categorical pretreatment standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or four-day average, limitations. Where such standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.
 9. Any industrial user operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based standard shall notify the general manager within two business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not notifying the superintendent of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long-term average production rate.

C. State Pretreatment Standards. Users must comply with pretreatment standards authorized pursuant to California Government Code Section 54739.

D. Local Limits.

1. The general manager is authorized to establish local limits pursuant to 40 CFR 403.5(c).
 2. *Reserved.*
 3. The general manager may develop BMPs by ordinance or in individual wastewater discharge permits or general permits, to implement local limits and the requirements of subsection (A) of this section.
- E. District's Right of Revision. The district reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.
- F. Dilution. No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The general manager may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.
- G. Tampering Prohibited. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the POTW.
- H. Separate Agreements Permitted. No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the district and any person or user whereby otherwise noncompliant discharge may be accepted by the district for treatment, subject to payment therefor, by the person or user. [Ord. 87, 2019].

8.15.030 Pretreatment of wastewater.

- A. Pretreatment Facilities. Users shall provide wastewater treatment as necessary to comply with this chapter and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in HDWDC 8.15.020(A) within the time limitations specified by EPA, the state, or the general manager, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the general manager for review, and shall be acceptable to the general manager before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the district under the provisions of this chapter.
- B. Additional Pretreatment Measures.
1. Whenever deemed necessary, the general manager may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this chapter.

2. The general manager may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
 3. Grease, oil and sand interceptors must be provided when, in the opinion of the general manager, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors are not required for residential users. All interception units shall be of a type and capacity approved by the general manager and must be located to be easily accessible for cleaning and inspection. All interception units must be installed in accordance with the provisions of this chapter. These interceptors must be inspected, cleaned, and repaired regularly, as needed, by the owner at his or her sole expense. New and existing users that are determined by the general manager to have a reasonable potential to adversely impact the POTW must install a grease, oil or sand interceptor.
 4. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
- C. Accidental Discharge/Slug Control Plans. The general manager shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control slug discharges. The general manager may require any user to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges. Alternatively, the general manager may develop such a plan for any user. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:
1. Description of discharge practices, including nonroutine batch discharges;
 2. Description of stored chemicals;
 3. Procedures for immediately notifying the general manager of any accidental or slug discharge, as required by HDWDC 8.15.060(F); and
 4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling, and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.
- D. Hauled Waste.
1. At such time when approved by the board of directors, septic tank waste may be introduced into the POTW only at locations designated by the general manager, and at such times as are established by the general manager. Such waste shall not violate HDWDC 8.15.020 or any other requirements established by the district. The general manager may require septic tank waste haulers to obtain wastewater discharge permits.

2. The general manager shall require haulers of industrial waste to obtain wastewater discharge permits. The general manager may require generators of hauled industrial waste to obtain wastewater discharge permits. The general manager also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this chapter.
3. Industrial waste haulers may discharge loads only at locations designated by the general manager. No load may be discharged without prior consent of the general manager. The general manager may collect samples of each hauled load to ensure compliance with applicable standards. The general manager may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
4. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes. [Ord. 87, 2019].

8.15.40 individual wastewater discharge permits and general permits.

- A. Wastewater Analysis. When requested by the general manager, a user must submit information on the nature and characteristics of its wastewater within 60 days of the request. The general manager is authorized to prepare a form for this purpose and may periodically require users to update this information.
- B. Individual Wastewater Discharge Permit and General Permit Requirement.
 1. No significant industrial user shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit or a general permit from the general manager.
 2. The general manager may require other users to obtain individual wastewater discharge permits or general permits as necessary to carry out the purposes of this title.
 3. Any violation of the terms and conditions of an individual wastewater discharge permit or a general permit shall be deemed a violation of this title and subjects the wastewater discharge permittee to the sanctions set out in HDWDC 8.15.100 through 8.15.120. Obtaining an individual wastewater discharge permit or a general permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.
- C. Individual Wastewater Discharge and General Permitting – Existing Connections. Reserved.
- D. Individual Wastewater Discharge and General Permitting – New Connections. Any user required to obtain an individual wastewater discharge permit or a general permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit or general permit, in accordance with subsection

(E) of this section, must be filed at least 30 days prior to the date upon which any discharge will begin or recommence.

E. Individual Wastewater Discharge and General Permit Application Contents.

1. All users required to obtain an individual wastewater discharge permit or a general permit must submit a permit application. Users that are eligible may request a general permit under subsection (F) of this section. The general manager may require users to submit all or some of the following information as part of a permit application:
 - a. Identifying Information.
 - i. The name and address of the facility, including the name of the operator and owner.
 - ii. Contact information, description of activities, facilities, and plant production processes on the premises;
 - b. Environmental Permits. A list of any environmental control permits held by or for the facility;
 - c. Description of Operations.
 - i. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes;
 - ii. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
 - iii. Number and type of employees, hours of operation, and proposed or actual hours of operation;
 - iv. Type and amount of raw materials processed (average and maximum per day);
 - v. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
 - d. Time and duration of discharges;
 - e. The location for monitoring all wastes covered by the permit;
 - f. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula pursuant to HDWDC 8.15.020(B)(3) and 40 CFR 403.6(e);

g. Measurement of Pollutants.

- i. The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources.
- ii. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the general manager, of regulated pollutants in the discharge from each regulated process.
- iii. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.
- iv. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in HDWDC 8.15.060(I) and (J). Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the general manager or the applicable standards to determine compliance with the standard.
- v. Sampling must be performed in accordance with procedures set out in HDWDC 8.15.060(J);
- h. Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on HDWDC 8.15.060(D)(2);
- i. Any request to be covered by a general permit based on subsection (F) of this section;
- j. Any other information as may be deemed necessary by the general manager to evaluate the permit application.
- k. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

F. Wastewater Discharge Permitting – General Permits.

1. At the discretion of the general manager, the general manager may use general permits to control SIU discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:
 - a. Involve the same or substantially similar types of operations;
 - b. Discharge the same types of wastes;
 - c. Require the same effluent limitations;
 - d. Require the same or similar monitoring; and
 - e. In the opinion of the general manager, are more appropriately controlled under a general permit than under individual wastewater discharge permits.

2. To be covered by the general permit, the SIU must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, any requests in accordance with HDWDC 8.15.060(D)(2) for a monitoring waiver for a pollutant neither present nor expected to be present in the discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general permit until after the general manager has provided written notice to the SIU that such a waiver request has been granted in accordance with HDWDC 8.15.060(D)(2).
3. The general manager will retain a copy of the general permit, documentation to support the POTW's determination that a specific SIU meets the criteria in subsections (F)(1)(a) through (e) of this section and applicable state regulations, and a copy of the user's written request for coverage for three years after the expiration of the general permit.
4. The general manager may not control an SIU through a general permit where the facility is subject to production-based categorical pretreatment standards or categorical pretreatment standards expressed as mass of pollutant discharged per day or for IUs whose limits are based on the combined wastestream formula (HDWDC 8.15.020(B)(3)) or net/gross calculations (HDWDC 8.15.020(B)(4)).

G. Application Signatories and Certification.

1. All wastewater discharge permit applications, user reports and certification statements must be signed by an authorized representative of the user and contain the certification statement in HDWDC 8.15.060(M)(1).
2. If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this section must be submitted to the general manager prior to or together with any reports to be signed by an authorized representative.
3. A facility determined to be a nonsignificant categorical industrial user by the general manager pursuant to HDWDC 8.15.010(F)(47)(c) must annually submit the signed certification statement in HDWDC 8.15.060(M)(2).

H. Wastewater Discharge Permit Decisions. The general manager will evaluate the data furnished by the user and may require additional information. Within 60 days of receipt of a complete permit application, the general manager will determine whether to issue an individual wastewater discharge permit or a general permit. The general manager may deny any application for an individual wastewater discharge permit or a general permit. [Ord. 87, 2019].

8.15.050 Individual wastewater discharge and general permit issuance.

- A. Wastewater Discharge Permit Duration.** An individual wastewater discharge permit or a general permit shall be issued for a specified time period, not to exceed five years from the effective date of the permit. An individual wastewater discharge permit or a general permit

may be issued for a period less than five years, at the discretion of the general manager. Each individual wastewater discharge permit or a general permit will indicate a specific date upon which it will expire.

- B. Wastewater Discharge Permit Contents. An individual wastewater discharge permit or a general permit shall include such conditions as are deemed reasonably necessary by the general manager to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

1. Individual wastewater discharge permits and general permits must contain:

- a. A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
- b. A statement that the wastewater discharge permit is nontransferable without prior notification to the district in accordance with subsection (E) of this section, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- c. Effluent limits, including BMPs, based on applicable pretreatment standards;
- d. Self-monitoring, sampling, reporting, notification, and recordkeeping requirements. These requirements shall include an identification of pollutants (or BMPs) to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;
- e. The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge in accordance with HDWDC 8.15.060(D)(2);
- f. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law;
- g. Requirements to control slug discharge, if determined by the general manager to be necessary; and
- h. Any grant of the monitoring waiver by the general manager (HDWDC 8.15.060(D)(2)) must be included as a condition in the user's permit or other control mechanism.

2. Individual wastewater discharge permits or general permits may contain, but need not be limited to, the following conditions:

- a. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- b. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

- c. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
- d. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- e. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
- f. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
- g. A statement that compliance with the individual wastewater discharge permit or the general permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the individual wastewater discharge permit or the general permit;
- h. Proof of an agreement between the district and new discharger that any additional capacity fees or “sewer fees” have been received and/or agreed upon; and
- i. Other conditions as deemed appropriate by the general manager to ensure compliance with this title, and state and federal laws, rules, and regulations.

C. Permit Issuing Process.

1. **Public Notification.** The general manager will publish in an official government publication and/or newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, or on a web page, a notice to issue a pretreatment permit, at least 30 days prior to issuance. The notice will indicate a location where the draft permit may be reviewed and an address where written comments may be submitted.
2. **Permit Appeals.** The general manager shall provide public notice of the issuance of an individual wastewater discharge permit or a general permit. Any person, including the user, may petition the general manager to reconsider the terms of an individual wastewater discharge permit or a general permit within 30 days of notice of its issuance.
 - a. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
 - b. In its petition, the appealing party must indicate the individual wastewater discharge permit or general permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the individual wastewater discharge permit or a general permit.
 - c. The effectiveness of the individual wastewater discharge permit or a general permit shall not be stayed pending the appeal.

- d. If the general manager fails to act within 30 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider an individual wastewater discharge permit or a general permit, not to issue an individual wastewater discharge permit or a general permit, or not to modify an individual wastewater discharge permit or a general permit shall be considered final administrative actions for purposes of judicial review.
- e. Aggrieved parties seeking judicial review of the final administrative individual wastewater discharge permit or general permit decision must do so by filing a complaint with the superior court of the county of San Bernardino.

D. Permit Modification.

- 1. The general manager may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:
 - a. To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
 - b. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
 - c. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 - d. Information indicating that the permitted discharge poses a threat to the district's POTW, district personnel, or the receiving waters;
 - e. Violation of any terms or conditions of the individual wastewater discharge permit;
 - f. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
 - g. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
 - h. To correct typographical or other errors in the individual wastewater discharge permit;
 - i. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with subsection (E) of this section; or
 - j. If the discharger becomes delinquent or fails to pay capacity, assessment and/or operation and maintenance fees.
- 2. The general manager may modify a general permit for good cause, including, but not limited to, the following reasons:
 - a. To incorporate any new or revised federal, state, or local pretreatment standards or requirements;

- b. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.
 - c. To correct typographical or other errors in the individual wastewater discharge permit; or
 - d. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with subsection (E) of this section.
- E. Individual Wastewater Discharge Permit and General Permit Transfer. Individual wastewater discharge permits or coverage under general permits may be transferred to a new owner or operator only if the permittee gives at least 30 days' advance notice to the general manager and the general manager approves the individual wastewater discharge permit or the general permit coverage transfer. The notice to the general manager must include a written certification by the new owner or operator which:
- 1. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
 - 2. Identifies the specific date on which the transfer is to occur; and
 - 3. Acknowledges full responsibility for complying with the existing individual wastewater discharge permit or general permit.

Failure to provide advance notice of a transfer renders the individual wastewater discharge permit or coverage under the general permit void as of the date of facility transfer.

- F. Individual Wastewater Discharge Permit and General Permit Revocation. The general manager may revoke an individual wastewater discharge permit or coverage under a general permit for good cause, including, but not limited to, the following reasons:
- 1. Failure to notify the general manager of significant changes to the wastewater prior to the changed discharge;
 - 2. Failure to provide prior notification to general manager of changed conditions pursuant to HDWDC 8.15.060(E);
 - 3. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
 - 4. Falsifying self-monitoring reports and certification statements;
 - 5. Tampering with monitoring equipment;
 - 6. Refusing to allow the general manager timely access to the facility premises and records;
 - 7. Failure to meet effluent limitations;
 - 8. Failure to pay fines;
 - 9. Failure to pay sewer fees;

10. Failure to meet compliance schedules;
11. Failure to complete a wastewater survey or the wastewater discharge permit application;
12. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
13. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or the general permit or this title.

Individual wastewater discharge permits or coverage under general permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits or general permits issued to a user are void upon the issuance of a new individual wastewater discharge permit or a general permit to that user.

- G. Individual Wastewater Discharge Permit and General Permit Reissuance. A user with an expiring individual wastewater discharge permit or general permit shall apply for individual wastewater discharge permit or general permit reissuance by submitting a complete permit application, in accordance with HDWDC 8.15.040(E), a minimum of 90 days prior to the expiration of the user's existing individual wastewater discharge permit or general permit. [Ord. 87, 2019].

8.15.060 Reporting requirements.

A. Baseline Monitoring Reports.

1. Within either 180 days after the effective date of a categorical pretreatment standard or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical industrial users currently discharging to or scheduled to discharge to the POTW shall submit to the general manager a report which contains the information listed in subsection (A)(2) of this section. At least 90 days prior to commencement of their discharge, new sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the general manager a report which contains the information listed in subsection (A)(2) of this section. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
2. Users described above shall submit the information set forth below.
 - a. All information required in HDWDC 8.15.040(E)(1)(a)(i), (b), (c)(i), and (f).
 - b. Measurement of Pollutants.
 - i. The user shall provide the information required in HDWDC 8.15.040(E)(1)(g)(i) through (v).
 - ii. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the general manager, of regulated pollutants in the discharge from each regulated process.

- iii. The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this subsection.
 - iv. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the district.
 - v. Sampling and analysis shall be performed in accordance with subsection (I) of this section.
 - vi. The general manager may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.
 - vii. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
- c. Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
 - d. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in subsection (B) of this section.
 - e. Signature and Report Certification. All baseline monitoring reports must be certified in accordance with subsection (M)(1) of this section and signed by an authorized representative as defined in HDWDC 8.15.010(F)(3).

B. Compliance Schedule Progress Reports. The following conditions shall apply to the compliance schedule required by subsection (A)(2)(d) of this section:

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

components, commencing and completing construction, and beginning and conducting routine operation);

2. No increment referred to above shall exceed nine months;
 3. The user shall submit a progress report to the general manager no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
 4. In no event shall more than nine months elapse between such progress reports to the general manager.
- C. Reports on Compliance with Categorical Pretreatment Standard Deadline. Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the general manager a report containing the information described in HDWDC 8.15.040(E)(1)(f) and (g) and subsection (A)(2)(b) of this section. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with subsection (M)(1) of this section. All sampling will be done in conformance with subsection (J) of this section.
- D. Periodic Compliance Reports.
1. Except as specified in subsection (D)(3) of this section, all significant industrial users must, at a frequency determined by the general manager, submit no less than twice per year (June and December) reports indicating the nature, concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a BMP or pollution prevention alternative, the user must submit documentation required by the general manager or the pretreatment standard necessary to determine the compliance status of the user.
 2. In its sole discretion, the district may authorize an industrial user subject to a categorical pretreatment standard to forego sampling of a pollutant regulated by a categorical pretreatment standard if the industrial user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user. This authorization is subject to the following conditions:
 - a. The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility; provided, that

the sanitary wastewater is not regulated by an applicable categorical standard and otherwise includes no process wastewater.

- b. The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than five years. The user must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. See HDWDC 8.15.040(E)(1)(h).
 - c. In making a demonstration that a pollutant is not present, the industrial user must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
 - d. The request for a monitoring waiver must be signed by the user's authorized representative and include the certification statement in subsection (M)(1) of this section (40 CFR 403.6(a)(2)(ii)).
 - e. Nondetectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.
 - f. Any grant of the monitoring waiver by the general manager must be included as a condition in the user's permit. The reasons supporting the waiver and any information submitted by the user in its request for the waiver must be maintained by the general manager for three years after expiration of the waiver.
 - g. Upon approval of the monitoring waiver and revision of the user's permit by the general manager, the industrial user must certify on each report, with the statement in subsection (M)(3) of this section, that there has been no increase in the pollutant in its waste stream due to activities of the industrial user.
 - h. In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the user's operations, the user must immediately comply with the monitoring requirements of subsection (D)(1) of this section, or other more frequent monitoring requirements imposed by the general manager, and notify the general manager.
 - i. This provision does not supersede certification processes and requirements established in categorical pretreatment standards, except as otherwise specified in the categorical pretreatment standard.
 - j. User must comply with any other district requirements.
3. The district may reduce the requirement for periodic compliance reports to a requirement to report no less frequently than once a year, unless required more frequently in the pretreatment standard or by federal or state law, where the industrial user's total categorical wastewater flow does not exceed any of the following:

- a. One hundred gallons, or 5,000 gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the industrial user discharges in batches.
- b. Reserved.
- c. Reserved.

Reduced reporting is not available to industrial users that have in the last two years been in significant noncompliance, as defined in HDWDC 8.15.090. In addition, reduced reporting is not available to an industrial user with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the general manager, decreasing the reporting requirement for this industrial user would result in data that are not representative of conditions occurring during the reporting period.

Users subject to the reduced reporting requirement of this section must notify the district immediately of any changes at its facility causing it to no longer meet the conditions of subsection (D)(3)(a) of this section. Upon notification, the user must immediately begin complying with the minimum reporting in subsection (D)(1) of this section.

4. All periodic compliance reports must be signed and certified in accordance with subsection (M)(1) of this section.
 5. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
 6. If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the general manager, using the procedures prescribed in subsection (J) of this section, the results of this monitoring shall be included in the report.
 7. Users required under state or federal law to submit electronic (digital) documents to any electronic reporting or regulatory information tracking system, including the California Integrated Water Quality System Project (CIWQS), must also submit documents to the district to satisfy the requirements of this section and may submit such documents by electronic means.
- E. Reports of Changed Conditions. Each user must notify the general manager of any significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 30 days before the change.
1. The general manager may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under HDWDC 8.15.040(E).
 2. The general manager may reissue an individual wastewater discharge permit or a general permit under HDWDC 8.15.050(G) or modify an existing wastewater discharge permit or a general permit under HDWDC 8.15.050(D) in response to changed conditions or anticipated changed conditions.

F. Reports of Potential Problems.

1. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a slug discharge or slug load, that might cause potential problems for the POTW, the user shall immediately telephone and notify the general manager of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
2. Within five days following such discharge, the user shall, unless waived by the general manager, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this title.
3. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in subsection (F)(1) of this section. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
4. Significant industrial users are required to notify the general manager immediately of any changes at its facility affecting the potential for a slug discharge.

G. Reports from Unpermitted Users. All users not required to obtain an individual wastewater discharge permit or general permit shall provide appropriate reports to the general manager as the general manager may require.

H. Notice of Violation/Repeat Sampling and Reporting. If sampling performed by a user indicates a violation, the user must notify the general 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 repeat analysis to the general manager within 30 days after becoming aware of the violation. Resampling by the industrial user is not required if the district performs sampling at the user's facility at least once a month, or if the district performs sampling at the user between the time when the initial sampling was conducted and the time when the user or the district receives the results of this sampling, or if the district has performed the sampling and analysis in lieu of the industrial user.

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

- J. Sample Collection. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.
1. Except as indicated in subsections (J)(2) and (3) of this section, the user must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the general manager. Where time-proportional composite sampling or grab sampling is authorized by the district, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the district, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.
 2. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
 3. For sampling required in support of baseline monitoring and 90-day compliance reports required in subsections (A) and (C) of this section, a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the general manager may authorize a lower minimum. For the reports required by subsection (D) of this section, the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.
- K. Date of Receipt of Reports. Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.
- L. Recordkeeping. Users subject to the reporting requirements of this title shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with BMPs established under HDWDC 8.15.020(D)(3). Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the district, or where the user has been specifically notified of a longer retention period by the general manager.
- M. Certification Statements.

1. Certification of Permit Applications, User Reports and Initial Monitoring Waiver. The following certification statement is required to be signed and submitted by users submitting permit applications in accordance with HDWDC 8.15.040(G); users submitting baseline monitoring reports under subsection (A)(2)(e) of this section; users submitting reports on compliance with the categorical pretreatment standard deadlines under subsection (C) of this section; users submitting periodic compliance reports required by subsections (A) through (D) of this section; and users submitting an initial request to forgo sampling of a pollutant on the basis of subsection (D)(2)(d) of this section. The following certification statement must be signed by an authorized representative as defined in HDWDC 8.15.010(F)(3):

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.

2. Annual Certification for Nonsignificant Categorical Industrial Users. A facility determined to be a nonsignificant categorical industrial user by the general manager pursuant to HDWDC 8.15.010(F)(47)(c) and 8.15.040(G)(3) must annually submit the following certification statement signed by user's authorized representative pursuant to HDWDC 8.15.010(F)(3). This certification must accompany an alternative report required by general manager:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR ____, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ [months, days, year]:

The facility described as _____ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in Section 8.15.010(F)(47)(c).

- a. The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and
- b. the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period. This compliance certification is based on the following information.

- A. Certification of Pollutants Not Present. Users that have an approved monitoring waiver based on subsection (D)(2) of this section must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the user:

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____ [specify applicable National Pretreatment Standard

part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of ____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 8.15.060(D)(1).

[Ord. 87, 2019].

8.15.070 Compliance monitoring.

- A. **Right of Entry – Inspection and Sampling.** The general manager shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this chapter and any individual wastewater discharge permit or general permit or order issued hereunder. Users shall allow the general manager ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.
1. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the general manager shall be permitted to enter without delay for the purposes of performing specific responsibilities.
 2. The general manager shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations. Such devices may include suitable control manholes together with such necessary meters and other appurtenances in the building sewer to facilitate monitoring. When required, such devices shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the general manager. Such devices shall be installed by the user at its expense, and shall be maintained by it so as to be safe and accessible at all times.
 3. The general manager may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.
 4. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the general manager and shall not be replaced. The costs of clearing such access shall be borne by the user.
 5. Unreasonable delays in allowing the general manager access to the user's premises shall be a violation of this chapter.
- B. **Search Warrants.** If the general manager has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the district designed to verify compliance with this chapter or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the general manager may seek issuance of a search warrant from the superior court of San Bernardino County.

- C. Use of Easements. The general manager, bearing proper credentials and identification, shall be permitted to enter all private properties through which the district holds an easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, replacement and maintenance of any portion of the POTW lying within said easement. All entry and subsequent work, if any, on said easements, shall be done in full accordance with the terms of the easement pertaining to the private property involved. [Ord. 87, 2019].

8.15.080 Confidential information.

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, general permits, and monitoring programs, and from the general manager's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the general manager, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302, shall not be recognized as confidential information and shall be available to the public without restriction. [Ord. 87, 2019].

8.15.090 Publication of users in significant noncompliance.

- A. The general manager shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the users which, at any time during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term "significant noncompliance" shall be applicable to all significant industrial users (or any other industrial user that violates subsection (A)(3), (4) or (8) of this section) and shall mean:
1. Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all the measurements taken for the same pollutant parameter taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in HDWDC 8.15.020;
 2. Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by HDWDC 8.15.020, multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
 3. Any other violation of a pretreatment standard or requirement as defined by HDWDC 8.15.020 (daily maximum, long-term average, instantaneous limit, or narrative standard) that the general 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;
4. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the general manager's exercise of its emergency authority to halt or prevent such a discharge;
 5. Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or a general permit or enforcement order or starting construction, completing construction, or attaining final compliance;
 6. Failure to provide within 45 days after the due date any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
 7. Failure to accurately report noncompliance; or
 8. Any other violation(s), which may include a violation of BMPs, which the general manager determines will adversely affect the operation or implementation of the local pretreatment program. [Ord. 87, 2019].

8.15.100 Administrative enforcement remedies.

- A. **Notification of Violation.** When the general manager finds that a person or user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other pretreatment standard or requirement, the general manager may serve upon that person or user a written notice of violation. Within 10 days of the receipt of such notice or such other time specified in the notice of violation, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the person or user to the general manager. Submission of such a plan in no way relieves the person or user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the general manager to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.
- B. **Consent Orders.** The general manager may enter into consent orders, assurances of compliance, or other similar documents establishing an agreement with any person or user responsible for noncompliance. Such documents shall include specific action to be taken by the person or user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to subsections (D) and (E) of this section and shall be judicially enforceable.
- C. **Show Cause Hearing.** The general manager may order a person or user which has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the general manager and show cause why the proposed enforcement action should not be taken. Notice shall be served on the person or user specifying the time and place for the meeting, the proposed enforcement action, the reasons

for such action, and a request that the person or user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 30 days prior to the hearing. Such notice may be served on any authorized representative of the person or user as defined in HDWDC 8.15.010(F)(3) and required by HDWDC 8.15.040(G)(1). A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the person or user.

- D. Compliance Orders. When the general manager finds that a person or user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other pretreatment standard or requirement, the general manager may issue an order to the person or user responsible for the discharge directing that the person or user come into compliance within a specified time. If the person or user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the person or user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the person or user.
- E. Cease and Desist Orders. When the general manager finds that a person or user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other pretreatment standard or requirement, or that the person's or user's past violations are likely to recur, the general manager may issue an order to the person or user directing it to cease and desist all such violations and directing the person or user to:
1. Immediately comply with all requirements; and
 2. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease-and-desist order shall not be a bar against, or a prerequisite for, taking any other action against the person or user.
- F. Administrative Fines.
1. When the general manager finds that a person or user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other pretreatment standard or requirement, the general manager may fine such person or user in an amount not to exceed \$1,000. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
 2. Unpaid charges, fines, and penalties shall, after 30 calendar days, be assessed an additional penalty of 10 percent of the unpaid balance. A lien against the person's or user's property shall be sought for unpaid charges, fines, and penalties.

3. Persons or users desiring to dispute such fines must file a written request for the general manager to reconsider the fine along with full payment of the fine amount within 15 days of being notified of the fine. Where a request has merit, the general manager may convene a hearing on the matter. In the event the person's or user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the person or user. The general manager may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
 4. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the person or user.
- G. Emergency Suspensions. The general manager may immediately suspend a person's or user's discharge, after informal notice to the person or user, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The general manager may also immediately suspend a person's or user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.
1. Any person or user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a person's or user's failure to immediately comply voluntarily with the suspension order, the general manager may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The general manager may allow the person or user to recommence its discharge when the person or user has demonstrated to the satisfaction of the general manager that the period of endangerment has passed, unless the termination proceedings in subsection (H) of this section are initiated against the person or user.
 2. A person or user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the general manager prior to the date of any show cause or termination hearing under subsection (C) or (H) of this section.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

- H. Termination of Discharge. In addition to the provisions in HDWDC 8.15.050(F), any person or user who violates the following conditions is subject to discharge termination:
1. Violation of individual wastewater discharge permit or general permit conditions;
 2. Failure to accurately report the wastewater constituents and characteristics of its discharge;
 3. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;

4. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
5. Violation of the pretreatment standards in this chapter.

Such person or user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under subsection (C) of this section why the proposed action should not be taken. Exercise of this option by the general manager shall not be a bar to, or a prerequisite for, taking any other action against the person or user.

- I. **Administrative Complaint.** The general manager may issue an administrative complaint to any user who violates this chapter, an individual wastewater discharge permit or a general permit or order issued hereunder, or any other pretreatment standard or requirement. Administrative complaints are used to assess civil liability and to propose a civil penalty in accordance with Government Code Section 54740.5. Unless otherwise provided by state law, the administrative complaint is served in accordance with the procedures for serving a show cause order as outlined in subsection (C) of this section. The hearing on the appeal and related procedures are found in HDWDC 8.15.120(J). The administrative complaint shall inform the person served that a hearing shall be conducted within 60 days after the person has been served.

At the district's discretion, civil penalties may be imposed in accordance with Government Code Section 54740.5(d) as follows:

1. In an amount not exceeding \$2,000 for each day a user fails or refuses to furnish technical or monitoring reports;
2. In an amount not exceeding \$3,000 for each day a user fails or refuses to timely comply with any compliance schedule established by the general manager;
3. In an amount not exceeding \$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 not exceeding \$10.00 per gallon for discharges in violation of any suspension, cease and desist, or other order(s) issued, reissued or adopted by the general manager.

Any user aggrieved by a final order issued by the district, under the administrative complaint, may obtain review of the order of the commission in the superior court by filing a petition for writ of mandate within 30 days following the service of a copy of said order. [Ord. 87, 2019].

8.15.110 Judicial enforcement remedies

- A. **Injunctive Relief.** When the general manager finds that a person or user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other pretreatment standard or requirement, the general manager may petition the superior court of San Bernardino through the district's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, the general permit, order, or other requirement imposed by this chapter on activities of the person or user. The general manager may also seek such

other action as is appropriate for legal and/or equitable relief, including a requirement for the person or user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a person or user.

B. Civil Penalties.

1. Civil liability may be assessed to those persons or users as deemed appropriate by the general manager and legal counsel in accordance with Government Code Section 54740. The district's legal counsel is authorized to petition the superior court to impose, assess, and recover a sum, not to exceed \$25,000 a day for each violation. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
2. The general manager may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the district. Specifically, the district may recover any amount necessary to cover the added cost of handling and treating the noncompliant waste.
3. In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the person's or user's violation, corrective actions by the person or user, the compliance history of the user, and any other factor as justice requires.
4. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a person or user.

C. Criminal Prosecution.

1. A person or user who willfully or negligently violates any provision of this chapter, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$1,000 per day or imprisonment for not more than six months, or both, for each violation.
2. A person or user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$1,000 per day or imprisonment for not more than six months, or both, for each violation. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.
3. A person or user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this chapter, individual wastewater discharge permit, or general permit or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine, imprisonment, or both. [Ord. 87, 2019].

8.15.120 Supplemental enforcement action.

- A. Penalties for Late Reports. A penalty of \$1,000 shall be assessed to any person or user for each day that a report required by this chapter or a permit or order issued hereunder is late, beginning five days after the date the report is due. Actions taken by the general manager to collect late reporting penalties shall not limit the general manager's authority to initiate other enforcement actions that may include penalties for late reporting violations.
- B. Performance Bonds. The general manager may decline to issue or reissue an individual wastewater discharge permit or a general permit to any user who has failed to comply with any provision of this chapter, a previous individual wastewater discharge permit, or a previous general permit or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the district, in a sum not to exceed a value determined by the general manager to be necessary to achieve consistent compliance.
- C. Liability Insurance. The general manager may decline to issue or reissue an individual wastewater discharge or a general permit to any user who has failed to comply with any provision of this chapter, a previous individual wastewater discharge permit, or a previous general permit or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.
- D. Payment of Outstanding Fees and Penalties. The general manager may decline to issue or reissue an individual wastewater discharge permit or a general permit to any user who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this chapter, a previous individual wastewater discharge permit, or a previous general permit or order issued hereunder.
- E. Water Supply Severance. Whenever a person or user has violated or continues to violate any provision of this chapter, an individual wastewater discharge permit, a general permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the person or user may be severed. Service will recommence, at the person's or user's expense, only after the person or user has satisfactorily demonstrated its ability to comply.

Such person or user will be notified of the water supply severance and be offered an opportunity to show cause under HDWDC 8.15.100(C) why the proposed action should not be taken. Exercise of this option by the general manager shall not be a bar to, or a prerequisite for, taking any other action against the user.

- F. Public Nuisances. A violation of any provision of this chapter, an individual wastewater discharge permit, a general permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the general manager. Any person or user creating a public nuisance shall be subject to the enforcement provisions of this chapter, including reimbursing the district for any costs incurred in removing, abating, or remedying said nuisance.
- G. Informant Rewards. The general manager may pay up to \$1,000 for information leading to the discovery of noncompliance by a person or user.

- H. Contractor Listing. Persons or users which have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the district. Existing contracts for the sale of goods or services to the district held by a person or user found to be in significant noncompliance with pretreatment standards or requirements may be terminated at the discretion of the general manager.
- I. Violation – Responsibility for Loss or Damage. Any person or user violating any provision of this chapter shall be liable for all damage to the POTW incurred as a result of such violation and for any increase in the cost of maintenance or repair resulting from such violation.
- J. Appeal Procedure. Any person or user affected by any decision, action or determination, including cease and desist orders made by the general manager, interpreting or implementing the provisions of this chapter or in any permit issued herein, may file with the general manager a written request for reconsideration, setting forth in detail the facts supporting the person’s or user’s request for reconsideration. The general manager shall render a decision on the request for reconsideration within 30 days of receipt of request. If the ruling on the request for reconsideration made by the general manager is unsatisfactory to the person requesting reconsideration, the general manager may, within 15 days after notification of the manager’s action, file a written appeal, along with a fee in an amount to be set by the general manager from time to time to cover the district’s costs for the hearing on the appeal, with the secretary of the board. The board of directors of the district shall endeavor to hold a hearing within 60 days after receipt of a complete appeal. The board of directors’ decision shall be final.
- K. Remedies Nonexclusive. The remedies provided for in this chapter are not exclusive. The general manager may take any, all, or any combination of these actions against a noncompliant person or user. Enforcement of pretreatment violations will generally be in accordance with the district’s enforcement response plan. However, the general manager may take other action against any person or user when the circumstances warrant. Further, the general manager is empowered to take more than one enforcement action against any noncompliant person or user. [Ord. 87, 2019].

8.15.130 Permits required for nonindustrial users.

- A. Scope of Section. This section shall apply solely to persons who are not also defined as users or industrial users. Therefore, this section shall apply only to the introduction of pollutants into the POTW from domestic sources.
- B. Permit Required. No person shall uncover, make any connections with or opening into, use, alter or disturb any part of the POTW or appurtenance thereof without first obtaining a written permit from the general manager. No person shall introduce pollutants into the POTW from a domestic source without a valid permit to connect to the collection line. [Ord. 87, 2019].

8.15.140 Wastewater treatment fees.

Reserved. [Ord. 87, 2019].

8.15.150 New connections to system.

- A. Requirements for New Connections. No person shall connect to district POTW or receive wastewater service from the district except in compliance with this chapter and all other applicable ordinances, resolutions, rules or regulations of the district (collectively, “wastewater regulations”).

No person shall connect to district POTW prior to the date stated in a written notice from the district to the property owner.

Prior to connecting to district POTW, the property owner shall:

1. Have an accurately recorded Phase 1 sewer assessment recorded against the property;
2. Acknowledge that he or she is responsible for maintain the sewer lateral free and clear of debris from the structure on the property to the main sewer line, including those portions of the sewer lateral located in public right-of-way; and
3. Obtain all required permits and inspections required by the district and town of Yucca Valley.

B. Responsibilities and Ownership.

1. It shall be the responsibility of the property owner, after having received all required permits and approvals, to install and connect the sewer lateral. Property owners shall obtain all permits and approvals from the district and the town of Yucca Valley and schedule any required inspection(s) prior to connecting to the district’s POTW. Following inspection by the district, the property owner or his or her contractor shall sign a completed inspection form. All connections shall comply with the specifications of the district.
2. Except as otherwise agreed in writing by the general manager, all portions of the sewer lateral installed on private property for the purpose of rendering wastewater service shall be and remain the property of the customer up to the property line. The portion of the sewer lateral beyond the property line shall become the property of the district upon completion of an authorized connection.
3. Notwithstanding the above, the property owner is responsible for maintaining the entire sewer lateral from the structure(s) on the property to the district wastewater main free and clear of debris. The customer’s obligation includes clearing of debris, root cutting, and any procedure used to keep the sewer lateral clean and functional. The district is not responsible for any expense incurred by the property owner in relieving or determining the cause of any stoppage in the sewer lateral. The district may provide assistance in the event the property owner’s plumber or wastewater cleaning service fails to clear a stoppage in the public right-of-way portion of the wastewater lateral.
4. If repairs are required in the public right-of-way portion of a sewer lateral, the district will make any necessary repairs at no cost to the property owner unless the damage or defect was caused by an act or omission of, or a property condition caused or maintained by, the property owner or his or her tenant, contractor or agent. For purposes of this subsection, the “public right-of-way portion of a sewer

lateral” means that portion of a lateral located on public property, street right-of-way or a district easement.

5. Repairs made to the portion of the sewer lateral located on private property shall be made by a California licensed plumber or wastewater cleaning service. The district is not responsible for repairing any portion of the lateral located on private property.
- C. Sewer Service Availability. Sewer service will be furnished only where adequate collection lines have been installed. It shall be the responsibility of the applicant to provide facilities, at the applicant’s sole expense, for the delivery of the applicant’s sewage to the service connection point selected by the district, at the elevation selected by the district. Upon receipt of a complete application and payment all fees required to be paid at the time of application pursuant to HDWDC 8.15.140, as it may be amended, the district will extend a sewer lateral to or near the edge of the street or sewer easement.
- D. Sewer Service Connection.
1. Connection of a building sewer to the sewer lateral shall be made by the applicant at the applicant’s expense. The connection of the building sewer to the POTW shall conform to the requirements of applicable building and plumbing codes. All such connections shall be made gas-tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the general manager before installation. The applicant for the building sewer connection shall notify the manager when the building sewer is ready for inspection and connection to the sewer lateral and the POTW. The connection shall be made under the supervision of the general manager. Upon inspection and approval, notification will be given by the district that the applicant may use the sewer facilities.
 2. Failure to construct, connect, operate, maintain, or repair a building sewer in accordance with the requirements of the California Plumbing Code or the district’s wastewater regulations constitutes a violation of this chapter.
- E. Elevation. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the POTW, sanitary sewage carried by such building drain shall be lifted by a means approved by the general manager and discharged to the building sewer.
- F. Prohibited Connections. No person shall make connection of roof down spouts, exterior foundation drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to the POTW.
- G. Separate Sewers. Every building or industrial facility must be separately connected with a public sewer if such public sewer exists in the street upon which the property abuts or in an easement which will serve said property. However, two or more buildings located on property belonging to the same owner may be served with the same side sewer provided the property cannot be subdivided into smaller legal-sized lots.
- H. Excavations. All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, sewer easements and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the general manager.

I. Extensions to the System. When application is made for service to a property which is not traversed by, or does not abut on, existing pipelines owned or operated by the district, and it has been determined by the board of directors of the district that the immediate construction of the necessary pipelines for the service of such property at the expense of the district is not then economically feasible, and the owner, or owners, of all or portions of the property to be served are willing to construct such lines at their own expense, the district may accept ownership of facilities, privately constructed to district requirements, upon the execution of a contract containing provisions agreeable to the district.

1. Application for an extension of the POTW and for the construction of facilities under the terms of this chapter must be submitted to the district in writing. Such application must contain a full legal description of the property or properties for which service is required and which are owned by the applicant, the area of such properties, and an estimate of the area of other lands which might be conveniently served through the facilities proposed to be constructed. The application shall contain an offer, on the part of the applicant, to construct such facilities at his/her sole cost and expense. The application shall be referred to the board, together with a preliminary estimate of the total cost of such extension. Upon receipt of the application, the district will determine the boundaries of the "benefitted area." Said area shall include all parcels of land, or parts thereof, within the district, which may be conveniently served through the proposed line extension. The secretary of the district shall notify the owner, or owners, of the land within the benefitted area of the hearing to be conducted by the board on the question as to the feasibility and the necessity for the construction of the subject pipeline. The secretary of the district shall give said owner or owners written notice by depositing in the United States mail, postage prepaid, a notice of a hearing before the board, giving the date, time and place of said hearing. The secretary shall give notice by reference as to the assessor's rolls to determine the owner or owners as shown by the latest assessment roll covering the area that is to be served by the proposed facilities. Upon notice from the district, the applicant shall deposit a sum equal to 20 percent of such preliminary estimated cost. Upon receipt of the application and after the hearing above provided, the board shall determine in its sole discretion whether or not the construction of said facilities would be in the best interests of the district or would come within the provisions of this chapter. The board at the hearing shall give due consideration to the evidence presented and any and all persons shall be heard upon the question before the board. Upon favorable action by the board upon said application, the board shall cause detailed plans and specifications to be prepared or the applicant may submit plans and specifications for approval to the board, providing said plans and specifications are prepared by a civil engineer, who is licensed by the state of California. The board shall advise the applicant of the estimated total cost of the construction of said extension including, but not limited to, pipelines, appurtenant structures, rights-of-way and other expenses. Total costs shall include design and engineering costs which shall be paid for by the applicant. Following the determination of the estimated costs of construction, the applicant shall deposit with the district the total amount thereof and shall execute an agreement under the provisions of this title. All facilities so constructed must meet district specifications as to pipeline size, design and location and any other conditions which the district might see fit to impose.

2. Any contract entered into under the terms of this section shall contain the following provisions, at a minimum:

- a. That the applicant must construct, or cause to be constructed at his/her sole expense, the facilities contemplated by the agreement. Should any monies initially deposited with the district not be expended, such excess will be refunded. The applicant must undertake to pay to the district, on demand, any costs incurred over and above the amount of the sums deposited.
- b. That all facilities must be constructed in accordance with plans and specifications approved by the district prior to the execution of the agreement between applicant and the district, or with the standard specifications and drawings governing pipeline construction, as may from time to time be adopted by the district.
- c. The determination of the extent of the service area, to be served by the facilities to be constructed, shall be made by the district, and a map delineating such area must constitute a part of the contract. Only "off-site facilities," exceeding 150 feet in length, shall be eligible for the repayment provisions of this title. For the purpose of this section, "off-site facilities" are defined as facilities so located to not solely benefit lands owned, operated or controlled by applicant, subdivider or developer.
- d. That the district shall agree, upon transfer of the ownership of the facilities to be constructed, together with all requisite easements and rights-of-way, free and clear of all liens and encumbrances, to accept ownership thereof, and thereafter to operate and maintain such facilities at the district's expense, under ordinances from time to time promulgated by the district.
- e. That normally the district, through contractors satisfactory to the district, or through the district's own forces, shall construct such facilities. The district may allow owner to construct such facilities provided the work is executed under the direction of a civil engineer registered in the state of California and by a contractor licensed by the state of California and acceptable to the district with the district retaining the right to inspect all construction of facilities to be accepted by the district. Service shall not be furnished until the constructed facilities are accepted by the district and all contract documents have been signed and delivered to the district's office in good order.
- f. That the district shall agree for a period of 10 years from the date of said agreement to pay to the applicant the following sums:
 - i. The amount received by the district as and for a construction charge which might be charged by district to others for the privilege of connection to such facilities. Any such construction charges must be established by the board at or prior to the time said agreement is entered into. In general, the construction charge for each parcel of land within the benefitted area will be determined by dividing the total cost of constructing the line extension, as determined by district, into amounts proportional to each parcel's frontage along the line extension and to each parcel's area within the benefitted area. The district retains the right to determine, in its sole discretion, both the total cost of constructing the line extension as well as the fixing of the construction charge for each parcel. The district shall have the right to impose additional charges for meters, laterals and other expenses in making connections to said line,

which additional charges shall not be included in the construction charges to be paid to applicant under any such agreement.

- g. That applicant shall be entitled to receive the payments provided for in subsection (I)(f)(i) of this section for the period of time specified, or until all payments specified in the repayment contract shall have been repaid to applicant. Following the payment to applicant of all said payments, or upon termination of the agreement at the end of 10 years from its date, applicant shall be entitled to no further payment arising out of construction charges which might be charged by the district, and all payments thereafter accruing shall be and become the property of the district.
- h. That all payments accruing to the applicant shall be made to the applicant, the applicant's heirs and assigns, and the right to the payment thereof shall be personal and shall not run with, or be assignable to, the lands owned by them.
- i. That payments shall be made at such times as are convenient to the district, but in no event less often than annually if the district has received any construction charges. [Ord. 87, 2019; Ord. 86 §§ 2 – 6, 2019].