

**ORDINANCE NO. 77**

**ORDER OF THE GOVERNING BOARD OF THE GOLETA SANITARY DISTRICT  
ADOPTING AN ORDINANCE AND GENERAL REGULATION REGULATING THE USE  
OF THE GOLETA SANITARY DISTRICT SEWERAGE SYSTEM AND REPEALING  
ORDINANCES NOS. 44 AND 74**

**BE IT ORDAINED** by the Governing Board of the Goleta Sanitary District of the County of Santa Barbara, State of California, that the following ordinance and general regulation be adopted:

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## **SECTION 1 - GENERAL PROVISIONS**

### ***1.1 Purpose and Policy***

This ordinance sets forth uniform requirements for Users of the Publicly Owned Treatment Works of the Goleta Sanitary District (the District) and enables the District to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations Part 403).

The objectives of this ordinance are:

- A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works, POTW, that will interfere with its operation;
- B. 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;
- C. To protect both (i) Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and (ii) the general public;
- D. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works; and
- E. To enable the District to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This ordinance (i) shall apply to all Users of the Publicly Owned Treatment Works; (ii) authorizes the issuance of individual wastewater discharge permits; (iii) provides for monitoring, compliance, and enforcement activities; (iv) establishes administrative review procedures; and (v) requires User reporting.

### ***1.2 Administration***

Except as otherwise provided herein, the Manager shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Manager may be delegated by the Manager to the District's Environmental Compliance Program Officer or to other duly authorized District employees.

### ***1.3 Abbreviations***

The following abbreviations, when used in this ordinance, District permits, reports and/or correspondence shall have the designated meanings:

|  |   |
|--|---|
| BOD – Biochemical Oxygen Demand            | NOV – Notice of Violation                               |
| BMP – Best Management Practice             | NPDES – National Pollutant Discharge Elimination System |
| BMR – Baseline Monitoring Report           | POTW – Publicly Owned Treatment Works                   |
| CFR – Code of Federal Regulations          | RCRA – Resource Conservation and Recovery Act           |
| CIU – Categorical Industrial User          | SIU – Significant Industrial User                       |
| EPA – U.S. Environmental Protection Agency | SNC – Significant Non-compliance                        |
| ERP – Enforcement Response Plan            | TDS – Total Dissolved Solids                            |
| FOG – Fats, Oil & Grease                   | TSS – Total Suspended Solids                            |
| FSE – Food Service Establishment           | ug/L – micrograms per liter                             |
| GPD – gallons per day                      | U.S.C. – United States Code                             |
| IU – Industrial User                       |   |
| mg/L – milligrams per liter                |   |

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#### **1.4 Definitions**

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this ordinance, District permits, reports and/or correspondence shall have the meanings hereinafter designated.

- A. **Act or the Act.** The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq.
- B. **Approval Authority.** The California Regional Water Quality Control Board.
- C. **Authorized or Duly Authorized Representative of the User.**
- (1) If the User is a corporation:
    - (a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
    - (b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - (2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
  - (3) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
  - (4) The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company or facility, and the written authorization is submitted to the District.
- D. **Biochemical Oxygen Demand or BOD.** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).
- E. **Best Management Practices or BMPs.** Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 4.1 A and B of this ordinance [40 CFR 403.5(a)(1) and (b)]. 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. BMPs also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.
- F. **Categorical Pretreatment Standard or Categorical Standard.** Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- G. **Categorical Industrial User.** An Industrial User subject to a categorical Pretreatment Standard or Categorical Standard.

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- H. **Chemical Oxygen Demand.** A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.
- I. **Control Authority.** The Goleta Sanitary District
- J. **Daily Maximum.** The arithmetic average of all effluent samples for a pollutant collected during a calendar day.
- K. **Daily Maximum Limit.** The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
- L. **District.** The Goleta Sanitary District or the Governing Board of the Goleta Sanitary District.
- M. **Enforcement Response Plan.** A plan including detailed procedures indicating how the District will investigate and respond to instances of industrial user noncompliance.
- N. **Environmental Protection Agency or EPA.** The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.
- O. **Equivalent Residential Unit.** An annual WWTP capacity allocation for one single family residence equal to 74,095 gallons used to calculate sewer use fees based on the industrial user category.
- P. **Existing Source.** Any source of discharge that is not a “New Source.”
- Q. **Grab Sample.** A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- R. **Gravity Separation Interceptor.** A tank or basin in which Wastewater is held for a period of time during which the heavier solids settle to the bottom and the lighter materials float to the water surface. Gravity Separation Interceptor shall also mean a settling tank or sedimentation basin that is designed to treat the Pollutant(s) of concern.
- S. **Grease Interceptor.** A plumbing device designed to separate and retain most fats, oils, grease and solids, excluding sanitary wastes, before entering the public sewer collection system.
- T. **Hazardous Waste.** A waste that meets any of the criteria for identification of a Hazardous Waste adopted by any Federal or State agency, whichever criteria is most stringent.
- U. **Indirect Discharge or Discharge.** The introduction of pollutants into the POTW from any nondomestic source.
- V. **Infectious Waste.** Wastes which contain pathogenic organisms that can invade the tissues of the body and cause disease.
- W. **Instantaneous Limit.** 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.
- X. **Interference.** A discharge that, 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 NPDES 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



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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.

Y. **Local Limits.** 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), as set forth in Section 4.4 of this ordinance.

Z. **Manager.** The person designated by the District to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this ordinance. The term also means a Duly Authorized Representative of the Manager.

AA. **Lower Explosive Limit.** The point where the concentration of a gas in air is sufficient to result in an explosion if an ignition source is present.

BB. **Medical Waste.** 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.

CC. **Monthly Average.** The sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

DD. **Monthly Average Limit.** 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.

EE. **New Source.**

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

- (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
- (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
- (c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.

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

(3) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:

- (a) Begun, or caused to begin, as part of a continuous onsite construction program
  - (i) any placement, assembly, or installation of facilities or equipment; or

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(ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

FF. **NPDES Permit.** A National Pollutant Discharge Elimination System Permit, which is the regulatory document issued by the State of California as authorized by the EPA.

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

HH. **Pass Through.** A discharge which exits the POTW into waters of the United States 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 NPDES permit, including an increase in the magnitude or duration of a violation.

II. **Person.** Any individual, partnership, copartnership, 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.

JJ. **pH.** A measure of the acidity or alkalinity of a solution, expressed in standard units.

KK. **Pollutant.** 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, TDS, TSS, turbidity, color, BOD, chemical oxygen demand toxicity, chlorides or odor).

LL. **Pretreatment.** 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, except bacterial enzymes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.

MM. **Pretreatment Requirements.** Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

NN. **Pretreatment Standards or Standards.** Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, Local Limits and any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) et seq. of the Act which applies to industrial users. These include "categorical standards" which establish specific concentration limits for certain pollutants and total prohibitions of other pollutants as specified in 40 CFR 403 et seq., as well as Local Limits adopted by the Goleta Sanitary District including, but not limited to, those discharge limitations contained in this ordinance.

OO. **Prohibited Discharge Standards or Prohibited Discharges.** Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 4.1 of this ordinance.

PP. **Publicly Owned Treatment Works or POTW.** A treatment works, as defined by section 212 of the Act (33 U.S.C. section 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

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and any conveyances, which convey wastewater to a treatment plant.

QQ. **RCRA**. Resource Conservation and Recovery Act which is defined in 42 U.S.C. 6901 et seq.

RR. **Sampling Manhole**. A structure provided at the user's expense for the District or user to measure and record wastewater constituent mass, concentrations, collect a representative sample, or provide access to plug or terminate the discharge.

SS. **Secondary Containment**. A second barrier or an outer wall of a double enclosure, which is designed to contain any leak or spill from a storage container.

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

UU. **Sewage**. Human excrement and gray water (household showers, dishwashing operations, etc.).

VV. **Significant Industrial User (SIU)**.

Except as provided in paragraphs (3) and (4) of this Section VV, a Significant Industrial User is:

- (1) An Industrial User subject to Categorical Pretreatment Standards; or
- (2) An Industrial User that:
  - (a) Discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
  - (b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
  - (c) 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.
- (3) The District may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
  - (a) The Industrial User, prior to District's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
  - (b) The Industrial User annually submits the certification statement required in Section 8.14 A of this ordinance [see 40 CFR 403.12(q)], together with any additional information necessary to support the certification statement; and
  - (c) The Industrial User never discharges any untreated concentrated wastewater.
- (4) Upon a finding that a User meeting the criteria in Subsection (2) of this Section VV 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 an Industrial 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.

WW. **Slug Load or Slug Discharge**. Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 4.1 of this ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

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XX. **Slug Discharge Control Plan.** A plan designed to prevent the uncontrolled discharge of raw pollutants into the POTW.

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

ZZ. **Total Suspended Solids or Suspended Solids.** The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

aaa. **Toxic Pollutant.** Pollutants or combination of Pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism either directly from the environment or indirectly by ingestion through the food chain, will, on the basis of information available to the Administrator of the EPA, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, or malfunctions in reproduction or physical deformations in such organisms or their offspring. Such Pollutants that have been identified as toxic are listed in 40 CFR 122, Appendix D.

bbb. **Twenty-five percent (25%) Rule.** Requirement for grease interceptors to be maintained such that the combined FOG and solids accumulation does not exceed 25% of the design hydraulic depth of the grease interceptor. This is to ensure that the minimum hydraulic retention time and required available hydraulic volume is maintained to effectively intercept and retain FOG so it is not discharged to the public sewer collection system.

ccc. **User or Industrial User.** A source of indirect discharge.

ddd. **Wastewater.** 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.

eee. **Wastewater Treatment Plant or Treatment Plant.** That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

## **SECTION 2 - PUBLIC SEWERS REQUIRED**

### ***2.1 Introduction***

This Section 2 is applicable only to areas within the boundaries of the District.

### ***2.2 Sanitation***

No person shall place, deposit, or discharge or permit to be placed, deposited, or discharged in an unsanitary manner upon public or private property within the District, any human or animal excrement, garbage, or other objectionable waste.

### ***2.3 Wastewater***

No person shall discharge or permit to be discharged any sewage to any natural outlet within the District.

### ***2.4 Buildings***

The owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes and located within two hundred (200) feet of a public street, alley, or right-of-way where a public sewer exists or is installed in the future shall within ninety (90) days after date of written notice to do so, at such owner's expense, install suitable toilets and sanitary facilities in said houses, buildings, or properties situated within the District and connect such facilities to a public sewer, except where said houses, buildings, or properties are separated from the public sewer by U.S. Highway 101, a railway right-of-way, watercourse, lagoon, or other natural barrier.

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### **2.5 Compliance with Notice**

It shall be unlawful for any person to maintain within the District any privy, cesspool, septic tank, or other facility for disposal of sewage ninety (90) days after the date of written notice provided for in Section 2.4 of this ordinance.

### **2.6 Private System**

It shall be unlawful for any person to construct within the District any privy, cesspool, septic tank, or other facility for disposal of sewage within two hundred (200) feet of a public street, alley, or right-of-way where a public sewer exists at the time of such construction, except where said houses, buildings, or properties are separated from the public sewer by U.S. Highway 101, a railway right-of-way, watercourse, lagoon, or other natural barrier.

### **2.7 Exemption**

Where public sewers are not available within two hundred (200) feet of a house, building, or property situated within the District, the owner may install facilities for disposal of sewage temporarily until public sewers are extended to within two hundred (200) feet of said house, building, or property; provided that any such facilities shall meet the standards of and be approved by the Health Departments of the County of Santa Barbara and the State of California.

### **2.8 Private System Failures**

In the event any owner of any house, building, property used for human occupancy, employment, recreation, or other purpose situated within the District, receives notice from the District or the Health Department of the County of Santa Barbara that any privy, cesspool, septic tank, or other facility for disposal of sewage is not operating to the satisfaction of the District or said Health Department, then, and in that event such owner shall, if public sewers are not available within two hundred (200) feet of said house, building, or property immediately repair said privy, cesspool, septic tank, or other facility for disposal of sewage to the satisfaction of the District and the Health Department of the County of Santa Barbara. If not so repaired, any use of said facilities shall be unlawful.

### **2.9 Waiver of 200-foot Requirement**

The Governing Board of the District may at its sole discretion, by minute order of said Board, approve an exemption given to any facility meeting the conditions of Section 2.7 of this ordinance even after a public sewer is installed within the 200-foot zone.

## **SECTION 3 - BUILDING SEWERS AND CONNECTIONS**

### **3.1 Introduction**

This Section 3 is applicable only to areas within the boundaries of the District.

### **3.2 Connection Permission**

No unauthorized person shall uncover, make any connections with or openings into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Manager.

### **3.3 Connection to Main**

All connections to the public sewer shall be made at the WYE branch where possible, and by workmen experienced and competent in making such connections. In the event it is not possible to make a connection at a WYE branch, then the connection shall be made in the manner prescribed by the Manager. The property owner is responsible for maintaining the building sewer from the building up to and including the WYE connection.

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### **3.4 Costs**

All costs and expenses incident to the installation, connection, and maintenance thereof, of the building sewer shall be borne by the owner. The owner shall indemnify the District from any loss or damage that may directly or indirectly arise from the installation or maintenance of the building sewer.

### **3.5 Separate Laterals**

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on the same lot and is under the same ownership, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, as in the case of a guest cottage or apartment.

### **3.6 Use of Existing Lateral by New Building**

Old building sewers may be used in connection with new buildings only when they are found on examination and test by the Manager to meet all requirements of this Section 3.

### **3.7 Specifications**

The building sewer shall be cast iron soil pipe, ASTM Specification (A74-42) or equal; vitrified clay sewer pipe, ASTM Specification (C1344T) or equal; or other suitable material permitted in the current edition of the District's Standard Specifications for Design and Construction of Sanitary Sewers. Joints shall be tight and waterproof. Any part of the building sewer that is located within ten (10) feet of a water service pipe shall be constructed of cast iron soil pipe with coupling joints. All sewers shall be constructed in accordance to and in compliance with the current edition of the District's Specifications for Design and Construction of Sanitary Sewers.

### **3.8 Compliance with Standards**

In every building hereafter erected within the limits of the District, all plumbing fixtures shall conform to the provisions of the ordinances and codes of the City of Goleta, County of Santa Barbara, State of California, applying thereto.

### **3.9 Classes of Service**

There shall be four (4) classes of building sewer connection permits: (1) residential, (2) commercial establishments, (3) establishments producing industrial wastes, and (4) institutional facilities. In all cases, the owner or his agent shall make application on a special form furnished by the District. The permit application shall be supplemented by plans, specifications, and other information considered pertinent in the judgment of the Manager. A permit and inspection fee for each connection to the sewer lines of the District shall be paid to the District at the time the application is filed.

## **SECTION 4 - GENERAL SEWER USE REQUIREMENTS**

### **4.1 Prohibited Discharge Standards**

A. **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.

B. **Specific Prohibitions.** No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

- (1) **Explosive Mixtures.** Liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the sewerage facilities or to the operation of the system, in accordance with 40 CFR 403.5(b)(1); and Pollutants which create a fire or explosive hazard in the POTW, including, but not limited

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to, wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21. Prohibited materials include, but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides or any other substances which the District, the State or EPA has notified the user is a fire hazard or a hazard to the system;

(2) **Corrosive Wastes.** Wastewater having a pH less than 6.0 or more than 9.5, or otherwise causing corrosive structural damage to the POTW or equipment. Prohibited materials include, but are not limited to, acids, caustics, sulfides, concentrated chloride and fluoride compounds, and substances which will react with water to form acidic products.

(3) **Solid or Viscous Wastes.** Solid or viscous substances which will or may cause obstruction to the flow in a sewer, or otherwise interfere with the proper operation of the wastewater treatment system, but in no case solids greater than one-half (1/2) inch in any dimension. Prohibited materials include, but are not limited to, grease, uncomminuted garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, polishing compounds, resin beads, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, and similar substances;

(4) **Excessive Discharge Rate.**

a. **Hydraulic:** A rate of flow which results from the averaging of the flow rates over a period of 15 consecutive minutes and which is greater than five (5) times the twenty-four (24) hour total volume expressed in million gallons per day (MGD) shall be considered excessive.

b. **Loadings:** Those concentrations of pollutants such as toxics, BOD's, suspended solids, grease and oil, and other constituents, which in a grab sample are greater by a factor of five (5) than the average 24-hour concentration allowed in the Industrial Wastewater Discharge Permit or that concentration permitted in the effluent of the treatment plant to the ocean. Any greater concentration will be considered as excessive.

c. **Interference:** Under no conditions shall any pollutant, including oxygen-demanding pollutants (BOD, etc.), be 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.

d. **Unpolluted waters:** Any unpolluted waters including, but not limited to 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 which will increase the hydraulic load on the POTW, unless specifically authorized by the Manager.

(5) **Heat.** Wastewater having a temperature greater than 104 degrees F (40 degrees C), or which will inhibit biological activity in the treatment plant resulting in Interference, but in no case heat in wastewater quantities which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);

(6) **Fats, Oils and Grease.**

a. Oil and grease concentrations or amounts from industrial facilities violating federal pretreatment standards, or local standards, whichever is more stringent.

b. Wastewater from industrial facilities containing floatable fats, wax, grease or oils.

c. Wax, grease, non-biodegradable cutting oil, or oil concentration of mineral or petroleum origin (non-living sources) of more than 100 mg/L whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees F (0 and 65 C) at the point of discharge into the system or in amounts that will cause Interference or Pass Through.

d. Total fat, wax, grease, or oil concentration of animal or vegetable origin (living sources) of more than 100 mg/L, whether emulsified or not, or containing substances which may solidify or become

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viscous at temperatures between 32 and 150 degrees F (0 and 65 C) at the point of discharge into the system or in amounts that will cause interference or pass through.

e. No additives may be introduced into a wastewater system for the purpose of emulsifying FOG or biologically/chemically treating FOG for remediation or as a supplement to interceptor maintenance, unless specific written authorization from the District is obtained. To ensure that the minimum hydraulic retention time and required available hydraulic volume is maintained to effectively intercept and retain FOG so it is not discharged to the District's wastewater collection system, pretreatment interceptors shall be maintained such that the combined FOG and solids accumulation does not exceed 25% of the design hydraulic depth of the interceptor;

(7) **Toxic Substances.** Any toxic substances in amounts exceeding standards promulgated by the Administrator of the United States Environmental Protection Agency pursuant to Section 307(a) of the Act, and chemical elements or compounds, phenols or other taste or odor-producing substances, or any other substances which are not susceptible to treatment or which may interfere with the biological processes or efficiency of the treatment system or which may cause abnormal increase in the operation costs of the treatment system. Any 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;

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

(9) **Trucked or Hauled Waste.** Any trucked or hauled pollutants are prohibited, except at discharge points designated by the District;

(10) **Noxious Material.** 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;

(11) **Discolored Materials.** 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 causes the plant effluent to fail to meet State or EPA standards for turbidity or light transmittance, causes aesthetically undesirable discoloration of the ocean surface and/or causes, or threatens to cause a violation of the District's NPDES permit;

(12) **Improperly Shredded Garbage.** Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing the public sewers, with no particle greater than one-half (1/2) inch in any dimension;

(13) **Radioactive Wastes.** Radioactive wastes or isotopes of such half-life or concentration that they do not comply with regulations or orders issued by the appropriate authority having control over their use and which will or may cause damage or hazards to the sewerage facilities or personnel operating the system. Radioactive wastes are not to exceed limits specified in Sections 30285 and 30287 of the California Administrative Code;

(14) **Reclamation or Reuse.** Any waste which will cause, threaten to cause, or is capable of causing either alone or by interaction with other substances the District's effluent or any other product of the treatment process, residues, sludges, or scum to be unsuitable for reclamation and reuse or to interfere with the reclamation process;

(15) **Suspended Solids.** Sludges, screenings, or other residues from the pretreatment of industrial wastes;



- (16) **Medical/Infectious Wastes**, except as specifically authorized by the Manager in an individual wastewater discharge permit;
- (17) **Pass-through**: Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;
- (18) **Interference**: Detergents, surface-active agents, or other substances which that might cause excessive foaming in the POTW;
- (19) **Perchloroethylene**: Perchloroethylene and its derivatives and like compounds (collectively, "PCE"), including, but not limited to, chemicals and/or solvents used in the dry cleaning process, by automobile and mechanical repair facilities and other industries, where such chemicals and/or solvents contain PCE. Any discharge containing PCE shall be subject to the same concentration limitations that apply to drinking water within the jurisdiction where the User is located;
- (20) **Volatile Organic Compounds**: Volatile organic compounds found in petroleum derivatives such as gasoline and diesel fuel, including, but not limited to, benzene, toluene, ethylbenzene and xylenes (collectively "VOCs"). Any discharge containing VOCs shall be subject to the same concentration limitations that apply to drinking water within the jurisdiction where the User is located;
- (21) **Storage of Prohibited Waste**: Pollutants, substances, or wastewater prohibited by this Section 4.1 shall not be processed or stored in such a manner that they could be discharged to the POTW.

#### 4.2 *National Categorical Pretreatment Standards*

Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Manager shall impose the combined wastestream formula to calculate an alternate or adjusted categorical limit in accordance with 40 CFR 403.6(e).

#### 4.3 *State Pretreatment Standards*

The EPA has delegated the responsibility to oversee Federal pretreatment programs to the California State Water Resources Control Board (SWRCB) and Regional Water Quality Control Boards (RWQCB). The SWRCB and RWQCB are responsible for the review and approval of the District's pretreatment program. Users must comply with California pretreatment requirements as set forth in the District's NPDES Permit.

#### 4.4 *Local Limits*

A. The District is authorized to establish Local Limits pursuant to 40 CFR 403.5(c). The following Pollutant limits are established to protect against Pass Through and Interference. No person shall discharge wastewater containing in excess of the following Maximum Limits; provided, however, that where more restrictive limitations are imposed by Permit or Federal Pretreatment Standards, the more restrictive standards shall apply:

| <b><u>Constituent</u></b>                | <b><u>Concentration, mg/L</u></b> |
|--|-----------------------------------|
| <b><u>Conventional Pollutants:</u></b>   |                                   |
| Ammonia (N)                              | 662                               |
| Biochemical Oxygen Demand                | 1,880                             |
| Total Suspended Solids                   | 2,031                             |
| Oil & Grease                             | 100                               |
| <b><u>Priority Pollutant Metals:</u></b> |                                   |
| Arsenic                                  | 0.11                              |
| Cadmium                                  | 0.13                              |

| <u>Constituent</u>                               | <u>Concentration, mg/L</u> |
|--|----------------------------|
| <b><u>Priority Pollutant Metals (cont.):</u></b> |                            |
| Chromium   | 5.3                        |
| Copper   | 2.4                        |
| Lead   | 1.5                        |
| Mercury  | 0.071                      |
| Nickel   | 2.3                        |
| Selenium   | 0.31                       |
| Silver   | 1.0                        |
| Zinc   | 3.2                        |
| <b><u>Other Trace Elements:</u></b>              |                            |
| Molybdenum*                                      | TBD                        |
| <b><u>Other Toxics:</u></b>                      |                            |
| Cyanide  | 1.1                        |
| pH   | 6-9.5 units                |
| *To be determined                                |                            |

B. The above Local limits apply at the point where the wastewater is discharged to the POTW, also known as the end-of-pipe. All concentrations for metallic substances are for total metal unless indicated otherwise. The District may impose mass limitations in addition to concentration-based limitations.

C. The Manager may develop Best Management Practices (BMP's) by ordinance or in individual wastewater discharge permits to implement Local Limits and the requirements of Section 4.1 of this ordinance.

#### ***4.5 District's Right of Revision***

The District reserves the right to establish, by ordinance or in individual wastewater discharge permits, more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this ordinance.

#### ***4.6 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 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.

#### ***4.7 Bypass - Definitions***

- A. For the purposes of this Ordinance,
  1. Bypass means the intentional diversion of wastestreams from any portion of a User's treatment facility.
  2. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

#### ***4.8 Bypass Prohibited.***

- A. Bypass is prohibited. The Manager may take enforcement action against a User for a bypass unless:
  1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and
  2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of

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reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

3. The User submitted notices as required under Section 4.9 of this ordinance.

B. A User may allow a bypass to occur only if it does not cause violations of Pretreatment Standards, Industrial User Permit, or the District's NPDES Permit and is for essential maintenance to assure efficient operation. The Manager may approve a planned bypass after considering its potential adverse effects.

#### **4.9 *Bypass Notifications.***

A. If a User plans for a bypass, the User must submit prior notice to the Manager at least ten (10) days before the date of the bypass.

B. A User shall submit a verbal notice of an unanticipated bypass that exceeds applicable Pretreatment Standards or Permit limits to the Manager within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain (i) a description of the bypass and its cause, (ii) the duration of the bypass, including exact dates and times, and, (iii) the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Manager may waive the written report on a case by case basis if the oral report has been received with twenty-four (24) hours.

### **SECTION 5 - PRETREATMENT OF WASTEWATER**

#### **5.1 *Pretreatment Facilities***

Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 4.1 of this ordinance within the time limitations specified by EPA, the State, or the 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 Manager for review, and shall be acceptable to the 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 ordinance.

#### **5.2 *Additional Pretreatment Measures***

A. Whenever deemed necessary, the 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 wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this ordinance.

B. The 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. An individual wastewater discharge permit may be issued solely for flow equalization.

C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Manager, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the Manager, shall comply with the District ordinances, and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired in accordance with District requirements by the User at their expense.

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

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E. The Manager may require any persons discharging into the POTW to install and maintain, on their property and at their expense a flowmeter capable of totalizing a minimum of ten million (10,000,000) gallons to authenticate the amount of effluent discharge for District billing purposes.

### **5.3 Accidental Discharge/Slug Discharge Control Plans**

The Manager shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The 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 Manager may develop such a plan for any User. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including nonroutine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the Manager of any accidental or Slug Discharge, as required by Section 8.6 of this ordinance; and
- D. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

### **5.4 Trucked or Hauled Wastewater**

Any trucked or hauled pollutants are prohibited, except at discharge points designated by the District.

### **5.5 Pollution Prevention, Waste Minimization, Recycling, and Treatment**

All Users must implement a program of waste minimization to reduce the generation of Hazardous Wastes in accordance with Federal, State, and local policies. This program, at a minimum, shall include adequate housekeeping measures and product substitution to less hazardous raw materials as much as economically feasible and recycling of all wastestreams as technically feasible.

Waste minimization must be demonstrated wherever feasible, in the following order of priority, as determined by EPA policy derived from the Pollution Prevention Act of 1990:

- A. Source Reduction: Substitution to less hazardous materials, spill prevention and control measures, proper storage and handling of chemicals and raw materials, or any methods that accomplish source reduction.
- B. Recycling, Recovery, and /or Reuse: Practice recovery, recycling, and reuse for such waste streams as solvents, oils ethylene glycol, silver and concentrated bath or spent solutions or other process wastestreams.
- C. Treatment: Treatment techniques designed to render Hazardous Wastes harmless or suitable for proper disposal.
- D. Disposal: Destruction of Hazardous Wastes must take precedence over landfilling, but in any case, all disposal must be in compliance with Federal, State, and local Hazardous Waste disposal laws.

## **SECTION 6 - INDIVIDUAL WASTEWATER DISCHARGE PERMITS**

### **6.1 Wastewater Analysis**

When requested by the Manager, a User must submit information on the nature and characteristics of its wastewater within ten (10) days of the request. The Manager is authorized to prepare a form for this purpose and may periodically require Users to update this information.

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## **6.2 Individual Wastewater Discharge Permit Requirement**

A. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit from the Manager, except that a Significant Industrial User that has filed a timely application pursuant to Section 6.3 of this ordinance may continue to discharge for the time period specified therein.

B. The Manager may require other Users to obtain individual wastewater discharge permits as necessary to carry out the purposes of this ordinance.

C. Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections 12 through 14 of this ordinance. Obtaining an individual wastewater discharge 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.

## **6.3 Individual Wastewater Discharge Permitting: Existing Connections**

Any User required to obtain an individual wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within ten (10) days after said date, apply to the Manager for an individual wastewater discharge permit in accordance with Section 6.5 of this ordinance, and shall not cause or allow discharges to the POTW to continue after thirty (30) days of the effective date of this ordinance except in accordance with an individual wastewater discharge permit issued by the Manager.

## **6.4 Individual Wastewater Discharge Permitting: New Connections**

Any User required to obtain an individual wastewater discharge 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, in accordance with Section 6.5 of this ordinance, must be filed at least ten (10) days prior to the date upon which any discharge will begin or recommence.

## **6.5 Individual Wastewater Discharge Permit Application Contents**

A. All Users required to obtain an individual wastewater discharge permit must submit a permit application. The Manager may require Users to submit all or some of the following information as part of a permit application:

(1) Identifying Information.

- a. The name and address of the facility, including the name of the operator and owner.
- b. Contact information, description of activities, facilities, and plant production processes on the premises;

(2) Environmental Permits. A list of any environmental control permits held by or for the facility.

(3) Description of Operations.

- a. 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;
- b. 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;
- c. Number and type of employees, hours of operation, and proposed or actual hours of operation;
- d. Type and amount of raw materials processed (average and maximum per day);
- e. 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;

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- (4) Time and duration of discharges;
  - (5) The location for monitoring all wastes covered by the permit;
  - (6) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in Section 4.2(40 CFR 403.6(e)).
  - (7) Measurement of Pollutants.
    - a. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
    - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Manager, of regulated pollutants in the discharge from each regulated process.
    - c. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
    - d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 8.10 of this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Manager or the applicable Standards to determine compliance with the Standard.
    - e. Sampling must be performed in accordance with procedures set out in Section 8.11 of this ordinance.
  - (8) Any other information as may be deemed necessary by the Manager to evaluate the permit application.

B. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

### ***6.6 Application Signatories and Certifications***

A. 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 Section 8.14 A of this ordinance.

B. 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 Section 1.4 C of this ordinance must be submitted to the Manager prior to or together with any reports to be signed by an Authorized Representative.

### ***6.7 Individual Wastewater Discharge Permit Decisions***

The Manager will evaluate the data furnished by the User and may require additional information. Within twenty (20) days of receipt of a complete permit application, the Manager will determine whether to issue an individual wastewater discharge permit. The Manager may deny any application for an individual wastewater discharge permit.

### ***6.8 Industrial Wastewater Discharge Permit Classification***

Industrial Wastewater Discharge Permits shall be classified as follows:

**Class I:** No Hazard – This class includes industrial users who do not handle, store, or dispose of toxic wastes on the premises; and who do not discharge toxic wastes into the sewer. These users include those with discharges that contain non-toxic pollutants which may cause interference with the operation of the POTW.

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**Class II:** Low Hazard – This group of industrial users handles or stores toxic wastes on their premises, but does not discharge these wastes to the sewer. Such users have all toxic wastes hauled off site, but have floor drains or other plumbing fixtures through which toxic waste can be conveyed to the sewer during normal washdown operation or spillage. Zero-Discharge Certification Form can be used in lieu of monitoring.

**Class III:** Hazardous – This classification is for industrial users with intermittent discharges to the sewer which contain toxic pollutants.

**Class IIIR:** Groundwater Remediation – This classification is for industrial users pumping contaminated groundwater through treatment then discharging to the sewer.

**Class IV:** Serious Hazard – This classification is for Significant Industrial Users, those industries that are regulated under National Categorical Pretreatment Standards, or users that have continuous discharge to the sewer which contain toxic pollutants.

## **SECTION 7 - INDIVIDUAL WASTEWATER DISCHARGE PERMIT ISSUANCE**

### ***7.1 Individual Wastewater Discharge Permit Duration***

An individual wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An individual wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Manager. Each individual wastewater discharge permit will indicate a specific date upon which it will expire.

### ***7.2 Individual Wastewater Discharge Permit Contents***

An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the 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, protect the wastewater reclamation facility and protect against damage to the POTW.

A. Individual wastewater discharge permits must contain:

- (1) A statement that indicates the wastewater discharge permits issuance date, expiration date and effective date;
- (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the District in accordance with Section 7.4 of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (3) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
- (4) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.
- (5) 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.
- (6) Requirements to control Slug Discharge, if determined by the Manager to be necessary.

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

- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

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- (2) 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;
  - (3) 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;
  - (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
  - (5) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
  - (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
  - (7) A statement that compliance with the individual wastewater discharge 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; and
  - (8) Other conditions as deemed appropriate by the Manager to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

### **7.3 *Permit Modification***

A. The Manager may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (1) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
- (2) 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;
- (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (4) Information indicating that the permitted discharge poses a threat to the District's POTW, District personnel, the POTW's beneficial sludge and/or reclaimed water use, or the receiving waters;
- (5) Violation of any terms or conditions of the individual wastewater discharge permit;
- (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (7) Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;
- (8) To correct typographical or other errors in the individual wastewater discharge permit; or
- (9) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 7.4 of this ordinance.

### **7.4 *Individual Wastewater Discharge Permit Transfer***

Individual wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least twenty (20) days advance notice to the Manager and the Manager approves the individual wastewater discharge permit transfer. The notice to the Manager must include a written certification by the new owner or operator which:

- A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;



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- B. Identifies the specific date on which the transfer is to occur; and
  - C. Acknowledges full responsibility for complying with the existing individual wastewater discharge permit.

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

### **7.5 Individual Wastewater Discharge Permit Revocation**

The Manager may revoke an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify the Manager of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the Manager of changed conditions pursuant to Section 8.5 of this ordinance;
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsifying self-monitoring reports and certification statements;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the Manager timely access to the facility premises and records;
- G. Failure to meet effluent limitations;
- H. Failure to pay fines;
- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a wastewater survey or the wastewater discharge permit application;
- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- M. Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or this ordinance.

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

### **7.6 Individual Wastewater Discharge Permit Reissuance**

A User with an expiring individual wastewater discharge permit shall apply for individual wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 6.5 of this ordinance, a minimum of thirty (30) days prior to the expiration of the User's existing individual wastewater discharge permit.

### **7.7 Regulation of Waste Received from Other Jurisdictions**

- A. If another municipality, a governmental agency or a User located outside the District's jurisdiction (an "Outside Contributor") contributes wastewater to the District's POTW, the District shall enter into an agreement with the Outside Contributor.
- B. An agreement, as required by paragraph A, above, shall contain the following conditions:
  - (1) A requirement for the Outside Contributor to adopt sewer use requirements which (i) are at least as stringent as this ordinance, (ii) contain Local Limits, which are at least as stringent as those set out in Section 4.4 of this ordinance, and (iii) includes requirements for Baseline Monitoring Reports

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(BMRs). The sewer use requirements shall specify that such requirements and limits must be revised as necessary to reflect changes made to the District's ordinance or Local Limits;

- (2) A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the Outside Contributor; which of these activities will be conducted by the Manager; and which of these activities will be conducted jointly by the Outside Contributor and the Manager;
- (3) A requirement for the Outside Contributor to provide the Manager with access to all information that the Outside Contributor obtains as part of its pretreatment activities;
- (4) A provision specifying that, where the Outside Contributor has primary responsibility for permitting, compliance monitoring, or enforcement, the District has the right to take action to enforce the terms of the Outside Contributor's sewer use requirements or to impose and enforce Pretreatment Standards and Requirements directly against dischargers in the event the Outside Contributor is unable or unwilling to take such action.

## **SECTION 8 - REPORTING REQUIREMENTS**

### ***8.1 Baseline Monitoring Reports***

A. Within either one hundred eighty (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 Manager a report which contains the information listed in paragraph B, below. At least ninety (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 Manager a report which contains the information listed in paragraph B, below. 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.

B. Users described above shall submit the information set forth below.

- (1) All information required in Section 6.5A (1) a, Section 6.5A (2), Section 6.5A (3) a, and Section 6.5A (6) of this ordinance.
- (2) Measurement of pollutants.
  - a. The User shall provide the information required in Section 6.5A (7) a through d of this ordinance.
  - b. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
  - c. 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 Control Authority;
  - d. Sampling and analysis shall be performed in accordance with Section 8.10 of this ordinance;
  - e. The 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;
  - f. 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.

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(3) Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in Section 1.4 C of this ordinance 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.

(4) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall 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 Section 8.2 of this ordinance.

(5) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 8.14 A of this ordinance and signed by an Authorized Representative as defined in Section 1.4 C of this ordinance.

### **8.2 Compliance Schedule Progress Reports**

The following conditions shall apply to the compliance schedule required by Section 8.1(B)(4) of this ordinance:

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

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

C. The User shall submit a progress report to the Manager no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and

D. In no event shall more than nine (9) months elapse between such progress reports to the Manager.

### **8.3 Reports on Compliance with Categorical Pretreatment Standard Deadline**

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the Manager a report containing the information described in Section 6.5A(6) and (7) and 8.1B(2) of this ordinance. All compliance reports must be signed and certified in accordance with Section 8.14 A of this ordinance. All sampling will be done in conformance with Section 8.11 of this ordinance.

### **8.4 Periodic Compliance Reports**

A. All Significant Industrial Users must, at a frequency determined by the District, 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 Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the District or the Pretreatment Standard necessary to determine the compliance status of the User.

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B. All periodic compliance reports must be signed and certified in accordance with Section 8.14 A of this ordinance.

C. 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.

D. 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 Manager, using the procedures prescribed in Section 8.11 of this ordinance, the results of this monitoring shall be included in the report.

### **8.5 Reports of Changed Conditions**

Each User must notify the District of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least ten (10) days before the change.

A. The District 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 Section 6.5 of this ordinance.

B. The District may issue an individual wastewater discharge permit under Section 7.6 of this ordinance or modify an existing wastewater discharge permit under Section 7.3 of this ordinance in response to changed conditions or anticipated changed conditions.

### **8.6 Reports of Potential Problems**

A. 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 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.

B. Within five (5) days following such discharge, the User shall, unless waived by the District, 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 ordinance.

C. 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 paragraph A, above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

D. Significant Industrial Users are required to notify the Manager immediately of any changes at its facility affecting the potential for a Slug Discharge.

### **8.7 Reports from Unpermitted Users**

All Users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the Manager as the Manager may require.

### **8.8 Notice of Violation/Repeat Sampling and Reporting**

If sampling performed by a User indicates a violation, the User must notify the Manager within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the

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results of the repeat analysis to the Manager within thirty (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.

### **8.9 Discharge of Hazardous Waste**

Discharge of hazardous wastes, except as specified in this ordinance, is prohibited.

### **8.10 Analytical Requirements**

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

### **8.11 Sample Collection**

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period. A Chain-of-Custody form is required to be submitted with all monitoring data.

A. Except as indicated in Section B and C below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the 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.

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

C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Sections 8.1 and 8.3 of this ordinance [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Manager may authorize a lower minimum. For the reports required by paragraphs Section 8.4 of this ordinance (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

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### **8.12 Date of Receipt of Reports**

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

### **8.13 Recordkeeping**

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 4.4 C of this ordinance. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the 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 (3) 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 Manager.

### **8.14 Certification Statements**

#### **A. 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 Section 6.6 of this ordinance; Users submitting baseline monitoring reports under Section 8.1 B (5) of this ordinance; Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 8.3; Users submitting periodic compliance reports required by Section 8.4 A–D of this ordinance, The following certification statement must be signed by an Authorized Representative as defined in Section 1.4 C of this ordinance:

**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.**

## **SECTION 9 - COMPLIANCE MONITORING**

### **9.1 Right of Entry: Inspection and Sampling**

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

A. Where a User has security measures in force which 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 District shall be permitted to enter without delay for the purposes of performing specific responsibilities.

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

C. The District 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

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condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated according to manufacturer's specifications to ensure their accuracy.

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

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

F. The monitoring facility shall (i) provide ample room in or near the monitoring facility to allow accurate sampling and preparation of samples and analysis, (ii) comply with all District requirements, (iii) comply with all applicable local construction standards and specifications, and (iv) be constructed and maintained in such manner so as to enable the District to perform independent monitoring activities.

## **9.2 Inspection Warrants**

If the District has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the District designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, they may seek issuance of an inspection warrant from the Santa Barbara Superior Court pursuant to California Code of Civil Procedure Section 1822.50 et seq.

## **SECTION 10 - CONFIDENTIAL INFORMATION**

Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, and monitoring programs, and from the District'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 District, that (i) the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law, and (ii) such information is exempt from disclosure under the California Public Records Act (California Government Code Section 6250 et seq.). 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.

## **SECTION 11 - PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE**

The District 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 twelve (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 paragraphs (C), (D) or (H) of this Section 11) and shall mean:

A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 2 of this ordinance;

B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month

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period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 2 of this ordinance multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

C. Any other violation of a Pretreatment Standard or Requirement as defined by Section 2 of this ordinance (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the District determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;

D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the District's exercise of its emergency authority to halt or prevent such a discharge;

E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

F. Failure to provide within forty-five (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;

G. Failure to accurately report noncompliance; or

H. Any other violation(s), which may include a violation of Best Management Practices, which the District determines will adversely affect the operation or implementation of the local pretreatment program.

## **SECTION 12 - ADMINISTRATIVE ENFORCEMENT REMEDIES**

### ***12.1 Notification of Violation***

When the Manager finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Manager may serve upon that User a written Notice of Violation. Within thirty (30) days of the receipt of such Notice of Violation, the User shall submit to the Manager an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section 12 shall limit the authority of the Manager to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

### ***12.2 Consent Orders***

The District may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 12.4 and 12.5 of this ordinance and shall be judicially enforceable.

### ***12.3 Show Cause Hearing***

The Manager may order a User which has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Manager and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the 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 thirty (30) days prior to the hearing. Such notice may be served



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on any Authorized Representative of the User as defined in Section 1.4 C and required by Section 6.6 A of this ordinance. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

#### ***12.4 Compliance Orders***

When the Manager finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Manager may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. 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 User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

#### ***12.5 Cease and Desist Orders***

When the Manager finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Manager may issue an order to the User directing it to cease and desist all such violations and directing the User to:

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or 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 User.

#### ***12.6 Administrative Penalties***

A. If the District seeks to impose an administrative penalty, the District shall issue an administrative complaint to any person who violates any requirement adopted or ordered by the District pursuant to this ordinance. The administrative complaint shall allege the act or failure to act that constitutes the violation of the District's requirements, the provisions of law authorizing civil liability to be imposed, and the proposed penalty.

B. The administrative complaint shall be served by personal delivery or certified mail (return receipt requested) on the person subject to the District's discharge requirements, and shall inform the person served that a hearing shall be conducted within sixty (60) days after the person has been served. The hearing shall be before a hearing officer designated by the Governing Board of the District. The person who has been issued an administrative complaint may waive the right to a hearing, in which case the District shall not conduct a hearing. A person dissatisfied with the decision of the hearing officer may appeal to the Governing Board of the District within thirty (30) days of notice of the hearing officer's decision.

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

D. Administrative penalties may be imposed by the District as follows:

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- (1) In an amount which shall not exceed two thousand dollars (\$2,000) for each day for failing or refusing to furnish technical or monitoring reports.
  - (2) In an amount which shall not exceed three thousand dollars (\$3,000) for each day for failing or refusing to timely comply with any compliance schedule established by the local agency.
  - (3) In an amount which shall not exceed five thousand dollars (\$5,000) per violation for each day for discharges in violation of any waste discharge limitation, permit condition, or requirement issued, reissued, or adopted by the local agency.
  - (4) In an amount which does not exceed ten dollars (\$10) per gallon for discharges in violation of any suspension, cease and desist order or other orders, or prohibition issued, reissued, or adopted by a local agency.
  - (5) The amount of any civil penalties imposed under this section which have remained delinquent for a period of sixty (60) days shall constitute a lien against the real property of the discharger from which the discharge originated resulting in the imposition of the civil penalty. The lien provided herein shall have no force and effect until recorded with the Santa Barbara County Recorder and, when recorded, shall have the force and effect and priority of a judgment lien and continue for ten (10) years from the time of recording unless sooner released, and shall be renewable in accordance with the provisions of Sections 683.110 to 683.220, inclusive, of the California Code of Civil Procedure.

E. All moneys collected under this Section 12 shall be deposited in a special account of the District and shall be made available for the monitoring, treatment, and control of discharges into the local agency's sanitation or sewer system or for other mitigation measures.

F. Unless appealed, orders setting administrative civil penalties shall become effective and final upon issuance thereof, and payment shall be made within thirty (30) days. Copies of these orders shall be served by personal service or by registered mail upon the party served with the administrative complaint and upon other persons who appeared at the hearing and requested a copy.

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

H. No penalties shall be recoverable under this Section 12 for any violation for which civil liability is recovered under Government Code Section 54740.

I. Any party aggrieved by a final order issued by the Governing Board of the District under this Section 12.6 after granting review of the order of a hearing officer, may obtain review of the order of the Governing Board in the Superior Court by filing in the court a petition for writ of mandate within thirty (30) days following the service of a copy of a decision and order issued by the Governing Board. Any party aggrieved by a final order of a hearing officer issued under this Section 12.6, for which the Governing Board denies review, may obtain review, of the order of the hearing officer in the Superior Court by filing in the court a petition for writ of mandate within thirty (30) days following service of a copy of a decision and order denying review by the Governing Board.

J. If no aggrieved party petitions for writ of mandate within the time provided by this Section 12.6, an order of the Governing Board or a hearing officer shall not be subject to review by any court or agency, except that the Governing Board may grant review on its own motion of an order after the expiration of the time limits set by this Section 12.6.

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K. The evidence before the court shall consist of the record before the Governing Board, including the hearing officer's record, and any other relevant evidence which, in the judgment of the court, should be considered to effectuate and implement policies of this division. In every such case, the court shall exercise its independent judgment on the evidence.

L. Except as otherwise provided in this Section, subdivisions (e) and (f) of Section 1094.5 of the California Code of Civil Procedure shall govern proceedings pursuant to this Section 12.6.

### ***12.7 Emergency Suspensions***

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

A. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the 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 Manager may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Manager that the period of endangerment has passed, unless the termination proceedings in Section 12.8 of this ordinance are initiated against the User.

B. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Manager prior to the date of any show cause or termination hearing under Sections 12.3 or 12.8 of this ordinance.

Nothing in this Section 12.7 shall be interpreted as requiring a hearing prior to any Emergency Suspension.

### ***12.8 Termination of Discharge***

In addition to the provisions in Section 7.5 of this ordinance, any User who violates the following conditions is subject to discharge termination:

- A. Violation of individual wastewater discharge permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling;  
or
- E. Violation of the Pretreatment Standards in Section 4 of this ordinance.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 12.3 of this ordinance why the proposed action should not be taken. Exercise of this option by the Manager shall not be a bar to, or a prerequisite for, taking any other action against the User.

## **SECTION 13 - JUDICIAL ENFORCEMENT REMEDIES**

### ***13.1 Injunctive Relief***

When the Manager finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or

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Requirement, the Manager may petition the Superior Court 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, order, or other requirement imposed by this ordinance on activities of the User. The Manager may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

### ***13.2 Civil Penalties***

A. Pursuant to California Government Code Sections 54739 and 54740 and the Clean Water Act, a User who has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement may be civilly liable in a sum of not to exceed twenty-five thousand dollars (\$25,000) a day for each violation.

B. The District may petition the Superior Court to impose, assess, and recover the sums provided for in Section 13.2 A of this ordinance. In determining the amount, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the economic benefit derived through any noncompliance, the nature and persistence of the violation, the length of time over which the violation occurs, and corrective action, if any, attempted or taken by the discharger.

C. Notwithstanding any other provision of law, all civil penalties imposed by the court for a violation of this Section 13.2 shall be distributed to the District.

D. Remedies under this Section 13.2 are in addition to and do not supersede or limit any and all other remedies, civil or criminal, but no liability shall be recoverable under this Section 13.2 for any violation for which administrative penalties are recovered under California Government Code Section 54740.5.

### ***13.3 Criminal Prosecution***

A. A User who willfully or negligently discharges pollutants, except in compliance with waste discharge requirements, or who willfully or negligently violates any order, prohibition, waste discharge requirement, effluent standard, water quality related effluent standard, federal standard or performance, pretreatment or toxicity standard or requirement, or who refuses to comply with the requirements adopted to control the disposal of pollutants into wells, or who fails to comply with the conditions of their permit, compliance schedule or any standard, condition or requirement set forth in this ordinance, shall be punished by a fine of not more than One Thousand Dollars (\$1,000) for each day such violation occurs, or by imprisonment for not more than thirty (30) days, or both.

B. A User who knowingly makes any false statement, representation, record, report, plan or other document filed with a Regional Water Quality Control Board or the State Water Resources Control Board, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required by the laws of the State of California, shall be punished by a fine of not more than Ten Thousand Dollars (\$10,000), or by imprisonment for not more than six (6) months, or both.

C. If the District believes a criminal offense has been committed hereunder, it may refer the matter to the District Attorney for prosecution.

### ***13.4 Remedies Nonexclusive***

The remedies provided for in this ordinance are not exclusive. The Manager may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the District's Enforcement Response Plan. However, the Manager may take other action against any User when the circumstances warrant. Further, the Manager is empowered to take more than one enforcement action against any noncompliant User.

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## **SECTION 14 - SUPPLEMENTAL ENFORCEMENT ACTION**

### ***14.1 Payment of Outstanding Fees and Penalties***

The Manager may decline to issue or reissue an individual wastewater discharge permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this ordinance, a previous individual wastewater discharge permit, or order issued hereunder.

### ***14.2 Public Nuisances***

A violation of any provision of this ordinance, an individual wastewater discharge 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 Manager. Any person(s) creating a public nuisance shall be subject to the provisions of California law governing such nuisances.

## **SECTION 15 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS**

A User shall have such affirmative defenses to an enforcement action brought against it for noncompliance with this ordinance as may be provided by State and Federal law.

## **SECTION 16—MISCELLANEOUS PROVISIONS**

### ***16.1 Pretreatment Charges and Fees***

The District may adopt reasonable fees for reimbursement of costs of setting up and operating the District's Pretreatment Program, which may include:

- A. Fees for wastewater discharge permit applications including the cost of processing such applications;
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports and certification statements submitted by Users;
- C. Fees for reviewing and responding to accidental discharge procedures and construction;
- D. Fees for filing appeals;
- E. Fees to recover administrative and legal costs associated with the enforcement activity taken by the Manager to address User noncompliance; and
- F. Other fees as the District may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the District.

### ***16.2 Severability***

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or of the State of California, such decision shall not affect the validity of the remaining portions of this ordinance. The Governing Board of the District hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause or phrase be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

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**16.3 Publication**

The Secretary of the District is hereby directed to cause a summary or display advertisement relating to this Ordinance to be published once in a newspaper published and of general circulation in the District in accordance with Health & Safety Code Section 6490.

**16.4 Effective Date**

This Ordinance shall take effect and be in force one week following publication as provided in Section 16.3 hereof.

**16.5 Repeal of Prior Ordinances**

As of the effective date of this Ordinance the following District ordinances are hereby repealed in their entirety: (i) Ordinance No. 44, as amended by Ordinance No. 51 and Section 2 of Ordinance 70; and (ii) Ordinance No. 74.

PASSED AND ADOPTED this 16th day of April, 2012, by the following vote of the Governing Board of the Goleta Sanitary District:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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George W. Emerson  
Governing Board President

COUNTERSIGNED

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Kamil S. Azoury  
Governing Board Secretary