

**RULES AND REGULATIONS
FOR USE OF
DISTRICT SEWERAGE FACILITIES**



**SANITATION DISTRICTS
OF
THE OLIVENHAIN MUNICIPAL WATER DISTRICT**

SEPTEMBER 2009

RULES AND REGULATIONS
FOR USE OF DISTRICT SEWERAGE FACILITIES

ARTICLE I – GENERAL PROVISIONS

SECTION 1.1 PURPOSE.

These Rules and Regulations set forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment systems operated by Olivenhain Municipal Water District (OMWD) and enables OMWD to comply with all applicable State of California and Federal laws required by the Clean Water Act of 1977 and subsequent Amendments and the General Pretreatment Regulations (40 CFR 403).

These Rules and Regulations shall apply to all sanitation districts that are operated by OMWD.

SECTION 1.2 AUTHORITY.

These Rules and Regulations are adopted pursuant to the Olivenhain Municipal Water District Uniform Sewerage Ordinance establishing provisions for the use of sewerage facilities of OMWD Sanitation Districts.

SECTION 1.3 TITLE.

These Rules and Regulations shall be known and may be cited as “Rules and Regulations for Use of District Sewerage Facilities”.

ARTICLE 2
DEFINITIONS AND ABBREVIATIONS

SECTION 2.1 SIGNIFICATION OF WORDS.

Unless otherwise defined herein, terms related to water quality shall be as adopted in the latest edition of “Standard Methods for the Examination of Water and Wastewater” published by the American Public Health Association and the Water Pollution Control Federation.

SECTION 2.2 ABBREVIATIONS.

The following abbreviations shall have the designated meanings:

▪ BOD	-	Biochemical Oxygen Demand
▪ CFR	-	Code of Federal Regulations
▪ COD	-	Chemical Oxygen Demand
▪ EPA	-	Environmental Protection Agency
▪ FOG	-	Fats, Oil and Grease
▪ l	-	Liter
▪ mg	-	Milligrams
▪ mg/l	-	Milligrams per Liter
▪ NPDES	-	National Pollutant Discharge Elimination System
▪ OMWD	-	Olivenhain Municipal Water District
▪ POTW	-	Publicly Owned Treatment Works
▪ RWRP	-	Regional Water Reclamation Facility
▪ SIC	-	Standard Industrial Classification
▪ SWDA	-	Solid Waste Disposal act, 42 U.S.C. 6901, et seq.
▪ USC	-	United States Code
▪ SSO	-	Sanitary Sewer Overflows
▪ TSS	-	Total Suspended Solids

SECTION 2.3 DEFINITIONS.

1. **“Act or “the Act”**. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.
2. **“Approval Authority”**. For pretreatment, the administrator of the EPA, unless delegated to State of California Water Resources Control Board.
3. **“Authorized Representative of Industrial User”**. An authorized representative of an Industrial User may be: (1) a principal executive officer of at least the level of vice president, if the Industrial User is a corporation; (2) a general partner or proprietor, if the Industrial User is a partnership or proprietorship, respectively; (3) a duly authorized representative of the

- individual designated above, if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.
4. **“B.O.D. (Denoting Biochemical Oxygen Demand)”** shall mean the quantity of oxygen utilized in the biochemical oxidization of organic matter under standard laboratory procedure in five (5) days at 20°C. expressed in milligrams per liter.
 5. **“Compatible Pollutant”** shall mean a combination of Biochemical Oxygen Demand, Suspended Solids, pH, Fecal Coliform Bacteria, plus other pollutants that the sewerage system’s treatment works are designed to remove.
 6. **”District”** shall mean any individual sanitation district operated by the Olivenhain Municipal Water District.
 7. **“Domestic Wastewater”** shall mean liquid-borne wastes normally discharged from premises occupied by humans as living quarters.
 8. **“Fats, Oils, and Greases”**. Organic polar compounds derived from animal and/ or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in the United States Code of Federal Regulations 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as “grease” or “greases”.
 9. **“Food Service Establishments”**. Those establishments primarily engaged in activities of preparing, serving, or otherwise making available for consumption by the public such as restaurant, commercial kitchen, caterer, hotel, school, hospital, prison, correctional facility, and care institution. These establishments use one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching. Also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing.
 10. **“General Manager”** shall mean the General Manager of the Olivenhain Municipal Water District, or his/her designee
 11. **“Grab Sample”**. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
 12. **“Grease Interceptor”**. A structure or device designed for the purpose of removing and preventing fats, oils, and grease from entering the sanitary sewer collection system. These devices are often below-ground units in outside areas and are built as two or three chamber baffled tanks.

13. **“Grease Trap”**. A device for separating and retaining waterborne greases and grease complexes prior to the wastewater exiting the trap and entering the sanitary sewer collection and treatment system. Such traps are typically compact under-the-sink units that are near food preparation areas.
14. **“Incompatible Pollutant”** shall mean any pollutant, which is not a compatible pollutant as defined herein.
15. **“Industrial User”** shall mean any user that discharges, or potentially discharges, water carried wastes and wastewaters to the District’s sewerage facilities, and is identified in the Standard Industrial Classification Manual 1972, Office of Management and Budget, as amended.
16. **“Industrial Wastes”** shall mean solid, liquid or gaseous substances discharged or disposed of from an industrial, manufacturing or commercial premise resulting from manufacturing, processing, treating, recovery or development of natural or artificial resources of whatever nature.
17. **“Industrial Wastewater”** shall mean all water carried wastes and wastewater of the community, from any source, excluding domestic wastewater, and shall include all wastewater from any producing, manufacturing, processing, institutional, commercial, service, agricultural, farming, all governmental uses and all other operations of any kind or nature except domestic wastewater. These may include wastes of human origin similar to domestic wastewaters.
18. **“Interference”**. The inhibition or disruption of the POTW treatment processes or operations, which contributes to a violation of any requirement of the treatment plant’s NPDES Permit or Discharge Order. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Act (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent State criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA applicable to the method of disposal or use employed by the POTW).
19. **“Mass Emission Rate”** shall mean the weight of material discharged to the sewer system during a given a time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of a particular constituent or combination of constituents.
20. **“Minimum Design Capability”**. The design features of a grease interceptor and its ability or volume required to effectively intercept and retain greases from grease-laden wastewaters discharged to the public sanitary sewer.
21. **“Categorical Pretreatment Standards”** shall mean those final regulations promulgated and adopted by EPA (as outlined in 40 CFR 403, and 40 CFR, Chapter I, Subchapter N, 405-471) for each standard industrial classification (S.I.C.) or subcategory containing pollutant discharge limits.

22. **“New Source”** shall mean any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307c of the Act...(REF 40 CFR 403.3K Definitions).
23. **“Pass-Through”** shall mean the discharge of pollutants through the treatment facility in quantities or concentrations which are a cause in whole or part of a violation of any requirement of the POTW’s discharge order (per 40 CFR 403.3 (n)).
24. **“Person”** shall mean any person, firm, company, association, corporation, limited liability company, district, the State of California, the United States of America, or any department or agency thereof.
25. **“pH”** shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
26. **“Pollutant”** shall mean any constituent or characteristic of wastewaters on which a discharge limitation may be imposed by either the District or any regulatory bodies empowered to regulate the District.
27. **“Premise”** shall mean any lot, piece or parcel of land, building or establishment.
28. **“Pretreatment or Treatment”**. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or other process means, except as prohibited by 40 CFR Section 403.6(d).
29. **“Pretreatment Requirements”**. Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an Industrial Discharger.
30. **“Prohibited Substance”** shall mean any substance defined as prohibited discharges as described in the Code of Federal Regulations.
31. **“Sewage”** shall mean wastewater.
32. **“Sewer System”** shall mean all facilities and equipment utilized in the collection, transportation, pumping, treatment or final disposal of wastewater within the District.
33. **“Shall”** is mandatory; **“May”** is permissive.

34. **“Significant Industrial User”** shall mean:

- A. A Discharger subject to categorical pretreatment standards; or
- B. A Discharger that:
 - 1. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the Districts collection system (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
 - 2. Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the RWRf; or
 - 3. Is designated as such by the District on the basis that it has a reasonable potential for adversely affecting the RWRf’s operation or for violating any pretreatment standard or requirement.
- C. Upon a finding that a Discharger meeting the criteria in Subsection (B) has no reasonable potential for adversely affecting the RWRfs operation or for violating any pretreatment standard or requirement, the District may at any time, on its own initiative or in response to a petition received from a Discharger, and in accordance with procedures in 40 CFR 403.8 (f) (6), determine that such Discharger should not be considered a Significant Industrial User.

35. **“Significant Non-Compliance (SNC)”** shall mean any User with compliance violations which meet one or more of the following criteria:

- A. Chronic violations of wastewater discharge limits, defined as those in which sixty-six percent or more of all of the measurements taken during a six month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- B. Technical review criteria (TRC) violations, defined as those in which thirty-three percent or more of all of the measurements taken during a six month period equal or exceed the product of the daily maximum limit or the average limit times the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);
- C. Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the District determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of District personnel or any member of the general public);

- D. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the District's exercise of its emergency authority to halt or prevent such a discharge;
 - E. Failure to meet, by ninety days or more after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order, for starting construction, completing construction, or attaining final compliance;
 - F. Failure to provide required reports such as baseline monitoring reports, 90 day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules within thirty days of the due date;
 - G. Failure to accurately report non-compliance;
 - H. Any other violation or group of violations which the District considers to be significant.
36. **“Standard Industrial Classification (SIC)”**. A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of the Management and Budget, 1972.
37. **“Suspended Solids”** shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
38. **“User”**. Any person, including those located outside the jurisdictional limits of OMWD, who contributes, causes or permits the contribution or discharge of wastewater into sewers within OMWD's boundaries, including persons who contribute such wastewater from mobile sources, such as those who discharge hauled wastewater.
39. **“Waste”** shall mean sewage and any and all other waste substance, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation of whatever nature, including such wastes placed within containers of whatever nature, prior to and for the purpose of disposal.
40. **“Wastewater Constituents and Characteristics”** shall mean the individual chemical, physical, bacteriological and radiological parameters, including volume and flow rate and such other parameters that serve to define, classify or measure the quality and quantity of wastewater.

ARTICLE 3
GENERAL SEWER USE REGULATIONS

SECTION 3.1 PROHIBITED DISCHARGE STANDARDS.

- A. General Discharge Prohibitions. No Discharger shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will cause pass-through or interfere with the operation or performance of the POTW. These general prohibitions apply to all such Dischargers of POTW whether or not the Discharger is subject to National Categorical Pretreatment Standards or any other national, state or local pretreatment standards or requirements.
- B. Specific Discharge Prohibitions. A Discharger may not contribute, or cause to be contributed, the following substances to any POTW:
1. Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.
 2. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass, clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt, residues from refining, or processing of fuel or lubricating oil, mud, or glass, grinding or polishing wastes.
 3. Any wastewater having a pH less than 5.0, unless the POTW is specifically designed to accommodate such wastewater, or wastewater having any other corrosive property capable of causing any damage or hazard to any structure, equipment, or personnel of the POTW.
 4. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or which exceeds, or may exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act.
 5. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public or private nuisance, a trespass, a hazard to life or which are sufficient to prevent entry into the sewers for maintenance or repair.

6. Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with any part of the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 4-5 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
7. Any substance which will cause the POTW to violate its NPDES Permit or the receiving water quality standards.
8. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
9. Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40 °C (104 °F) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits.
10. Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a Discharger knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.
11. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Regional or State Water Resources Control Board in compliance with applicable state or federal regulations.
12. Any wastewater which causes a hazard to human life or creates a public or private nuisance. When the General Manager determines that a Discharger is discharging any of the above listed substances in such amounts as to interfere with the operation of the District's sewerage system. The General Manager shall: (1) notify the Discharger of the impact or effect on the system; (2) develop discharge limitations for such Discharger or Dischargers to correct the interference with the systems operation.
13. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass-through.

14. Trucked or hauled pollutants, except at discharge points designated by the General Manager prior to.
 15. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the General Manager.
 16. Sludges, screenings, or other residues from the pretreatment of industrial wastes.
 17. Detergents, surface-active agents, or other substances which may cause excessive foaming in the District's RWRFs or collection system.
 18. Wastewater required to be manifested under RCRA, unless specifically authorized by the General Manager.
 19. Infectious wastes as defined in the California Health and Safety Code.
 20. Any wastewater that the District determines adversely impacts any wastewater or recycled water facilities of the District or that the District determines adversely impacts any person or property.
 21. Any material or quantity of material(s), including but not limited to fats, oils, and greases (FOG), which will cause abnormal sulfide generation, obstruct flows within the collection system, or contributes to or causes a sanitary sewer overflow.
- C. Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the District's collection system.

SECTION 3.2 FEDERAL CATEGORICAL PRETREATMENT STANDARDS.

- A. The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.
- B. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the General Manager may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- C. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the General Manager shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).
- D. A Discharger may obtain a variance from a categorical pretreatment standard if the Discharger can prove, pursuant to the procedural and substantive

provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

- E. A Discharger may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

SECTION 3.3 LOCAL LIMITS.

- A. No Discharger shall discharge or cause to be introduced directly or indirectly into the District's collection system, a quantity or quality of wastewater which exceeds any discharge limit established by the District.
- B. These limits apply at the point where the wastewater is discharged to the District's collection system. The General Manager may impose limits based on milligram per liter concentration units, or pounds per day of pollutant discharged.
- C. Federal Categorical Pretreatment Standards. Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than local limitations imposed under this Ordinance, shall immediately supersede the limitations imposed under these Rules and Regulations. The General Manager shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.
- D. State Requirements. State requirements and limitations or discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this ordinance.

SECTION 3.4 RIGHT OF REVISION.

The Olivenhain Municipal Water District reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the sanitary and disposal systems if deemed necessary by the District to protect the local sewerage systems or personnel.

SECTION 3.5 DILUTION.

Dilution. No Discharger 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 the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the District, county or state.

SECTION 3.6 ACCIDENTAL DISCHARGES.

Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by these Rules and Regulations. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's sole cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Olivenhain Municipal Water District for review, and shall be approved by the Olivenhain Municipal Water District before construction of the facility. No user who commences contribution to the POTW after the effective date of these Rules and Regulations shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Olivenhain Municipal Water District. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of these Rules and Regulations, as modified by the District from time to time.

SECTION 3.7 FATS, OILS AND GREASE CONTROL PROGRAM.

In an effort to curb sanitary sewer overflows (SSOs) from grease accumulation in its sanitary sewer mains, OMWD has instituted a Fats, Oils and Grease (FOG) Control Program. Any nonresidential facility connected to the sanitary sewer collection and treatment system involved in the preparation or serving of foods will be subject to the conditions of the program. This program will aid in the prevention of sanitary sewer blockages and obstructions from contributions and accumulation of fats, oils, and greases into the sanitary sewer system from industrial or commercial establishments, particularly food preparation and serving facilities.

All food service establishments discharging wastewater to the OMWD sanitary sewer collection system are subject to the following requirements:

1. Grease Interceptor Requirements: All food service establishments are required to install, operate, and maintain an approved type and adequately sized grease interceptor necessary to maintain compliance with the objectives of the OMWD Rules and Regulations. All grease interceptors must meet the requirements of the Uniform Plumbing Code.

2. Implementation: All new food service establishment facilities are subject to grease interceptor requirements. All such facilities must obtain prior approval from OMWD for grease interceptor sizing prior to submitting plans for a building permit. All grease interceptors shall be readily and easily accessible for cleaning and inspection. Existing facilities with planned modification in plumbing improvements, with a building permit evaluation of (\$20,000) or more will be required to include plans to comply with the grease interceptor requirements. These facilities must obtain approval from OMWD for grease interceptor sizing prior to submitting plans for a building permit. All existing food service establishments, determined by OMWD, to have a reasonable potential to adversely impact OMWD's sewer system will be notified of their obligation to

install a grease interceptor within the specified period set forth in the notification letter.

3. Variance from Grease Interceptor Requirements: Grease interceptors required under this Program shall be installed unless OMWD authorizes the installation of an indoor grease trap or other alternative pretreatment technology and determines that the installation of a grease interceptor would not be feasible. The food service establishment bears the burden of demonstrating that the installation of a grease interceptor is not feasible. OMWD may authorize the installation of an indoor grease trap where the installation of a grease interceptor is not feasible due to space constraints or other considerations. If an establishment believes the installation of a grease interceptor is infeasible, because of documented space constraints, the request for an alternate grease removal device shall contain the following information:

- a. Location of sewer main and easement in relation to available exterior space outside building.
- b. Existing plumbing at or in a site that uses common plumbing for all services at that site.

Alternative pretreatment technology includes, but is not limited to, devices that are used to trap, separate and hold grease from wastewater and prevent it from being discharged into the sanitary sewer collection system. All alternative pretreatment technology must be appropriately sized and approved by OMWD .

SECTION 3.7.1 FOG WASTEWATER DISCHARGE LIMITATIONS

1. No User shall allow wastewater discharge concentration from subject grease interceptor, grease trap or alternative pretreatment technology to exceed 600 milligrams per liter, as defined by EPA test method 1664.

SECTION 3.7.2 FOG GREASE INTERCEPTOR REQUIREMENTS

1. Grease interceptor sizing and installation shall conform to the current edition of the Uniform Plumbing Code.
2. Grease interceptors shall be constructed in accordance with design approved by OMWD and shall have a minimum of two compartments with fittings designed for grease retention.
3. Grease interceptors shall be installed at a location where it shall be easily accessible for inspection, cleaning, and removal of intercepted grease. The grease interceptor may not be installed in any part of the building where food is handled. Location of the grease interceptor must meet the approval of OMWD.
4. All such grease interceptors shall be serviced and emptied of accumulated waste content as required in order to maintain Minimum Design Capability or

effective volume. These devices should be inspected at least monthly. Users who are required to maintain a grease interceptor shall:

- a. Provide for a minimum hydraulic retention time in accordance with the Uniform Plumbing Code.
- b. Remove any accumulated grease cap and sludge pocket as required. Grease interceptors shall be kept free of inorganic solid materials such as grit, rocks, gravel, sand, eating utensils, cigarettes, shells, towels, rags, etc., which could settle into this pocket and thereby reduce the effective volume of the device.

5. The User shall maintain a written record of inspection and maintenance for 5 years. All such records will be made available for on-site inspection by representative of OMWD during all operating hours.

6. Sanitary wastes are not allowed to be connected to sewer lines intended for grease interceptor service.

7. Except as provided herein, for a period of one year following the installation of a grease interceptor, no enforcement actions will be taken under this Program for failure to achieve limits on grease discharges from grease interceptors. If, during this one year period an obstruction of a sewer main(s) occurs that causes a sewer overflow to the extent that an impact on the environment is realized and that said overflow or failure of the sanitary sewer collection system to convey sewage can be attributed in part or in whole to an accumulation of grease in the sewer main(s), OMWD will take appropriate enforcement actions, as stipulated in the Enforcement of Rules and Regulations, against the generator or contributor of such grease.

8. Access manholes, with a minimum diameter of 24 inches, shall be provided over each grease interceptor chamber and sanitary tee. The access manholes shall extend at least to finished grade and be designed and maintained to prevent water inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection, grease removal, and wastewater sampling activities.

SECTION 3.7.3 FOG GREASE TRAP REQUIREMENTS

1. Upon approval by OMWD, a grease trap complying with the provisions of this section must be installed in the waste line leading from sinks, drains, and other fixtures or equipment in food service establishments where grease may be introduced into the drainage or sewage system in quantities that can effect line stoppage or hinder sewage treatment or private sewage disposal.

2. Grease traps sizing and installation shall conform to the Uniform Plumbing Code.

3. No grease trap shall be installed which has a stated rate flow of more than fifty-five (55) gallons per minute, nor less than twenty (20) gallons per minute, except when specially approved by OMWD.

4. Grease traps shall be maintained in efficient operating conditions by periodic removal of the accumulated grease. No such collected grease shall be introduced into any drainage piping, or public or private sewer.

5. No food waste disposal unit or dishwasher shall be connected to or discharge into any grease trap.

6. Wastewater in excess of one hundred-forty (140) F/ (60 C) shall not be discharged into a grease trap.

7. Except as provided herein, for a period of one year following the installation of a grease trap, no enforcement actions will be taken under this Program for failure to achieve limits on grease discharges from the facility. If, during this one year period an obstruction of a sewer main(s) occurs that causes a sewer overflow to the extent that an impact on the environment is realized and that said overflow or failure of the sanitary sewer collection system to convey sewage can be attributed in part or in whole to an accumulation of grease in the sewer main(s), OMWD will take appropriate enforcement actions, as stipulated in the Enforcement of Rules and Regulations section, against the generator or contributor of such grease.

ARTICLE 4
INDUSTRIAL WASTE DISCHARGE PERMITS

SECTION 4.1 DISCHARGE OF INDUSTRIAL WASTE; PERMIT REQUIRED.

- A. No significant industrial user shall connect or otherwise discharge wastewater into the District's collection system without first obtaining an Industrial Waste Discharge Permit.
- B. The General Manager may require other users to obtain control mechanisms as necessary to carry out the purposes of this Ordinance.
- C. Any violation of the terms and conditions of a control mechanism shall be deemed a violation of this Ordinance and subject the user to the sanctions set out in Article 6 of this Ordinance. Obtaining a permit does not relieve the User of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, or local law and the requirements established by the District.

SECTION 4.2 PROCEDURE FOR THE PROCESSING OF AN INDUSTRIAL WASTE DISCHARGE APPLICATION.

- A. All Industrial/Commercial dischargers proposing to connect to any sewerage system operated by OMWD shall make a written application to the General Manager.
- B. Industrial Waste Discharge Application Forms. Standardized application forms will be provided by the General Manager indicating thereon the information, which the applicant for a permit shall be required to furnish. At its own expense, the applicant may be required to provide (in addition) to the information required to be furnished on the printed application form such additional information, analyses, or data as deemed necessary or appropriate by the General Manager to fully and adequately evaluate the use and discharge for which a permit is sought.
- C. Industrial Waste Discharge Application Contents:

The District will require the Industrial/Commercial Discharger to furnish the following information on the Industrial Waste Discharge Application.

- 1. Description of activities, facilities, and plant processes on the premises, including 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 District's collection system;
- 2. Number and type of employees, hours of operation, and proposed or actual hours of operation;

3. Each product produced by type, amount, process or processes, and rate of production;
4. Type and amount of raw materials processed (average and maximum per day);
5. 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;
6. Time and duration of discharges; and
7. Any other information deemed necessary or appropriate by the General Manager to evaluate the Industrial Waste Discharge Application.
8. All Industrial Waste Discharge Applications and Discharger reports must be signed by an authorized representative of the Discharger and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons 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."

9. Applicants will be required to pay deposits established by the District to cover District staff time and anticipated District fees and expenses in evaluating the application. No applications will be processed until all fees established by the District have been paid.

D. General Manager to Evaluate the Application. In evaluating a permit application, the General Manager shall consider the following factors:

1. Whether the discharge of waste will cause damage to or be otherwise injurious or detrimental to the sewer systems;
2. Whether the discharge of waste will cause an unwarranted increase in the cost of operation and maintenance;
3. Whether the discharge of waste will retard or inhibit the treatment of wastewater;

4. Whether the discharge of waste will be detrimental to the quality of the treated wastewaters, therefore limiting the beneficial reuse of the treated wastewater or biosolids.
 5. Whether the waste discharge can be made acceptable by properly engineered pretreatment facilities;
 6. Whether the sewer system can properly and safely process the proposed industrial waste discharge;
 7. Any other matters deemed material in arriving at a determination of permittee's discharge quantity and quality.
- E. Based upon the findings of the General Manager the General Manager will either refuse to issue a permit or issue the industrial waste discharge permit to the applicant.
- F. The General Manager shall be responsible for the issuance and enforcement of all Industrial Waste Discharge Permits.

SECTION 4.3 PERMIT CONDITIONS.

- A. Industrial Waste Discharge Permits shall be expressly subject to all provisions of these Rules and Regulations and all other applicable regulations, User charges and fees established by the Olivenhain Municipal Water District from time to time.
- B. Industrial Waste Discharge Permits shall contain the following conditions:
1. A statement that indicates Industrial Waste Discharge Permit duration, which in no event shall exceed five (5) years;
 2. A statement that the Industrial Waste Discharge Permit is nontransferable without prior approval by the District.
 3. Effluent limitations based on applicable pretreatment standards;
 4. A statement of applicable civil and criminal penalties for violations 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.
 5. Requirements for notification of the Olivenhain Municipal Water District of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
 6. Requirements for notification of slug discharges; and

7. A statement that compliance with the Industrial Waste 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 Industrial Waste Discharge Permit.
8. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, frequency, and sample type based on Federal, State, and local law;
9. Requirements for submission of technical reports or discharge reports;
10. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by OMWD, and affording OMWD access thereto;

C. Industrial Waste 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;
2. Requirements for the development of a compliance schedule. Compliance schedules may address installation and maintenance of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the District's collection system;
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 routine discharges;
4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the District's collection system;
5. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the District's collection system;
6. Requirements for installation and maintenance of inspection and sampling facilities and equipment;

7. Other conditions as deemed appropriate by the General Manager to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.
8. Compliance schedules;

SECTION 4.4 REQUIREMENTS FOR PRETREATMENT FACILITIES

Users shall provide necessary wastewater treatment as required to comply with conditions and limitations established in Industrial Waste Discharger Permits and/or these Rules and Regulations.

Any facilities required to pre-treat wastewater to a level acceptable for discharge to the sewer shall be provided, operated, and maintained at the sole cost and expense of the User. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to OMWD for review, and shall be subject to review and approval by OMWD before construction of the facility.

The cost of such review and approval shall be borne by the user. The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to comply with the provisions set forth. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to OMWD prior to the user's initiation of the changes.

SECTION 4.5 REQUIREMENTS FOR MONITORING FACILITIES

OMWD may require monitoring facilities, provided and operated at the user's own expense, to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but OMWD may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the District's requirements and all applicable local construction standards and specifications. Construction shall be completed in accordance with the time frame established by the District as a special condition of the Industrial Waste Discharge Permit, or as required as part of any agreement with the District.

SECTION 4.6 PERMIT DURATION

Permits shall be issued for a specified time based on the dischargers potential impact on the POTW. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit re-issuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit are subject to modification by the General Manager during the term of the permit as limitations or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

SECTION 4.7 TENTATIVE NATURE OF THE PERMIT.

If, after the granting of a permit, it shall develop, by reason of increased flow, change in the nature of industrial processes, or for any cause whatsoever, that the industrial waste discharge by a permittee violates any provisions of these Rules and Regulations or any applicable state, federal or local law or ordinance or adversely impacts any District facilities or any person or property, the General Manager may revoke or suspend the permit, or may require a re-evaluation of the permit, or may impose further conditions with respect thereto directed toward the elimination of such conflict.

Any permittee shall immediately report to the General Manager any significant increase or decrease in flow or in the nature of the discharge and failure to do so shall be grounds for immediate suspension or revocation of the permit.

SECTION 4.8 PERMIT TRANSFER

Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the express prior written consent of the Olivenhain Municipal Water District General Manager or his/her designee.

SECTION 4.9 FEES AND CHARGES

Any fees or deposits shall be due and payable to the District as set forth in any resolution of the OMWD Board of Directors establishing certain fees. An unpaid fee is delinquent if it has not been paid within 30 days after it is due. All delinquent payments will be assessed a penalty of 10% or \$100 per month, which ever is greater.

A. Application/Permit Fee

OMWD's Board of Directors may establish by resolution a fee for issuance and renewal of an Industrial Waste Discharge Permit. The Application/Permit Fee shall be in an amount reasonably related to the District's costs of

reviewing applications and may include an extra amount for expedited review of any application. All permit fees shall be due and be paid prior to issuance or renewal of an Industrial Waste Discharge Permit.

ARTICLE 5
MONITORING, REPORTING, INSPECTION AND NOTIFICATION

SECTION 5.1 BASELINE MONITORING REPORTS (BMRS)

Any New Source and any User subject to a new or revised Categorical Standard shall submit a BMR prior to the issuance or renewal of its Discharge Permit. Each BMR shall contain the information set forth in 40 C.F.R. Section 403.12(b)(1)-(7) and shall be submitted within the prescribed timeframes.

SECTION 5.2 SELF-MONITORING REPORTS

OMWD may require any User to submit self-monitoring reports of wastewater constituents and characteristics in order to determine compliance with the User's Discharge Permit or this Ordinance. When required, the self-monitoring requirement and frequency of reporting shall be set forth in the User's Industrial Waste Discharge Permit.

All sample analyses shall be performed by a laboratory certified by the State of California under the Environmental Laboratory Accreditation Program (ELAP) and follow the requirements set forth in 40 C.F.R. Part 136. The analyses of Wastewater Constituents and Characteristics and the preparation of the monitoring report shall be at the User's sole cost and expense.

The User shall establish and maintain a representative sample point from which all samples shall be taken. The representative sampling point shall be designated in the User's Industrial Waste Discharge Permit. Users shall submit all monitoring data taken at the sample point and analyzed even if the User samples more frequently than is required by its Industrial Waste Discharge Permit.

If self-monitoring indicates a violation, the User shall notify OMWD within 24 hours of becoming aware of the violation. The User shall repeat the sampling and analysis and submit the results of the repeat analysis to OMWD within 30 days.

In the event a User fails to perform any required self-monitoring and/or to submit self-monitoring reports, OMWD may initiate all necessary tasks and analyses to determine the User's wastewater constituents and characteristics for any limitations and requirements specified in the User's Industrial Waste Discharge Permit or in this Ordinance. The User shall be responsible for any and all expenses of OMWD in undertaking such monitoring analyses and preparation of reports.

SECTION 5.3 REPORT ON COMPLIANCE WITH CATEGORICAL STANDARD

Compliance Date Report. Within 90 days following the date for final compliance with applicable pretreatment standards, or in case of a new source, following commencement of the introduction of wastewater into the POTW, any user

subject to pretreatment standards and requirements shall submit to the General Manager a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis, and if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user and certified by a qualified professional. After initial report submittal, self-monitoring reports shall be submitted at a frequency determined by the District.

SECTION 5.4 REPORT OF CHANGED CONDITIONS

Each User must notify the General Manager of any planned changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change.

- A. The General Manager may require the user to submit such information as the District determines necessary or appropriate to evaluate the changed condition, including the submission of an Industrial Waste Discharge Application under Section 4.2 of this Ordinance.
- B. The General Manager may issue an Industrial Waste Discharge Permit under Section 4.3 of this Ordinance or modify an existing Industrial Waste Discharge Permit in response to changed conditions.
- C. For purposes of this requirement, significant changes that must be reported include, but are not limited to, flow increases of ten percent (10%) or greater, and the discharge of any previously unreported pollutants.

SECTION 5.5 COMPLIANCE SCHEDULE REPORTS

In the event the User is unable to meet the limits imposed by District, State or Federal Pretreatment Standards, without additional Operation and Maintenance (O&M) and/or additional pretreatment, the user shall furnish the shortest schedule by which such additional pretreatment will be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

The following conditions shall apply to this schedule:

- 1. The schedule shall contain increments of progress 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 (e.g., hiring an engineer, completing preliminary plans, completing final plans,

executing contract for major components, commencing, completing construction, etc.)

2. No increment referred to in paragraph (1) shall exceed nine (9) months.
3. Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the General Manager including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the General Manager.
4. All Users subject to a compliance schedule as required by an Industrial Waste Discharge Permit shall submit a progress report within 14 days of each interim compliance date set forth in the compliance schedule.

SECTION 5.6 SLUG CONTROL PLANS

OMWD shall evaluate whether any Industrial User needs a slug control plan to control Slug Discharges. OMWD may require any User to develop, submit for approval and implement such a plan. A slug control plan shall address, at a minimum, the following;

- A. Description of routine and non-routine Discharge practices;
- B. Description of stored chemicals, the quantities used and disposal practices for each;
- C. Procedures for immediately notifying the OMWD of any Slug Discharge, as required by Section 5.12 of this Ordinance; and
- D. Procedures to prevent adverse impact from any Slug Discharge.

Such procedures include, but are not limited to, all pollution prevention measures that have been implemented by the User, inspection and maintenance of Pretreatment systems and storage areas, handling and transfer of materials, worker training, measures for containing Pollutants, measures for ensuring against the deliberate initiation of a Slug Discharge and measures and equipment for emergency response.

SECTION 5.7 FALSE STATEMENTS

Persons submitting reports pursuant to this Ordinance are subject to the provisions of 18 U.S.C. Section 1001, Section 309 of the Clean Water Act, 40

C.F.R. Section 403.12 (b)(6) and any other provisions of law imposing civil and/or criminal penalties for making false statements.

SECTION 5.8 CONFIDENTIAL INFORMATION

All User information and data on file with OMWD shall be available to the public and governmental agencies without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of OMWD that the release of such information would divulge trade secrets that would be detrimental to the User's competitive position. The burden is upon the User to demonstrate that the need for confidentiality meets the burden necessary for withholding such information from the general public under applicable State and federal law and as stipulated in the OMWD Records Retention Policy (Ref: 1406), as amended from time to time, which is maintained at the OMWD administrative offices. Any such claim must be made at the time of submittal of the information by marking the submittal "confidential business information" on each page containing such information. Information, that the District determines is confidential and does not require disclosure under state or federal law shall not be transmitted to anyone other than a governmental agency without prior notification to the User. Information concerning Wastewater quality and quantity and the chemical constituents of the wastewater will not be deemed confidential.

SECTION 5.9 REPORTS FROM UNPERMITTED USERS

All Users not required to obtain an Industrial Waste Discharge Permit shall provide reports to the District as requested.

SECTION 5.10 OMWD'S RIGHT OF ENTRY FOR INSPECTION AND SAMPLING

Persons or occupants of commercial/industrial premises connected to the District's sewer system shall allow OMWD, or its representatives, access to all parts of the facility as necessary for the purposes of inspection and sampling to determine compliance with an Industrial Waste Discharge Permit or this Ordinance. OMWD has the right to enter any User's facility without prior notice regardless of whether the User is required to obtain an Industrial Waste Discharge Permit under this Ordinance.

Agents or employees of OMWD may inspect and sample, and copy records, from all Wastewater generating and disposal facilities of any User to ascertain whether the intent of this Ordinance is being met and the User is complying with requirements. Where a User has security measures in force, the User shall make necessary arrangements so that, upon presentation of suitable identification, personnel from OMWD will be permitted to enter without delay for the purpose of performing their specific responsibilities.

OMWD shall have the right to set up on the User's property, or other locations as determined appropriate by OMWD such devices as the District deems necessary to conduct sampling or metering operations.

A User shall remove promptly any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled at the written or verbal request of OMWD and such obstruction shall not be replaced. The User is responsible for the costs of removing all obstructions that prevent proper sampling or testing of the user's facilities by the District.

Unreasonable delays or interference in allowing OMWD access to the User's premises shall for the purposes of enforcement of this Ordinance be a violation of this Ordinance.

SECTION 5.11 RECORDKEEPING

In order for OMWD to determine the wastewater characteristics of the User for purposes of determining compliance with an Industrial Waste Discharge Permit or this Ordinance, all Users shall make available to OMWD for inspection and/or copying at the User's sole expense, the following records:

- A. All notices pertaining to waste generation or disposal;
- B. Self-monitoring reports and supporting records;
- C. All Waste Manifests; and
- D. All other records relating to the discharge required to be kept under State or federal law.

The User shall retain all records a minimum of three years.

SECTION 5.12 SLUG DISCHARGE

If a User anticipates the need for a Slug Discharge, it shall submit prior notice to OMWD, if possible, at least 10 days before the date of the Slug Discharge.

OMWD, in its sole discretion, may approve an anticipated Slug Discharge after considering its adverse effects. Approval of an anticipated Slug Discharge does not relieve the User of any expense, loss, damage or other liability which may be incurred as a result of damage or loss to OMWD or any other damage or loss to person or property; nor shall such notification relieve the User of any fees or other liability which may be imposed by this Ordinance or other applicable law.

A User shall submit to OMWD oral notice of an accidental Slug Discharge that violates the User's Industrial Waste Discharge Permit or this Ordinance within 24 hours after the User has knowledge of the Slug Discharge. Within five (5) days following an accidental discharge, the user shall submit to the General Manager a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences.

Failure to submit oral notice and/or written report are grounds for Industrial Waste Discharge Permit suspension or revocation.

Notification of an Accidental Slug Discharge shall not relieve the User of any expense, loss, damage or other liability which may be incurred as a result of damage or loss to OMWD or any other damage or loss to person or property; nor shall such notification relieve the User of any fees or other liability which may be imposed by this Ordinance or other applicable law.

Users shall post in a prominent place on the User's employee bulletin board or other notice board a notice advising employees whom to call in the event of a Slug Discharge. Users shall ensure that all employees who contribute to causing such a Discharge are advised of the emergency notification procedure.

SECTION 5.13 DISCHARGE OF HAZARDOUS WASTE

Users shall give notices of Discharge of all hazardous waste, as defined in 40 C.F.R. Part 261, in accordance with 40 C.F.R. Section 403.12(p).

ARTICLE 6
ENFORCEMENT OF RULES AND REGULATIONS

SECTION 6.1 PURPOSE AND SCOPE

Enforcement of this Ordinance is vital to the protection of the public's health and safety, the environment and the District. Any violation or continuing violation of any provision of this Ordinance, an Industrial Waste Discharge Permit, an administrative order, any decision of the General Manager or his designee, or applicable state or federal law are grounds for enforcement action against a Discharger. OMWD shall conduct enforcement proceedings in accordance with its Enforcement Response Plan, as amended from time to time, to ensure consistent application of the provisions of this Ordinance.

SECTION 6.2 AUTHORITY.

The General Manager of OMWD is charged with enforcing all applicable state, federal, local laws, and ordinances regarding discharge of wastewater into the sewer systems under the District's jurisdiction and all the provisions of these Rules and Regulations.

SECTION 6.3 FINDINGS OF VIOLATION

OMWD may make findings of violations of an Industrial Waste Discharge Permit, this Ordinance or applicable law based upon any or all of the following:

- A. Review of information submitted by a Discharger to OMWD;
- B. Inspection of the User's facility and/or sampling of the User's Discharge by district personnel;
- C. A User's failure to submit any required documentation, report or notice;
- D. A User's failure to pay any fees, fines, costs or deposits as required by this Ordinance;
- E. Complaints or reports received from employees of user or any customers of the District;
- F. Any other information received by OMWD;
- G. Any Notice of Violation issued by the Regional Water Quality Control Board or any other governmental agency.

SECTION 6.4 NOTICE OF VIOLATION (NOV)

Upon finding a violation of this Ordinance, an Industrial Waste Discharge Permit, an administrative enforcement order or applicable law, OMWD may issue the User a Notice of Violation (NOV).

For any violation, OMWD shall examine whether the User has an affirmative defense as set forth in 40 C.F.R. Section 403.5 (a) (2). If in the General Managers best professional judgement the User has an affirmative defense, OMWD shall not issue a NOV.

A NOV shall:

- A. Describe the violation and the basis for the violation;
- B. Cite the provisions of this Ordinance, the Discharge Permit or applicable law violated;
- C. Require correction of the violation and/or a written explanation of the cause of the violation, within a timeframe specified by OMWD;
- D. Set forth any administrative enforcement action imposed by OMWD;
- E. Provide written instructions for obtaining a hearing and the deadlines for doing so, if applicable.

In the event that the notice of violation imposes any administrative enforcement action(s), OMWD shall issue the NOV by at least one of the following methods: (1) via certified mail with return receipt requested; (2) personal delivery; (3) via facsimile, (4) posting the notice of violation conspicuously on or in front of the User's premises.

SECTION 6.5 ADMINISTRATIVE ENFORCEMENT ACTIONS

OMWD may impose in a NOV any of the enforcement actions set forth herein against a User upon a finding that a violation of this Ordinance has occurred.

A. Monetary Fines

The General Manager may impose monetary fines in an amount not to exceed \$5,000 per violation per day or \$10 per gallon. The General Manager may impose a fine not to exceed \$3,000 for each day a user fails to comply with any compliance schedule, and a fine not to exceed \$2,000 for each day a user fails to furnish technical or monitoring reports.

The fine shall be imposed in accordance with the recommendations found in OMWD's Enforcement Response Plan and Guide.

1. Payment Due Date. The fines prescribed in this Section shall be due and payable to OMWD within 30 days from the date of receipt of the NOV or administrative enforcement order. Any unpaid fine will be assessed a penalty of 10% or \$100 per month, whichever is greater.

B. Enforcement related costs:

The District may require the User to pay any additional costs incurred which are reasonably related to the enforcement of a User's Discharge Permit or any requirements of this Ordinance. These costs may include any inspections, monitoring, sampling or other investigations required by OMWD on a non-routine basis; procurement of water records; additional treatment; reasonable attorney fees and all other legal costs, whether or not civil enforcement is pursued in court; any expert fees and costs incurred by OMWD related to investigation or enforcement of the violation; any damage to the Olivenhain Municipal Water District's Sewerage System; costs required to resume normal operations of the Sewerage System; and all other fees and costs incurred by OMWD in its enforcement efforts. These costs shall be based upon actual fees and costs incurred; including all staff time incurred for such enforcement activities. These costs are due and payable as directed in any notice and are not subject to appeal. OMWD shall provide the User an accounting of these costs upon the User's request.

C. Enforcement Security

The General Manager may require a User to deposit cash, provide a letter of credit or other security in a form approved by the District sufficient to ensure the User's compliance with this Ordinance and any Industrial Waste Discharge Permit; or payment of any fees, fines, or costs; or to ensure participation in any requested hearing, in accordance with this Ordinance.

D. Compliance Schedule

The General Manager may impose a compliance schedule based upon his or her best professional judgement, setting forth the action(s) necessary to comply with any federal or state requirement, this Ordinance or an Industrial Waste Discharge Permit, and the deadlines for completing such action(s).

SECTION 6.6 PUBLICATION OF VIOLATION

In accordance with Federal Regulations, the District shall annually publish the names of all industrial users who have been in Significant Non-Compliance within the prior 12 months. This publication shall be made in the newspaper of the largest daily circulation published in the District's service area.

SECTION 6.7 SUSPENSION OR REVOCATION OF DISCHARGE PERMIT,
TERMINATION OF SERVICE

The General Manager, exercising his or her best professional judgement, may suspend or revoke a User's Industrial Waste Discharge Permit or physically terminate service whenever the User:

- A. Fails to comply with the terms of a notice of violation or Compliance Schedule;
- B. Fails to make timely payment of any amount due to OMWD;
- C. Fails to provide reports or other documents required by OMWD to determine compliance with an Industrial Waste Discharge Permit and this Ordinance;
- D. Provides any false statement to OMWD;
- E. Falsifies, tampers with or knowingly renders inaccurate any monitoring device or sample collection equipment;
- F. Fails to report any change in operations, as required by this Ordinance;
- G. Refuses access to User's facilities upon OMWD's demand without delay;
- H. Discharges any Wastewater in violation of its Industrial Waste Discharge Permit, any federal, state or local law, or this Ordinance.
- I. Conducts any of the user's operations in a manner which creates a public or private nuisance, a trespass, or in any manner that causes damage to any person or property;
- J. Violates any order or instruction given by the General Manager or his designee;
- K. Conducts any of the User's operations in a manner that adversely impacts any equipment or facilities of the District.

SECTION 6.8 ENFORCEMENT HEARING

- A. Right to enforcement hearing

A User may request a hearing regarding any compliance schedule or monetary fine greater than \$750 imposed by the District, by submitting to the General Manager, within seven days of the date of receipt of the NOV, a written request for a hearing, along with a hearing deposit as established by the General Manager. The General Manager shall be the Hearing Officer at such a hearing. The failure of the User to request a hearing within seven (7) days of the receipt of NOV shall constitute a waiver of the User's right to a hearing.

B. Request for hearing

The written request for a hearing shall set forth with specificity the reasons for the hearing, including whether the User challenges the factual basis of the decision, and if so, what facts in particular, or whether the User challenges the legal basis of the decision or the reasonableness of the sanctions imposed. All documents and witness declarations in support of the User's position shall be provided with the hearing notice. At the hearing, the User shall not be permitted to raise any new issues not contained in the request for hearing.

C. Purpose of hearing

The purpose of the hearing is to afford an opportunity for a User who is subject to an administrative enforcement action to contest the factual or legal basis of the decision or the reasonableness of the sanctions imposed.

D. Time for hearing

The hearing shall be held within 15 days of OMWD's receipt of the written request. The hearing may be adjourned and reconvened for good cause at the discretion of the Hearing Officer. Notwithstanding the foregoing, the hearing shall be concluded within 30 days of OMWD's receipt of the written request unless otherwise agreed by OMWD and the User.

E. Duties of Hearing Officer

The Hearing Officer shall schedule a day, time and place for the hearing, and shall ensure that the User receives written notice of the day, time and place of the hearing at least five days prior to the date of the hearing.

The Hearing Officer shall act to ensure that the OMWD and the User have a reasonable opportunity to be heard and to present all relevant oral and documentary evidence and that proper decorum is maintained, and shall not act as an advocate for OMWD or for a User.

The Hearing Officer shall have the authority and discretion to decide when oral and documentary evidence may or may not be introduced, and to rule on questions which are raised during the hearing pertaining to all matters of procedure and evidence. The Hearing Officer may admit evidence as long as responsible persons are accustomed to rely on such evidence in the conduct of serious affairs, regardless of the admissibility of such evidence in a court of law.

The Hearing Officer shall listen to and examine all evidence, direct questions to the User and the District as needed and determine the credibility and weight of the evidence.

The Hearing Officer has the authority to uphold OMWD's enforcement action, rescind the action or implement any of the actions allowed under this Section.

F. Procedure at hearing

Enforcement hearings are intended to be informal in nature. Formal rules of evidence and discovery do not apply. The General Manager may, from time to time, establish hearing guidelines to guide the hearing procedure. All documents the User intends to submit at the hearing shall be submitted to the hearing officer at least 24 hours before the scheduled hearing time. Any declarations the User intends to submit at the hearing shall also be provided to the hearing officer 24 hours prior to the hearing time.

OMWD shall have the burden of proving by a preponderance of the evidence the existence of a violation of this Ordinance, a Discharge Permit, an enforcement order or any applicable state or federal law.

Both OMWD and the User shall have the opportunity to present documentary evidence and to cross-examine witnesses in support of its position.

G. Record of the hearing

The Hearing Officer shall cause a recording of the hearing to be made either by tape recording or by providing a court reporter service. The User shall be entitled to receive a copy of a hearing transcript, if made, or the recording upon paying the reasonable cost for preparing the record, in accordance with applicable law.

The record of the hearing shall consist of the recording or transcript of the hearing, all notices, the Hearing Officer's written decision, all admitted exhibits, all rejected exhibits in OMWD's possession and any other written correspondence or evidence relating to the User's administrative hearing.

H. Failure to attend the hearing

In the event a User fails to attend a duly noticed hearing, the User shall be deemed to have waived the right to a hearing upon issues raised by the notice of violation, and the notice of violation and any enforcement actions set forth therein shall become final and binding upon the User on the day following the day scheduled for the hearing.

I. Administrative enforcement order

After the conclusion of the hearing, the Hearing Officer shall issue a decision, which may adopt, reject or modify, in whole or in part, the findings of fact, the enforcement actions or conditions included in the notice of violation or other actions addressed at the hearing. The decision may impose without further hearing or appeal, an enforcement action, including fines authorized by this

Ordinance, suspension or revocation of any Industrial Waste Discharge Permit or physical termination of service.

The Hearing Officer shall prepare a written enforcement order setting forth the decision, a brief statement of the facts found to be true, a determination of the issues presented and conclusions, articulating the connection between the evidence produced at the hearing and the decision. The written order shall be in sufficient detail to enable any reviewing body or court to determine the basis for the decision on each charge included in the notice of violation. The written order shall provide an explanation of the procedure for appealing the decision to the OMWD Board of Directors, if applicable, and notify the User of the timeframe for seeking judicial review, as required by Section 1094.6 of the Code of Civil Procedure.

The Hearing Officer's enforcement order shall be sent to the User at its business address, within 15 days after the conclusion of the hearing.

SECTION 6.9 ADMINISTRATIVE APPEAL

A. Right to appeal

A User may appeal to the Board of Directors any enforcement order suspending or revoking an Industrial Waste Discharge Permit or terminating a User's service. No other administrative appeal is authorized by this Ordinance.

B. Purpose

The purpose of the appeal is to allow the Board of Directors to review the hearing record to determine whether the decision to suspend or revoke the Discharge Permit was unreasonable. No new evidence or witnesses shall be presented during the appeal.

C. Request for appeal

A User may request an appeal by sending a written request to the General Manager within seven (7) days of receipt of the enforcement order, along with a deposit as determined by the General Manager. The failure of User to deliver the written appeal to the District within this seven (7) day period shall constitute a waiver of the User's right to appeal the enforcement order. The request shall set forth the reasons for the appeal. The written request for an appeal shall set forth in detail the reasons for the appeal, including whether the User challenges the factual basis of the decision, and if so, what facts in particular, or whether the User challenges the legal basis of the decision or the reasonableness of the sanctions imposed. At the appeal hearing, the User shall not be entitled to present new issues not included in the appeal letter.

D. Day, time and place of appeal

The General Manager shall schedule the day, time and place of the appeal, to occur within 45 days of OMWD's receipt of the User's request and shall provide a copy of the User's request and record of the hearing to the Board of Directors.

E. Record on review

The Board of Directors' review shall be limited to the hearing record as defined in Section 6.8 (G) of this Ordinance, unless the User or the General Manager demonstrates to the Board that new information has been discovered which did not exist or could not be discovered at the time of the enforcement hearing held.

F. Procedure at appeal

The appeal is intended to be an informal proceeding. Both OMWD and the User may present a summary of its case. The Board of Directors may ask questions of either OMWD or the User. The Board of Directors shall issue a written decision within 30 days after hearing the appeal.

SECTION 6.10 EMERGENCY SUSPENSION, REVOCATION OR TERMINATION OF SERVICE

Notwithstanding any other provision of this Ordinance, the General Manager may take any action to suspend or revoke a User's Industrial Waste Discharge Permit or to physically terminate service in the event of an emergency.

For purposes of this Ordinance, "emergency" means any event that the OMWD determines poses an imminent and substantial danger to the public health or welfare or the environment or any event that may impair the proper operation of any OMWD facilities.

In the event of an emergency, the General Manager shall issue a notice of violation in accordance with Section 6.4 of this Ordinance, and shall specify when the suspension, revocation or termination shall be effective.

A User may request that a hearing be held within 48 hours after notice of the emergency suspension, revocation or termination, in accordance with this Ordinance. The failure of the User to deliver a request for the hearing within this 48 hour period shall constitute a waiver of the User's right to a hearing.

SECTION 6.11 EFFECTIVE DATE OF DECISIONS

Except for any emergency termination ordered pursuant to Section 6.10 of this Ordinance, all enforcement orders issued pursuant to a hearing shall be effective on the date received by the User. In the event a User fails to request a hearing within the timeframe required, a notice of violation shall be deemed an

enforcement order and shall be effective upon the expiration of the timeframe during which a hearing may be requested. Any decision of the Board of Directors issued pursuant to an administrative hearing shall be effective upon the date received by the User.

SECTION 6.12 ADMINISTRATIVE COMPLAINT

In accordance with Government Code Section 54740.5, OMWD may issue an administrative complaint against any User that has violated any terms of this Ordinance.

SECTION 6.13 JUDICIAL REMEDIES

In addition to the administrative enforcement remedies provided by this Ordinance, OMWD may take any other judicial action allowed by law, including:

A. Civil Penalties

In accordance with Government Code Section 54740(b), the General Manager, on behalf of OMWD, may petition the superior court to impose, assess and recover from any Person sums not to exceed \$25,000 a day for each violation of this Ordinance. All civil penalties imposed by the court for violations are payable to OMWD.

B. Injunction

The General Manager, on behalf of OMWD, may petition the superior court for a temporary restraining order, temporary or permanent injunction.

C. Criminal Penalties

Any violation of this Ordinance is a misdemeanor, in accordance with Water Code Section 31106. Upon conviction, these misdemeanor violations will be punishable by a fine not to exceed \$5,000.00, or imprisonment for not more than six months, or both. Each violation and each day in which a violation occurs may constitute a new and separate violation of this Ordinance and shall be subject to the penalties contained herein.

SECTION 6.14 REMEDIES NOT EXCLUSIVE

The administrative enforcement actions, and any other remedies provided under this Ordinance are not exclusive, and are in addition to any other administrative, civil or criminal remedy established by law which may be pursued by OMWD or other state or federal regulatory agencies to address violations of this Ordinance and federal and state law.

SECTION 6.15 TIME LIMIT FOR JUDICIAL REVIEW

Judicial review of any OMWD enforcement decision shall be made pursuant to Section 1094.5 of the Code of Civil Procedure only if the petition for writ of mandate is filed not later than the 90th day following the date on which the decision becomes final. If this Ordinance provides for no appeal of the decision, the decision becomes final the date the decision is effective. If this Ordinance provides for an appeal of the decision, the decision becomes final upon the expiration of the period during which the appeal can be sought.

SECTION 6.16 FALSIFYING INFORMATION

Persons submitting reports pursuant to this Ordinance are subject to the provisions of 18 U.S.C. Section 1001, Section 309 of the Clean Water Act, 40 C.F.R. Section 403.12 (b)(6) and any other provisions of law imposing civil and/or criminal penalties for making false statements.