

ORDINANCE NO. 2021 - 6
AN ORDINANCE OF THE SCOTIA COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS

AMENDING ORDINANCE 2020-3 TITLE III – WASTEWATER SERVICE

The Board of Directors of the Scotia Community Services District does ordain as follows:

Section 1: Title III – Wastewater Service is hereby adopted as follows:

TITLE III – WASTEWATER SERVICE

CHAPTER 1 – WASTEWATER

SEC. 1.01. BASIS OF AUTHORITY. Ordinance 2015-3, dated 11/19/2015; Ordinance 2020 – 3 dated 6/18/2020.

SEC. 1.02. Purpose and Policy. This Wastewater Ordinance (Ordinance) sets uniform - requirements for discharges into the Scotia Community Services District (District) Publicly Owned Treatment Works (POTW) ,wastewater collection and treatment systems (District's infrastructure), and enables the District to comply with the administrative provisions set by the California Regional Water Quality Control Board, North Coast Region (RWQCB), National Pollutant Discharge Elimination System (NPDES) and the applicable effluent limitations, national standards of performance, toxic and pre-treatment effluent standards, and any other discharge criteria which are required or authorized by State or Federal law, and to derive the maximum public benefit by regulating the quality and quantity of wastewater discharged into the District's infrastructure. . This Ordinance provides a means of determining wastewater volumes, constituents and characteristics, the setting of charges and fees, and the issuance of permits to certain users. Revenues derived from the application of this Ordinance shall be used to defray the costs of operating and maintaining adequate wastewater collection and treatment systems and infrastructure to provide sufficient funds for capital outlay, bond service costs, capital improvements, and depreciation.

SEC. 1.02 Authority. The District General Manager (District Manager), as approved by the District Board of Directors (District Board) shall have the authority to administer, implement and enforce all chapters and sections of this Ordinance.

SEC. 1.03 . Violation Unlawful. It shall be unlawful for any person, whose building is required to be connected to the District's infrastructure under this ordinance to connect to, construct, install or provide, maintain, and use any other means of sewage disposal from said building except by connection to the District's infrastructure in accordance with this Ordinance..

SEC. 1.03. Relief on Application. When any person, by reason of special circumstances, is of the opinion that any provision of this ordinance is unjust or inequitable as applied to their premises, they may make written application to the Board of Directors, stating the special

circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to their premises.

If the application is approved, the Board may, by resolution, suspend or modify the provision complained of, as applied to such premises, to be effective as of the date of the application and continuing during the period of the special circumstances.

SEC. 1.04. Relief on Own Motion. The Board may, on its own motion, find that by reason of special circumstances any provision of this regulation and ordinance should be suspended or modified as applied to a particular premise, and may, by resolution, order such suspension or modification for such premises during the period of such special circumstance, or any part thereof.

SEC. 1.04 . District Inspector. The District Manager may personally perform or designate a qualified person or persons to perform the duties of inspecting the installation, connection, maintenance, operation and use of all infrastructure and collection facilities in the District Wastewater System.

SEC. 1.05 . Wastewater Permits and Fees. No wastewater, side wastewater, building wastewater or other sewerage facility shall be installed, altered or repaired within the District until a permit for the work has been obtained and all fees paid in accordance with the requirements of this Ordinance, and any other Ordinance adopted by the District Board .

CHAPTER 2 – USE OF WASTEWATERS REQUIRED

SEC. 2.01. Treatment of Wastewaters Required. It shall be unlawful to discharge to any stream or watercourse any domestic, commercial, or industrial wastewater or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this Ordinance.

SEC. 2.02. Unlawful Disposal. Except as hereinafter provided, in this Ordinance, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, seepage pit or other facility intended or used for the disposal of wastewater.

SEC. 2.03. Wastewater Required. The applicant of any proposed building to be situated within the District and abutting on any street in which there is now located or in the future may be located the District's infrastructure , is hereby required to connect, at their expense, said building, directly with the proper District's infrastructure in accordance with the provisions of this Ordinance provided that said wastewater is within three hundred (300) feet of the nearest point of the property line and the building is within one thousand (1,000) feet of the District's infrastructure. .

The applicant of any existing building provided with a lateral connection shall connect to the District's infrastructure within ninety (90) days after the date of official notice from the District. .

SEC. 2.04. Occupancy Prohibited. No building, commercial or industrial facility or other structure shall be occupied until the applicant of the premises has complied with all rules and regulations of the District.

CHAPTER 3 – PERMITS AND FEES

SEC. 3.01. Permit Required. No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any District infrastructure or appurtenances or perform any work on any lateral or building wastewater without first obtaining a written permit from the District and paying to the District the applicable permit fee. Other non-District permits may be required.

SEC. 3.02. Application for Permit. Any person legally entitled to apply for and receive a permit shall make such application on forms provided by the District for that purpose. They shall give a description of the character of the work proposed to be done and the location, occupancy and use of the premises. The District Manager may require plans, specifications or drawings and any other information as may be determined necessary.

If the District Manager determines that the plans, specifications, drawings, descriptions or information furnished by the applicant is in compliance with the ordinances, rules and regulations of the District, a permit shall be issued upon payment of the required fees. The schedule of fees shall be set by resolution of the District Board. The schedule shall be available at the District office upon request. The issuance of Wastewater Discharge Permits, to establishments producing commercial or industrial wastes, shall be governed by the provisions of this ordinance.

SEC. 3.03. Plan Check Fees. A plan check fee in the amount of 2% of the estimated construction cost for main extensions and engineering review of subdivisions will be charged when an application for service is filed with the District. Actual cost will be charged when the application is approved by the District Board .

SEC. 3.04. Compliance with Permit. After approval of the application, evidenced by the issuance of a permit, no change shall be made in the location of the wastewater infrastructure, the grade, materials, or other details from those described in the permit or as shown on the plans and specifications for which the permit was issued except with written permission from the District Manager or other authorized representatives.

SEC. 3.05. Agreement. The applicant's signature on an application for any permit shall constitute an agreement to comply with all of the provisions, terms and requirements of this and other ordinances, rules and regulations of the District, and with the plans and specifications filed with their application, of any, together with such corrections or modifications as may be made or permitted by the District, if any. Such agreement shall be binding upon the applicant and may be considered for alteration by the District Manager upon the written request for the alternation from the applicant.

SEC. 3.06. All Work to Be Inspected. All wastewater construction work shall be inspected by an inspector acting for the District to insure compliance with all requirements of the District. No wastewater infrastructure shall be covered at any point until it has been inspected and passed for acceptance. No wastewater infrastructure shall be connected to the District infrastructure until the work covered by the permit has been completed, inspected, and approved by the inspector. If the test proves satisfactory, the inspector shall issue a certificate of satisfactory completion.

SEC. 3.07. Notification. It shall be the duty of the person doing the work authorized by permit to notify the District Manager in writing that said work is ready for inspection. Such notification shall be given not less than twenty-four (24) hours before the work is to be inspected. It shall be the duty of the person doing the work to make sure that the work will pass the tests required by the District before giving the above notification.

SEC. 3.08. Condemned Work. When any work has been inspected and the work condemned and no certification of satisfactory completion given, the applicant of the premises, or the agent of such applicant, shall repair the wastewater infrastructure or other work authorized by the permit in accordance with the ordinances, rules and regulations of the District.

SEC. 3.09. All Costs Paid By Applicant. All costs and expenses specific to the installation and connection of any wastewater infrastructure or other work for which a permit has been issued shall be paid by the applicant. Such costs shall include the costs expended by the District for the installation of lateral infrastructure. These costs are in addition to any other connection permit fee required by this or any other ordinance of the District that provides for connection fees, rates and charges. The applicant shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the work.

SEC. 3.10. Street Excavation Permit. A separate permit must be secured from the State, County or any other party having jurisdiction thereover by applicants or contractor intending to excavate a public street for the purpose of or making District infrastructure connections.

SEC. 3.11. Liability. The District and its officers, agents and employees shall not be liable for any injury or death to any person or damage to any property arising during or growing out of the performance of any work by the applicant. The applicant shall be responsible for, and shall hold the District and its officers, agents, and employees harmless from, any liability imposed by law upon the District or its officers, agents, or employees, including all defense or enforcement costs, expenses, fees and interest incurred. Applicant shall be responsible for any defects in the performance of their work or any failure which may develop therein.

SEC. 3.12. Time Limit in Permits. If work under a permit is not commenced within six (6) months from the date of issuance or if after partial completion, the work is discontinued for a period of one year, the permit shall thereupon become void and no further work shall be done until a new permit shall have been secured. A new fee shall be paid upon the issuance of said new permit.

CHAPTER 4 – CONNECTION CHARGES

SEC. 4.01. General. It is hereby found and determined that it is necessary to reimburse the District for money advanced and to establish conditions of equality as to properties, either not charged or by later occurring facts, deemed to have been under-charged, during Proposition 218 proceedings conducted by the District for the purpose of constructing wastewater mains and facilities to serve properties within the District created therefore when such non-charged properties are permitted to connect to such wastewater mains and facilities.

CHAPTER 5 – BUILDING WASTEWATERS, LATERAL WASTEWATERS AND CONNECTIONS

SEC. 5.01. Permit Required. In accordance with this Ordinance, no person shall construct, lateral Wastewater infrastructure without first obtaining a written permit from the District and paying all fees and connection charges.

SEC. 5.02. Design and Construction Requirements. Design and construction of lateral wastewater infrastructure shall be in accordance with the rules, regulations and ordinances of the District.

SEC. 5.03. Minimum Size and Slope. The size and slope of the lateral infrastructure shall be subject to the approval of the District Manager, but in no event shall the diameter be less than four (4) inches. The slope of such 4-inch pipe shall not be less than one-fourth (1/4) inch per foot.

SEC. 5.04. Lateral Infrastructure. No building Wastewater infrastructure shall be laid parallel to or within three (3) feet of any bearing wall which might thereby be weakened. The building wastewater shall be laid at uniform grade and in straight alignment. Changes in direction shall be made only in conformance with the Uniform Plumbing Code (“UPC”).

SEC. 5.05. Separate Lateral Infrastructure. Every building, commercial or industrial facility must be separately connected to a District infrastructure. Any exceptions may be reviewed by the District. .

SEC. 5.06. Existing Lateral Infrastructure. Existing lateral infrastructure may be considered for use in connection with new buildings upon review and testing by the District and , shall meet all requirements of the District.

SEC. 5.07. Cleanouts. Cleanouts in building laterals shall be provided in accordance with all applicable rules, regulations and ordinances. All cleanouts shall be watertight and shall comply with the UPC.

SEC. 5.08. Lateral Too Low. In all buildings in which any building lateral is too low to permit gravity flow to the District infrastructure, wastewater carried by such building shall be lifted by a private pump station, maintained, and owned by the property owner, , approved by the District Manager, and discharged to the District infrastructure at the expense of the applicant. In all

buildings in which the floor level is below the elevation of the nearest manhole located upstream from the point at which the lateral wastewater intersects the main, a backflow prevention protection device, to be owned and maintained by the property owner, shall be installed in the building wastewater system at the expense of the applicant. Private pump stations shall be constructed outside the building.

The private pump station (pump station) design (District will require a standard 1.5 x working pressure), pump equipment and alarm system shall be approved by the District, prior to installation. All costs for installation, maintenance, operation, and repair of the pump station are the responsibility of the property owner. Any failure of the pump station which results in wastewater backup, and/or any wastewater overflow into or onto private or public property, is the responsibility of the pump station/property owner. Any costs incurred by the District as a result of the pump station failure, shall be paid by and are the responsibility of the pump station/property owner.

The District shall have the authority, at any time, to inspect the pump station.

SEC. 5.09. Joints and Connections. All excavations required for the installation of a side lateral infrastructure shall be open trench work unless otherwise approved by the District Manager. Pipe laying and backfill shall be performed in accordance with the rules, regulations and ordinances of the District, except that no backfill shall be placed until the work has been inspected, by the District or authorized representative.

SEC. 5.10. Connection to Wastewater. The connection of the building wastewater into the District infrastructure shall be made in strict accordance with the standard District specifications and at the applicant's expense. The invert of the building infrastructure at the point of connection shall be at a higher elevation than the invert of the District infrastructure. A smooth neat joint shall be made and the connection made secure and watertight. The connection to the District infrastructure shall be made in accordance with the rules, regulations and ordinances of the District. Any work on District infrastructures and any work on laterals done within a public right of way shall be performed by a duly licensed plumber or contractor under the inspection of the District, or authorized representative. Any damage to the District infrastructure shall be repaired at the cost of the applicant to the satisfaction of the District.

SEC. 5.11. Protection of Excavation. All excavations for side lateral installation shall be adequately guarded by the applicant with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other property disturbed in the course of the work shall be restored in a manner satisfactory to the District or any other agency having jurisdiction.

SEC. 5.12. Maintenance of Lateral Infrastructure. Lateral infrastructure shall be maintained by the applicant of the property served thereby. The owner shall be responsible for clearing the entire lateral infrastructure. The District will perform all other lateral maintenance beyond the required property cleanout and within the public right of way.

SEC. 5.13. Testing. All building lateral infrastructure shall be tested in strict accordance with rules, regulations and ordinances of the District.

CHAPTER 6 – USE OF WASTEWATER INFRASTRUCTURE

SEC. 6.01. Prohibitions on Discharges. No wastewater discharge into the District's infrastructure shall introduce or cause to be introduced into the District POTW any pollutant or wastewater which causes pass through or interference. This general prohibition applies to all wastewater users of the District POTW whether or not the wastewater user is subject to Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements. No wastewater user shall introduce any pollutant or wastewater which would violate the District's RWQCB, NPDES Permit or any other Federal or State Permit or requirement..

No person shall introduce or cause to be introduced into the District's POTW any pollutants, substances, or wastewater identified in District Ordinance 2021-2 Commercial and Industrial Wastewater Regulations.

SEC. 6.02 Prohibitions on Storm Drainage and Ground Water. Storm water, ground water, rain water, street drainage, subsurface drainage or yard drainage shall not be discharged through direct or indirect connections to any District infrastructure.

SEC. 6.03 Prohibitions on Unpolluted Water. Unpolluted water, including, but not limited to cooling water, process water or blown-down from cooling towers or evaporative coolers shall not be discharged through direct or indirect connection to any District infrastructure.

SEC. 6.04. Limitations on Radioactive Wastes. No person shall discharge or cause to be discharged any radioactive waste into any District infrastructure except.

- A. When the person is authorized to use radioactive materials by the State Department of Health or other governmental agency empowered to regulate the use of radioactive materials, and
- B. When the waste is discharged in strict conformity with current California Radiation Control Regulations (California Administrative Code, Title 17) and the Nuclear Regulatory Commission regulations, and recommendations for safe disposal, and
- C. When the person is in compliance with all rules and regulations of all other applicable regulatory agencies.

SEC. 6.05. Limitations on the Use of Garbage Grinders. Waste from garbage grinders shall not be discharged by any nonresidential users into the District infrastructure.

SEC. 6.06. Limitations on Point of Discharge. No person shall discharge any substances directly into a manhole or other opening in a District infrastructure other than through an approved building sewer.

SEC. 6.07. Holding Tank Waste. No person shall discharge any holding tank waste into District infrastructure unless explicitly authorized by the District Manager.

SEC. 6.08. National Categorical Pretreatment Standards. Users must comply with all National Categorical Pretreatment Standards.

SEC. 6.09. Limitations on Wastewater Strength (Local Limits)

SEC. 6.09.01. The District Manager is authorized, by the District Board to establish Local Limits for concentrations of any parameter listed in the Scotia Wastewater Treatment Facility Local Limits Study (Study) (SHN, February 2021). No person shall discharge, directly or indirectly, into the District's infrastructure or POTW wastewater concentrations of any parameter listed in the Study which exceed the maximum allowable headworks loading (MAHL), the maximum allowable industrial loading (MAIL) and the Local Limits.

Commercial and industrial wastewater dischargers may be given specific limitations for any parameter, determined by the District Manager, on a case-by-case basis as identified in the District Ordinance 2021-2 Commercial and Industrial Wastewater Regulations (District's Pretreatment Program).

- A. **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.
- B. **BMPs.** The District Manager may develop Best Management Practices (BMPs), by ordinance or in individual Wastewater Discharge Permits, or general permits, to implement the requirements of this ordinance.
- C. **Right of Revision.** The District reserves the right to establish, by ordinance or in individual Wastewater Discharge Permits or in general permits, more stringent standards or requirements on discharges to the POTW consistent with the purpose of this ordinance.
- D. **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 Permit Standard or Requirement. The District Manager may impose mass limitations on users who are using dilution to meet applicable Pretreatment Permit Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

SEC. 6.09.02. The District Manager shall cause to be prepared from time to time a list of the maximum permissible quantities or concentrations of certain constituents in commercial and

industrial or wastewater flows and otherwise issue detailed directions for meeting the requirements of this section.

Limitations on wastewater strength in this ordinance may be supplemented with more stringent limitations provided:

- A. If the District determines that the limitations in this ordinance may not be sufficient to protect the operation of the District's POTW, or
- B. If any regulatory agency determines that the limitations in this ordinance may not be sufficient to enable the District's POTW to comply with water quality standards or effluent limitations specified in the District's NPDES Permit.

SEC. 6.10. Disposal of Unacceptable Waste. Waste not permitted to be discharged into the District infrastructure must be transported to a State or Local approved disposal site. The required "Waste Haulers Report" must be completed, and a copy furnished within thirty (30) days to the District by the discharger.

SEC. 6.11. Interceptors Required. Grease, oil, and sand interceptors shall be provided when, in the opinion of the District Manager, they are necessary for the proper handling of liquid wastes, containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for buildings used for residential purposes. All interceptors shall be of a type and capacity approved by the District Manager and shall be so located as to be readily and easily accessible for cleaning and inspection. All such grease, oil and sand interceptors shall be maintained by the applicant, at their expense, in continuous efficient operation at all times.

SEC. 6.11.01. Grease Interceptors/Traps. Establishments, including but not limited to, any food service, bakeries, dairy process, fish/meat/poultry processing, manufacturing food products, , , car washes, auto wash racks and vehicle repair shops are grouped into the following major categories:

INDUSTRIAL: commercial and industrial facilities as defined in the UPC, and those facilities designated by the District Manager.

HIGH VOLUME: full menu establishments operating over sixteen (16) hours per day and/or serving 500 or more meals per day.

MEDIUM VOLUME: full menu or specialty menu establishments serving full meals eight (8) to sixteen (16) hours per day, and/or 100 to 400 meals per day.

SMALL VOLUME: fast food, take out or specialty food establishments with limited menus, a minimum of dish washing, and/or minimal seating capacity.

SEC. 6.11.02. Grease Interceptors. Industrial facilities, high volume and medium volume food establishments as defined in the UPC, or as determined by the District Manager, are

required to install a grease interceptor. The size, type and location of each grease interceptor shall be approved by the District. Waste in excess of 140° F (60° C) shall not be discharged into a grease interceptor. Grease interceptors shall have a minimum 750-gallon capacity.

Any type of business or establishment such as, but not limited to restaurants, bakeries, donut shops, take-out, drive-in eating establishments, ice cream or milk drive-in stations, hospitals, hotels, fish/meat/poultry processing, markets, recreation, or reception halls, where any grease or other objectionable materials may be discharged into District infrastructure shall have a grease interceptor.

Interceptors shall be constructed and installed at the expense of the applicant, in accordance with the design approved by the District Manager.

Each grease interceptor shall be so installed and connected that it shall be at all times easily accessible for inspection, cleaning, and removal of the intercepted grease. A grease interceptor may not be installed in any part of a building where food is handled. Proper location of the grease interceptor shall meet the UPC Requirements and the approval of the District Manager.

Each commercial facility or business establishment for which a grease interceptor is required shall have an interceptor which shall serve only that business establishment.

Buildings remodeled for use requiring interceptors shall be subject to these regulations.

For the purpose of this section the term 'fixture' shall mean and include each plumbing fixture, appliance, apparatus or other equipment required to be connected to or discharged into a grease interceptor by any provision of this section.

Wastewater discharge from fixtures and equipment in the above-mentioned types of establishments which may contain grease or other objectionable materials, including, but not limited to, scullery sinks, pot and pan sinks, dishwashers, food waste disposal, soup kettles, etc., and floor drains located in areas where such objectionable materials may exist, may be drained into the wastewater through the interceptor when approved by the District Manager. Exception: Toilets, urinals, and other fixtures containing fecal material shall not flow through the interceptor.

The interceptors shall be maintained in efficient operating condition by periodic removal and proper disposal of the accumulated grease. No such collected grease shall be introduced into any drainage piping or District infrastructure.

Abandoned grease interceptors shall be emptied and filled in the same manner as required for abandoned septic tanks in conformance with state and local requirements.

The cover for grease interceptors shall be reinforced as required depending on the load to be imposed upon the plate.

Interceptors shall be installed in such a manner that drainage from areas outside the area intended to be served may not enter. Interceptors shall be tested in a manner approved by the District and shall be witnessed by District Personnel.

SEC. 6.11.03. Grease Traps. Any type of business or establishment such as, but not limited to restaurants, bakeries, donut shops, take out, drive-in eating establishments, ice cream or milk drive-in stations, hospitals, hotel, fish/meat/poultry processing, markets, recreation or reception halls, car wash, and vehicle repair shop, where any grease or other objectionable materials may be discharged into a public or private sewage main or disposal system which is deemed by the District Manager or his designated representative to be a Small Volume food establishment may choose to install a grease trap in place of a grease interceptor.

The size, type and location of each grease trap shall be approved by the General Manager or designated representative. Wastes in excess of 140° F (60° C) shall not be discharged into a grease trap.

For the purpose of this section, the term “fixture” shall mean and include each plumbing fixture, appliance, apparatus or other equipment required to be connected to or discharged into a grease trap by any provision of this section.

Wastewater discharge from fixtures and equipment in the above-mentioned types of establishments which may contain grease or other objectionable materials, including, but not limited to, scullery sinks, pot and pan sinks, dishwashers, food waste disposal, soup kettles, etc., and floor drains located in areas where such objectionable materials may exist, may be drained into the wastewater through the grease trap when approved by the District Manager. Exception: Toilets, urinals, and other fixtures containing fecal material shall not flow through the grease trap.

No grease trap shall be installed which has an approval rate of flow of more than fifty-five (55) gallons per minute, nor less than twenty (20) gallons per minute except with prior written approval of the District Manager.

Each plumbing fixture or piece of equipment connected to a grease trap shall be provided with an approved type of flow control or restricting device installed in a readily accessible and visible location in the tailpiece or drain outlet of each such fixture. Flow control devices shall be so designed that the flow through such device or devices shall at no time be greater than the rated capacity of the grease trap. No flow control device having adjustable or removable parts shall be approved.

Each grease trap required by this section shall have an approved rate of flow, expressed in gallons per minutes, which is not less than forty (40) percent of the total capacity in gallons of fixtures discharging into said trap. The grease retention capacity of the trap, expressed in pounds of grease, shall not be less than two times the approved rate of flow in gallons per minute.

Any grease trap installed with the inlet more than four (4) feet lower in elevation than the outlet of any fixture discharging into such grease trap shall have an approved rate of flow which is not less than fifty (50%) percent greater than given in the preceding paragraph. Not more than four (4) separate fixtures shall be connected to or discharged into any one (1) grease trap.

Each fixture discharging into grease trap shall be individually trapped and vented in an approved manner. An approved type of grease trap may be used as a fixture trap for a single fixture when the horizontal distance between the fixture outlet and the grease trap does not exceed four (4) feet and the vertical tailpipe or drain does not exceed two and one-half (2 ½) feet.

No water-jacketed grease trap or grease interceptor shall be approved or installed. No mechanical grease trap shall be allowed.

Each grease trap shall have an approved water seal of not less than two (2) inches in depth or the diameter of its outlet, whichever is greater.

SEC. 6.11.04 Time of Compliance. All commercial, industrial facilities and food establishments shall be required to install a sand and/or grease interceptor or grease trap within the sixty (60) day period after the first occurrence of any of the following events:

- A. Transfer of any applicant or interest in the facility.
- B. The issuance by Humboldt County of any building permit for the construction, reconstruction, or related work to be performed on the premises.
- C. The backup or discharge of raw sewage on or from the premises due to grease build up in the service lateral.
- D. Or ninety (90) days after receiving written notice from the District Manager of the necessity for installation of such facilities.

SEC. 6.11.05 Monitoring and Reporting. All establishments having a grease trap or interceptor shall maintain and clean this unit as recommended by the manufacturer. Each grease trap or interceptor shall be regularly maintained by the proprietor or property applicant and records kept at the site for inspection by the District. Maintenance will vary depending upon the size of the unit and grease loading. The property applicant or proprietor shall send a copy of the maintenance records to the District annually from the time of installation or some other agreed upon date by the District. At no time shall the unit be allowed to become clogged with grease so as to create damage to the District collection or treatment facilities. The proprietor must develop a cleaning schedule sufficient to keep the unit functioning properly. Records of grease disposal to a collection agent must be made available to District personnel upon request.

SEC. 6.12. Preliminary Treatment of Wastes and Maintenance of 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, The District's Pretreatment Program, and the prohibitions set out in this Ordinance within the time limitations specified by EPA, the State, or the District Manager, whichever is more stringent. Any pretreatment 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 District Manager for review and shall be acceptable to the District Manager before such facilities is 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 wastewater discharge acceptable to District under the provisions of this Ordinance.

SEC. 6.13. Availability of District Facilities. If capacity is not available, the District Manager may require the discharger to reduce the quantity of their wastewater discharge until sufficient capacity can be made available. When requested, the District will advise persons desiring to locate new facilities as to the areas where wastewater of their proposed quantity and quality can be received by available District infrastructure. The District may refuse service to persons locating facilities in areas where their proposed quantity or quality of wastewater is unacceptable in the available District infrastructure. .

SEC. 6.14. Hauled Wastewater. Septic tank waste and/or hauled wastewater is prohibited from being introduced into the District infrastructure and POTW unless explicitly authorized by the District Manager or District Board.

SEC. 6.15. Additional Pretreatment Measures. Grease, oil, and sand interceptors shall be provided when, in the opinion of the District 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 District Manager, shall comply with this Ordinance and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired in accordance with this Ordinance by the user at their expense.

SEC. 6.16. Accidental Discharge Control Plans. The District Manager may require any commercial or industrial user to develop and implement an Accidental Discharge Control Plan. At least once every two (2) years the District Manager shall evaluate whether each commercial or industrial user needs such a plan. Any commercial or industrial user required to develop and implement an Accidental Discharge Control Plan shall submit a plan which provides, at a minimum, the following:

- A. Description of discharge practices, including non-routine batch discharges.
- B. Description of stored chemicals.
- C. Procedures for immediately notifying the District Manager of any accidental discharge, as required by this Ordinance; and

- D. Procedures to prevent adverse impact from any accidental 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 facility site runoff, worker training, construction of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response and clean up.

CHAPTER 7 – WASTEWATER VOLUME DETERMINATION

SEC. 7.01. Metered Water Supply. When charges and fees are based upon water usage, such charges and fees shall be applied against the total amount of water used from all sources unless, in the opinion of the District Manager, significant portions of water received are not discharged into any District infrastructure. The total amount of water used from public and private sources may be determined by means of public meters or private meters, installed, and maintained at the expense of the user and approved by the District Manager.

SEC. 7.02. Metered Wastewater Volume and Metered Diversions. When charges and fees are based upon water usage and where, in the opinion of the District Manager, a significant portion of the water received from any metered source does not flow into the District infrastructure because of the principal activity of the user or removal by other means, the charges and fees will be applied against the volume of water discharged from such premises into the District infrastructure. Written notification and proof of the diversion of water must be provided by the user, and approved by the District Manager, if the user is to avoid the application of the charges and fees against the total amount of water used from all sources. The user may install a meter of a type and at a location approved by the District Manager and at the user's expense. Such meters shall measure either the amount of wastewater discharged, or the amount of water diverted. Such meters shall be maintained at the expense of the user and shall be tested for accuracy at the expense of the user when deemed necessary by the District Manager.

Wastewater meters and vaults, when required, shall be approved by the District Manager. They must be accurate, trouble free and allow easy access at any time, by District personnel for inspection, and measurement of wastewater flow.

SEC. 7.03. Estimated Wastewater Volume.

SEC. 7.03.1. For users where, in the opinion of the District Manager, it is unnecessary or impractical to install meters, the charges and fees may be based upon an estimate of the volume of wastewater to be discharged, as determined by the District Manager. A rational method will be used to estimate the quantity of wastewater discharged and may consider such factors as the number of fixtures, number of employees, seating capacity, annual production of goods and services or such determinations of water use necessary to estimate the wastewater volume discharged.

SEC. 7.03.2. For users who, in the opinion of the District Manager, divert a significant portion of their flow from any District infrastructure, the charges and fees may be based upon

an estimate of the flow and volume to be discharged, prepared by the user, and approved by the District Manager provided the user obtains a Wastewater Discharge Permit and pays the applicable charges and fees. The estimate must include the method and calculations used to determine the wastewater volume and may consider such factors as the number of fixtures, number of employees, seating capacity, annual production of goods and services, or such other determinations of water use necessary to estimate the wastewater volume discharged.

CHAPTER 8 – REPORT, WASTEWATER DISCHARGE PERMITS AND ADMINISTRATION

SEC. 8.01. Discharge Reports. The District Manager may require that any person discharging or proposing to discharge wastewater into any District infrastructure file a periodic Discharge Report. The Discharge Report may include, but not be limited to, nature of process, volume, rates of flow, mass emission rates, production quantities, hours of operation, number and classification of employees, or other information which relates to the generation of waste including wastewater discharge. Such reports may also include the chemical constituents and quality of liquid or gaseous materials stored on site even though they are not normally discharged. In addition to Discharge Reports, the District may require information in the form of Wastewater Discharge Permit applications and self-monitoring reports and other reports contained in this ordinance.

SEC. 8.02. Baseline Monitoring Reports.

- A. Within either one hundred eighty (180) days after the effective date of a Categorical Pretreatment Standard, the final administrative decision on a category determination under 40 CFR 403.6(a)(4), or the effective date of the District’s Pretreatment Program , Categorical Industrial Users currently discharging to or scheduled to discharge to the District infrastructure and/or POTW shall submit to the District 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 District 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, quality, and quantity of pollutants to be discharged.
- B. Users described above shall submit the information set forth below.
 1. Measurement of pollutants.
 - a. The user shall provide the information required in this Ordinance.
 - b. The user shall take representative samples necessary to comply with the requirements of this Ordinance.

- 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 waste stream formula to evaluate compliance with the District's Pretreatment Program. Where an alternate concentration or mass limit has been calculated, the adjusted limit along with supporting data shall be submitted to the District Manager.
 - d. Sampling and analysis shall be performed in accordance with this Ordinance, and the District's Pretreatment Program, as well as State and Federal guidelines.
 - e. The District 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 commercial or industrial pretreatment..
 - f. The baseline report shall indicate the time, method, 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 wastewater discharges to the District infrastructure and/or POTW.
- C. **Compliance Certification.** A statement, reviewed by the user's Authorized Representative and certified by a qualified professional, indicating whether the District's Pretreatment Program is being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required.
- D. **Compliance Schedule.** If additional pretreatment and/or O&M will be required to meet the District's Pretreatment Program, the shortest schedule by which the user will provide such additional pretreatment and/or O&M must be provided. A compliance schedule pursuant to this Section must meet the requirements set out in this Ordinance.
- E. **Signature and Report Certification.** All baseline monitoring reports must be certified in accordance with this Ordinance and signed by an Authorized Representative, as defined in the District's Pretreatment Program.

SEC. 8.03. Compliance Schedule Progress Reports. The following conditions shall apply to the compliance schedule required by 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 District's Pretreatment Program. The events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction.
- B. No event increment referred to above shall exceed nine (9) months; and
- C. The user shall submit a progress report to the District 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 case shall more than nine (9) months elapse between such progress reports to the District Manager.

SEC. 8.04. Reports on Compliance. Within ninety (90) days following the date for final compliance with the District's Pretreatment Program, or in the case of a new source following commencement of the introduction of wastewater into the District's infrastructure and/or POTW, any commercial or industrial user shall submit to the District Manager a report containing the information described in this Ordinance. All compliance reports must be signed and certified. All sampling will be done in conformance with this Ordinance and the District's Pretreatment Program.

SEC. 8.05. Periodic Compliance Reports.

- A. All commercial and industrial user's subject to any pretreatment standard must, at a frequency determined by the District Manager, submit no less than twice per year (June and December) reports indicating the type and , concentrations of pollutants in the discharge which are limited by the District's Pretreatment Program, including the measured or estimated average and maximum daily flows for the reporting period. In cases where Best Management Practices (BMP) or pollution prevention alternatives are required, the user must submit documentation required by the District Manager that are necessary to determine the compliance status of the user. All periodic compliance reports must be signed and certified in accordance this Ordinance.
- B. All wastewater samples must be representative of the user's wastewater discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order and shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

SEC. 8.06. Reports of Changed Conditions. Each user must notify the District Manager of any significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least forty-five (45) days before the change begins.

- A. The District Manager may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a Wastewater Discharge Permit Application under this Ordinance.
- B. The District Manager may issue an individual Wastewater Discharge Permit or a general permit under this Ordinance in response to changed conditions or anticipated changed conditions.

SEC. 8.07. Reports of Potential Problems.

- A. In the case of any wastewater discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge that might cause potential problems for the District infrastructure and/or POTW, the user shall immediately telephone and notify the District Manager of the incident. This notification shall include the location of the discharge, type of waste, concentration, estimated volume, and, any corrective measures taken by the user.
- B. Within five (5) days following such discharge, the user shall, unless waived by the District Manager, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which might be incurred as a result of damage to the District infrastructure and/or 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. Commercial and industrial users are required to notify the District Manager immediately of any changes at its facility affecting the potential for a non-approved discharge. Failure to report may result in fines, penalties, or liability, pursuant to this Ordinance.

SEC. 8.08. Notice of Violation/Repeat Sampling and Reporting. If sampling performed by a user indicates a violation, the user must notify the District Manager within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the District Manager within thirty (30) days after becoming aware of the violation. Resampling by the commercial or industrial user is not required 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 commercial or industrial user.

SEC. 8.09. Notification of the Discharge of Hazardous Waste. Any user who accidentally discharges hazardous waste shall notify the District Manager, the EPA Regional Waste Management Division Director, and State Hazardous Waste Authorities, in writing, of any discharge of a substance which, if otherwise disposed of, would be a hazardous waste. Discharge of hazardous waste is prohibited under this Ordinance.

SEC. 8.10. Other Reporting Requirements.

- A. All periodic compliance reports must be signed and certified in accordance with this Ordinance.
- B. 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 District Manager, using the procedures prescribed in this Ordinance, the results of this monitoring shall be included in the report.

SEC. 8.10.01. 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 any BMP. .

SEC. 8.10.02. Certification Statements.

- A. **Certification of Permit Applications, User Reports.** A Certification Statement is required to be signed and submitted by users submitting permit applications in accordance with this Ordinance; users submitting baseline monitoring reports under this Ordinance; users submitting reports on compliance with the deadlines under this Ordinance; and users submitting periodic compliance reports required by this Ordinance.
- B. **Annual Certification for Non-significant Categorical Industrial Users.** A facility determined to be a Non-significant Categorical Industrial User by the District Manager, must annually submit certification statement signed in accordance with the signatory requirements of authorized or duly authorized representative, as identified in the District's Pretreatment Program.

SEC. 8.10.03. 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. Except as indicated in Section (B) and (C) below, the user must collect wastewater samples using 24-hour flow-proportional composite sampling or grab sampling as authorized by the District Manager. Where time-proportional composite sampling or

grab sampling is authorized by the District, the samples must be representative of the discharge.

- B. Samples must be obtained using grab collection techniques for the following constituents, including but not limited to oil and grease, temperature, pH, cyanide, and any other constituents, identified in the District's Pretreatment Program, as determined necessary by the District Manager.
- C. For sampling required in support of baseline monitoring and 90-day compliance reports, a minimum of four (4) grab samples must be used for pH, cyanide, and any other constituents, identified in the District's Pretreatment Program, as determined necessary by the District Manager, for facilities without the required historical sampling data. The District Manager may authorize fewer required constituents to be sampled if historical sampling data exists for certain constituents.

SEC. 8.11. Individual Wastewater Discharge Permit and General Permit Requirement. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual Wastewater Discharge Permit or a general permit from the District Manager.

The General Manager may require other users to obtain individual Wastewater Discharge Permits or general permits as necessary to carry out the purposes of this Ordinance.

Any violation of the terms and conditions of an individual Wastewater Discharge Permit or a general permit shall be deemed a violation of this Ordinance and subjects the Wastewater Discharge Permittee to the Chapter 12- Enforcement Section of this Ordinance. Obtaining an individual Wastewater Discharge Permit or a general permit does not relieve a permittee of its obligation to comply with the District's Pretreatment Program, all Federal and State Wastewater Pretreatment Standards or Requirements or with any other requirements of federal, state, and local law.

- A. **Individual Wastewater Discharge and General Permitting: Existing Connections.** Any user required to obtain an individual Wastewater Discharge Permit or a general permit who was discharging wastewater into the District infrastructure and/or POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within forty-five (45) days after said date, apply to the District Manager for an individual Wastewater Discharge Permit or a general permit in accordance with this ordinance, and shall not cause or allow discharges to the District infrastructure and/or POTW to continue after ninety(90) days of the effective date of this Ordinance except in accordance with an individual Wastewater Discharge Permit or a general permit issued by the District Manager.
- B. **Individual Wastewater Discharge and General Permitting: New Connections:** Any user required to obtain an individual Wastewater Discharge Permit or a general permit, who proposes to begin or recommence discharging into the District infrastructure and/or POTW, must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual Wastewater

Discharge Permit or general permit must be filed at least forty-five (45) days prior to the date upon which any discharge will begin or recommence.

SEC. 8.11.01 Permit Application Contents. Applicants for an individual or general Wastewater Discharge Permit shall complete an application, in the form prescribed by the District Manager. The applicant may be required to submit, in units and terms appropriate for evaluation, the following information:

- A. The name and address of the facility, including the name of the operator and applicant, and the Standard Industrial Classification (“SIC”) code.
- B. Volume of wastewater to be discharged.
- C. Wastewater constituents and characteristics including but not limited to those included in The District’s Pretreatment Program and this Ordinance.
- D. Time and duration of discharge.
- E. Average and daily peak wastewater flow rates, including daily, monthly and seasonal variations, if any.
- F. Site plans, floor plans, mechanical and plumbing plans and details to show all wastewaters and appurtenances by size, location and elevation.
- G. 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 District infrastructure and/or POTW from the regulated processes and types of materials which are or could be discharged.
- H. Each product produced by type, amount, and rate of production.
- I. Number and type of employees, and hours of work.
- J. Any other information as may be deemed by the District Manager to be necessary to evaluate the permit application.
- K. Environmental Permits. A list of any environmental control permits held by or for the facility.
- L. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the District infrastructure and/or POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in this Ordinance.

M. Measurement of Pollutants.

1. The Categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for existing sources.
2. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Categorical Standard or by the District Manager, of regulated pollutants in the discharge from each regulated process.
3. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
4. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in this Ordinance. Where the Categorical Standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the District Manager or the applicable Categorical Standard(s) to determine compliance.
5. Sampling must be performed in accordance with procedures set out in the District's Pretreatment Program and this Ordinance.

SEC. 8.11.02. Application Signatories and Certifications.

- A. All Wastewater Discharge Permit applications, user reports and certification statements must be signed by an Authorized Representative, as defined in the District's Pretreatment Program, of the user and contain a certification statement.
- 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 must be submitted to the District Manager prior to or together with any reports to be signed by an Authorized Representative.
- C. A facility determined to be a Non-Significant Categorical Industrial User by the District Manager must annually submit a signed certification statement.

SEC. 8.11.03. Permit Issuance Process. The District Manager will evaluate the data furnished by the user and may require additional information. Within forty -five (45) days of receipt of a complete permit application, including additional information requested, the District Manager will determine whether or not to issue an individual Wastewater Discharge Permit or a general permit. The District Manager may deny any application for an individual Wastewater Discharge Permit or a general permit.

SEC. 8.11.04. Wastewater Discharge Permitting: General Permit.

- A. At the discretion of the District Manager, general permits to control Significant Industrial User (“SIU”) discharges to the District infrastructure and/or POTW may be used if the following conditions are met. All facilities to be covered by a general permit must:
1. Involve the same or substantially similar types of operations.
 2. Discharge the same types of wastes.
 3. Require the same effluent limitations.
 4. Require the same or similar monitoring; and
 5. In the opinion of the District Manager, are more appropriately controlled under a general permit than under individual Wastewater Discharge Permits.
- B. To be covered by the general permit, the SIU must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit.
- C. The District Manager will retain a copy of the general permit, documentation to support the determination that a specific SIU meets the criteria in the District’s Pretreatment Program and this Ordinance and applicable State regulations, and a copy of the user’s written request for the general permit.

SEC. 8.11.05. Individual Wastewater Discharge Permit and General Permit Contents.

An individual Wastewater Discharge Permit or general permit shall include such conditions as are deemed reasonably necessary by the District Manager to prevent pass through or interference, protect the quality of the water body receiving the POTW’s effluent, protect worker health and safety, facilitate District solids management and disposal, and protect against damage to the District infrastructure and/or POTW.

- A. Individual Wastewater Discharge Permits and general permits **shall** contain:
1. A statement that indicates the Wastewater Discharge Permit issuance date, expiration date and effective date.
 2. A statement that the Wastewater Discharge Permit is nontransferable.
 3. Effluent limits, including Best Management Practices, based on applicable Wastewater Pretreatment Standards.
 4. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or BMP) to be monitored, sampling location, sampling frequency, and

sample type based on the District's Pretreatment Program, this Ordinance, and Federal, State, and local law.

5. Requirements to control accidental discharge, if determined by the District Manager to be necessary.

B. Individual Wastewater Discharge Permits and general permits **shall** contain:

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 installation of pretreatment technology, pollution control, or construction of appropriate containment device, designed to reduce, eliminate or prevent the introduction of pollutants into the District infrastructure and/or POTW.
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 non-routine discharges.
4. Development and implementation of waste minimization plans to reduce the number of pollutants discharged to the District infrastructure and/or POTW.
5. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the District infrastructure and/or 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 or the general permit does not relieve the permittee of responsibility for compliance with the District's Pretreatment Program, this Ordinance, and all applicable Federal and State Wastewater Pretreatment Standards, including those which become effective during the term of the individual Wastewater Discharge Permit or the general permit; and
8. Other conditions as deemed appropriate by the District Manager to ensure compliance with the District's Pretreatment Program, this Ordinance, and State and Federal laws, rules, and regulations.

SEC. 8.11.06. Permit Modification.

- A. The District 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 Wastewater Pretreatment Standards or Requirements.
2. To address significant alternations 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 District infrastructure and/or 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 infrastructure and/or POTW, District personnel, or the receiving waters.
5. Violation of any terms and/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 Federal or State Categorical Wastewater Pretreatment Standards.

SEC. 8.11.07. Individual Wastewater Discharge Permit and General Permit Revocation.

The District Manager may revoke an individual Wastewater Discharge Permit or coverage under a general permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify the District Manager of significant changes to the wastewater prior to the changed discharge.
- B. Misrepresentation or failure to fully disclose all relevant facts in the Wastewater Discharge Permit application.
- C. Falsifying self-monitoring reports and certification statements.
- D. Tampering with District monitoring equipment.
- E. Refusing to allow the District Manager, or authorized designee, timely access to the facility premises and records.
- F. Failure to meet discharge limitations.
- G. Failure to pay wastewater charges or fees.
- H. Failure to meet compliance schedules.

- I. Failure to complete a Wastewater Survey or the Wastewater Discharge Permit application.
- J. Violation of any Wastewater Pretreatment Standard or Requirement, or any terms of the Wastewater Discharge Permit or the general permit or this ordinance.

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

SEC. 8.11.08. Individual Wastewater Discharge Permit and General Permit Reissuance.

A user with an expiring individual Wastewater Discharge Permit or general permit shall apply for individual Wastewater Discharge Permit or general permit reissuance by submitting a complete permit application, in accordance with this ordinance, a minimum of forty-five (45) days prior to the expiration of the user's existing individual Wastewater Discharge Permit or general permit.

SEC. 8.11.9. Individual Wastewater Discharge Permit and General Permit Duration.

Wastewater Discharge Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. Each individual Wastewater Discharge Permit or a general permit will indicate a specific date upon which it will expire. The terms and conditions of the permit may be subject to modification and change by the District Manager during the life of the permit as limitations or requirements are modified and changed. The user shall be informed of any proposed changes in permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. Any user proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the District Manager at least forty- five (45) days prior to the proposed change or connection.

SEC. 8.11.10. Wastewater Discharge Permits are issued to a specific user for a specific operation. Wastewater Discharge Permits shall not be reassigned or transferred or sold to a new applicant, new user, different premises, or a new or changed operation.

SEC. 8.12. Inspection and Sampling. The District may inspect the facilities of any user to ascertain whether the purpose of this Ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the District Manager or authorized representative ready access at all reasonable times to all parts of the premises for the purposes of inspection or sampling or in the performance of any of their duties. The District shall have the right to set up on the user's property such devices as are necessary to conduct sampling or metering operation. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements so that upon presentation of suitable identification, personnel from the District will be permitted to enter without delay for the purposes of performing their specific responsibilities.

SEC. 8.13. Pretreatment. Users shall make wastewater acceptable under the limitations established in the District's Pretreatment Program and this Ordinance before discharging into any District infrastructure. Any facilities required to pretreat wastewater to a level acceptable to the District shall be provided and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the District for review and shall be approved by the District Manager before construction of the facility.

SEC. 8.14. Protection from Accidental Discharge. Each user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the District for review and shall be approved by the District Manager before construction of the facility.

SEC. 8.15. Confidential Information. All information and data regarding a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or any other governmental agency without restrictions unless the user specifically requests and is able to demonstrate, to the satisfaction of the District Manager, that the release of such information would divulge information, processes or methods which are proprietary.

When requested by the person furnishing a report, 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 to governmental agencies for use in making studies; and shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the District as confidential shall not be transmitted to any governmental agency or to the general public by the District until and unless prior and adequate notification is given to the user.

SEC 8.16. Publication of Industrial Users in Significant Noncompliance. The District Manager shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the District, a list of the Significant Industrial Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Wastewater Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users:

- 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 Wastewater Pretreatment Standard or Requirement.
- 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 period equals or exceeds the product of the numeric Pretreatment Standard or Requirement.

- C. Any other violation of a Categorical Pretreatment Standard that the District Manager determines has caused, along or in combination with other discharges, interference or pass through the District infrastructure and/or POTW including endangering the health of District personnel or the general public.
- D. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual Wastewater Discharge Permit or a general permit or enforcement order for starting construction, completing construction, or attaining final compliance.
- E. Failure to provide within forty-five (45) days, any required reports, including baseline monitoring reports, reports on compliance with categorical Wastewater Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules.
- F. Failure to accurately report noncompliance; or
- G. Any other violation(s), which may include a violation of Best Management Practices, which the District Manager determines will adversely affect the operation or implementation of the District's Pretreatment Program and this Ordinance. .

CHAPTER 9 – WASTEWATER CHARGES AND FEES

SEC. 9.01. Classification of Users. All users are to be classified either by assigning each one to a “user classification” category according to the principal activity conducted on the user’s premises, by individual user analysis, or by a combination thereof. The purpose of such collective and/or individual classification is to facilitate the regulation of wastewater discharges based on wastewater constituents and characteristics to provide an effective means of source control, and to establish a system of charges and fees which will ensure an equitable recovery of the District’s cost.

SEC. 9.02. Types of Charges and Fees. The charges and fees established in the District’s schedules of charges and fees, may include, but not be limited to:

- A. User fee classification charges.
- B. Fees for monitoring.
- C. Fees for permit applications.
- D. Appeal fees;

- E. Connection fees or assessments.
- F. Service charges.
- G. Penalties or special cost recovery charges.
- H. Charges and fees based on wastewater constituent flows and characteristics to include industrial cost recovery provisions of the Clean Water Act.

SEC. 9.03. Basis for Determination of Charges. Charges and fees established for each user or user classification, including permit users, shall be based on measured or estimated constituents and characteristics of the wastewater discharge of each user or user classification, which may include, but not be limited to, BOD, TSS, oil and grease, chlorine demand, volume, and rate of flow.

Unless otherwise specified, the charges and fees for each user or user classification shall be computed on the basis of characteristics of wastewater discharged to District infrastructure.

SEC. 9.04. Sewer Service Charges. A monthly sewer service charge is a charge for an immediately available property-related sewer service. The monthly charge shall apply to all utility customers within the District's limits. The amount of the monthly charge is established by Resolution of the District Board and is part of the District's Master Fee Schedule. The monthly charge is composed of a monthly base rate, a monthly flow rate, and a monthly strength rate. The amount of each charge shall be applied as follows:

- A. A monthly base rate shall be imposed on all customers, per equivalent dwelling unit (EDU), regardless of any actual water usage, which shall include consolidated amounts for:
 - 1. Operations and maintenance.
 - 2. Capital reserve; and
 - 3. Loan repayment.

- B. A monthly flow rate, in addition to a monthly base rate, shall be imposed on all customers based on each one hundred cubic feet (100 cf) of water used, which shall have consolidated amounts for:
 - 1. Operations and maintenance.
 - 2. Capital reserve; and
 - 3. Loan repayment.

- C. A monthly strength rate, in addition to a monthly base rate and monthly flow rate, shall be imposed on all customers per pound (lb.) of BOD and TSS, which shall include consolidated amounts for:
 - 1. Operations and maintenance.
 - 2. Capital reserve; and
 - 3. Loan repayment.

SEC. 9.05. Extraordinary Charges. The District Board reserves the right to set special sewer service charges where, in the opinion of the District Manager and/or District Board , a waste discharge strength and loading does not fit into existing rate schedules.

SEC. 9.06. Pretreatment Charges and Fees. The District may adopt reasonable charges and fees for reimbursement of costs of setting up and operating the District's Pretreatment Program. All fees will be based on:

- 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 commercial or industrial user's discharge, and reviewing monitoring reports submitted by the users;
- C. Fees for reviewing and responding to accidental discharge procedures and construction.
- D. Fees for filing appeals.
- E. Other fees as the District Manager may deem necessary to carry out the requirements contained in the District's Pretreatment Program and this Ordinance.

CHAPTER 10 – BILLING AND COLLECTING

SEC. 10.01. Billing. The regular billing period will be each calendar month.

SEC. 10.02. Opening and Closing Bills. Opening and closing bills for less than the normal billing period shall be prorated on a daily water used basis.

SEC. 10.03. Billing Time. Bills for sewer service charges shall be rendered at the beginning of each billing period and are payable upon presentation, except as otherwise provided.

SEC. 10.04. Collection by Interagency Intercept Program. As an alternate to any of the other procedures herein provided, the District may collect unpaid user fees and charges through the State of California Interagency Intercept Program. Upon submitting an unpaid charge to the State, the District will also notify the customer at the last known customer address. Customers may appeal said submittal by filing an appeal with the District Manager.

SEC. 10.05 Collection by Suit. As an alternative to any of the other procedures herein provided, the District may collect unpaid charges by suit, in which event it shall also have judgment for the cost of suit and reasonable attorney's fees.

SEC. 10.06. Other Utility Charges. The District will provide for the collection of its sewer service charges with the rates for the services of the water system or other utility service furnished. The sewer service charges shall be itemized, billed upon the same bill, and collected as one item, together with and not separately from such utility service charge.

SEC. 10.07. Discontinuing Service. If all or any part of the bill on which any sewer service charge is collected is not paid, the District may discontinue its water or utility service until such bill is paid.

SEC. 10.08. Collection. All laws applicable to the levy, collection, and enforcement of general taxes of the District, including but not limited to those pertaining to the matters of delinquency, correction, cancellation, refund, and redemption, are applicable to such charges.

SEC. 10.09. Use of Revenues. Revenues derived under this ordinance shall be used only for the acquisition, construction, or reconstruction, maintenance, and operation of wastewater facilities of the District and to repay principal and interest on bonds issued for the construction or reconstruction of wastewater facilities.

SEC. 10.10. Disconnection. As an alternative method of collecting such charges, the District may disconnect any premises from the water system if the user fails to pay the service charges for their premises after they have become delinquent, effectively disconnecting sewer service. The cost of reconnecting it thereto is established in the District Master Fee Schedule, and such user shall deposit the cost as estimated of disconnection and reconnection before such premises are reconnected to the wastewater system.

SEC. 10.11. Abatement. During the period of non-connection or disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon the District Board shall cause proceedings to be brought for the abatement of the occupancy of said premises by the human beings. In such event, and as a condition of connection or reconnection, there shall be paid to the District reasonable attorneys' fees and costs of suit arising in said action.

CHAPTER 11 – ALTERNATIVE BILLING PROCESS TO BILL ON COUNTY TAX ROLL

SEC. 11.01. Billing and Collecting Delinquencies on Tax Roll. The District may provide for the collection of all such delinquent charges that have not been paid and collected at the time of establishing its tax rate, upon the tax roll which District taxes are collected and in the same manner provided by law, therefore.

SEC. 11.02. Other Remedies. The District may provide otherwise for the collection of such delinquent charges. All remedies herein provided for their enforcement and collection are cumulative and may be pursued alternately or collectively as the District determines.

SEC. 11.03. Procedure. When the District elects to use the tax roll on which general taxes are collected for the collection of current and delinquent sewer service charges, proceedings

therefore shall be had as now or hereafter provided therefore in the California Health and Safety Code (CHSC).

SEC. 11.04. Alternative. The powers authorized by the CHSC shall be an alternative to all other powers of the District and an alternative to procedures adopted by the District Board thereof for the collection of such charges.

SEC. 11.05. Report. A written report shall be prepared and filed with the Humboldt County Clerk (Clerk), which shall contain a legal description of each parcel of real property receiving such services and facilities and the amount of the charge for each parcel for the forthcoming fiscal year, computed in conformity with the charges prescribed by this Ordinance.

SEC. 11.06. Notice. The Clerk shall cause notice of the filing of the report and of the time and place of hearing thereof to be published once a week for two (2) successive weeks prior to the date set for hearing, in a newspaper of general circulation, printed and published in the general area. Prior to such hearing for the first time, the Clerk shall mail a notice in writing of the filing of said first report proposing to have such changes for the forthcoming fiscal year collected on the tax roll and of the time and place of the hearing thereon, to be mailed to each person to whom any part of parcel of real property described in the report is assessed in the last equalized assessment roll on which general taxes are collected, at the address shown on the tax roll or as known to the Clerk.

SEC. 11.07. Hearing. At the time of said hearing, the Board shall hear and consider all objections or protests, if any, to said report referred to in said notice and may continue the hearing from time to time.

SEC. 11.08. Final Determination of Charges. Upon the conclusion of the hearing on the report, the Board will adopt, revise, change, reduce or modify any charge or overrule any or all objections and shall make its determination upon each change as described in said report, which determination shall be final.

SEC. 11.09. Filing of Report with County Auditor. On or before the 10th day of August in each year following the final determination of the Board, the Clerk shall file with the Auditor a copy of said report with a statement endorsed thereon over the Clerk's signature that it has been finally adopted by the District Board, and the Auditor shall enter the amounts of the charges against the respective lots or parcels of land as they appear on the current assessment roll.

SEC. 11.10. Lien. The amount of the charges shall constitute a lien against the lot or parcel of land against which the charge has been imposed as of noon on the first Monday in March of each year. The tax collector shall include the amount of the charges on bills for taxes levied against the respective lots and parcels of land.

SEC. 11.11. Tax Bill. Thereafter, the amount of the charges shall be collected at the same time and in the same manner and by the same persons as, together with and not separately from the general taxes for the District and shall be delinquent at the same time and thereafter be subject to the penalties for delinquency.

CHAPTER 12 – ENFORCEMENT

SEC. 12.01. Accidental Discharges.

1. Users shall notify the District Manager immediately upon accidentally discharging wastes in violation of this ordinance to enable countermeasures to be taken by the District to minimize damage to the District infrastructure and/or POTW, the receiving water, and the public in general.

The notification shall be followed, within fifteen (15) business days of the date of occurrence, by a detailed, written statement from user describing the cause(s) of the accidental discharge and the measures being taken to prevent future occurrence. Such notification will not relieve users of liability for any expense, loss or damage to the District infrastructure and/or POTW, or for any fines imposed.

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

3. Any direct or indirect connection or entry point for persistent or deleterious wastes to the user's plumbing or drainage system would be eliminated. Where such action is impractical or unreasonable, the user shall appropriately label such entry points to warn against discharge of such wastes in violation of this Ordinance.

SEC. 12.02. Notice of Violation. When the District Manager finds that a user has violated, or continues to violate, any provision of the District's Pretreatment Program or this Ordinance, an individual Wastewater Discharge Permit, or a general permit or order issued hereunder, or any other Wastewater Pretreatment Standard or Requirement, the District Manager may serve upon that user a written Notice of Violation (NOV). Within five (5) business days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the District Manager. Submission of such a plan in no way relieves the user of liability for any violations occurring before or after the receipt of the NOV. Nothing in this Ordinance shall limit the authority of the District Manager to take any action, including emergency actions or any other enforcement action, without first issuing a NOV.

SEC. 12.03. Consent Orders. The District Manager may enter into any documents establishing an agreement with any user responsible for noncompliance. These documents shall include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. The documents shall have the same force and effect as the administrative orders issued pursuant to this Ordinance and shall be judicially enforceable.

SEC. 12.04. Compliance Orders. When the District Manager finds that a user has violated, or continues to violate, any provision of the District's Pretreatment Program or this Ordinance, an individual Wastewater Discharge Permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the District 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, wastewater service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the number of pollutants discharged to the District infrastructure and/or POTW. A compliance order may not extend the deadline for compliance established for a Wastewater 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.

SEC. 12.05. Administrative Fines.

- A. When the District Manager finds that a user has violated, or continues to violate, any provision of the District's Pretreatment Program or this ordinance, an individual Wastewater Discharge Permit, or a general permit or order issued hereunder, or any other Wastewater Pretreatment Standard or Requirement, the District Manager may fine such user for each and every violation committed. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
- B. Unpaid charges, fines, and penalties shall, after sixty (60) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance, and interest shall accrue thereafter at a rate of one half of one percent (0.5%) per month. A lien against the user's property shall be sought for unpaid charges, fines, and penalties as authorized by California Government Code section 61621.
- C. Users desiring to dispute such fines must file a written request for the District Manager to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the District Manager may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The District Manager may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user authorized under these regulations or by California law, including the damages sustained by the District as a result of any such violation(s).

SEC. 12.06. Issuance of Cease-and-Desist Orders. When the District Manager finds that a user has violated, or continues to violate, any provision of the District's Pretreatment Program or this Ordinance, an individual Wastewater Discharge Permit, or a general permit or order issued hereunder, or any other Wastewater Pretreatment Standard or Requirement, or that the user's past violations are likely to recur, the District 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 preventative 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 to taking other action against the user.

SEC. 12.07. Emergency Suspensions. The District 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 public health or safety. The District Manager may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the District infrastructure and/or POTW.

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 District Manager may take such steps as deemed necessary, including immediate severance of the wastewater connection, to prevent or minimize damage to the District infrastructure and/or POTW, its receiving stream or endangerment to any individuals. The District Manager may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the District Manager that the period of endangerment has passed unless the termination proceedings in this Ordinance are initiated against the user.

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

SEC. 12.08. Termination of Discharge. In addition to the provisions in this Ordinance, any user who violates the following conditions is subject to discharge termination:

- A. Violation of individual Wastewater Discharge Permit or general 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 District's Pretreatment Program or this Ordinance.

Such user will be notified of the proposed termination of its discharge. Exercise of this option by the District Manager shall not be a bar to, or a prerequisite for, taking any other action against the user.

SEC. 12.09. Appeals. Any user, permit applicant, or permit holder affected by any decision, action, or determination, including Cease and Desist Orders, made by the District Manager, interpreting or implementing the provisions of the District's Pretreatment Program or this Ordinance or in any permit issued herein, may file with the District Manager, a written request for reconsideration within ten (10) days of such decision, action, or determination, setting forth in detail the facts supporting the user's request for reconsideration.

If the subsequent ruling made by the District Manager is unsatisfactory to the person requesting reconsideration, they may, within ten (10) days after notification of the District Manager's action, file a written appeal to the District Board. The written appeal shall be heard by the District Board within thirty (30) days from the date of filing. The District's Board shall make a final ruling on the appeal within fifteen (15) days of the closing of the meeting. The District Manager's decision, action, or determination shall remain in effect during such period of reconsideration.

SEC. 12.10 Remedies Non-Exclusive. The remedies provided for in this Ordinance are not exclusive. The District Manger may take any, all or any combination of these actions against a noncompliant user. However, the District Manager may take other action against any user when the circumstances warrant. Further, the District Manager is empowered to take more than one enforcement action against any noncompliant user.

SEC. 12.11. Affirmative Defenses to Discharge Violations.

1. Process Failure.

- A. A process failure is an unintentional and temporary noncompliance with the District's Pretreatment Program and this Ordinance because of factors beyond the reasonable control of the user. An upset does not include noncompliance caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. A process failure shall constitute an affirmative defense to an action brought for noncompliance with the District's Pretreatment Program and this Ordinance if the requirements of paragraph (C), below, are met.
- C. A user who wishes to establish the affirmative defense of process failure shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. A process failure occurred, and the user can identify the cause(s) of the process failure and
2. The facility was at the time being operated in a prudent manner and in compliance with applicable operation and maintenance procedures; and
3. The user has submitted the following information to the District Manager within twenty-four (24) hours of becoming aware of the process failure [if this information is provided orally, a written submission must be provided within five (5) days]:
 - i. A description of the indirect discharge and cause of noncompliance;.
 - ii. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;.
 - iii. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
 - iv. In any enforcement proceeding, the user seeking to establish the occurrence of a process failure has the burden of proof.
 - v. Users shall have the opportunity for a judicial determination on any claim of process failure only in an enforcement action brought for noncompliance with the District's Pretreatment Program and this Ordinance; and
 - vi. Users shall control production of all discharges to the extent necessary to maintain compliance with the District's Pretreatment Program and this Ordinance upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

2. Bypass.

A. For the purposes of this section:

1. Bypass means the intentional diversion of waste streams 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.

B. A user may allow any bypass to occur which does not cause the District's Pretreatment Program or this Ordinance to be violated, but only if it also is for essential maintenance to assure efficient operation. Requirements may be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this Section.

C. **Bypass Notifications.**

1. A user shall submit prior notice to the District Manager, at least ten (10) days before the date of the bypass, if possible.
2. A user shall submit oral notice to the District Manager of an unanticipated bypass that exceeds the District's Pretreatment Program or this Ordinance requirements 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 a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

D. **Unavoidable Bypass.**

1. Bypass is prohibited, and the District Manager may take an enforcement action against a user for a bypass, unless:
 - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.
 - b. 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 reasonable engineering judgment to prevent a bypass, which occurred during normal periods of equipment downtime or for preventive maintenance; and
 - c. The user submitted notices as required under paragraph (C) of this section.

2. The District Manager may approve an anticipated bypass, after considering its adverse effects, if the District Manager determines that it will meet the three conditions listed in paragraph (D)(i) of this Section.

CHAPTER 13 - ABATEMENT

SEC. 13.01. Public Nuisance. Discharges of wastewater in any manner in violation of the District's Pretreatment Program or this Ordinance or of any order issued by the District Manager as authorized by this Ordinance, is hereby declared a public nuisance and shall be corrected or abated as directed by the District Manager. Any person creating a public nuisance shall be subject to provisions of District codes or ordinances, rules and/or regulations governing such nuisance.

SEC. 13.02. Injunctive Relief. When the District Manager finds that a user has violated, or continues to violate, any provision of the District's Pretreatment Program or this ordinance, an individual Wastewater Discharge Permit, or a general permit or order issued hereunder, or any other Wastewater Pretreatment Standard or Requirement, the District may petition the California Superior Court for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual Wastewater Discharge Permit, the general permit, order, or other requirement imposed by this ordinance on activities of the user. The District may also pursue any 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 the user authorized under these regulations or by California law.

SEC. 13.03. Damage to Facilities. When a discharge of wastes causes an obstruction, damage, or any other impairment to District infrastructure, and/or POTW the District may assess a charge against the user for the work required to clean or repair the District infrastructure and/or POTW and add such charge to the user's sewer service charge.

SEC. 13.04. Correction of Violations; Collection of Costs; Injunction. In order to enforce the provisions of this ordinance, the District may correct any violations hereof. The cost of such correction may be added to any sewer service charge payable by the person violating the ordinance or the applicant or tenant of the property upon which the violation occurred, and the District shall have such remedies for the collection of such costs as it has for the collection of sewer service charges under California law.

SEC. 13.05. Civil Penalties.

- A. A user who has violated, or continues to violate, any provision of the District's Pretreatment Program or this Ordinance, an individual Wastewater Discharge Permit, or a general permit or order issued hereunder, or any other Wastewater Pretreatment Standard or Requirement shall be liable to the District for a maximum civil penalty of One Thousand Dollars (\$1,000), per violation, per day. In the case of a monthly or

other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

- B. The District may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the District.
- C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user authorized under these regulations or by California law.

SEC. 13.06. Criminal Prosecution.

- A. A user who violates any provision of the District's Pretreatment Program or this Ordinance, an individual Wastewater Discharge Permit, or a general permit or order issued hereunder, or any other Wastewater Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than One Thousand Dollars (\$1,000) per violation, per day, or imprisonment for not more than one (1) year, or both;
- B. A user who willfully or negligently introduces any substance into the District infrastructure and/or POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and may be subject to a penalty of at least One Thousand Dollars (\$1,000) per violation, or be subject to imprisonment for not more than one (1) year, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available to the District under California law, and the District shall be entitled to recover damages in the amounts actually sustained;
- C. A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed or required to be maintained pursuant to the District's Pretreatment Program or this ordinance, individual Wastewater Discharge Permit, or general permit or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than One Thousand Dollars (\$1,000) per violation, per day, or imprisonment for not more than one (1) year, or both.

CHAPTER 14 – WASTEWATER CAPITAL - RESERVE FUND

SEC. 14.01. Wastewater Capital Reserve Fund. The District shall maintain a Wastewater Capital Reserve Fund (WCRF) dedicated solely to pay for future expansion, major repair, and replacement of the District Wastewater Treatment Facility.

SEC. 14.02. Withdrawal of WCRF Monies. The District Board may use money from the WCRF to pay for the cost of planning, design and construction of capital improvements to the Wastewater Treatment Facility.

Section 2: Severability. If any section, subsection, sentence, clause, or phrase of this chapter is for any reason held to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of the chapter. The District Board hereby declares that it would have passed this chapter, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid under law.

Section 3: California Environmental Quality Act (CEQA) Determination. Under the EIR which was completed upon the formation of the Scotia Community Service District, a determination was made that the District would not result in a significant environmental impact. This ordinance is also exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Section 4: Limitation of Actions. Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

Section 5: This ordinance will take effect thirty (30) days after the date of its adoption.

DATE: _____, 2021

ATTEST:

APPROVED:

Board Clerk, Scotia Community Services District

President, Scotia Community Services District

Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 2021 -6, passed and adopted at a regular meeting of the Board of Directors of the Scotia Community Services District, Humboldt County, California on the 15th day of April, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

Clerk, Scotia Community Services District