

**CITY OF SAN BERNARDINO MUNICIPAL WATER DEPARTMENT**  
**1350 South “E” Street**  
**San Bernardino, CA 92408**  
**P.O. Box 710, 92402**

**RULE AND REGULATION NO. 26**  
**WASTEWATER FACILITIES AND NON-DOMESTIC DISCHARGE PERMITS**

**Table of Contents**

|      |   |    |
|------|---|----|
| 1.0  | ADMINISTRATIVE PROVISIONS .....             | 1  |
| 1.1  | Findings .....                              | 1  |
| 1.2  | Purpose and Policy .....                    | 3  |
| 1.3  | Administration of Policy .....              | 4  |
| 1.4  | Delegation of Authority .....               | 6  |
| 1.5  | Authorization to Discharge .....            | 6  |
| 1.6  | Confidential Information .....              | 6  |
| 1.7  | Signatory Requirements .....                | 7  |
| 1.8  | Delivery of Notice .....                    | 7  |
| 1.9  | Invalidity .....                            | 7  |
| 1.10 | Interpretation .....                        | 8  |
| 1.11 | Publication Notice .....                    | 8  |
| 2.0  | GENERAL REQUIREMENTS .....                  | 8  |
| 2.1  | Use of City Equipment or Facilities .....   | 8  |
| 2.2  | Plan Check Requirements .....               | 8  |
| 2.3  | Inspection Requirements .....               | 9  |
| 2.4  | Inspection Warrants .....                   | 10 |
| 2.5  | Monitoring Requirements .....               | 10 |
| 2.6  | Noncompliance Monitoring Requirements ..... | 13 |
| 2.7  | Reporting Requirements .....                | 14 |
| 2.8  | Flow Measurement Requirements .....         | 15 |
| 2.9  | Liquid Waste Discharge Requirements .....   | 15 |
| 2.10 | Record Keeping .....                        | 17 |
| 2.11 | Written Responses .....                     | 17 |
| 2.12 | Compliance Extension .....                  | 17 |
| 2.13 | Falsifying Information .....                | 17 |

|      |   |    |
|------|---|----|
| 3.0  | DISCHARGE PROHIBITIONS .....                            | 18 |
| 3.1  | Point of Discharge .....                                | 18 |
| 3.2  | Prohibited Waste Discharges .....                       | 18 |
| 3.3  | Liquid Waste Discharge Prohibitions .....               | 22 |
| 3.4  | Interceptor Prohibitions .....                          | 23 |
| 3.5  | Prohibited Discharge of Pretreatment Waste .....        | 23 |
| 3.6  | Medical Waste Disposal .....                            | 23 |
| 3.7  | Dilution Prohibited as a Substitute for Treatment ..... | 24 |
| 3.8  | Water Softening Prohibitions .....                      | 24 |
| 3.9  | Limitation on Wastewater Strength .....                 | 27 |
| 3.10 | Local Discharge Limitations .....                       | 28 |
| 3.11 | Federal Categorical Pretreatment Standards .....        | 29 |
| 4.0  | PRETREATMENT REQUIREMENTS .....                         | 29 |
| 4.1  | Separation of Wastewater .....                          | 29 |
| 4.2  | Pretreatment of Industrial Wastewater .....             | 30 |
| 4.3  | Pretreatment of Equipment Bypass .....                  | 31 |
| 4.4  | Standard Interceptor Designs .....                      | 31 |
| 4.5  | Pretreatment Requirements for Existing Users .....      | 32 |
| 4.6  | Interceptor Requirements .....                          | 32 |
| 4.7  | Sand/Oil Interceptors .....                             | 34 |
| 4.8  | Restaurant Requirements .....                           | 35 |
| 4.9  | Conditional Waivers .....                               | 36 |
| 4.10 | Interceptor Maintenance .....                           | 37 |
| 4.11 | Silver Recovery Pretreatment Systems .....              | 38 |
| 4.12 | Industrial User Modifications .....                     | 39 |
| 4.13 | Unauthorized Equipment Modifications .....              | 39 |
| 4.14 | Unauthorized Discharge Notification .....               | 39 |
| 4.15 | Spill Containment Systems .....                         | 40 |
| 4.16 | Facility Waste Management Plan .....                    | 41 |
| 5.0  | WASTEWATER DISCHARGE PERMITS .....                      | 43 |
| 5.1  | General Permit Requirements .....                       | 43 |
| 5.2  | Industrial User Permit Application Requirements .....   | 43 |
| 5.3  | Industrial User Permit Requirements .....               | 46 |
| 5.4  | Liquid Wastehauler Permits .....                        | 48 |

|      |  |    |
|------|--|----|
| 5.5  | Permit Duration .....                            | 50 |
| 5.6  | Duty to Comply .....                             | 50 |
| 5.7  | Permit Renewal .....                             | 50 |
| 5.8  | Permit Modifications .....                       | 50 |
| 5.9  | Permit Transfer .....                            | 51 |
| 5.10 | Permit Suspension or Revocation .....            | 51 |
| 6.0  | ENFORCEMENT NOTICES .....                        | 52 |
| 6.1  | Enforcement Response Plan (ERP) .....            | 52 |
| 6.2  | Administrative Violations .....                  | 52 |
| 6.3  | Discharge Violations .....                       | 53 |
| 6.4  | Liquid Wastehauler Violations .....              | 54 |
| 6.5  | Unclassified Violations .....                    | 56 |
| 6.6  | Public Nuisance .....                            | 56 |
| 6.7  | Administrative Orders .....                      | 56 |
| 6.8  | Sewer Suspension Order (SUSP) .....              | 63 |
| 6.9  | Sewer Termination Order (TERM) .....             | 63 |
| 6.10 | Civil Penalties (CIV) .....                      | 64 |
| 6.11 | Criminal Penalties (CRIM) .....                  | 68 |
| 6.12 | Remedies Nonexclusive .....                      | 69 |
| 6.13 | Damage to POTW Operation .....                   | 69 |
| 6.14 | Legal Action .....                               | 69 |
| 6.15 | Written Appeals .....                            | 70 |
| 6.16 | Judicial Review .....                            | 72 |
| 6.17 | Judicial Collection .....                        | 73 |
| 7.0  | CHARGES AND FEES .....                           | 74 |
| 7.1  | Establishment of Charges and Fees .....          | 74 |
| 7.2  | Recovery of Costs .....                          | 74 |
| 7.3  | Connection Applications and Fees .....           | 74 |
| 7.4  | Inspection Requirements .....                    | 74 |
| 7.5  | Sewer Service Charges .....                      | 75 |
| 7.6  | Permit Charges and Fees .....                    | 75 |
| 7.7  | Monitoring and Inspection Charges and Fees ..... | 76 |

**CITY OF SAN BERNARDINO MUNICIPAL WATER DEPARTMENT**  
**1350 South "E" Street**  
**San Bernardino, CA 92408**  
**P.O. Box 710, 92402**

**RULE AND REGULATION NO. 26**  
**WASTEWATER FACILITIES AND NON-DOMESTIC DISCHARGE PERMITS**

**1.0 ADMINISTRATIVE PROVISIONS**

**1.1 Findings**

- A. The wastewater facilities of the City discharge treated effluent to receiving waters, some or all of which may be deemed waters of the State. This effluent can affect the quality of the receiving waters or groundwaters.
- B. Existing federal and state laws and regulations establish limits on the nature of all effluent discharged to waterways, to the surface, or underground.
- C. The Regional Water Quality Control Board ("RWQCB"), Santa Ana Region, has established limits on the concentration of selected biological and chemical constituents of the effluent discharged by the City. These limits are set forth in orders duly adopted by the RWQCB. Likewise, the State Water Resources Control Board ("SWRCB") has established the General Waste Discharge Requirements (WDRs) to govern the operation, maintenance, and overall management of the wastewater Collection System.
- D. In order to comply with the requirements contained in those orders, the City must regulate the content of wastes discharged into its Publicly Owned Treatment Works (POTW). Rule and Regulation No. 26, and the other Rules and Regulations of the SBMWD, as enforced by the San Bernardino Municipal Code and City Charter, establishes requirements for discharges into the POTW in order to enable the City to comply with the administrative provisions of the Clean Water Act Regulations, the requirements of the RWQCB and SWRCB with regard to effluent limits, Federal Pretreatment Standards, and with other criteria required or authorized by federal or state legislation.

- E. The San Bernardino Municipal Water Department (SBMWD) has undertaken and completed specific financial studies relating to the capital needs, as well as the operation and maintenance needs of the facilities and Collection System.
- F. The financial requirements of the SBMWD, as shown in the current reports prepared by Staff and Consultants, are based on current, reliable information and data relating to population projections, wastewater flow and capital infrastructure needs and are expected to be realized in each year of the report.
- G. The revenues derived under the provisions of this Rule and Regulation will be used for the acquisition, construction, reconstruction, maintenance and operation of the wastewater collection, wastewater treatment and disposal facilities of the SBMWD; to repay principal and interest on debt instruments; or to repay federal and state loans issued for the construction and reconstruction of said wastewater facilities, together with costs of administration and provisions for necessary reserves.
- H. The need for upgraded and improved treatment of all wastewater collection, treatment and disposal facilities is required to protect the public health and safety, and to preserve the environment without damage.
- I. The charges established and levied by this Rule and Regulation are to allow the SBMWD to recover the costs necessary to provide wastewater collection and treatment service to individual parcels of real property which have been improved for multiple types of uses. The basis for the respective charge is the request of the owner of a parcel, for the benefit of the owner or the occupants of the property, to receive a service based upon actual use, consumption and disposal of water to the POTW in lieu of disposal by other means.
- J. The Collection System for the City collects and conveys wastewater from both industrial and non-industrial users to the Department's wastewater treatment facilities, where it can be properly treated.

## 1.2 Purpose and Policy

- A. Rule and Regulation No. 26 provides for the regulation of wastewater discharges in accordance with the federal government's objectives of general pretreatment regulations as stated in Section 403.2 of Title 40 of the Code of Federal Regulations (CFR) and amendments thereto which are for the following purposes:
- (1) To prevent the introduction of pollutants into the POTW which will interfere with the operation of the Collection System, Water Reclamation Plant (WRP), or Rapid Infiltration and Extraction Facility (RIX), including interference with its use or disposal of municipal biosolids;
  - (2) To prevent the introduction of pollutants into the POTW which will pass through the treatment works, inadequately treated, to the receiving waters or otherwise be compatible with such works;
  - (3) To improve opportunities to recycle and reclaim wastewater and biosolids;
  - (4) To enable the SBMWD to comply with its National Pollutant Discharge Elimination System (NPDES) Permit conditions, emergency discharge downstream treatment entity conditions, indirect potable groundwater discharge Permit conditions, biosolids use and disposal requirements, and any other federal or state laws to which the POTW are subjected;
  - (5) To provide for the equitable distribution of the costs associated with the operation of the POTW; and
  - (6) To protect and preserve the health and safety of the citizens and personnel of the SBMWD and satellite service areas.
- B. Rule and Regulation No. 26, and all of the SBMWD's applicable Rules and Regulations, shall apply to all users of the POTW. This Rule and Regulation No. 26 authorizes:
- (1) The issuance of industrial user permits;
  - (2) Monitoring, compliance, and enforcement activities;
  - (3) Administrative review procedures;
  - (4) Plan check review services;
  - (5) User reporting requirements;
  - (6) The establishment of fees; and

- (7) The equitable distribution of costs resulting from the program established herein.
- C. Rules and Regulations Nos. 25 and 26, as enforced by City Charter Section 603 and San Bernardino Municipal Code 2.28.010, provide the SBMWD with the legal authority required by the State Water Resources Control Board's Statewide General Waste Discharge Requirements for Wastewater Collection Agencies. The City, through the SBMWD, possesses the legal authority to:
- (1) Prevent illicit discharges into its sanitary sewer system (examples may include Inflow/Infiltration, stormwater, chemical dumping, unauthorized debris and cut roots, etc.);
  - (2) Require that all sewers, including private lateral lines and connections, be properly designed and constructed;
  - (3) Limit the discharge of fats, oils, grease and other debris that may cause blockages;
  - (4) Enforce any violation of its sewer ordinances

### **1.3 Administration of Policy**

#### **A. ADOPTION OF INTERPRETIVE RULES**

The Rules and Regulations adopted herein pertain to, but are not limited to, discharge limitations, pretreatment requirements, standards for wastewater lines (private sewer laterals, sewer mains, and lift stations) and services and implementation of standards promulgated pursuant to the Federal Water Pollution Control Act as amended by the Clean Water Act and further amendments thereto or the State Water Resources Control Board General Waste Discharge Requirements.

#### **B. GENERAL POWERS OF THE DIRECTOR**

Except as otherwise provided herein, the Director shall administer, implement and enforce the provisions of the Rules and Regulations. Any powers granted or duties imposed upon the Director may be delegated by the Director to persons acting in the beneficial interest or employ of the SBMWD, but shall remain the responsibility of the Director. In addition to the authority to prevent or eliminate discharges through enforcement of discharge limitations and prohibitions, the Director shall have the authority to respond to the following:

- (1) Endangerment to the health or welfare of the community. The Director, after informal notice to the affected user, may immediately and effectively halt or prevent any discharge of pollutants into the collection system of the City or any collection system tributary thereto (satellite service area), by any means available, including physical disconnection from the collection system, whenever the discharge reasonably appears to present an imminent endangerment to the health or welfare of the community;
- (2) Endangerment to the environment or the POTW. The Director, after written order to the user, may halt or prevent any discharge of pollutants into the collection system of the City or any collection system tributary thereto, by any means available, including physical disconnection from the collection system, whenever such discharge presents or may present an imminent and substantial endangerment to the environment or threatens to damage or interfere with the operation of the POTW; and
- (3) The discharges referred to in subdivisions 1 and 2 above may be halted or prevented without regard to the compliance of the user with other provisions of Rule and Regulation No. 26.

C. SPECIFIC POWERS OF THE DIRECTOR

If wastewater containing any pollutant in excess of discharge limitations as specified in Rule and Regulation No. 26, is discharged or proposed to be discharged into the collection system of the City or any collection system tributary thereto (satellite service area), the Director may take any action necessary to:

- (1) Prohibit the discharge of such wastewater;
- (2) Require the person discharging to demonstrate that in-plant modifications will reduce or eliminate the pollutant or substance so that the discharge will not violate Rule and Regulation No. 26;
- (3) Require treatment, including storage facilities or flow equalization necessary to reduce or eliminate the pollutants or substance so that the discharge will not violate Rule and Regulation No. 26;
- (4) Require the person making, causing or allowing the discharge to pay any required industrial user permit fees, inspection fees and any additional



cost or expense incurred by the SBMWD for handling, treating or disposing of excess pollutant loads imposed on its POTW, including any fines, penalties or legal expenses including attorneys' fees payable by the City associated with alleged or actual violations of the SBMWD NPDES Permit(s) attributed to the person's discharge;

- (5) Obtain timely and factual reports from the person responsible for such discharge; and
- (6) Take such other or further remedial action as may be deemed to be desirable or necessary to achieve the purposes of Rule and Regulation No. 26.

#### **1.4 Delegation of Authority**

All power and authority granted to the Director may be delegated by the Director to any person so authorized.

#### **1.5 Authorization to Discharge**

It shall be unlawful for any user to commence, significantly increase, or substantially change the quantity or quality of wastewater discharged to the WRP without the express written consent of the Director.

#### **1.6 Confidential Information**

All user information and data on file with the SBMWD shall be made available to the public and governmental agencies without restriction unless the user specifically claims the information to be confidential and is able to demonstrate to the satisfaction of the SBMWD that the release of such information would divulge proprietary information or trade secrets. Any such claim must be asserted when the information is submitted to the SBMWD by placing the words "Confidential Business Information" on each page containing such information. If no claim is made at the time of submission, the SBMWD may make the information available to the public without further notification to the user. All sample data obtained by either the user or the SBMWD shall not be considered confidential information. All production related information used to calculate mass based discharge limitations or required for the development of an industrial user permit shall not be considered confidential information. Confidential information may be made available, upon request, to governmental agencies for enforcement or judicial purposes related to Rule and Regulation No. 26, the NPDES Permit or

the pretreatment program, and as required by federal or state law.

### **1.7 Signatory Requirements**

All monitoring reports, permit applications, and other information as required by the Director shall contain the following certification statement signed by an authorized representative of the industrial user or a designee so authorized: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

### **1.8 Delivery of Notice**

Any notice, order or requirement issued by the Director to a user determined to be in violation of the conditions or requirements specified in Rule and Regulation No. 26, the Industrial User Permit, or Discharge Limitations shall be deemed served if delivered to the user as follows:

- A. Correctly addressed, postage pre-paid and deposited in the United States mail, to the address on file for the user;
- B. Hand delivered to the user or authorized representative or designated contact of the user, at the address on file for the user; and
- C. Shall be deemed received on the date personally delivered or on the third (3rd) day after deposit in the United States mail as provided in this Section.

### **1.9 Invalidity**

If any provision of Rule and Regulation No. 26 or the application of any condition or requirement upon any user is determined to be invalid, the remainder of Chapter Rule and

Regulation No. 26 or the application of remaining requirements or condition shall not be affected.

### **1.10 Interpretation**

All the provisions of Rule and Regulation No. 26 are to be reasonably interpreted. The intent is to recognize there are varying degrees of hazard to the POTW, the WRP sludge, personnel, surface and subsurface waters, environment and the public, and to apply the principle that the degree of protection shall be commensurate with the degree of hazard.

### **1.11 Publication Notice**

The names of all significant industrial users which are found to be in significant noncompliance with Rule and Regulation No. 26 shall be published at least annually in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, in accordance with 40 CFR 403.8(f)(2)(vii).

## **2.0 GENERAL REQUIREMENTS**

### **2.1 Use of City Equipment or Facilities**

- A. No person or user shall enter, break, damage, destroy, uncover, deface or tamper with any temporary or permanent structure, equipment, or appurtenance which is part of the City's POTW without prior written approval by the Director.
  
- B. Any person or user who discharges or causes the discharge of any wastewater or pollutant which causes detrimental effects on the POTW, sludge, or any other damages, including the imposition of fines by federal, state, or other regulatory agencies against the City, shall be liable to the City for all damages and costs incurred by the City, including administrative expenses, and fines imposed on the City by any federal, state, or other regulatory agencies. An administrative fee, established by resolution of the Board, shall be included with these charges to cover administrative costs associated with these charges.

### **2.2 Plan Check Requirements**

- A. All industrial users who request authorization to connect to the POTW and all existing industrial users

who propose tenant improvements shall be required to submit detailed site plans, including plumbing plans which describe the proposed project, facility expansion, or process modifications, in addition to any other information as required by the Director. The Director shall review the required information and notify the user of any pretreatment requirements. Compliance with the requirements specified by the Director is required before the SBMWD will release the project to the Building Department. The project must be released by the Director before the Building Department will issue a building permit authorizing construction for the project. A Stop Work Order may be issued for any construction projects which have not been issued the required building permit. All industrial users shall comply with all rules and regulations of this Chapter before a Certificate of Occupancy is issued.

- B. All industrial users are required to notify the SBMWD during the construction phase of the project in order to conduct onsite inspections of the project. The SBMWD is required to sign off the Building Department job card for underground plumbing and final plumbing of any required pretreatment equipment. All plumbing and pretreatment equipment are required to be exposed during the underground and final plumbing inspections. The industrial user may be required to expose any plumbing or pretreatment equipment which are not visible during the underground and final plumbing inspections. Failure to notify the SBMWD and obtain the necessary onsite inspections and job card signatures may delay the issuance of a Certificate of Occupancy by the Building Department.

### **2.3 Inspection Requirements**

- A. The Director shall inspect the facilities of any user to ascertain whether all requirements of Rule and Regulation No. 26 are being met. Persons on the premises shall allow the Director ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, and records examination.
- B. The user shall ensure that there is always a person on site, during normal business hours, knowledgeable of the user's processes and activities to accompany the Director during the inspection.

- C. The user shall provide immediate access when an emergency exists.
- D. All pretreatment equipment shall be immediately accessible at all times for the purpose of inspection. At no time shall any material, debris, obstacles or obstructions be placed in such a manner that will prevent immediate access to the pretreatment equipment.
- E. No user shall interfere with, delay, resist or refuse entrance to the Director when attempting to inspect any facility which discharges wastewater to the POTW.
- F. Where a user has security measures in force which would require proper identification and clearance before entry into the premises, the user shall make all necessary arrangements so that, upon presentation of identification, the Director will be permitted to enter, without delay.
- G. The user shall make available for copying by the Director, all records required to be kept under the provisions of Rule and Regulation No. 26.

#### **2.4 Inspection Warrants**

If the Director has been refused access to a building, structure, or property, or any part, and is able to demonstrate cause that there may be a violation of Rule and Regulation No. 26, or that there is a need to inspect or monitor the user's facilities to verify compliance with Rule and Regulation No. 26 or any permit or order issued hereunder, or to protect the public health, environment, and the safety and welfare of the community, then the Director may seek issuance of an inspection warrant duly issued pursuant to the procedure set forth in Title 13 (commencing with Section 1822.50) of Part 3 of the Code of Civil Procedure and amendments thereto. However, in the event of an emergency affecting the public health or safety, an inspection or monitoring may be performed without consent or the issuance of a warrant.

#### **2.5 Monitoring Requirements**

- A. As required by the Director, any user discharging industrial wastewater to the POTW may be required to install monitoring equipment to measure the quality and

quantity of wastewater discharged. The monitoring equipment may include but is not limited to: wastewater sampling equipment, flow meters and recorders, pH meters and recorders, electrical conductivity meters and recorders, and process water meters.

- B. The monitoring equipment shall be provided by the user in compliance with Rule and Regulation No. 26 and all applicable building, plumbing, and construction codes. The Director may require the monitoring equipment have a security closure that can be locked by the SBMWD during any monitoring activities. The installation of any required monitoring equipment shall be completed within a reasonable time frame as required in written notification from the Director.
- C. The Director shall have the right to temporarily install upon the user's property such devices as are necessary to conduct wastewater monitoring or metering operations.
- D. No user shall interfere with, delay, resist, or refuse entrance to authorized City personnel attempting to install wastewater monitoring equipment on the user's property. Any permanent or temporary obstruction which prevents access to the monitoring equipment shall be immediately removed by the user or property owner at the written or verbal request of the Director and shall not be replaced.
- E. Any required monitoring equipment shall be maintained by the user for continuous monitoring and metering. The monitoring equipment shall be calibrated by the user as often as necessary to ensure accurate measurements according to manufacturer's specifications. All maintenance and calibration work shall be performed at the user's expense.
- F. The user shall report any monitoring equipment failure to the Director within twenty-four (24) hours after the user is aware of the failure. The notification shall be accomplished by a telephone call, telefax transmission, personal visit, or hand delivered notification, to the SBMWD. The user shall submit a written report to the Director documenting the cause of the failure and the corrective actions to be completed within five (5) business days after the user discovers the equipment failure.

- G. All monitoring shall be completed at the time, place, and frequency as specified by the Director.
- H. Samples for pH, cyanide, total phenols, oil/grease, sulfide, and volatile organics shall be analyzed from grab samples. The Director may elect to collect either a twenty-four (24) hour composite sample comprised of discrete time or flow proportioned samples or a grab sample, as appropriate, for all other pollutants.
- I. Any wastewater samples collected from a sampling location approved by the Director shall be considered representative of the wastewater discharged from the user to the POTW.
- J. All users who request permission to conduct their own wastewater sampling shall submit a written wastewater monitoring plan describing the sample collection methods, equipment used, equipment cleaning practices, employee training, sample preservation methods, and chain of custody procedures. The monitoring plan shall be approved by the Director prior to the implementation of the plan. Any sample(s) collected by a user without an approved plan shall be considered invalid.
- K. All users that are required to self-monitor shall have all samples collected according to 40 CFR 403.12(b)(5)(i-vii) specifications and analyzed by a laboratory certified by the State of California, Environmental Laboratory Accreditation Program to complete the specific pollutant analyses.
- L. All users that are required to self-monitor shall submit all reporting forms, required by the Director, that include the following information and documents:
  - (1) The date, exact place, time, and methods of sampling or measurements, and sample preservation techniques or procedures;
  - (2) Who performed the sampling or measurements;
  - (3) The date(s) analyses were performed;
  - (4) Beginning and ending flow meter readings which correspond to the time period of the twenty-four (24) hour composite sample;
  - (5) Who performed the analyses;
  - (6) The analytical techniques or methods used;
  - (7) The results of such analyses; and
  - (8) The reporting limits for each pollutant

- M. All users that are required to self-monitor shall submit a copy of the sample analysis and all required reporting forms within the time frame established by the Director. All sample analysis reports which include discharge violations shall be reported to the Director within twenty-four (24) hours of becoming aware of the violation. The results of the required resample and correspondence which includes a possible explanation for the violation(s) shall be submitted to the Director within thirty (30) days after the user is aware of the initial violation. Failure to report pollutant violations as stated shall constitute a violation of Rule and Regulation No. 26 and may subject the user to enforcement actions.

## **2.6 Noncompliance Monitoring Requirements**

- A. Noncompliance with any concentration or mass based discharge limit specified in this Rule and Regulation or the User's Permit may be determined by an analysis of a grab or composite sample collected from a designated sample location and shall constitute a violation of Rule and Regulation No. 26.
- B. As required by the Director, a wastewater resample shall be collected and analyzed for all pollutants in noncompliance with discharge limits. The resample is separate and independent of any wastewater monitoring performed by the SBMWD. All resamples shall be collected according to 40 CFR 403.12(b)(5)(i-vii) specifications and analyzed by a laboratory certified by the State of California, Department of Health Services to complete the specific pollutant analyses. The analysis of all wastewater resamples collected by a user shall be submitted with all required reporting forms to the Director no later than thirty (30) days after the SBMWD has informed the user of the initial violation or the user becomes aware of the violation. Failure to submit the laboratory results within the thirty (30) day requirement shall constitute a violation of Rule and Regulation No. 26 and may subject the user to enforcement actions.
- C. As required by the Director, a Noncompliance Monitoring Program (NMP) shall be completed by a user for any wastewater resamples which are determined to be in noncompliance with discharge limits. The NMP requires



the user to collect a representative wastewater sample from the designated sample location at a frequency determined by the Director. The samples are to be analyzed for all pollutants which were determined to be in violation of discharge limits. Continued noncompliance may result in escalated enforcement action and additional monitoring requirements as specified by the Director.

## **2.7 Reporting Requirements**

- A. All industrial users shall submit self-monitoring reports, as required by the Director, which identify the characteristics of the industrial wastewater discharged to the POTW. The self-monitoring reports shall be used to determine compliance with the conditions and discharge requirements specified in Rule and Regulation No. 26, the industrial user permit, and federal and state regulations. Reports which may be required include:
  - (1) Baseline Monitoring Reports
  - (2) Compliance Schedule Progress Reports
  - (3) Ninety (90) day Compliance Reports
  - (4) Periodic Reports on continued Compliance
  - (5) Other reports as required by the Director
- B. The monitoring frequency and pollutants required to be analyzed shall be specified by the Director in the Industrial User permit issued to the user.
- C. All monitoring performed by the industrial user in addition to any required monitoring, including any splits of samples collected by the SBMWD, shall be submitted to the Director upon receipt of the sample analysis.
- D. All costs associated with the collection and analysis of the required monitoring and the submittal of all required reports shall be the responsibility of the industrial user.
- E. Failure to complete any required monitoring or failure to submit any required reports shall be a violation of Rule and Regulation No. 26 and may subject the user to enforcement actions.

## **2.8 Flow Measurement Requirements**

- A. Any industrial user who discharges a daily average of twenty-five thousand (25,000) gallons per day or more of industrial wastewater, is designated as an Industrial Rate facility for sewer billing purposes, or any other industrial user as required by the Director, shall install a continuous monitoring flow or water meter approved by the Director, which is capable of measuring the volume of industrial wastewater discharged from the industrial user to the POTW. The readings collected from the flow or water meter shall be used to calculate the permitted daily average and daily maximum flows. Daily readings which exceed the daily maximum shall be reviewed by the Director. Continuous daily discharge readings which deviate more than 20% from the daily average permitted flow shall require the industrial user to purchase additional sewer capacity to meet the expected daily discharge. Upon purchase of additional sewer capacity, the permitted flow will be revised accordingly.
- B. The user shall record daily flow or water meter readings, as specified by the Director, on an approved log sheet. As required by the Director, monthly flow or water meter records shall be submitted to the SBMWD by the fifth (5th) calendar day of each month for the preceding month. The flow or water meter shall conform to standards issued by the Director and shall be equipped with a non-resetting flow totalizer. All flow and water meters shall be calibrated at least annually to ensure the accuracy of the actual flow. All industrial users shall post the type, size, totalizer units, and flow multipliers for any flow or water meters used to measure the volume of wastewater discharged from the user.

## **2.9 Liquid Waste Discharge Requirements**

- A. Only domestic liquid wastes from chemical toilets, septic tanks, seepage pits, cesspools, or any other similar receptacles approved by the Director, that contain no industrial waste, shall be disposed at the designated WRP disposal site.
- B. The WRP disposal site is the only designated disposal site for liquid waste haulers who have been issued a liquid waste hauler permit by the SBMWD.

- C. A liquid waste manifest form shall be completed and signed by a permitted liquid waste hauler for each load to be dumped at the WRP disposal site. The manifest shall include documentation identifying the origin of the hauled wastes. The origin of the hauled wastes requires the physical address where the wastes were originally generated and does not include the address of any temporary storage location. The liquid waste manifest shall be reviewed and signed by an authorized SBMWD employee before any load is approved to be discharged at the designated WRP disposal site.
- D. Domestic liquid wastes disposed at the designated WRP disposal site shall be subject to inspection, sampling and analysis to determine compliance with all applicable provisions of Rule and Regulation No. 26. Authorized personnel of the SBMWD shall perform or supervise such inspection, sampling and analysis at any time during the delivery of the domestic liquid waste, including prior to the discharge of the domestic liquid waste by the liquid waste hauler. If the WRP finds the wastes do not comply with the requirements of Rule and Regulation No. 26 or liquid waste hauler permit, the liquid waste hauler shall pay the WRP for all costs associated with such inspection, sampling, and analysis, and any other fees, charges or penalties assessed by the Director.
- E. If the WRP determines the wastes hauled by the liquid waste hauler to be or contain hazardous substances, the liquid waste hauler shall remain at the WRP until the liquid waste hauler transfers the hazardous substances to a waste hauler properly licensed to transport and dispose of such hazardous substances.
- F. Any liquid waste hauler providing false information to the SBMWD in any permit application, hauler's report or manifest, or correspondence shall be in violation of Rule and Regulation No. 26 and may be subject to enforcement action including permit suspension or revocation.
- G. Any liquid waste hauler that hauls both industrial wastes and domestic wastes shall remove all industrial waste contamination from the interior of the vacuum tank prior to loading any domestic liquid wastes into such tank.

H. If the wastes hauled by a liquid wastehauler are found unacceptable for discharge into the WRP, the liquid wastehauler shall dispose of the wastes at a legal disposal site. The liquid wastehauler shall provide the SBMWD with a copy of the manifest documenting the legal disposal of the rejected wastes within fourteen (14) calendar days from the date the wastes were rejected by the SBMWD.

#### **2.10 Record Keeping**

All industrial users shall keep records of all waste hauling, pretreatment equipment maintenance reports, monitoring equipment recording charts and calibration reports, effluent flow or water meter records, sample analysis data, and any other information required by the Director, on the site of the wastewater generation. All records are subject to inspection by Director and shall be copied as needed. All records must be kept on the site of wastewater generation for a minimum period of three (3) years. The record retention period may be extended beyond three (3) years in the event enforcement proceedings have been initiated against the user or an extensive history of the industrial user is required.

#### **2.11 Written Responses**

All users required by the Director to provide a written response to any correspondence, order, or notice shall do so by the date specified.

#### **2.12 Compliance Extension**

Any time limit or due date required in any report, written notice or any provision of this Rule and Regulation may be extended only upon a showing of good cause by the user and a written extension by the Director.

#### **2.13 Falsifying Information**

Any user who knowingly makes any false statement, representation, or certification in any record, correspondence, or other document submitted or required to be maintained by the Director shall be in violation of Rule and Regulation No. 26 and may subject the user to enforcement actions.

### **3.0 DISCHARGE PROHIBITIONS**

#### **3.1 Point of Discharge**

No person or user shall discharge any wastewater directly into a maintenance hole or other opening in the collection system other than through an approved private sewer lateral connection, unless written permission for the discharge has been granted by the Director. This prohibition shall not apply to authorized SBMWD, City, or contract city personnel involved with the maintenance, cleaning, repair, or inspection of the collection system.

#### **3.2 Prohibited Waste Discharges**

Except as hereinafter provided, no person or user shall discharge or cause to be discharged into the POTW, or any opening, sump, tank, clarifier, piping or waste treatment system, which drains or flows into the POTW, any of the following:

- A. Any earth, sand, rocks, ashes, cinders, spent lime, stone, stone cutting dust, gravel, plaster, concrete, glass, metal filings, or metal or plastic objects, garbage, grease, viscera, paunch manure, bones, hair, hides, or fleshings, whole blood, feathers, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, tar, asphalt residues, residues from refining or processing fuel or lubrication oil and similar substances, or solid, semi-solid or viscous material in quantities or volume which will obstruct the flow of sewage in the collection system or any object which will cause clogging of a sewer or sewage lift pump, or interfere with the normal operation of the POTW.
- B. Any compound which will produce noxious odors in the sewer or wastewater treatment facilities.
- C. Any recognizable portions of human or animal anatomy or Hydrolysate, wastes or wastewater resulting from Hydrolysis either directly or indirectly into the POTW.
- D. Any solids, liquids, gases, devices, or explosives which by their very nature or quantity are or may be, sufficient either alone or by interaction with other substances or sewage to cause fire or explosion hazards,

exceed ten (10) percent of the LEL at the point of discharge or in the collection system, or in any other way create imminent danger to SBMWD or City personnel, the POTW, the environment or public health.

- E. Any wastewater or material with a closed cup flash point of less than one hundred forty (140) degrees Fahrenheit or sixty (60) degrees Celsius using the test methods specified in 40 CFR 261.21 and amendments thereto.
- F. Any overflow from a septic tank, facility wastewater holding tank, cesspool or seepage pit, or any liquid or sludge pumped from a septic tank, facility wastewater holding tank, cesspool or seepage pit, except as may be permitted by the Director.
- G. Any discharge from any wastewater holding tank of a recreational vehicle, trailer, bus and other vehicle, except as may be permitted by the Director.
- H. Any storm water, groundwater, well water, street drainage, subsurface drainage, roof drainage, yard drainage or runoff from any field, driveway or street. The Director may temporarily approve the discharge of such waters, in addition to unpolluted water from the SBMWD geothermal facility, to the POTW, when no reasonable alternative method of discharge is available, subject to the payment of all applicable User charges and fees by the discharger. Water from swimming pools, wading pools, spas, whirlpools, and therapeutic pools may be discharged to the POTW between the hours of 8:00 pm and 6:00 am, unless specifically prohibited by the Director.
- I. Any substance or heat in amounts that will inhibit biological activity in the POTW resulting in interference or which will cause the temperature of the sewage in any public sewer to be higher than one hundred forty (140) degrees Fahrenheit. In no case shall any substance or heat be discharged to the sewer that will raise the WRP influent higher than one hundred four (104) degrees Fahrenheit (forty (40) degrees Celsius).
- J. Any radioactive waste in excess of federal, state or county regulations.

- K. Any pollutant(s), material or quantity of material which will cause:
  - (1) Damage to any part of the POTW;
  - (2) Abnormal maintenance of the POTW;
  - (3) An increase in the operational costs of the POTW;
  - (4) A nuisance or menace to public health;
  - (5) Interference or pass through in the WRP, its treatment processes, operations, sludge processes, use or disposal. This applies to each user introducing pollutants into the POTW whether or not the user is subject to other National Pretreatment Standards or any Federal, State, or local pretreatment requirements; or
  - (6) A violation of any SBMWD NPDES permit.
  
- L. Any quantities of herbicides, algaecides, or pesticides in excess of the local or national categorical discharge standards.
  
- M. Any petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in excess of local discharge limits or national pretreatment standards.
  
- N. Any material or quantity of material(s) which will cause abnormal sulfide generation.
  
- O. Any wastewater having a corrosive property capable of causing damage to the POTW, equipment, or structures, or harm to SBMWD or City personnel. However, in no case shall wastewater be discharged to the POTW with a pH below 5.0, or greater than 11.0, or which will change the influent pH of the WRP to below 6.5 or above 8.0.
  
- P. Any substance that will cause discoloration of the WRP effluent.
  
- Q. Any unpolluted water, including cooling water, heating water, storm water, subsurface water, single pass cooling water, and single pass heating water. The Director may approve, on a temporary basis, the discharge of such water only when no reasonable alternative method of discharge is available. The user shall pay all applicable user charges and fees.
  
- R. Any substance which may cause the WRP effluent or any other product such as residues, sludge, or scums to be unsuitable for reclamation or reuse or which will

interfere with any of the reclamation processes. This includes any material which will cause the sludge at the WRP to violate applicable sludge use or disposal regulations developed under the Federal Clean Water Act, 33 USCA, Section 1251 et seq., or any regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, 42 USCA, Section 6901 et seq.; Clean Air Act, 42 USCA, Section 7401 et seq.; Toxic Substance Control Act, 15 USCA, Section 2601 et seq., or any other applicable state regulations, and amendments to these Acts or regulations.

- S. Any pollutant, including oxygen demanding pollutants (BOD, COD, etc.) released in a discharge at a flow rate and/or pollutant concentration that will cause interference with the WRP.
- T. Pollutants that result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- U. Any hazardous substance which violates the objectives of the General Pretreatment Regulations (40 CFR 403), or any statute, rule, regulation or chapter of any public agency having jurisdiction over said discharge, and amendments thereto.
- V. Any discharge from any groundwater remediation projects, except as may be permitted by the Director.
- W. Any slug loads from raw materials, finished products, spent solutions, or sludges generated from processing tanks or vessels, unless no reasonable alternative is available to prevent severe loss of life or to protect the environment. These shall include, but are not limited to wash tanks, chemical conversion tanks, acid and alkali tanks, lubricating tanks, condensate from dry cleaning processes, fruit and vegetable wash tanks, brine wastewater from soft water regeneration processes above permitted limits, and any other tank or vessel containing a material which would exceed permitted discharge limits.
- X. Any radiator fluid or coolant, cutting oil, water soluble cutting oil, or water-based solvent.



- Y. Any photo processing waste from developing or fixing solutions or rinse waters that are not in compliance with the discharge limits specified in this Rule and Regulation.
- Z. Any Toxic Organics in amounts which are determined to be toxic to the maintenance or operation of the POTW. The SBMWD may require the submittal of a Toxic Organic Management Plan (TOMP) from any user determined to discharge Toxic Organics above detection limits.

### **3.3 Liquid Waste Discharge Prohibitions**

- A. Liquid wastehaulers shall not discharge or cause to be discharged any hazardous material or hazardous waste, as defined by RCRA, to the designated WRP disposal site.
- B. Liquid wastehaulers shall not discharge any industrial wastewater into the designated WRP disposal site, POTW or the collection system of a service area which receives sewer service from the City.
- C. Liquid wastehaulers shall not mix industrial wastewater and domestic liquid wastes in an attempt to discharge the mixture to the designated WRP disposal site.
- D. Liquid wastehaulers shall not mix or dilute any rejected load with another load in order to achieve compliance with Rule and Regulation No. 2626 or liquid wastehauler permit.
- E. Liquid wastehaulers shall not dispose of any rejected load into any septic tank, cesspool, seepage pit or similar devices, any grease interceptor or trap, any storm drain, or any collection system opening except as authorized by the Director.
- F. Liquid wastehaulers shall not discharge or cause to be discharged any domestic liquid wastes that originate outside the Service Area provided wastewater and/or potable water service by the SBMWD. The Director may permit the discharge of domestic liquid waste from outside the service area, provided it is included as a part of domestic liquid waste that originated from within the SBMWD Service Area.

### **3.4 Interceptor Prohibitions**

The use of any biological or chemical products or other materials designed to metabolize, emulsify, suspend, or dissolve oil and grease within any sand/oil or oil/grease interceptor is prohibited, pending a formal review by the Director, to confirm use of the product will not contribute to obstruction or operational difficulties in the POTW.

### **3.5 Prohibited Discharge of Pretreatment Waste**

No person shall discharge any waste removed from any pretreatment equipment, systems, or devices into any sewer or storm drain opening or any drains or other openings leading to any sewer or storm drain or to the ground without authorization and permits from the regulatory agency having jurisdiction over the discharge of such waste. All waste removed from pretreatment equipment shall be disposed of in accordance with all applicable federal, state, county, and local laws and regulations.

### **3.6 Medical Waste Disposal**

- A. No user shall discharge medical waste to the POTW without first complying with all requirements of the California Medical Waste Management Act (California Health and Safety Code Sections 117600 - 118360) and obtaining written permission from the Director. The request shall be submitted to the Director and shall include:
- (1) The source and volume of the medical waste;
  - (2) The procedures and equipment used for disinfection of the medical waste; and
  - (3) Employee training procedures for the legal disposal of the medical waste.
- B. If the Director believes that the waste would not be adequately disinfected, the Director shall issue a written denial to the user and state the reasons for the denial. This denial shall be issued within thirty (30) days from receipt of the written request.
- C. If the Director believes that adequate disinfection of the waste can be achieved prior to discharge of the waste to the collection system, then conditional approval may be granted for the disposal of the waste. A letter of approval shall be sent to the user within thirty (30) days of receipt of the written request.

- D. If the user is granted permission for disposal of the medical waste, the user:
- (1) Shall adequately disinfect the medical waste prior to discharge to the POTW as outlined in the approval letter;
  - (2) Shall not dispose of solid medical waste to the POTW, including hypodermic needles, syringes, instruments, utensils or other paper and plastic items of a disposable nature, or recognizable portions of human or animal anatomy; and
  - (3) Shall be subject to periodic inspections to verify that all disinfection methods, procedures, and practices are being performed.
- E. As authorized by the Director, wastewater generated from medically required lifesaving operations, including but not limited to dialysis facilities, may be approved for disposal to the POTW.

### **3.7 Dilution Prohibited as a Substitute for Treatment**

No industrial user shall increase the use of water, or in any other manner, attempt to dilute a wastewater discharge as a partial or complete substitute for adequate treatment to achieve compliance with Rule and Regulation No. 26 and the user's permit, or to establish an artificially high flow rate for permitted mass emission rates or permitted flow amounts.

### **3.8 Water Softening Prohibitions**

- A. No industrial user shall install, replace, enlarge, or use any apparatus for softening all or any part of the water supply to any premises when such apparatus is an ion exchange softener or demineralizer of the type that is regenerated at the site of use with the regeneration wastes being discharged to the ground, storm drain or the POTW unless the apparatus is in compliance with the following conditions:
- (1) The brine solutions generated during the backwash cycles of the water softener shall be segregated from the fresh water rinses for disposal to a legal brine disposal site;
  - (2) The backwash equipment shall be equipped with an electrical conductivity controlled discharge valve that controls the wastewater discharged to the POTW. The electrical conductivity valve shall be calibrated at a minimum annually or as often as

necessary to control and prevent any wastewater from being discharged to the POTW that exceeds the maximum electrical conductivity, total dissolved solids, or associated sodium and chloride concentrations established in the local discharge limitations specified in this Rule and Regulation; and

- (3) The industrial user shall maintain the electrical conductivity controlled discharge valve in proper operating condition at all times. The industrial user shall notify the Director within twenty-four (24) hours in the event of a valve failure and immediately cease the discharge of all wastewater to the POTW associated with the soft water regenerating processes. A written report documenting the cause of the failure and the corrective actions taken shall be submitted to the Director, within five (5) business days after discovery of the electrical conductivity valve failure.

B. Pursuant to California Health and Safety Code Sections 116775-116795 and amendments thereto, no residential water softening or conditioning appliance shall be installed except in either of the following circumstances:

- (1) The regeneration of the appliance is performed at a nonresidential facility separate from the location of the residence where such appliance is used; or
- (2) The regeneration of the appliance discharges to the waste disposal system of the residence where such appliance is used and the following conditions are met:
  - a. The appliance activates regeneration by demand control;
  - b. An appliance installed on or after January 1, 2000, shall be certified by a third party rating organization using industry standards to have a salt efficiency rating of no less than three thousand three hundred fifty (3,350) grains of hardness removed per pound of salt used in generation. An appliance installed on or after January 1, 2002 shall be certified by a third party rating organization using industry standards to have a salt

- efficiency rating of no less than four thousand (4,000) grains of hardness removed per pound of salt used in generation;
- c. The installation of the appliance is accompanied by the simultaneous installation of the following softened or conditioned water conservation devices on all fixtures using softened or conditioned water, unless such devices are already in place or are prohibited by local and state plumbing and building standards or unless such devices will adversely restrict the normal operation of such fixtures:
    - i. Faucet flow restrictors.
    - ii. Shower head restrictors.
    - iii. Toilet reservoir dams.
    - iv. A piping system installed so that untreated (unsoftened or unconditioned) supply water is carried to hose bibs and sill cocks which serve water to the outside of the house, except that bypass valves may be installed on homes with slab foundations constructed prior to the date of installation; or condominiums constructed prior to the date of installation; or otherwise where a piping system is physically inhibited.
- (3) The certification required under subsection B of this Section 3.8 shall be provided by the new user of the appliance and shall be completed by a contractor having a valid Class C-55 water conditioning contractor's license or Class C-36 plumbing contractor's license and filed with the City Building Division. The certification form shall contain all of the following information:
- a. Name and address of homeowner;
  - b. Manufacturer of the water softening or conditioning appliance, model number of the appliance, pounds of salt used per regeneration, and salt efficiency rating at the time of certification.
  - c. Manufacturer of the water-saving devices installed, model number, and number installed; and

- d. Name, address, and the specialty contractor's license number of the C-55 and C-36 licensee making the certification.
- (4) Any person installing or operating a water conditioning apparatus of any kind shall make such apparatus accessible to the Director for inspection at reasonable times.
- (5) Notwithstanding subdivision 2 of subsection B of this Section 3.8, the SBMWD may limit the availability, or prohibit the installation, of residential water softening or conditioning appliances that discharge to the POTW if the Director makes all of the following findings:
  - a. The WRP is not in compliance with the discharge or water reclamation requirements specified in the NPDES permit issued by the Regional Water Quality Control Board;
  - b. Limiting the availability, or prohibiting the installation, of the appliances is the only available means of achieving compliance with waste discharge requirements issued by the Regional Board; and
  - c. All nonresidential sources are limited to the volumes and concentrations of saline discharges to the POTW to the extent technologically and economically feasible.

### **3.9 Limitation on Wastewater Strength**

No user shall discharge industrial wastewater to the POTW unless the wastewater conforms to the limitations and requirements of Rule and Regulation No. 26. Discharge limitations shall be revised as needed to ensure compliance of the WRP effluent and bio-solids reuse in compliance with the SBMWD NPDES Permit. For Categorical Users, the SBMWD may exercise one or more of the following options:

- A. Where a categorical pretreatment standard is expressed in terms of either mass or concentration of a pollutant, the Director may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c)(1-5) and amendments thereto;
- B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Director shall impose an alternate limit using the combined waste stream formula; and

- C. A variance from a categorical pretreatment standard may be issued if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13 and amendments thereto, that factors relating to its discharge are fundamentally different from the factors considered by the EPA when developing the categorical pretreatment standard.

### **3.10 Local Discharge Limitations**

As required by the Director, all users shall comply with the Local Discharge Limits as set forth in the Industrial User Local Discharge Limitation Table and Wastehauler Discharge Limitation Table. The pollutant discharge limits included in the Wastehauler Discharge Table are applicable to all septic and chemical toilet waste disposed at the WRP septic receiving station. All Categorical Industrial Users shall be required to meet the more stringent of Local Discharge Limits and the specific Categorical Pretreatment Standards.

#### **INDUSTRIAL USER LOCAL DISCHARGE LIMITATION TABLE [Daily Maximum Discharge Limit]**

---

| <b>CONSTITUENT</b> | <b>MILLIGRAMS/LITER</b> |
|--------------------|-------------------------|
| Arsenic            | 0.9                     |
| Boron              | 1.0                     |
| Cadmium            | 0.2                     |
| Chloride           | 990                     |
| Chromium (Total)   | 2.3                     |
| Copper             | 7.4                     |
| Cyanide            | 1.5                     |
| Fluoride           | 3.8                     |
| Lead               | 2.2                     |
| Mercury            | 0.1                     |
| Nickel             | 2.3                     |
| Phenol             | 2.13                    |
| Silver             | 2.5                     |
| Sodium             | 495                     |
| Sulfate            | 382                     |
| Zinc               | 8.4                     |

**WASTEHAULER DISCHARGE LIMITATION WASTE  
[Daily Maximum Discharge Limit]**

---

| <b>CONSTITUENT</b> | <b>MILLIGRAMS/LITER</b> |
|--------------------|-------------------------|
| Arsenic            | 0.9                     |
| Cadmium            | 0.3                     |
| Chromium (total)   | 2.3                     |
| Copper             | 15.0                    |
| Lead               | 4.0                     |
| Nickel             | 2.3                     |
| Zinc               | 31.0                    |

**3.11 Federal Categorical Pretreatment Standards**

The Federal Categorical Pretreatment Standards found in 40 CFR Chapter I, Subchapter N and amendments thereto are hereby incorporated into Rule and Regulation No. 26 by reference. Where duplication of the same pollutant limitation exists, the limitation that is more stringent shall prevail. Compliance with Federal Categorical Pretreatment Standards for existing sources subject to such standards or for existing sources which hereafter become subject to such standards shall be achieved within three (3) years following promulgation of the standards unless a shorter compliance time is specified in the standards or by the Director. New sources shall have all required pretreatment equipment, which is necessary to meet applicable pretreatment standards, installed and operating before beginning any discharge. New sources must meet all applicable pretreatment standards within the shortest feasible time, not to exceed ninety (90) days.

**4.0 PRETREATMENT REQUIREMENTS**

**4.1 Separation of Wastewater**

Any user who discharges industrial wastewater to the POTW shall keep domestic wastewater separate from all industrial wastewater until the industrial wastewater has passed through all required pretreatment and monitoring equipment or devices. For existing Categorical Industrial Users that cannot separate the domestic wastes from the industrial wastes prior to the permitted sample location, the combined waste stream formula shall be applied to determine applicable discharge limitations.



#### 4.2 Pretreatment of Industrial Wastewater

All industrial users shall:

- A. Provide wastewater pretreatment, as required, to comply with Rule and Regulation No. 26;
- B. Achieve compliance with all applicable Federal Categorical Pretreatment Standards, as contained in 40 CFR Chapter I, Subchapter N and amendments thereto, and local limits, whichever are more stringent, within the time limitations as specified by the Director or Federal Pretreatment Regulations;
- C. Provide, operate, and maintain all necessary equipment, systems, and devices, as required by the Director, at the user's expense;
- D. Provide detailed plans to the Director for review and approval indicating the pretreatment equipment, systems, devices and operating procedures before the beginning of any construction or installation of any equipment. The review of such plans and operating procedures shall not relieve the user from the responsibility of pretreating wastewater to produce an effluent acceptable to the Director under the provisions of Rule and Regulation No. 26;
- E. No user shall install pretreatment equipment, systems or devices in a confined space or a permit required confined space;
- F. Whenever deemed necessary, the Director may require users to restrict their wastewater discharge, relocate and/or consolidate points of discharge, separate domestic waste streams from industrial waste streams, and other such conditions as may be necessary to protect the POTW and determine the users' compliance with the requirements of Rule and Regulation No. 26; and
- G. Notify the Director of any pretreatment equipment failure within twenty-four (24) hours after the user is aware of the failure. The notification shall be accomplished by a telephone call, telefax transmission, personal visit or hand delivered notification, to the SBMWD. A written report documenting the cause of the failure and the corrective actions completed shall be

submitted to the Director, within five (5) business days after discovery of the pretreatment equipment failure.

#### **4.3 Pretreatment of Equipment Bypass**

- A. No user shall bypass any pretreatment equipment or device unless the bypass: (i) is necessary to prevent loss of life, personal injury or severe property damage, is not necessitated by some fault of the user, and is the only feasible alternative; or (ii) is necessary to perform essential maintenance ensuring adequate operation of the pretreatment equipment or device and does not cause a violation of applicable discharge limits.
  
- B. All users shall comply with the following bypass notification requirements:
  - (1) Anticipated bypass: The user shall submit a written notice to the Director at least ten (10) business days before the date of the scheduled bypass; or
  - (2) Unanticipated bypass: The user shall notify the Director within twenty-four (24) hours upon learning that any pretreatment equipment or device has been bypassed. The user shall submit a written report to the Director within five (5) business days after the bypass.
  - (3) All bypass reports shall include:
    - a. A description of the bypass, including the volume and duration;
    - b. If the bypass was corrected; and
    - c. Actions completed or proposed to prevent a recurrence of the bypass.

#### **4.4 Standard Interceptor Designs**

The Director shall maintain a file, available to the public, of suitable designs of gravity separation interceptors. This file shall be for informational purposes only and shall not provide or imply any endorsements of any kind. Installation of an interceptor of a design shown in this file, or of any design meeting the size requirements set forth in Rule and Regulation No. 26 shall not subject the City to any liability for the adequacy of the interceptor under actual conditions of use. The user and property owner shall not be relieved of the responsibility of preventing the discharge of industrial wastewater to the POTW which exceeds permitted discharge limits or causes undue maintenance of the POTW.

#### **4.5 Pretreatment Requirements for Existing Users**

All existing industrial users which do not have adequate pretreatment shall be required to install pretreatment equipment, as specified by the Director, to meet the required local discharge limits specified herein, under the following conditions:

- A. The user has been determined to cause or contribute to an increase in the frequency of sewer line maintenance cleaning or repairs.
- B. The user has been determined to cause or contribute to sewer line blockages or Sanitary Sewer Overflows.
- C. The user has sold or transferred operation of the facility to a new user or operator.
- D. The user has completed any changes to the following:
  - (1) A significant interior plumbing modification;
  - (2) A significant increase in seating capacity;
  - (3) A significant increase in operating hours;
  - (4) A significant change in the type of food prepared at the facility;
  - (5) A significant change in the maximum meals served per peak hour;
  - (6) A significant change in the type of equipment used;
  - (7) Any other changes which result in a significant change to the quantity or quality of the wastewater discharged.

#### **4.6 Interceptor Requirements**

All interceptors required to be installed must be approved by the Director prior to installation. All users required to install an interceptor shall comply with the following conditions:

- A. The interceptor shall be watertight, structurally sound, durable and have a minimum of two (2) chambers with a separate ring and cover for each chamber, unless otherwise approved by the Director, to ensure adequate cleaning capabilities. All rings shall be affixed to the interceptor to ensure a gas and watertight seal.
- B. All interceptor chambers shall be immediately accessible at all times for the purpose of inspection, sampling,

cleaning, and maintenance. At no time shall any material, debris, obstacles or other obstructions be placed in such a manner that will prevent immediate access to the interceptor.

- C. Any interceptor legally and properly installed before the effective date of Rule and Regulation No. 26 shall be acceptable as an alternative to the current interceptor requirements provided the interceptor is effective in removing floatable and settleable material and is accessible for inspection, sampling, cleaning, and maintenance.
- D. All drains, openings and service lateral lines connected to an approved interceptor shall be kept free from any obstructions or restrictions to wastewater discharge. All drains and openings connected to an approved interceptor shall be equipped with screens or devices which will prevent all material and particles with a cubic dimension greater than three-eighths (3/8) of an inch from being discharged to the POTW.
- E. All interceptors shall be equipped with an influent tee extending no more than twelve (12) inches below the operating fluid level of the interceptor. The interceptor shall also have tees extending to within twelve (12) inches of the bottom at the exit side of each interceptor chamber, including the final chamber. The Director shall review and either approve or deny any alternate manufacturers engineered interceptor designs contrary to standard requirements.
- F. All interceptors shall be equipped with a sample box as required by the Director.
- G. No user shall install or use any elbows or tees in any interceptor sample box.
- H. No user shall install any interceptor or sample box in a confined space or a permit required confined space.
- I. If the Director finds, either by engineering knowledge or by observation, that an interceptor is incapable of adequately retaining floatable and settleable material in the wastewater, is structurally inadequate, or is undersized for the facility, the Director shall reject such interceptor and declare that the interceptor does

not meet the requirements of this Section. The user shall be required to install, at the user's expense, an interceptor that is acceptable to the Director.

- J. No user shall abandon, seal, fill, or in any other way bypass an existing interceptor or grease trap unless prior approval has been requested and granted by the Director. The approval of the Director shall require the user to propose and receive approval from the Director for the proper disposal of any wastes or industrial wastewater generated by the user

#### **4.7 Sand/Oil Interceptors**

- A. No user that owns, operates, or maintains a facility for the servicing, repair, cleaning, washing, or any other type of maintenance activities performed on roadway machinery, industrial transportation equipment, motor vehicles, public or private transportation vehicles, or any other facility as required by the Director, shall discharge wastewater to the POTW without first complying with all sand/oil interceptor requirements specified by the Director. Such users shall complete and submit a Class III Industrial User Permit Application to the Director for review of sand/oil interceptor requirements.
- B. The Director shall notify the user of the Directors determination whether installation of a sand/oil interceptor is required prior to such users discharge to the POTW. It is unlawful for any user to discharge wastewater to the POTW without use of a sand/ oil interceptor, in accordance with Rule and Regulation No. 26, as required by the Director.
- C. The Director shall calculate the size of the sand/oil interceptor to be used by the maintenance facility. The interceptor shall have a minimum operational fluid capacity of one hundred (100) gallons and shall be designed to retain material which will float or settle. Domestic wastewater shall not be allowed to pass through the interceptor.
- D. Any user required to install a sand/oil interceptor shall direct all wastewater from all drains, sinks, and wash racks, through an approved minimum size one hundred (100) gallon sand/oil interceptor which complies with

Rule and Regulation No. 26 Section 4 4.6. Such user shall keep all domestic wastewater from restrooms, showers, drinking fountains, and condensate (i.e., ice melt, air conditioning condensate) separate from the wastewater until the wastewater has passed through all necessary sand/oil interceptors, pretreatment equipment, and/or monitoring stations.

- E. Any user required to install a sand/oil interceptor shall maintain such interceptor in accordance with Rule and Regulation No. 26 Section 4 4.10.

#### **4.8 Restaurant Requirements**

- A. No restaurant user shall discharge wastewater to the POTW without first complying with all oil/grease interceptor requirements specified by the Director. Such restaurant users shall complete and submit a Class III Restaurant User Permit Application to the Director for review of oil/grease interceptor requirements.
- B. The Director shall notify the restaurant user of any oil/grease interceptor requirements prior to such restaurant user's discharge to the POTW. It is unlawful for any restaurant user to discharge non-domestic wastewater to the POTW without use of a grease interceptor, in accordance with Rule and Regulation No. 26, as required by the Director.
- C. The Director shall calculate the size of the grease interceptor required to be used by the restaurant user, in accordance with the sizing criteria specified in the latest version of the Uniform Plumbing Code. In order to provide adequate retention time for the separation of oil/grease, the Director shall require the installation of a minimum size seven hundred fifty (750) gallon oil/grease interceptor and sample box for all restaurant users who are required to install an interceptor. The Director may allow the use of a shared interceptor among adjacent restaurant users provided that the facilities comply with the required sizing requirements and an authorized representative is defined to assume responsibility for maintenance of the interceptor.
  - (1) The Director may consider the condition of the collection system serving the user, and possible adverse effects caused by the discharge in determining any interceptor requirements. The

Director reserves the right to require a larger interceptor when necessary and to set a maximum interceptor size when appropriate, to prevent the accumulation of sewer gas in underutilized interceptors.

- D. Any restaurant user required to install an oil/grease interceptor shall direct all wastewater from all kitchen floor drains, floor sinks, hand sinks, two (2)-compartment sinks, 3-compartment sinks, mop sinks, wash racks, dishwashers, and food waste grinders through an approved minimum size seven hundred fifty (750) gallon oil/grease interceptor which complies with Rule and Regulation No. 26 Section 4 4.6. Such restaurant users shall keep all domestic wastewater from restrooms, showers, drinking fountains, and condensate (i.e., ice melt, air conditioning condensate) separate from the kitchen wastewater until the restaurant wastewater has passed through all necessary oil/grease interceptors, pretreatment equipment, and/or monitoring stations. The Director reserves the right to allow the discharge of condensate to the oil/grease interceptor if it is determined the discharge will not adversely impact effective operation of the interceptor.
- E. Any restaurant user required to install a grease interceptor shall maintain such interceptor in accordance with Rule and Regulation No. 26 Section 4 4.10.
- F. All restaurant users are required to segregate all waste oil from deep fryers, cookers, etc. from all other waste streams. The segregated waste oil is not permitted to be discharged to the POTW. The waste oil is required to be stored onsite and hauled to an approved disposal site.

#### **4.9 Conditional Waivers**

The Director may authorize the issuance of a conditional waiver of the oil/grease interceptor requirement or require the installation of an under sink grease trap, as approved by the San Bernardino County Department of Environmental Health, for any restaurant user determined by the Director not to have a reasonable potential to cause an adverse effect on or impact the normal operation of the SBMWD Collection System or

the POTW. The Director may revoke such conditional waiver for the following reasons:

- A. Changes in menu;
- B. Falsification of information submitted in the Class 3 Industrial User Permit Application;
- C. Changes in operating hours;
- D. Changes in maximum seating capacity;
- E. Changes in maximum meals served per peak hour;
- F. Changes in equipment used;
- G. Changes in the quantity or quality of the wastewater discharged; or
- H. Increased sewer line maintenance or sanitary sewer overflows (SSOs) which is attributed to the restaurant user's wastewater discharge.

#### **4.10 Interceptor Maintenance**

- A. Any user who owns or operates an interceptor shall properly maintain the interceptor at all times. The interceptor shall be cleaned as often as necessary to ensure that sediment and floating materials do not accumulate to impair the efficiency of the interceptor and odors do not accumulate which would cause a public nuisance. An interceptor is considered to be in violation of Rule and Regulation No. 26 under the following conditions:
  - (1) Odors generated from the interceptor cause a public nuisance.
  - (2) The interceptor is not in good working condition and appears to be surcharging.
  - (3) The operational fluid capacity of the interceptor has been reduced by more than twenty-five (25) percent by the accumulation of floating material, sediment, solids, oil or grease.
  - (4) The industrial wastewater discharged from the user is determined to contain more than two hundred fifty (250) milligrams per liter (mg/L) of oil and grease.



- B. When an interceptor is cleaned, the interceptor must be pumped out completely and the removed sediment, liquid and floating material shall be lawfully disposed at a facility legally approved to accept such waste.
- C. The user shall maintain a manifest for the removed interceptor waste. The manifest shall include at a minimum: the name and address of the facility where the waste is removed, the disposal site for the interceptor waste, the volume removed, and the date and time of removal. Failure to maintain and provide the required information may require the user to document the required information on a SBMWD issued grease hauler manifest form.
- D. The removed pretreatment waste shall not be reintroduced into the interceptor or discharged into another interceptor at another location which has not been approved by the Director to accept such waste.
- E. If the interceptor is not maintained adequately and increased pumping is determined to be insufficient to maintain the effective operation of the interceptor, the user shall be required to install an interceptor of sufficient size, that is effective in pretreating the wastewater to acceptable standards.
- F. The owner and lessee, sub-lessee, proprietor, operator and superintendent of any facility, required to install an interceptor, are individually and severally liable for any failure to properly maintain such interceptor.

#### **4.11 Silver Recovery Pretreatment Systems**

- A. All industrial users who discharge wastewater to the POTW which is generated from the development of photographic film, film negatives, x-rays, or plate negatives shall install silver recovery pretreatment equipment, as required by the Director.
- B. The silver recovery equipment shall be capable of sufficiently removing silver from the fixer solution and any silver laden rinse water to meet the required local discharge limits specified herein.
- C. The photo developing solution shall be required to be separated, reclaimed, hauled by a licensed wastehauler

to an approved disposal site and shall not be discharged to the silver recovery equipment.

- D. As required by the Director, the user shall install an approved sample collection device at the discharge end of the silver recovery equipment to facilitate the collection of representative wastewater samples.

#### **4.12 Industrial User Modifications**

All permitted users shall report proposed changes to the Director, for review and approval, thirty (30) days prior to initiation of the changes. The reporting shall be done in writing from the authorized representative of the permitted industrial user. For the purposes of this section "changes" shall include any of the following:

- A. A sustained twenty (20) percent increase or decrease in the industrial wastewater flow discharged or in production capacity;
- B. Additions, deletions or changes to processes or equipment; or
- C. Experimentation with new processes and/or equipment that will affect the quantity or quality of the wastewater discharged.

#### **4.13 Unauthorized Equipment Modifications**

No user shall knowingly falsify, tamper with, or render inaccurate any monitoring device or any pretreatment equipment or device. Such falsification, tampering, or inaccuracy shall be considered a violation of Rule and Regulation No. 26 and shall subject the user to enforcement actions.

#### **4.14 Unauthorized Discharge Notification**

- A. All users shall notify the Director within twenty-four (24) hours of any substantial change, in the quantity or quality of the wastewater discharged, that could cause a problem at the POTW, including any slug loadings of any material. Wastewater discharges that may cause a problem at the POTW include, but are not limited to, acids, alkalis, oils, greases, high strength organic waste, salts, colored wastes, and batch discharges. All users shall provide the Director, within five (5)

business days from the incident, a written report detailing the cause of the discharge and the corrective actions completed to prevent a recurrence.

- B. All users shall notify the Director, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR 261. The notification shall include, but is not limited to: the name of the hazardous waste as set forth in 40 CFR 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other).
- C. All users shall notify the Fire Department in the event the discharge has the potential to cause a fire or explosion hazard.

#### **4.15 Spill Containment Systems**

All users, as required by the Director, shall install spill containment systems which conform to established requirements. The spill containment systems shall be sufficient to prevent the discharge of any bulk chemicals, raw materials, finished product, etc. to the POTW. Spill containment requirements include but are not limited to the following:

- A. Spill containment systems for tanks, carboys, and vats shall consist of a system of dikes, walls, barriers, berms, or other devices approved by the Director which are designed to contain a minimum of 110% of the liquid contents of the largest container stored in the containment device.
- B. Spill containment systems for drums and barrels may consist of individual spill containment skids, pallets, or other devices approved by the Director which are designed to contain a minimum of one hundred ten percent (110%) of the entire contents of all containers stored in the containment device.
- C. Spill containment systems shall be constructed of materials that are impermeable and non-reactive to the liquids being contained.

- D. Outdoor spill containment systems shall be constructed with adequate covering to prevent the accumulation of water from inclement weather or irrigation within the spill containment device.
- E. Spill containment systems shall not allow incompatible substances to mix and cause a hazardous situation in the event of a failure of one or more containers.
- F. At no time shall a user use a spill containment system for the storage of waste other than from a spill generated from a contained liquid.
- G. Liquid contained within the spill containment system shall be removed as soon as possible or as instructed by the Director to restore the capacity of the spill containment system to the original volume.

#### **4.16 Facility Waste Management Plan**

Permitted Significant Industrial Users may be required to develop and maintain a Facility Waste Management Plan (FWMP). The FWMP may include any of the following documents:

- A. TOXIC ORGANIC MANAGEMENT PLAN (TOMP) is required of all categorical industrial users which are permitted to submit a TOMP in lieu of required pollutant monitoring.
- B. SLUG DISCHARGE PREVENTION CONTROL PLAN (SDPCP) is required of all industrial users which have batch discharge provisions, stored chemicals or materials, or the potential for a slug discharge which, if discharged to the POTW, would violate any of the prohibited discharge requirements of Rule and Regulation No. 26.
- C. PRETREATMENT SYSTEMS OPERATIONS MANUAL is required of all industrial users that operate and maintain pretreatment equipment.
- D. HAZARDOUS MATERIALS/WASTE MANAGEMENT PLAN is required of all industrial users that use or possess a hazardous substance or generate a hazardous substance. The County's Fire Department-required Business Emergency Plan may be substituted for this management plan.

- E. WASTE MINIMIZATION/POLLUTION PREVENTION PLAN (WM/PPP) is required of any industrial user:
- (1) For whom the Director has determined such WM/PPP is necessary to achieve a water quality objective;
  - (2) Determined by the California State Water Resources Control Board (State or Regional Board) to be a chronic violator, and the State Board, Regional Board or City determines that pollution prevention (as defined in Water Code Section 13263.3(b)) could assist;
  - (3) That significantly contributes, or has the potential to significantly contribute, to the creation of a toxic hot spot as defined in Water Code Section 13391.5.
- F. The WM/PPP may be required to include:
- (1) A wastewater analysis of pollutant(s), as directed by the State Board, Regional Board, or SBMWD, that the user discharges to the POTW, a description of the source(s) of the pollutant(s), and a comprehensive review of the processes used by the users that result in the generation and discharge of the pollutant(s).
  - (2) An analysis of the WM/PPP to reduce the generation of the pollutant(s), including the application of innovative and alternative technologies and any adverse environmental impacts resulting from the use of those methods.
  - (3) A detailed description of the tasks and time schedules required to investigate and implement various elements of pollution prevention techniques.
  - (4) A statement of the user's pollution prevention goals and strategies, including priorities for short-term and long-term action.
  - (5) A description of the user's existing pollution prevention methods.
  - (6) A statement that the user's existing and planned pollution prevention strategies do not constitute cross media pollution transfers unless clear environmental benefits of such an approach are identified to the satisfaction of the SBMWD.
  - (7) Proof of compliance with the Hazardous Waste Source Reduction and Management Review Act of 1989 (Article 11.9 (Section 25244.12) of Chapter 6.5 of

Division 20 of the Health and Safety Code), if applicable.

- (8) An analysis of the pollution prevention measures, relative costs, and benefits of the proposed pollution prevention activities selected by the user.

## **5.0 WASTEWATER DISCHARGE PERMITS**

### **5.1 General Permit Requirements**

- A. It is unlawful for any Class I, II, III, IV, V, or VI User to connect or discharge to the POTW without a valid industrial user or liquid wastehauler permit.
- B. Plans and building permits shall not be approved by the Director for any sewer connection to the POTW unless the user has first obtained the appropriate industrial user permit or the user has received written permission from the Director to connect to the POTW after agreeing in writing not to discharge industrial wastewater until an industrial user permit has been obtained.
- C. The Director shall have the authority to deny or establish discharge limitations for all users who propose new or increased contributions of pollutants, or changes in the nature of pollutants to the POTW where the contributions do not meet applicable pretreatment standards, requirements or would cause the SBMWD to violate its NPDES permits.

### **5.2 Industrial User Permit Application Requirements**

- A. All users required to obtain an industrial user permit shall complete and file with the Director a permit application form provided by the Director and shall pay all applicable fees invoiced by the SBMWD. The permit application may require the applicant to supply any or all of the following information:
  - (1) Name, address, and location of the facility (if different from the mailing address);
  - (2) Name of the operator and owners;
  - (3) Name, title and phone number of authorized representative(s) and contact(s);
  - (4) NAICS number of the operation(s) carried out by the industrial user, according to the Federal North

- American Industry Classification System, Office of Management and Budget, 1997, as amended;
- (5) EPA hazardous waste generator's number, if applicable;
  - (6) A description of operations including the nature, average rate of production, and a schematic process diagram which indicates points of discharge to the POTW;
  - (7) Flow measurement information showing the measured average daily and maximum daily flow in gallons per day discharged to the POTW from process waste streams and all other waste streams, as necessary, to determine the permitted flow of the user and to allow use of the combined waste stream formula;
  - (8) Time and duration that wastewater is discharged;
  - (9) Wastewater samples collected according to 40 CFR 403.12(b)(5)(i-vii) specifications and analyzed by a laboratory certified by the State of California, Department of Health Services to complete the specific pollutant analyses;
  - (10) Measurement of pollutants identifying the National Categorical Pretreatment Standard applicable to each regulated process, with the results of sample analyses identifying the nature and concentration (or mass where required) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass) shall be reported. All analyses shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto;
  - (11) A list of all environmental control permits held;
  - (12) Site plans, floor plans, process and pretreatment flow charts, mechanical and plumbing plans with details to show all sewers, sewer connections, monitoring equipment, pretreatment equipment, systems and devices, production areas and all areas of wastewater generation and a pretreatment systems operations and maintenance manual as required;
  - (13) Certification statement, as set forth in 40 CFR Part 403.6(a)(2)(ii) and amendments thereto, executed by an authorized representative of the industrial user and prepared by a qualified professional, indicating whether or not pretreatment standards (categorical and local) are being met on a consistent basis. If not, the industrial user shall state if additional

pretreatment equipment is necessary to achieve compliance with pretreatment standards and requirements; and

- (14) Any other information as may be necessary for the Director to evaluate the permit application. The accuracy of all data submitted, including monitoring data, shall be certified by an authorized representative of the industrial user as set forth in 40 CFR Part 403.6(a)(2)(ii).

B. After receiving the completed application and all required support information, the Director shall evaluate the application and information furnished by the applicant and either issue an industrial user permit subject to the terms and conditions provided in Rule and Regulation No. 26, suspend the issuance of the permit or disapprove the application pursuant to Rule and Regulation No. 26 Section 5.2 Industrial User Permit Application Requirements Subsection DD. The Director shall issue the permit, if the Director believes that sufficient and accurate information has been provided by the applicant in the permit application and the Director finds that all of the following conditions are met:

- (1) The proposed discharge of the applicant is in compliance with the prohibitions and limitations of Rule and Regulation No. 26;
- (2) The proposed operation and discharge of the applicant would not interfere with the normal and efficient operation of the POTW;
- (3) The proposed operation and discharge of the applicant shall not result in a violation by the SBMWD of the terms and conditions of its NPDES permit or cause a pass through of any toxic materials to the POTW; and
- (4) The applicant has paid all applicable industrial user permit fees.

C. The Director may suspend the permit application process if the user's business will not be operational at the conclusion of the application review process. The Director will supply the user with an interim approval letter in order to receive a permit to commence construction from the Building Department. The user is required to notify the Director at least fourteen (14) days prior to the commencement of business operations.



The industrial user permit will be issued upon proper notification by the user.

- D. If the Director determines there has been misrepresentation or failure to disclose all relevant facts in the Industrial User Permit Application or that the proposed discharge will not be acceptable, the Director shall disapprove the application and shall notify the applicant in writing, specifying the reason(s) for denial and the applicable appeals process.

### **5.3 Industrial User Permit Requirements**

- A. Industrial user permits shall be subject to all provisions of Rule and Regulation No. 26 and all other applicable regulations, charges and fees established by resolution(s) approved by the Board.
- B. Permits may contain or require any or all of the following:
- (1) Limitations on the maximum daily and average monthly wastewater pollutants and mass emission rates for pollutants;
  - (2) Limitations on the average and maximum daily wastewater flow rates;
  - (3) Requirements for the submittal of daily, monthly, annual and long term production rates;
  - (4) Requirements for reporting changes and/or modifications to equipment and/ or processes that affect the quantity or quality of the wastewater discharged;
  - (5) Requirements for installation and maintenance of monitoring and sampling equipment and devices;
  - (6) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate spill containment devices;
  - (7) Specifications for monitoring programs which may include: sampling location(s); frequency of sampling; pollutant violation notification and resampling requirements; number, types and standards for tests; reporting schedules; TTO monitoring; and self-monitoring standard operating procedures (SOPs);
  - (8) Requirements for reporting flow exceedances and pollutant violations;
  - (9) Requirements for submission of technical or discharge reports, Baseline Monitoring Reports

- (BMR), compliance reports, and reports on continued compliance;
- (10) Reports on compliance with Federal Categorical Pretreatment Standards deadlines. All categorical industrial users shall submit reports to the Director containing the information described in this Section as required by the permit. For existing categorical industrial users, the report shall be submitted within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards. For new categorical industrial users, the report shall be due thirty (30) days following the commencement of wastewater discharge into the POTW. These reports shall contain long term production rates and actual production during the wastewater sampling periods;
  - (11) All significant industrial users shall collect representative wastewater samples collected from the approved sample location during the first (1st) month of the first (1st) and third (3rd) quarters. The sample analysis compliance reports shall be submitted to the SBMWD by the end of the second (2nd) month of the first (1st) and third (3rd) quarters. These reports shall include effluent sample analyses results with the name and concentration or mass of the pollutants in the industrial user permit; average and maximum daily wastewater flows for all processes and total flow for the reporting period. Average and maximum daily production rates; and total production rate for the reporting period may be required to verify effluent sample analyses to ensure wastewater flows are consistent with production rates;
  - (12) All required reports: BMRs, compliance reports, periodic reports on continued compliance, and sample data submittals, must be signed by an authorized representative of the user;
  - (13) All required reports must have an accompanying certification statement, by an authorized representative, stating whether the pretreatment standards are or are not being met as set forth in 40 CFR Section 403.12(b)(6) and amendments thereto;
  - (14) Requirements for maintaining and retaining all records relating to the wastewater monitoring, sample analyses, production, waste disposal,

- recycling, and waste minimization as specified by the Director;
- (15) Requirements for notification of slug or accidental discharges and significant changes in volume or characteristics of the pollutants discharged;
  - (16) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements of Rule and Regulation No. 26 and amendments thereto; and
  - (17) Other conditions or requirements as deemed appropriate by the Director to ensure compliance with Rule and Regulation No. 26 and amendments thereto.

#### **5.4 Liquid Wastehauler Permits**

- A. It is unlawful for any liquid wastehauler to discharge to the designated WRP disposal site without a current liquid wastehauler permit, and a current San Bernardino County Department of Environmental Health liquid wastehauler permit and decal, or to otherwise fail to comply with the provisions of Rule and Regulation No. 26.
- B. No person shall be issued a liquid wastehauler permit by the SBMWD without first completing and submitting an application for a SBMWD liquid wastehauler permit which contains the following information:
  - (1) Name, address, and phone number of the liquid wastehauler;
  - (2) Number of vehicles (vehicles include trucks, tankers and trailers), gallon capacity, license plate number, registered owner's name, and make and model, of each vehicle operated by the liquid wastehauler for the purpose of hauling domestic liquid wastes;
  - (3) Name of the liquid wastehauler's authorized representative;
  - (4) Name and policy number of the liquid wastehauler's insurance carrier and bonding company, if applicable;
  - (5) The number of the current permit issued to the liquid wastehauler by the San Bernardino County Department of Environmental Health for transportation and disposal of liquid wastes; and
  - (6) Such other information as may be required by the Director.

- C. Liquid wastehauler permit conditions may include, but are not limited to, the following:
- (1) Liquid wastehauler's obligation to comply with all permit terms and conditions;
  - (2) Liquid wastehauler's obligation to comply with the terms of Rule and Regulation No. 26;
  - (3) Liquid wastehauler's obligation to comply with the applicable rules and regulations of the San Bernardino County Health Department regarding cleanliness and sanitary conditions;
  - (4) Restrictions on operating hours for the designated WRP disposal site;
  - (5) The revocation, suspension, or placement on probation of the permit and imposition of other enforcement actions against the liquid wastehauler for violation of the permit terms or conditions, or Rule and Regulation No. 26;
  - (6) Liquid wastehauler record keeping and reporting requirements;
  - (7) Liquid wastehauler obligation to notify the Director immediately of any unusual circumstances observed during liquid waste pumping operations; and
  - (8) Other conditions, limitations or prohibitions as specified by the Director.
- D. The Director may deny the issuance of a liquid wastehauler permit for any of the following reasons:
- (1) The applicant misrepresented or knowingly falsified information on the application or any document required by the application;
  - (2) The applicant's previous liquid wastehauler permit was suspended or otherwise revoked and the condition upon which such action was taken still exists; or
  - (3) The applicant is not current on all disposal and permit related reports and charges.
- E. In the event a liquid wastehauler permit application is denied, the Director shall notify the applicant in writing of such denial and the appeal procedures. Such notification shall state the grounds for such denial and necessary actions that must be taken by the applicant prior to the issuance of a permit.
- F. SBMWD issued liquid wastehauler permits shall be valid for a maximum of three (3) years, and the Director may

impose additional, or modify or delete permit terms and conditions at any time during the duration of the permit.

- G. Liquid wastehauler permits are issued for a specific company and/or vehicle and any attempted permit transfer will void the permit.

#### **5.5 Permit Duration**

Industrial User and liquid wastehauler permits shall be issued for a specified time period, not to exceed three (3) years.

#### **5.6 Duty to Comply**

All users that have been issued an industrial user or liquid wastehauler permit have a duty to comply with all conditions and limitations in these control documents. Any user failing to comply with the requirements of the permit shall be subject to administrative, civil or criminal enforcement actions in accordance with Rule and Regulation No. 26.

#### **5.7 Permit Renewal**

All users that have been issued an industrial user or liquid wastehauler permit have a duty to comply with all conditions and limitations in these control documents. Any user failing to comply with the requirements of the permit shall be subject to administrative, civil or criminal enforcement actions in accordance with Rule and Regulation No. 26.

#### **5.8 Permit Modifications**

- A. The terms and conditions of the industrial user or liquid wastehauler permit shall be subject to modification during the term of the permit for reasons specified by the Director, including the following:
- (1) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
  - (2) To address significant alterations or modifications to the user's operation, processes, or wastewater volume or character since the time of the permit issuance;
  - (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the permitted discharge;

- (4) The permitted wastewater discharge poses a threat to the POTW, SBMWD or City personnel, residents, or receiving waters;
  - (5) Violation of any term or condition of the user's permit;
  - (6) Misrepresentations or failure to fully disclose all relevant facts in the user's permit application or in any required reporting; or
  - (7) To correct typographical or other errors in the user's permit; or
- B. When possible, the SBMWD shall notify the user of any proposed permit changes at least thirty (30) days prior to the effective date of the changes. Any modifications in the permit shall include a reasonable time schedule for compliance.

#### **5.9 Permit Transfer**

Each industrial user and liquid wastehauler permit is issued to a specific user for a specific operation for a specified time. Any assignment, transfer or sale of an industrial user or liquid wastehauler permit to a new owner, new user, different premises, or different use is prohibited and is a violation of Rule and Regulation No. 26.

#### **5.10 Permit Suspension or Revocation**

The Director may suspend or revoke any industrial user or liquid wastehauler permit if the user is in violation of any provision of Rule and Regulation No. 26 or user permit. These violations include but are not limited to: misrepresentation or falsification of any required information; denial of the SBMWD right to entry; failure to re-apply for a permit or request a required permit modification; failure to pay required permit fees or charges; or any discharges in violation of Rule and Regulation No. 26. The Director may suspend or revoke the industrial user or liquid wastehauler permit upon a minimum notice of fifteen (15) calendar days when the Director finds the user violated any provision of Rule and Regulation No. 26 or user permit. The permit suspension or revocation will result in them immediate suspension of all discharge rights and privileges as specified in Rule and Regulation No. 26 Section 6.8. All costs associated with the permit suspension or revocation, and any reissuance of the permit, shall be paid by the user.

## **6.0 ENFORCEMENT NOTICES**

### **6.1 Enforcement Response Plan (ERP)**

The City shall adopt an Enforcement Response Plan (ERP), as required by 40 CFR 403.8(f)(5)(i-vii), and delegate authority to the Water Board to enforce the ERP. The ERP is incorporated as Exhibit A to Rule and Regulation 26 and is used to guide the SBMWD in imposing progressive enforcement actions against users in noncompliance with Rule and Regulation No. 26.

### **6.2 Administrative Violations**

There is hereby established a class of violations to be known as Administrative Violations that are further subdivided into minor and major administrative violations as follows:

- A. Minor Administrative Violations include, but are not limited to, the following:
- (1) Submission of incomplete reports or questionnaires;
  - (2) Failure to submit required reports or correspondence by the scheduled due date;
  - (3) Failure to submit a compliance report by the due date specified without prior notification to the SBMWD;
  - (4) Failure to conduct required monitoring;
  - (5) Failure to notify the Director of a violation of a permit condition within twenty-four (24) hours after discovery of the violation; or
  - (6) Failure to pay any required fees, penalties and charges within thirty (30) calendar days from the due date.
- B. Major Administrative Violations include, but are not limited to, the following:
- (1) Failure to notify the Director of a slug discharge immediately after discovery of said discharge;
  - (2) Failure to submit required reports or correspondence within thirty (30) days after the original due date;
  - (3) Failure to submit a compliance report within thirty (30) days after the original due date;
  - (4) Falsification of documents or attempting to mislead SBMWD officials;
  - (5) Failure to cooperate with SBMWD officials exercising their authority under Rule and

Regulation No. 26, including monitoring and inspection activities;

- (6) A pattern of minor administrative violations;
- (7) Failure to provide the SBMWD with access to the user's premises for the purpose of inspection, monitoring, or sampling;
- (8) Failure to produce records as required;
- (9) Failure to accurately report noncompliance;
- (10) Failure to submit required reports (self-monitoring, one hundred eighty (180) day baseline monitoring report, ninety (90)-day compliance report, Compliance Schedule progress reports) or submitting such reports more than thirty (30) calendar days late;
- (11) Failure to pay charges pursuant to Rule and Regulation No. 26 Section 7.1 Establishment of Charges and Fees, permit application fees, permit renewal fees, and Civil Penalties within sixty (60) calendar days after the due date; or
- (12) Failure to pay all other required fees, penalties, and charges within sixty (60) calendar days after the due date.

C. Upon notice of appropriate mitigating circumstances and consistent with applicable federal and state laws, the Director has sole discretion to treat a major administrative violation as a minor administrative violation, or a pattern of minor administrative violations with aggravating circumstances as an individual major administrative violation.

### **6.3 Discharge Violations**

A. There is hereby established a class of violations to be known as Discharge Violations that are further subdivided into minor and major discharge violations as follows:

- (1) Minor discharge violations are those that the Director has determined, either alone or in combination with other discharge violations; pose no significant threat to the operation of the WRP, the environment, or the health and safety of the general public or SBMWD and City employees.
- (2) Major discharge violations include, but are not limited to, the following:
  - a. Violation(s) which result in Significant Noncompliance;



- b. Discharge violations which, either alone or in combination with other discharge violations; pose a significant threat to the operation of the WRP, the environment, or the health and safety of the general public or SBMWD and City employees, or cause or contribute to additional treatment costs incurred by the SBMWD or a violation of the NPDES permit(s), or cause or contribute to pass through, interference, or other known damages;
  - c. Discharging regulated pollutants to the POTW without a current discharge permit;
  - d. A pattern of minor discharge violations;
  - e. Failure to correct a minor discharge violation within a specific time period as specified by the Director;
  - f. Tampering with or purposely rendering inaccurate any monitoring device, method or record required to be maintained by the SBMWD or the User;
  - g. Intentional discharge of a prohibited waste by a liquid waste hauler into the POTW; or
  - h. Wastewater discharge without a valid industrial user or liquid waste hauler permit after notification.
- B. Upon notice of appropriate mitigating circumstances, the Director has sole discretion to treat a major discharge violation as a minor discharge violation. The Director also has sole discretion to treat a pattern of minor discharge violations with aggravating circumstances as an individual major discharge violation.

#### **6.4 Liquid Waste hauler Violations**

- A. Upon the Director's determination of a violation of Rule and Regulation No. 26, the liquid waste hauler may be issued a Notice of Rejection subject to the enforcement actions set forth in Rule and Regulation No. 26, the Enforcement Response Plan, and the liquid waste hauler permit as necessary to protect the WRP and RIX, the public, the environment or SBMWD and City employees.
- B. All liquid waste hauler permits issued to any person may be revoked, suspended or placed on probation up to

one (1) year upon a finding by the Director that any of the following facts exist:

- (1) Such person or representative thereof failed to display any permit or discharge authorization document upon request by an authorized representative of the SBMWD;
- (2) Such person or representative thereof has changed, altered or otherwise modified the face of a permit or discharge authorization document without the permission of the Director;
- (3) Such person or representative thereof has violated any condition of the permit;
- (4) Such person or representative thereof has falsified any application, liquid waste manifest, record, report, monitoring results, or any other information required to be maintained by the Director, has failed to make them immediately available to the Director upon request, or has withheld required information;
- (5) Such person or representative thereof failed to immediately cease the discharge from his or her truck into the designated WRP disposal site upon order of any authorized SBMWD employee;
- (6) Such person or representative thereof discharged or attempted to discharge hazardous waste into the designated disposal site;
- (7) Such person or representative thereof discharged or attempted to discharge industrial waste into the designated disposal site;
- (8) Such person or representative thereof has discharged or attempted to discharge waste to the designated WRP disposal site, that has been previously rejected by another regulatory agency, municipality, or entity having authority to grant permission for the disposal of the waste, without prior notification to the Director of the rejected status of the waste;
- (9) Such person or representative thereof has physically harmed any SBMWD employee; or
- (10) Such person or representative thereof has made threatening remarks or threatening acts toward any SBMWD employee.

C. Any liquid wastehauler permit which has been revoked, suspended or placed on probation pursuant to this Section may be reinstated upon a finding by the Director

that the condition which caused the revocation, suspension or probation no longer exists.

- D. Any authorized SBMWD employee shall have the authority to order the immediate cessation of the discharge from any liquid wastehauler vehicle into the designated WRP disposal site. Such order shall be based on the employee's best professional judgment that said discharge may be in violation of any applicable condition of Rule and Regulation No. 26 or may otherwise harm or threaten to harm the operation of the WRP or RIX, the environment, SBMWD and City employees, and the general public.

### **6.5 Unclassified Violations**

For any violation by any user that is not classified herein, or for the violation of any rule or regulation promulgated hereunder, the Director shall have the discretion to treat such violation as a minor or major violation and to exercise enforcement authority accordingly. In exercising this enforcement authority, the Director shall consider the magnitude of the violation, its duration, and its effect on receiving waters, the POTW, the WRP sludge, the health and safety of SBMWD and City employees, contractors, users, and the general public. The Director shall also evaluate the user's compliance history, good faith, and any other factors the Director deems relevant.

### **6.6 Public Nuisance**

Any user found to be in violation of Rule and Regulation No. 26, user permit, or any administrative order issued pursuant to Rule and Regulation No. 26 shall be declared a public nuisance and shall be guilty of a misdemeanor.

### **6.7 Administrative Orders**

The Director may require compliance with Rule and Regulation No. 26 and any permit or order issued under Rule and Regulation No. 26, by issuing Administrative Orders that are enforceable in a court of law, or by directly seeking court action. The Director may use Administrative Orders, either individually, sequentially, concurrently, or in any

order for one or more violations as appropriate for the circumstances. Administrative Orders include:

- A. NOTICE OF NONCOMPLIANCE (NNC): A Notice of Noncompliance shall be issued to a user for any initial pollutant violations, any minor violations discovered during an inspection, or the user's permit or Rule and Regulation No. 26. The time frame required for the NNC to be corrected is normally seven (7) to fourteen ((14) days. A copy of the NNC is either submitted to the user at the conclusion of the inspection or mailed to the user with a submit a written response of the violation(s) and a plan for immediate compliance or actions to comply with the specified violation(s). A compliance time extension or series of time extensions may be granted, at the discretion of the Director, to a user who fails to correct a minor violation required by a NNC, upon a showing of "good faith" by the user. "Good Faith" shall be defined as the user's honest intention to remedy noncompliance together with actions that support the intention without the use of enforcement actions by the SBMWD.
- B. VERBAL NOTICE (VN): A Verbal Notice shall be used to notify a user that required correspondence, monitoring data, or any other type of required report has not been received by the required compliance date. The VN shall be completed through a phone call, telefax, or personal visit and shall be completed within five (5) days after the original compliance date. All VN issued to an SIU shall be documented with a written memo to the SIU file.
- C. WARNING NOTICE (WN): A Warning Notice shall be issued to a user when compliance has not been achieved by the original due date specified in the NNC issued to the user. The WN shall be issued within five (5) days after the original or extended due date and shall state the provision(s) violated and the facts alleged to constitute the violation. The WN will also inform the user that additional enforcement action, including the issuance of a Notice of Violation and monetary penalties will be issued to the user if compliance is not achieved by the date specified. A WN shall be documented in a written inspection report at the time of the follow up inspection or mailed to the user with a written receipt of delivery.

- D. NONCOMPLIANCE MONITORING PROGRAM (NMP): A Noncompliance Monitoring Program (NMP) shall be issued to a user when analysis results from consecutive samples indicate violations for the same pollutant. The time frame required for the NMP response is normally seven (7) to fourteen (14) days, in addition to specific due dates for the submittal of all required sample monitoring reports. The NMP requires the user to collect a representative wastewater sample from the designated sample location at a frequency determined by the Director. The samples are to be analyzed for all pollutants which were determined to be in violation of discharge limits. The user shall be responsible for all costs associated with the NMP. Production information, including daily flow meter records shall be submitted for each sample, as required by the Director. The NMP shall be hand delivered or delivered certified mail with a written receipt of delivery. Continued noncompliance may result in escalated enforcement action and additional monitoring requirements as specified by the Director.
- E. NOTICE OF VIOLATION (NOV): A Notice of Violation shall be issued to a user for any repeat pollutant violations, any violations which result in Significant Noncompliance, or any major violations discovered during an inspection, the user's permit or Rule and Regulation No. 26. A Notice of Violation is also issued to a user who has not complied with the requirements contained in a Notice of Noncompliance, Warning Notice, or Stop Work Order. The timeframe required for the NOV to be corrected is normally seven (7) to fourteen (14) days. The NOV shall state the provision(s) violated and the facts alleged to constitute the violation, and may include proposed compliance measures or additional monitoring which may be required. The NOV will also inform the user that additional enforcement action, up to and including suspension or termination of sewer service will be issued to the user if compliance is not achieved. The NOV shall require the user to correct the violation or submit a written response of the violation(s) and a plan for immediate compliance or actions to comply with the specified violation(s). Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the NOV. The NOV shall be hand delivered or delivered certified mail with a written receipt of

delivery. The NOV shall include a one hundred dollar (\$100.00) penalty fee.

- F. STOP WORK ORDER (SWO): A Stop Work Order shall be issued to a user to stop any new construction, tenant improvements, alterations, or additions, when the user has not received all necessary City permits, has initiated work without written approval of the Director, or violations of Rule and Regulation No. 26 related to the building activity have been discovered at the site. The SWO requires the user to cease all building activity until the user has achieved compliance with the conditions specified in the SWO and received authorization from the Director to resume building activity. The SWO shall be documented in a written inspection report completed during the onsite inspection. A copy of the SWO is either submitted to the user at the conclusion of the inspection or mailed to the user with a written receipt of delivery. The SWO shall include a one hundred dollar (\$100.00) penalty fee.
- G. VIOLATION MEETING ORDER (VMO): A Violation Meeting Order shall be issued to a user who has failed to achieve compliance after the issuance of an NOV, or at the conclusion of an NMP that has resulted in Significant Noncompliance. A VMO is an informal meeting between the user and the Environmental Control Section and is intended for the user to propose possible corrective actions and request time extensions to comply with the NOV. The VMO is also used by the user to demonstrate good faith efforts towards achieving compliance. The VMO may also be used by the City to draft a consent order or compliance order, or for the user to draft a compliance schedule, or file an appeal. The VMO shall be hand delivered or delivered certified mail with a written receipt of delivery. The VMO shall include a one hundred dollar (\$100.00) penalty fee.
- H. CEASE AND DESIST ORDER (CDO): A Cease and Desist Order shall be issued to a user who is in violation of an NOV, or Rule and Regulation No. 26, industrial user permit, or any order issued under Rule and Regulation No. 26, which is determined to pose an immediate threat to the POTW, SBMWD personnel, environment or the public. A CDO may also be issued to a user who is discharging industrial wastewater to the

POTW without a valid industrial user permit. The CDO may result in the immediate revocation of the user's permit and shall require the user to take such appropriate remedial or preventive action as determined by the Director to gain immediate compliance and eliminate the threat, including halting operations and terminating the discharge to the POTW. The cease and desist order shall include the provision violated and the facts constituting the violation. The CDO shall be hand delivered or delivered certified mail with a written receipt of delivery. The CDO shall include a two hundred fifty dollar (\$250.00) penalty fee.

- I. CONSENT ORDER (CONS): A Consent Order shall be issued to a user after an NOV has failed to achieve compliance with the requirements specified in Rule and Regulation No. 26, industrial user permit, or any order issued under Rule and Regulation No. 26. The CONS is routinely developed as a result of information collected during the VMO between the SBMWD and a user who has exhibited a willingness to comply. The CONS is a written agreement developed jointly between the City and the user with individual milestones, specific actions submitted by the user, or other remedies used to gain compliance with the violation(s). The CONS shall specify the provisions violated and the facts constituting the violation(s), and shall require adequate treatment facilities, devices, or other pretreatment technology be installed and properly operated by the user to achieve and maintain compliance. No individual milestone, including milestone extensions is permitted to exceed nine (9) months in length. The CONS shall be hand delivered or delivered certified mail with a written receipt of delivery. The user is required to submit written progress reports to the SBMWD every thirty (30) days, as scheduled by the Director, to accurately document the current status of the project and to maintain the required schedule. The CONS shall include a five hundred dollar (\$500.00) penalty fee.
  
- J. COMPLIANCE ORDER (COMP): A Compliance Order shall be issued to a user after an NOV has failed to achieve compliance with the requirements specified in Rule and Regulation No. 26, industrial user permit, or any order issued under Rule and Regulation No. 26. The COMP is routinely developed as a result of information collected during the VMO between the SBMWD and a user who has

exhibited a lack of cooperation and is unwilling to comply. The COMP is used to compel uncooperative users to achieve compliance and shall be developed by the SBMWD with no input from the user. The COMP is a compliance schedule with individual milestones developed by the SBMWD which requires the user to complete specific actions, or other remedies to gain compliance with the violation(s). The COMP shall specify the provisions violated and the facts constituting the violation(s), and shall require adequate treatment facilities, devices, or other pretreatment technology be installed and properly operated by the user to achieve and maintain compliance. No individual milestone, including milestone extensions is permitted to exceed nine (9) months in length. The COMP shall be hand delivered or delivered certified mail with a written receipt of delivery. The user is required to submit written progress reports to the SBMWD every thirty (30) days, as scheduled by the Director, to accurately document the current status of the project and to maintain the required schedule. The COMP shall include a five hundred dollar (\$500.00) penalty fee.

- K. SHOW CAUSE ORDER (SHOW): A Show Cause Order shall be issued to a user who is in violation of Rule and Regulation No. 26, user permit, or any order issued under Rule and Regulation No. 26, and has failed to achieve compliance with previous enforcement actions. The SHOW shall be served on the user specifying the time and place for the hearing; the proposed enforcement action and the reasons for such action, including any alleged violation(s) and the facts constituting the violation. The SHOW allows the user an opportunity to show why Civil and/or Criminal Action should not be brought against the user for failure to comply with previous enforcement actions. The SHOW notice shall be served upon the user personally or by certified mail at least fifteen (15) calendar days prior to the hearing; unless the user requests an earlier date for the hearing. The Director shall permit the alleged violating user to respond to the notice and order, to present evidence and argument on all relevant issues, and to conduct cross-examination of any witnesses necessary for the full disclosure of the facts. The Director may request the attendance and testimony of witnesses and the production of evidence relevant to any matter, and may seek the issuance of a



subpoena from the presiding court for the presence of prospective witnesses. The testimony taken shall be under oath and recorded, with a transcript prepared and provided to any person upon payment of the usual charges for such transcript. Attendees at the Show Cause Hearing may include; a representative from the City Attorney's Office, the SBMWD General Manager, the SBMWD WRP Director, and the SBMWD Environmental Control Officer. Prior to the issuance of a SHOW, representatives from the City and SBMWD shall review the case to determine possible compliance measures. Upon review of the findings of fact, the Director or his designee shall make a final decision which shall be served upon the user. The SBMWD may immediately impose an enforcement action after the hearing whether or not a duly notified user appears as required. The SHOW shall include a one thousand dollar (\$1,000.00) penalty fee.

- L. PROBATION ORDER (PO): A Probation Order may be issued to any user for any repeat violations of Rule and Regulation No. 26.26. The PO shall require the user to conduct repeated monitoring, as determined by the Director, submit recurring documentation as required by the Director, or complete any other actions the Director deems necessary to affirm the continued compliance of the user. The PO shall be hand delivered or delivered certified mail with a written receipt of delivery. The PO shall include a one hundred dollar (\$100.00) penalty fee
  
- M. PERMIT REVOCATION ORDER (PRO): A Permit Revocation Order may be issued to any user who has not complied with the requirements contained in any enforcement action. The permit revocation requires the user to immediately cease the discharge of all wastewater determined by the Director to be in noncompliance. The permit revocation requires the user to demonstrate continued compliance prior to the re-issuance of permit authorizing the continued discharge of the specified wastewater to the sewer system. The PRO shall be hand delivered or delivered certified mail with a written receipt of delivery. The PRO shall include a one hundred dollar (\$100.00) penalty fee and the user shall be responsible for all costs associated with the re-issuance of the permit.

**6.8 Sewer Suspension Order (SUSP)**

A Sewer Suspension Order may be issued to any user who has either willfully or negligently violated the requirements contained in a Permit Revocation Order, failed to comply with the requirements of a CONS or COMP, or whose actual or impending discharge to the POTW presents or may present an imminent endangerment to the health and welfare of persons or to the environment, may pass through or cause interference with the operations of any part of the POTW, is in violation of Rule and Regulation No. 26 or the user's permit, or may cause the SBMWD to violate its NPDES permit or any other federal or state law or regulation. The SUSP shall be hand delivered or delivered certified mail with a written receipt of delivery. Any user issued a SUSP shall immediately cease the discharge of all wastewater to the POTW, as specified by the Director. The SUSP will result in the immediate revocation of the user's permit. Noncompliance with the conditions of the SUSP may result in the immediate termination of sewer service as specified in Rule and Regulation No. 26 Section 6.9 Sewer Order Termination (TERM). As soon as reasonably practicable but in no event more than five (5) business days following the issuance of the SUSP, the General Manager shall schedule a hearing to provide the user with an opportunity to present information which states the reasons the SUSP should not be executed. The scheduled hearing shall not delay or prevent the effects of the SUSP. The hearing shall be conducted in accordance with procedures established by the Board. Within five (5) business days following the hearing, the General Manager shall issue a written decision to the user regarding the status of the SUSP. The General Manager may allow the user to resume sewer service or waste hauler discharge service if the user demonstrates continued compliance with all discharge and Rule and Regulation requirements. The user shall be responsible for all costs associated with the issuance of the SUSP. The SUSP shall include a five hundred dollar (\$500.00) penalty fee and the user shall be responsible for all costs associated with the SUSP and re-issuance of the permit.

**6.9 Sewer Termination Order (TERM)**

A Sewer Termination Order may be issued to any user who has either willfully or negligently violated the requirements contained in a Sewer Suspension Order, failed to comply with the requirements of a CONS or COMP, or whose actual or impending discharge to the POTW presents or may present an

imminent endangerment to the health and welfare of persons or to the environment, may pass through or cause interference with the operations of any part of the POTW, is in violation of Rule and Regulation No. 26 or the user's permit, or may cause the SBMWD to violate its NPDES permit or any other federal or state law or regulation. The TERM shall be hand delivered or delivered certified mail with a written receipt of delivery. The TERM will result in the immediate revocation of the user's permit and the immediate severance of the user's sewer connection and/or the termination of water service. As soon as reasonably practicable but in no event more than five (5) business days following the issuance of the TERM, the General Manager shall schedule a hearing to provide the user with an opportunity to present information which states the reasons the TERM should not be executed. The scheduled hearing shall not delay or prevent the effects of the TERM. The hearing shall be conducted in accordance with procedures established by the Board. Within five (5) business days following the hearing, the General Manager shall issue a written decision to the user regarding the status of the TERM. The General Manager may allow the user to reconnect to the sewer and/or resume water service if the user demonstrates continued compliance with all discharge and Rule and Regulation requirements. The TERM shall include a one thousand dollar (\$1,000.00) penalty fee and the user shall be responsible for all costs associated with the TERM, including the termination and reconnection of sewer and/or water service, and re-issuance of the permit.

#### **6.10 Civil Penalties (CIV)**

A Civil Penalty may be issued to any user in violation of the user's permit, any provision of Rule and Regulation No. 26, administrative order, or has failed to comply with the requirements or conditions specified in previous enforcement action. The CIV shall be issued by the City Attorney and shall include all penalties authorized in this Section. The user shall be responsible for all costs associated with the violation(s); including: reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including, but not limited to, sampling, monitoring, laboratory costs, and inspection expenses.

A. AUTHORITY: All users of the POTW are subject to enforcement actions administratively or judicially by the City, United States Environmental Protection Agency, State of California Regional Water Quality Board, or the

County of San Bernardino District Attorney. The actions may be taken pursuant to the authority and provisions of several laws, including but not limited to:

- (1) Federal Water Pollution Control Act, commonly known as the Clean Water Act (33 USCA Section 1251 et seq.);
- (2) California Porter Cologne Water Quality Control Act (California Water Code Section 13000 et seq.);
- (3) California Hazardous Waste Control Law (California Health & Safety Code Sections 25100 to 25250);
- (4) Resource Conservation and Recovery Act of 1976 (42 USCA Section 6901 et seq.); and
- (5) California Government Code, Sections 54739-54740.

B. RECOVERY OF FINES OR PENALTIES: In the event the City is required to pay fines or penalties pursuant to the legal authority and actions of other regulatory or enforcement agencies based on a violation of law or regulation or its permits, and the violation can be attributed to the discharge of the user in violation of any provision of Rule and Regulation No. 26, the user's permit, any prohibition, effluent limit, or an administrative order issued pursuant to Rule and Regulation No. 26; the City shall be entitled to recover all costs and expenses, including, but not limited to, the full amount of said fines or penalties from the user.

C. REGULATION: Pursuant to the Authority of California Government Code Sections 54739-54740, any person who violates any provision of Rule and Regulation No. 26; the user's permit, any prohibition, effluent limit; or any suspension or revocation order shall be liable civilly for a sum not to exceed twenty-five thousand dollars (\$25,000.00) per violation for each day in which such violation occurs. Pursuant to the authority of the Clean Water Act, 33 U.S.C. Section 1251 et seq., any person who violates any provision of Rule and Regulation No. 26, the user's permit, or effluent limit shall be liable civilly for a sum not to exceed twenty-five thousand dollars (\$25,000.00) per violation for each day in which such violation occurs. The City Attorney, at the request of the General Manager may petition a court of competent jurisdiction to impose, assess and recover all costs pursuant to federal and/or state legislative authorization.

- D. ADMINISTRATIVE CIVIL PENALTIES:
- (1) Pursuant to the authority of California Government Code Sections 54740.5 and 54740.6, the City may issue an administrative complaint to any person who violates:
    - a. any provision of Rule and Regulation No. 26;
    - b. any permit condition, prohibition, or effluent limit; or
    - c. any suspension or revocation order.
  - (2) The administrative complaint shall be served by personal delivery or certified mail and shall inform the user that a hearing will be conducted, and shall specify a hearing date within sixty (60) days following service. The administrative complaint will allege the act or failure to act that constitutes the violation of the City's requirements, the provisions of law authorizing civil liability to be imposed, and the proposed civil penalty. The matter shall be heard by the General Manager. The user to whom the administrative complaint has been issued may waive the right to a hearing, in which case the hearing will not be conducted.
  - (3) At the hearing, the user shall have an opportunity to respond to the allegations set forth in the administrative complaint by presenting written or oral evidence. The hearing shall be conducted in accordance with the procedures established by the General Manager and approved by the counsel for the City.
  - (4) After the conclusion of the hearing, the General Manager shall prepare a written report which includes a statement of the facts found to be true, a determination of the issues presented, and conclusions. If the General Manager's designee conducts the hearing, the designee shall prepare and submit the written report to the General Manager.
  - (5) Upon preparation of the written report, the General Manager shall make his determination, and should he find that the grounds exist for assessment of a civil penalty against the user, he shall issue his decision and order in writing within thirty (30) calendar days after the conclusion of the hearing.
  - (6) If after the hearing or appeal, if any, it is found that the user has violated reporting or discharge

requirements, the General Manager or Board may assess a civil penalty against that user. In determining the amount of the civil penalty, the General Manager or Board may consider all relevant circumstances, including but not limited to the extent of harm caused by the violation, the economic benefit derived through any non-compliance, the nature and persistence of the violation, the length of time over which the violation occurred, and any corrective action attempted by the user.

- (7) Civil penalties may be assessed as follows:
  - a. In an amount of at least one thousand dollars (\$1,000.00) a day for each violation by Industrial Users of Pretreatment Standards and Requirements.
  - b. In an amount which shall not exceed two thousand dollars (\$2,000.00) for each day for failing or refusing to furnish technical or monitoring reports;
  - c. In an amount which shall not exceed three thousand dollars (\$3,000.00) for each day for failing or refusing to timely comply with any compliance schedules established by the SBMWD;
  - d. In an amount which shall not exceed five thousand dollars (\$5,000.00) for each day of discharge in violation of any waste discharge limit, permit condition, or requirement issued, reissued, or adopted by the SBMWD;
  - e. In any amount which does not exceed ten dollars (\$10.00) per gallon for discharges in violation of any suspension, revocation, cease and desist order or other orders, or prohibition issued, reissued, or adopted by the SBMWD.
- (8) In determining the amount of such penalties, damages and costs, all relevant circumstances, including but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through a user's violation, corrective actions by a user, the compliance history of the user, good faith efforts to restore compliance, threat to human health, to the environment and to the POTW.
- (9) An order assessing administrative civil penalties issued by the SBMWD shall be final in all respects

on the thirty-first (31st) day after it is delivered to the user unless a notice of appeal is filed with the Board pursuant to Rule and Regulation No. 26 Subsection 6.15 Written Appeals no later than the thirtieth (30th) day following delivery of the notice. An order assessing administrative penalties issued by the Board shall be final.

- (10) Copies of the administrative order shall be either hand delivered or by certified mail to the user served with the administrative complaint.
- (11) Payment of the administrative civil penalties shall be made within thirty (30) days of the date the administrative order becomes final. A lien shall be placed against the user's real property for any outstanding penalties which remain delinquent sixty (60) days. The lien shall not be in effect until recorded with the county recorder. The SBMWD may record the lien for any unpaid administrative civil penalties on the ninety-first (91st) day following the date the administrative order becomes final.
- (12) No administrative civil penalties shall be recoverable under Rule and Regulation No. 26 Subsection 6.10 Part D Administrative Civil Penalties for any violation which the City has recovered civil penalties through a judicial proceeding filed pursuant to Government Code Section 54740.

#### **6.11 Criminal Penalties (CRIM)**

A Criminal Penalty may be issued to any user in violation of the user's permit, Rule and Regulation No. 26, or an enforcement action issued by the Director or has failed to comply with the requirements or conditions specified in previous enforcement action. A Criminal Penalty may also be issued to any user that willfully or knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to Rule and Regulation No. 26 or the user's permit, or which falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under Rule and Regulation No. 26. The CRIM shall be issued by the City Attorney or County District Attorney and shall include all penalties authorized in this Section. The penalties shall be consistent with the Federal Clean Water Act, 33 U.S.C. 1251, and any relevant State laws. The user

shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of at least one thousand dollars (\$1,000.00) per day for each violation by Industrial Users of Pretreatment Standards and Requirements or imprisonment for not more than six (6) months, or both, per violation per day. This penalty shall be consistent with the Federal Clean Water Act, 33 U.S.C. 1251 et seq. and amendments thereto, and shall apply to the exclusion of any other more lenient provision of Rule and Regulation No. 26. A user shall be guilty of a separate violation for each day a violation of any provision of Rule and Regulation No. 26 or user's permit is committed or continued by such user.

#### **6.12 Remedies Nonexclusive**

The enforcement actions for Rule and Regulation No. 26 are not exclusive. The General Manager may take any, all, or any combination of the enforcement responses against a user who is determined to be in noncompliance with conditions and requirements specified in Rule and Regulation No. 26, user's permit, or discharge limits.

#### **6.13 Damage to POTW Operation**

- A. Any user who discharges any wastewater which causes or contributes to any obstruction, interference, damage, or any other impairment to the operation of the POTW shall be liable for all costs required to resume normal operations of the POTW.
- B. Any user who discharges any wastewater which causes or contributes to the SBMWD violating any limitation, condition or requirement of its NPDES permit or any other discharge requirement established by any regulatory agency which incurs additional expenses, losses or damage to the POTW, shall be liable for any fines, penalties, fees or assessments imposed on the SBMWD by other regulatory agencies or the courts.

#### **6.14 Legal Action**

If any user violates or has the reasonable potential to violate any provision of its Wastewater Discharge Permit, this Rule and Regulation, Federal or State Pretreatment Standards or Requirements, or any administrative order issued pursuant to this Rule and Regulation, the City Attorney may petition a court of competent jurisdiction for appropriate



legal, equitable or injunctive relief including, but not limited to, issuance of a temporary restraining order, preliminary injunction, permanent injunction, and/or any other relief that may be appropriate to restrain the continued violation or prevent threatened violations by the User. In addition to the penalties provided herein, the Director may recover reasonable attorney fees, court costs, court reporter's fees, and other expenses of litigation by appropriate suit of law against the Person found to have violated any of the provisions of this Rule and Regulation or the orders, rules, regulations, and Permits issued thereunder.

### **6.15 Written Appeals**

- A. Any user affected by and dissatisfied with any decision, order, or enforcement action, made by the Director interpreting or implementing the provisions of Rule and Regulation No. 26 or user's permit, may file with the Director a written appeal requesting reconsideration of such decision, order or enforcement action within ten (10) calendar days from the receipt of the notice of such decision, order or enforcement action. The user shall state in detail the facts supporting the user's request for reconsideration. The Director shall render a ruling on the request for reconsideration to the user in writing within thirty (30) calendar days from receipt of the appeal. Submission of such a request in no way relieves the user of liability for any violations occurring before or after receipt of decision, order, or enforcement action, nor stays the requirements of achieving or maintaining compliance.
- B. Any user affected by and dissatisfied with any decision, order, or enforcement action, made by the Director interpreting or implementing the provisions of Rule and Regulation No. 26 or user's permit, may file with the General Manager a written appeal requesting reconsideration of such decision, order or enforcement action within ten (10) calendar days from the receipt of the notice of such decision, order or enforcement action. The user shall state in detail the facts supporting the user's request for reconsideration.
- C. The General Manager shall render a ruling on the request for reconsideration to the user in writing within thirty (30) calendar days from receipt of the appeal.

Submission of such a request in no way relieves the user of liability for any violations occurring before or after receipt of decision, order, or enforcement action, nor stays the requirements of achieving or maintaining compliance.

- D. If the ruling on the request for reconsideration made by the General Manager is unsatisfactory, the user may, within ten (10) calendar days after receipt of notice of the General Manager's ruling, file a written appeal with the Board, lodging such appeal with the SBMWD along with an appeals fee of one hundred dollars (\$100.00). All requests for a hearing on appeals concerning an award of civil penalties, or orders of permit suspension, revocation, or denial shall be reviewed by the Board. All other hearing requests shall be at the sole discretion of the Board. The written appeal shall result in a hearing, after notice to the affected parties, for a complete review of the decision, order, or enforcement action. The hearing shall be conducted within sixty (60) calendar days of the written request. The hearing may be recorded or transcribed and the testimony may be required to be given under oath. The Board shall make a ruling on the appeal within sixty (60) calendar days from the date of filing and shall contain the findings of facts regarding the order.
- E. The SBMWD shall have the burden of proof during these hearings and shall be responsible to submit a preponderance of evidence for all claims. The appellant may submit written evidence during the hearing to support the claims of the appellant. Formal rules of evidence shall not apply in the hearings under this Chapter. Evidence will be admissible if it is relevant and of the sort on which responsible persons are accustomed to rely in conduct of serious affairs. The SBMWD reserves the right to adopt additional procedural guidelines governing the conduct of the hearings.
- F. The ruling of the Board shall be deemed a final decision, order or action by the SBMWD which any person adversely affected by such decision, order or action may appeal to the appropriate court in the County of San Bernardino. No person may obtain judicial review of any decision, order, or enforcement action by the SBMWD under Rule and Regulation No. 26 without first having exhausted his or her administrative remedies set forth in this Section.

**6.16 Judicial Review**

- A. PURPOSE AND EFFECT: Pursuant to Section 1094.6 of the California Code of Civil Procedure, the City hereby enacts this Section to limit to ninety (90) days following final decisions in adjudicatory administrative hearings the time within which an action can be brought to review such decisions by means of administrative mandamus.
- B. DEFINITIONS: As used in this Section, the following terms and words shall have the following meanings:
- (1) Decision shall mean and include adjudicatory administrative decisions that are made after hearing, and after an award of civil penalties pursuant to Rule and Regulation No. 26 Subsection 6.10 Part 4 Administrative Civil Penalties, after revoking, suspending, or denying an application for a Permit or a license, or after other administrative hearings taken to enforce this Chapter.
  - (2) Complete Record shall mean and include the transcript, if any exists, of the proceedings, all pleadings, all notices and orders, any proposed decision by the Director, and the final decision, all admitted exhibits, all rejected exhibits in the possession of the City or its officers or agents, all written evidence, and any other papers in the case.
- C. TIME LIMIT: Except as set forth in Rule and Regulation No. 26 Subsection 6.16 Part G, judicial review of any decision of the City or its officer or agent may be made pursuant to Section 1094.5 of the Code of Civil Procedure only if the petition for writ of mandate is filed not later than the ninetieth (90th) day following the date on which the decision becomes final. If there is no provision for reconsideration in the procedures governing the proceedings or if the date is not otherwise specified, the decision is final on the date it is made. If there is a provision for reconsideration, the decision is final upon the expiration of the period during which such reconsideration can be sought; provided that if reconsideration is sought by the aggrieved party pursuant to such provision, the decision is final for the purposes of this Section on the date that reconsideration is acted upon by the Board, or

officer or agent, and written notice thereof is provided.

- D. PREPARATION OF THE RECORD: The complete record of the proceedings shall be prepared by the City officer or agent who made the decision and shall be delivered to the petitioner within ninety (90) days after he has filed written request therefore. The City may recover from the petitioner its actual costs for transcribing and otherwise preparing the record.
- E. EXTENSION: If the petitioner files a request for the record within ten (10) days after the date the decision becomes final, the time within which a petition, pursuant to Section 1094.5 of the Code of Civil Procedure, may be filed shall be extended to not later than the thirtieth (30th) day following the date on which the record is either personally delivered or mailed to the petitioner or the petitioner's attorney of record, if appropriate.
- F. NOTICE: In making a final decision, the City shall provide notice to the Person(s) subject to the administrative decision that the time within which judicial review must be sought is governed by Section 1094.6 of the Code of Civil Procedure.
- G. ADMINISTRATIVE CIVIL PENALTIES: Notwithstanding the foregoing in Rule and Regulation No. 26 Subsection 6.16 Judicial Review, and pursuant to Government Code Section 54740.6, judicial review of an order imposing administrative civil penalties pursuant to Rule and Regulation No. 26 Subsection 6.10 Part 4 Administrative Civil Penalties may be made only if the petition for writ of mandate is filed not later than the thirtieth (30th) day following the day on which the order of the Board becomes final.

### **6.17 Judicial Collection**

After an enforcement order requiring a monetary assessment has become final, or after a court has entered a final judgment in favor of the City, the General Manager, through the City Attorney, may initiate a civil action, in the appropriate court to recover such amount. Any user who fails to pay the amount of the assessment, by the due date established, shall be required to pay to the City, in addition

to the original assessment, all costs associated with recovery of the assessment. These costs may include; City Attorney fees and costs, court filing fees, and process service fees for collection of the assessment.

## **7.0 CHARGES AND FEES**

### **7.1 Establishment of Charges and Fees**

The SBMWD is authorized to establish user charges and fees for the equitable distribution of all costs of financing, maintaining, and operating the POTW and developing the necessary reserve funds to ensure the future operation of the POTW. These charges and fees are in accordance with good engineering and fiscal practices and comply with all applicable governmental regulations regarding the operation of the POTW. These fees and charges relate exclusively to matters covered by this Rule and Regulation, the connection and capacity charges in Rule and Regulation No. 25, and related Resolutions adopted by the Board, and are separate from all other fees and charges imposed by the SBMWD. The amount of these charges and fees and method of implementation shall be established by resolution of the Board.

### **7.2 Recovery of Costs**

In the event a user fails to comply with any of the terms and conditions of this Rule and Regulation, an administrative order, compliance schedule or a permit issued hereunder, the City shall be entitled to reasonable attorney fees and costs which may be incurred in order to enforce any of the terms and conditions, with or without filing proceedings in court.

### **7.3 Connection Applications and Fees**

Rule and Regulation No. 26 addresses special permits for industrial users. Industrial users are also responsible for the application, connection and capacity fees associated with all connections to the Collection System. These fees are addressed in Rule and Regulation 2121.

### **7.4 Inspection Requirements**

The Director may inspect as often as deemed necessary every sewer lift station, private sewage disposal system, private sewer lateral, dilution basin, neutralization basin, backwater trap or valve, or other similar appurtenances, for

the purpose of ascertaining whether such facilities are maintained and operated in accordance with the SBMWD Rules and Regulations including but not limited to the wastewater discharge permits set forth in Rule and Regulation No. 26. All persons shall permit the Director to have access to all such facilities at all reasonable times. No object, whether a temporary or permanent structure, nor any object which is difficult to remove, shall be placed in such a position so as to interfere with the ready and easy access to any such facility. Any such obstruction, on the request of the Director, shall be immediately removed at no expense to the SBMWD or the City and shall not be replaced.

### **7.5 Sewer Service Charges**

- A. Monthly sewer service charges for single family and multi-family residences are addressed in Rule and Regulation 21 Sections 2.1 and 2.2 respectively.
  
- B. All users that discharge wastewater to the POTW that contains an average of more than 300 mg/L of BOD or TSS or any users that discharge large volumes of wastewater, as determined by the Director, shall be designated "industrial rate users" and shall pay monthly sewer service fees based on the industrial rate established by resolution of the Board. Unless otherwise approved by the Director, all Industrial Rate monitoring shall consist of individual twenty-four (24) hour composite samples collected over three consecutive production days during the first month of the quarterly monitoring cycle, or as otherwise approved by the Director. The sample analysis are averaged together to determine the BOD and TSS for each billing cycle. Monthly flow discharge rates are used to calculate the amount of BOD and TSS discharged to the POTW each month. All self monitoring completed for Industrial Rate billing must be approved by the Director and will be averaged with the data collected from SBMWD monitoring for the months remaining in the quarterly monitoring cycle. The industrial sewer rates shall be based upon total volume of wastewater discharged and the SBMWD costs for providing services and treatment for the pounds of BOD, and TSS discharged.

### **7.6 Permit Charges and Fees**

All users shall be required to pay a permit fee based on the designated class of permit issued to the user. The permit fee shall include charges for the issuance of the user's permit

as established by resolution of the Board for the specific class of user.

**7.7 Monitoring and Inspection Charges and Fees**

All users shall be charged additional monitoring and/or inspection fees, as established by resolution of the Board, for all routine and supplemental activities completed by the SBMWD which are necessary to verify compliance with Rule and Regulation No. 26, user's permit, applicable discharge limits, or any other related proceedings completed by the SBMWD.

Approved by Water Board: July 27, 2021

Effective: October 15, 2021

Supersedes: N/A

**CITY OF SAN BERNARDINO  
MUNICIPAL WATER DEPARTMENT  
ENVIRONMENTAL CONTROL SECTION**



**ENFORCEMENT  
RESPONSE  
PLAN**

Date: \_\_\_\_\_

**EXHIBIT A**



# TABLE OF CONTENTS

|            |   |           |
|------------|---|-----------|
| <b>I.</b>  | <b>INTRODUCTION</b> .....                   | <b>3</b>  |
| <b>II.</b> | <b>DEFINITIONS</b> .....                    | <b>4</b>  |
| <b>III</b> | <b>ENFORCEMENT PROCEDURES</b> .....         | <b>9</b>  |
|            | <b>1. ENFORCEMENT RESPONSES</b> .....       | <b>9</b>  |
|            | <b>2. DETERMINING FACTORS</b> .....         | <b>19</b> |
|            | <b>3. ENFORCEMENT VIOLATION GUIDE</b> ..... | <b>20</b> |

## I. INTRODUCTION

On July 24, 1990 (55 Fed. Reg. 30082), the Environmental Protection Agency (EPA) promulgated regulations in 40 CFR 403.8(f)(5) which require all Publicly Owned Treatment Works (POTWs) to adopt an Enforcement Response Plan (ERP) as part of their approved pretreatment program. The ERP is required to include the necessary procedures to promptly and objectively identify, document, track, and respond to all violations of Federal, State and Local pretreatment regulations.

The regulations specified in 40 CFR 403.8(f)(5) specifically require the POTW to develop and implement an enforcement response plan. This plan is required to contain procedures indicating how a POTW will investigate and respond to instances of industrial user noncompliance. The plan shall, at a minimum, include methods to:

1. Describe how the POTW will investigate instances of noncompliance;
2. Describe the types of escalating enforcement responses the POTW will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place;
3. Identify (by title) the official(s) responsible for each type of response;
4. Adequately reflect the POTWs primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in 40 CFR 403.8(f)(1) and (f)(2).

The City of San Bernardino Municipal Water Department (SBMWD) pretreatment program is administered by the Environmental Control Section (EC Section). The EC Section is responsible for the development and implementation of the required ERP. The EC Section is granted legal authority under 40 CFR 403, SBMWD National Pollutant Discharge Elimination System (NPDES) permit (No. CA0105392), SBMWD Rules and Regulations and accompanying resolutions to enforce the requirements specified in the ERP.

All enforcement actions are progressive in nature and will escalate commensurate with the violation and response from the industrial user (IU). The ERP is to be used as a reference to assist the EC Section with the appropriate level of enforcement response for similar violations. The ERP is not designed to be all inclusive and as such does not include every possible violation or corrective action(s) for the included violations. The purpose of the ERP in general, is to be flexible while being consistent in the implementation of the enforcement measures issued to noncompliant users. The EC Section reserves the right to initiate enforcement action at any level deemed necessary to protect the operation of the POTW, the safety of the SBMWD employees and to expedite compliance from the user. Assistance in the preparation of major violation enforcement responses is provided by the San Bernardino City Attorney and/or the San Bernardino County District Attorney's Office.

## II. DEFINITIONS

Unless otherwise defined herein, definitions of terms related to the Pretreatment Program, Industrial User Permits and this Enforcement Response Plan shall be those set forth in the SBMWD Rules and Regulations regulating the discharge of wastes into the sewer system of the City of San Bernardino.

1. **Administrative Order (AO)** means an enforcement action authorized by SBMWD Rules and Regulations, which directs industrial users to undertake corrective actions or cease specified activities to correct violations.
2. **Categorical Industrial User** shall mean all industrial users subject to National Categorical Pretreatment Standards promulgated by the EPA in accordance with Sections 307 (b) and (c) of the Clean Water Act (33 U.S.C. Sec. 1317 et seq.) and amendments thereto, and as listed by the EPA under the appropriate subpart of 40 CFR Chapter I, Subchapter N, and amendments thereto.
33. **City** shall mean the City of San Bernardino, acting through the elected officials and authorized representatives.
44. **Code of Federal Regulations (CFR)** shall mean the codification of the general and permanent rules published in the United States Federal Register by the Executive departments and agencies of the Federal Government, including the Environmental Protection Agency.
55. **Collection System** shall mean all pipes, sewers and conveyance systems carrying wastewater to the Water Reclamation Plant (WRP), owned and maintained by the City and/or by tributary Service Areas contracting with the City for sewer service, excluding sewer service lateral line connections.
66. **Compliance Order** shall mean a time schedule issued to an IU by the SBMWD which specifies corrective actions called milestones to be completed by the IU to correct violations of the IU's wastewater discharge permit or SBMWD Rules and Regulations.
77. **Consent Order** shall mean a time schedule agreed upon between the SBMWD and an IU which specifies corrective actions called milestones to be completed by the IU to correct violations of the IU's wastewater discharge permit or SBMWD Rules and Regulations.
88. **Control Authority** shall mean the City of San Bernardino Environmental Control Section.
99. **Dilution** shall mean the increase in use of water, wastewater or any means to dilute a wastestream as a partial or complete substitute for adequate treatment to achieve discharge requirements.
100. **Director** shall mean the Director of the WRP or an authorized representative, deputy, or agent appointed by the WRP Director.
111. **Discharge Requirements** shall mean the specific numerical limits, prohibitions, and reporting requirements contained in an IU's permit and SBMWD Rules and Regulations.

- 122. Enforcement Violation Guide** shall mean the current methods as outlined in the SBMWD Enforcement Response Plan and utilized by the Environmental Control Section to gain compliance from user's for violations of wastewater discharge, permit conditions, or SBMWD Rules and Regulations.
- 133. Environmental Control Assistant (ECA)** shall mean the entry level position with the Environmental Control Section who is primarily responsible for Class 2 and 3 level inspections and monitoring.
- 144. Environmental Control Officer (ECO)** shall mean the supervisory position with the Environmental Control Section who is responsible for the development and implementation of the policies and procedures of the Environmental Control Section.
- 155. Environmental Control Technician (ECT)** shall mean the journey level position with the Environmental Control Section who is primarily responsible for Class 1 Significant Industrial User (SIU) level inspections, permitting, plan check, and associated activities.
- 166. 40 CFR** shall mean Title 40 of the Code of Federal Regulations relating to the protection of the environment.
- 177. Industrial User** shall mean all persons, entities, public or private, industrial, commercial, governmental, educational, or institutional which discharge or cause to be discharged, industrial wastewater and waterborne waste into the POTW.
- 188. Industrial Wastewater** shall mean all water containing wastes of the community, excluding domestic wastewater, and includes all wastewater from any producing, manufacturing, processing, governmental, educational, institutional, commercial, service, agricultural or other operation. Industrial wastewater may also include cooling tower and boiler blowdown water, brine wastewater from the regeneration of water conditioning equipment, and potable water treatment wastewater as determined by the Director.
- 1919. Major Violation** shall mean those violations which involve the issuance of a Notice of Violation, an Administrative Order, Civil/Criminal Penalties, Permit Suspension or Revocation, Termination of Water/Sewer Service, or any violation which results in Significant Noncompliance.
- 200. May** shall mean permissive.
- 211. Minor Violation** shall mean those violations which involve the issuance of a Notice of Noncompliance or a Warning Notice.
- 222. Pass-Through** shall mean any discharge which exits the WRP into waters of the United States in quantities or concentrations which, alone or in conjunction with other discharges from other sources, causes a violation of any requirement of the NPDES Permit, including an increase in the magnitude or duration of a violation.
- 233. Person** shall mean any individual, firm, company, association, society, general or limited

partnership, limited liability company, trust, corporation, governmental agency or group, and includes the plural as well as the singular.

- 244. Pollutant** shall mean any constituent or characteristic of wastewater including but not limited to conventional pollutants, domestic wastewater, hazardous substances, infectious waste, slug discharges, dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, medical waste, heat, rock, sand, cellar dirt and industrial, municipal, and agricultural waste.
- 255. Pretreatment** shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to discharge of the wastewater into the POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes, waste minimization, or other legal means designed to remove or reduce pollutants in a wastestream, except dilution.
- 266. Pretreatment Equipment** shall mean any structures, equipment, devices or processes for the reduction, elimination, or alteration of pollutants and/or flow control of wastewater prior to discharge to a collection system.
- 277. POTW** shall mean the Publicly Owned Treatment Works and shall include the City's collection system, the collection system of contract cities, and the SBMWD Water Reclamation Plant. This definition includes all devices, equipment, pipes, and systems used in the transmission, storage, treatment, recycling and reclamation of municipal sewage, sludge, or industrial wastewater, except sewer service lateral line connections.
- 288. Prohibited Waste Discharges** shall mean all discharges specified in SBMWD Rules and Regulations which are prohibited from being discharged to the POTW.
- 2929. SBMWD WRP** shall mean the San Bernardino Municipal Water Department Water Reclamation Plant and includes that portion of the City's POTW which is designated to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.
- 300. Shall** means mandatory.
- 311. Significant Industrial User (SIU)** shall mean all industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N and amendments thereto, or any user that meets any of the following conditions:
- A. Industrial wastewater discharge at an average rate of at least twenty-five thousand gallons per day (gpd) to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater);
  - B. A process wastestream discharge which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW; or
  - C. Is designated by the Director on the basis that the user has a reasonable potential

for adversely affecting the POTW or for violating any pretreatment standard or requirement.

**322. Significant Non-Compliance (SNC)** shall mean any compliance violation that meets one or more of the following criteria:

- A. Chronic violations of wastewater discharge limits, which are defined as those in which sixty-six percent or more of all of the measurements for each pollutant taken during a consecutive six month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant;
- B. Technical Review Criteria (TRC) violations, which are defined as those in which thirty-three percent or more of all of the measurements for each pollutant taken during a consecutive six month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);
- C. Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the SBMWD determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- D. Any discharge of a pollutant that has caused imminent endangerment to human health or welfare or to the environment or has resulted in the SBMWD exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety days after the schedule date, a compliance schedule milestone contained in an Administrative Order, for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide, within forty-five (45) days of the date, any required reports such as baseline monitoring reports, ninety day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to pay, within thirty days, all applicable industrial user application, permit, and enforcement penalty fees.
- H. Failure to accurately report non-compliance; or
- I. Any other violations or group of violations which the SBMWD believes will adversely affect the operation and implementation of the SBMWD pretreatment program.

**333. Spill Containment** shall mean a protection system consisting of berms, dikes, or containers, which are used to prevent the discharge of raw materials, waste materials, chemicals, or finished products to the Storm Drain or POTW.

**344. Unauthorized or Unpermitted Discharge** shall mean any discharge of wastewater from

a user who has not received the required permit authorizing the discharge of wastewater to the POTW.

- 355. **User** shall mean any person, public or private, residential, industrial, commercial, governmental, educational, or institutional which discharges or causes to be discharged, wastewater into the POTW or contracted service area.
- 366. **Waste** shall mean any discarded solid, semi-solid, liquid, or gaseous material.
- 377. **Wastewater** shall mean the liquid and water carried domestic waste or non domestic waste from residential, commercial, industrial, governmental, educational, or institutional facilities, together with any groundwater, surface water, and storm water, that may be present which is discharged to the POTW.
- 3838. **Waste Minimization** shall mean a written summary of practices and site-specific technical and economic information used for selecting appropriate techniques to reduce the production of wastes.

### **III. ENFORCEMENT PROCEDURES**

#### **1. ENFORCEMENT RESPONSES**

The SBMWD utilizes a number of different enforcement responses, codified in San Bernardino Municipal Water Department Rules and Regulations in response to Industrial Users which are in violation of Federal, State, and local pretreatment regulations. The enforcement responses are progressive in nature and are designed to escalate based on the frequency or magnitude of the specific violation.

The following summary identifies the individual enforcement responses which are used by the SBMWD.

##### **A. Notice of Noncompliance (NNC)**

A Notice of Noncompliance shall be issued to a user for any initial pollutant violations, any minor violations discovered during an inspection, and/or violations of the user's permit or SBMWD Rules and Regulations. The timeframe required for the NNC to be corrected is normally 7-14 days. A copy of the NNC is either submitted to the user at the conclusion of the inspection or mailed to the user. The NNC shall require the user to correct the violation or submit a written response of the violation(s) and a plan for immediate compliance or actions to comply with the specified violation(s). A compliance time extension or series of time extensions may be granted, at the discretion of the Director, to a user who fails to correct a minor violation required by a NNC, upon a showing of "Good Faith" by the user. "Good Faith" shall be defined as the user's honest intention to remedy noncompliance together with actions that support the intention without the use of enforcement actions by the SBMWD.

##### **B. Verbal Notice (VN)**

Verbal Notice shall be used to notify a user that required correspondence, monitoring data, or any other type of required report has not been received by the required compliance date. The VN shall be completed through a phone call, telefax, or personal visit and shall be completed within five days after the original compliance date. All VN issued to an SIU shall be documented with a written memo to the SIU file.

##### **C. Warning Notice (WN)**

A Warning Notice shall be issued to a user when compliance has not been achieved by the original due date specified in the NNC issued to the user. The WN shall be issued within 5 days after the original or extended due date and shall state the provision(s) violated and the facts alleged to constitute the violation. The WN will also inform the user that additional enforcement action, including the issuance of a Notice of Violation and monetary penalties will be issued to the user if compliance is not achieved by the date specified. A WN shall be documented in a written inspection report at the time of the follow up inspection or mailed to the user following proper notification of the NNC.



**D. Noncompliance Monitoring Program (NMP)**

A Noncompliance Monitoring Program (NMP) shall be issued to a user when analysis results from consecutive samples indicate violations for the same pollutant. The timeframe required for the NMP response is normally 7 to 14 days in addition to specific due dates for the submittal of all required sample monitoring reports. The NMP requires the user to collect a representative wastewater sample from the designated sample location at a frequency determined by the Director. The samples are to be analyzed for all pollutants which were determined to be in violation of discharge limits. The user shall be responsible for all costs associated with the NMP. Production information, including daily flow meter records shall be submitted for each sample, as required by the Director. Continued noncompliance may result in escalated enforcement action and additional monitoring requirements as specified by the Director.

**E. Notice of Violation (NOV)**

A Notice of Violation shall be issued to a user for any repeat pollutant violations, any violations which result in Significant Noncompliance, or any major violations discovered during an inspection, the users permit or SBMWD Rules and Regulations. A Notice of Violation is also issued to a user who has not complied with the requirements contained in a Notice of Noncompliance, Warning Notice, or Stop Work Order. The timeframe required for the NOV to be corrected is normally 7-14 days. The NOV shall state the provision(s) violated and the facts alleged to constitute the violation, and may include proposed compliance measures or additional monitoring which may be required. The NOV will also inform the user that additional enforcement action, up to and including suspension or termination of sewer service will be issued to the user if compliance is not achieved. The NOV shall require the user to correct the violation or submit a written response of the violation(s) and a plan for immediate compliance or actions to comply with the specified violation(s). Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the NOV. The NOV shall be hand delivered to the user with a written receipt of delivery. The NOV shall include a \$100 penalty fee.

**F. Stop Work Order (SWO)**

A Stop Work Order shall be issued to a user to stop any new construction, tenant improvements, alterations, or additions, when the user has not received all necessary City permits, has initiated work without written approval of the Director, or violations of SBMWD Rules and Regulations related to the building activity have been discovered at the site. The SWO requires the user to cease all building activity until the user has achieved compliance with the conditions specified in the SWO and received authorization from the Director to resume building activity. The SWO shall be documented in a written inspection report completed during the onsite inspection or hand delivered to the user. The SWO shall include a \$100 penalty fee.

**G. Violation Meeting Order (VMO)**

A Violation Meeting Order shall be issued to a user who has failed to achieve compliance after the issuance of an NOV, or at the conclusion of an NMP that has

resulted in Significant Noncompliance. A VMO is an informal meeting between the user and the Environmental Control Section and is intended for the user to propose possible corrective actions and request time extensions to comply with the NOV. The VMO is also used by the user to demonstrate good faith efforts towards achieving compliance. The VMO may also be used by the City to draft a consent order or compliance order, or for the user to draft a compliance schedule, or file an appeal. The VMO shall include a \$100 penalty fee.

**H. Cease and Desist Order (CDO)**

A Cease and Desist Order shall be issued to a user who is in violation of an NOV, or SBMWD Rules and Regulations, industrial user permit, or any order issued under SBMWD Rules and Regulations, which is determined to pose an immediate threat to the POTW, SBMWD personnel, environment or the general public. A CDO may also be issued to a user who is discharging industrial wastewater to the POTW without a valid industrial user permit. The CDO may result in the immediate revocation of the user's permit and shall require the user to take such appropriate remedial or preventive action as determined by the Director to gain immediate compliance and eliminate the threat, including halting operations and terminating the discharge to the POTW. The CDO shall include a \$250 penalty fee.

**I. Consent Order (CONS)**

A Consent Order shall be issued to a user after an NOV has failed to achieve compliance with the requirements specified in SBMWD Rules and Regulations, industrial user permit, or any order issued under SBMWD Rules and Regulations. The CONS is routinely developed as a result of information collected during the VMO between the SBMWD and a user who has exhibited a willingness to comply. The CONS is a written agreement developed jointly between the City and the user with individual milestones, specific actions submitted by the user, or other remedies used to gain compliance with the violation(s). The CONS shall specify the provisions violated and the facts constituting the violation(s), and shall require adequate treatment facilities, devices, or other pretreatment technology be installed and properly operated by the user to achieve and maintain compliance. No individual milestone, including milestone extensions is permitted to exceed nine months in length. The user is required to submit written progress reports to the SBMWD every 30 days, as scheduled by the Director, to accurately document the current status of the project and to maintain the required schedule. The CONS shall include a \$500 penalty fee.

**J. Compliance Order (COMP)**

A Compliance Order shall be issued to a user after an NOV has failed to achieve compliance with the requirements specified in SBMWD Rules and Regulations, industrial user permit, or any order issued under SBMWD Rules and Regulations. The COMP is routinely developed as a result of information collected during the VM between the SBMWD and a user who has exhibited a lack of cooperation and is unwilling to comply. The COMP is used to compel uncooperative users to achieve compliance and shall be developed by the SBMWD with no input from the user. The COMP is a compliance schedule with individual milestones developed by the SBMWD which requires the user to complete specific actions, or other

remedies to gain compliance with the violation(s). The COMP shall specify the provisions violated and the facts constituting the violation(s), and shall require adequate treatment facilities, devices, or other pretreatment technology be installed and properly operated by the user to achieve and maintain compliance. No individual milestone, including milestone extensions is permitted to exceed nine months in length. The user is required to submit written progress reports to the SBMWD every 30 days, as scheduled by the Director, to accurately document the current status of the project and to maintain the required schedule. The COMP shall include a \$500 penalty fee.

**K. Show Cause Order (SHOW)**

A Show Cause Order shall be issued to a user who is in violation of SBMWD Rules and Regulations, user permit, or any order issued under SBMWD Rules and Regulations, and has failed to achieve compliance with previous enforcement actions. The SHOW shall be served on the user specifying the time and place for the hearing; the proposed enforcement action and the reasons for such action, including any alleged violation(s) and the facts constituting the violation. The SHOW allows the user an opportunity to show why Civil and/or Criminal Action should not be brought against the user for failure to comply with previous enforcement actions. The SHOW notice shall be served upon the user personally or by certified mail at least fifteen calendar days prior to the hearing; unless the user requests an earlier date for the hearing. The Director shall permit the alleged violating user to respond to the notice and order, to present evidence and argument on all relevant issues, and to conduct cross-examination of any witnesses necessary for the full disclosure of the facts. The Director may request the attendance and testimony of witnesses and the production of evidence relevant to any matter, and may seek the issuance of a subpoena from the presiding court for the presence of prospective witnesses. The testimony taken shall be under oath and recorded, with a transcript prepared and provided to any person upon payment of the usual charges for such transcript. Attendees at the Show Cause Hearing may include; a representative from the City Attorney's Office, the SBMWD General Manager, the SBMWD WRP Director, and the SBMWD Environmental Control Officer. Prior to the issuance of a SHOW, representatives from the City and SBMWD shall review the case to determine possible compliance measures. Upon review of the findings of fact, the Director or his designee shall make a final decision which shall be served upon the user. The SBMWD may immediately impose an enforcement action after the hearing whether or not a duly notified user appears as required. The SHOW shall include a \$1,000 penalty fee.

**L. Probation Order (PO)**

A Probation Order may be issued to any user for any repeat pollutant or Ordinance violations. The PO shall require the user to conduct repeated monitoring, as determined by the Director, submit recurring documentation as required by the Director, or complete any other actions the Director deems necessary to affirm the continued compliance of the user. The PO shall include a \$100 penalty fee.

**M. Permit Revocation Order (PRO)**

A Permit Revocation Order may be issued to any user who has not complied with

the requirements contained in any enforcement action. The PRO requires the user to immediately cease the discharge of all wastewater determined by the Director to be in noncompliance. Additionally, the PRO requires the user to demonstrate continued compliance prior to the re-issuance of the permit authorizing the continued discharge of the specified wastewater to the sewer system. The PRO shall include a \$100 penalty fee and the user shall be responsible for all costs associated with the re-issuance of the permit.

**N. Sewer Suspension Order (SUSP)**

A Sewer Suspension Order may be issued to any user who has either willfully or negligently violated the requirements contained in a PRO, failed to comply with the requirements of a CONS or COMP, or whose actual or impending discharge to the POTW presents or may present an imminent endangerment to the health and welfare of persons or to the environment, may pass through or cause interference with the operations of any part of the POTW, is in violation of this Chapter or the user's permit, or may cause the SBMWD to violate its NPDES permit or any other State or Federal law or regulation. The SUSP shall be hand delivered or delivered certified mail with a written receipt of delivery. Any user issued a SUSP shall immediately cease the discharge of all wastewater to the POTW, as specified by the Director. The SUSP will result in the immediate revocation of the user's permit. Noncompliance with the conditions of the SUSP may result in the immediate termination of sewer service as specified in SBMWD Rules and Regulations. As soon as reasonably practicable but in no event more than five (5) business days following the issuance of the SUSP, the General Manager shall schedule a hearing to provide the user with an opportunity to present information which states the reasons the SUSP should not be executed. The scheduled hearing shall not delay or prevent the effects of the SUSP. The hearing shall be conducted in accordance with procedures established by the Board. Within five (5) business days following the hearing, the General Manager shall issue a written decision to the user regarding the status of the SUSP. The General Manager may allow the user to resume sewer service or wastehauler discharge service if the user demonstrates continued compliance with all discharge and Ordinance requirements. The user shall be responsible for all costs associated with the issuance of the SUSP. The SUSP shall include a \$500 penalty fee and the user shall be responsible for all costs associated with re-issuance of the permit.

**O. Sewer Termination Order (TERM)**

A Sewer Termination Order may be issued to any user who has either willfully or negligently violated the requirements contained in a SUSP, failed to comply with the requirements of a CONS or COMP, or whose actual or impending discharge to the POTW presents or may present an imminent endangerment to the health and welfare of persons or to the environment, may pass through or cause interference with the operations of any part of the POTW, is in violation of this Chapter or the user's permit, or may cause the SBMWD to violate its NPDES permit or any other State or Federal law or regulation. The TERM shall be hand delivered or delivered certified mail with a written receipt of delivery. The TERM will result in the immediate revocation of the user's permit and the immediate severance of the user's sewer connection and/or the termination of water service. As soon as

reasonably practicable but in no event more than five (5) business days following the issuance of the TERM, the General Manager shall schedule a hearing to provide the user with an opportunity to present information which states the reasons the TERM should not be executed. The scheduled hearing shall not delay or prevent the effects of the TERM. The hearing shall be conducted in accordance with procedures established by the Board. Within five (5) business days following the hearing, the General Manager shall issue a written decision to the user regarding the status of the TERM. The General Manager may allow the user to reconnect to the sewer and/or resume water service if the user demonstrates continued compliance with all discharge and Ordinance requirements. The TERM shall include a \$1000 penalty fee and the user shall be responsible for all costs associated with the TERM, including the termination and reconnection of sewer and/or water service, and re-issuance of the permit.

**P. Civil Penalty (CIV)**

A Civil Penalty may be issued to any user in violation of the user's permit, any provision of SBMWD Rules and Regulations, administrative order, or has failed to comply with the requirements or conditions specified in previous enforcement action. The CIV shall be issued by the City Attorney and shall include all penalties authorized by SBMWD Rules and Regulations. The user shall be responsible for all costs associated with the violation(s); including: reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including, but not limited to, sampling, monitoring, laboratory costs, and inspection expenses.

1. **AUTHORITY:** All users of the POTW are subject to enforcement actions administratively or judicially by the City, United States Environmental Protection Agency, State of California Regional Water Quality Board, or the County of San Bernardino District Attorney. The actions may be taken pursuant to the authority and provisions of several laws, including but not limited to: (1) Federal Water Pollution Control Act, commonly known as the Clean Water Act (33 U.S.C.A. Section 1251 et seq.); (2) California Porter Cologne Water Quality Control Act (California Water Code Section 13000 et seq.); (3) California Hazardous Waste Control Law (California Health & Safety Code Sections 25100 to 25250); (4) Resource Conversation and Recovery Act of 1976 (42 U.S.C.A. Section 6901 et seq.); and (5) California Government Code, Sections 54739 -54740.
2. **RECOVERY OF FINES OR PENALTIES:** In the event the City is required to pay fines or penalties pursuant to the legal authority and actions of other regulatory or enforcement agencies based on a violation of law or regulation or its permits, and the violation can be attributed to the discharge of the user in violation of any provision of this Chapter, the user's permit, any prohibition, effluent limit, or an administrative order issued pursuant to this Chapter; the City shall be entitled to recover all costs and expenses, including, but not limited to, the full amount of said fines or penalties from the user.

**3.** ORDINANCE: Pursuant to the Authority of California Government Code Sections 54739-54740, any person who violates any provision of this Chapter; the user's permit, any prohibition, effluent limit; or any suspension or revocation order shall be liable civilly for a sum not to exceed \$25,000.00 per violation for each day in which such violation occurs. Pursuant to the authority of the Clean Water Act, 33 U.S.C. Section 1251 et seq., any person who violates any provision of this Chapter, the user's permit, or effluent limit shall be liable civilly for a sum not to exceed \$25,000.00 per violation for each day in which such violation occurs. The City Attorney, at the request of the General Manager may petition a court of competent jurisdiction to impose, assess and recover all costs pursuant to Federal and/or State legislative authorization.

**4. ADMINISTRATIVE CIVIL PENALTIES**

**a.** Pursuant to the authority of California Government Code Sections 54740.5 and 54740.6, the City may issue an administrative complaint to any person who violates:

1. any provision of this Chapter;
2. any permit condition, prohibition, or effluent limit; or
3. any suspension or revocation order.

**b.** The administrative complaint shall be served by personal delivery or certified mail and shall inform the user that a hearing will be conducted, and shall specify a hearing date within sixty (60) days following service. The administrative complaint will allege the act or failure to act that constitutes the violation of the City's requirements, the provisions of law authorizing civil liability to be imposed, and the proposed civil penalty. The matter shall be heard by the General Manager or a designated representative. The user to whom the administrative complaint has been issued may waive the right to a hearing, in which case the hearing will not be conducted.

**c.** At the hearing, the user shall have an opportunity to respond to the allegations set forth in the administrative complaint by presenting written or oral evidence. The hearing shall be conducted in accordance with the procedures established by the General Manager and approved by the Board.

**d.** After the conclusion of the hearing, the General Manager shall complete a written report which includes a brief statement of facts, a review of the issues involved, conclusions, and a recommendation.

**e.** Upon receipt of the written report, the Board shall make a determination regarding the issuance of a civil penalty against the user. The General Manager shall issue an administrative order regarding the civil penalty to the user within thirty (30) calendar

days after the hearing date.

- f.** Civil penalties may be assessed as follows:

  - 1. In an amount of at least \$1000 a day for each violation by Industrial Users of Pretreatment Standards and Requirements;
  - 2. In an amount which shall not exceed two thousand dollars (\$2,000.00) for each day for failing or refusing to furnish technical or monitoring reports;
  - 33. In an amount which shall not exceed three thousand dollars (\$3,000.00) for each day for failing or refusing to timely comply with any compliance schedules established by the SBMWD;
  - 44. In an amount which shall not exceed five thousand dollars (\$5,000.00) for each day of discharge in violation of any waste discharge limit, permit condition, or requirement issued, reissued, or adopted by the SBMWD;
  - 55. In any amount which does not exceed ten dollars (\$10.00) per gallon for discharges in violation of any suspension, revocation, cease and desist order or other orders, or prohibition issued, reissued, or adopted by the SBMWD.
- g.** In determining the amount of such penalties, damages and costs, all relevant circumstances, including but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through a user's violation, corrective actions by a user, the compliance history of the user, good faith efforts to restore compliance, threat to human health, to the environment and to the POTW.
- h.** An order assessing administrative civil penalties issued by the SBMWD shall be final in all respects on the thirty-first (31<sup>st</sup>) day after it is delivered to the user unless a notice of appeal is filed with the Board pursuant to SBMWD Rules and Regulations no later than the thirtieth (30<sup>th</sup>) day following delivery of the notice. An order assessing administrative penalties issued by the Board shall be final.
- i.** Copies of the administrative order shall be either hand delivered or by certified mail to the user served with the administrative complaint.
- j.** Payment of the administrative civil penalties shall be made within thirty (30) days of the date the administrative order becomes final.

A lien shall be placed against the user's real property for any outstanding penalties which remain delinquent sixty (60) days. The lien shall not be in effect until recorded with the county recorder. The SBMWD may record the lien for any unpaid administrative civil penalties on the ninety-first (91<sup>st</sup>) day following the date the administrative order becomes final.

- k. No administrative civil penalties shall be recoverable under SBMWD Rules and Regulations for any violation which the City has recovered civil penalties through a judicial proceeding filed pursuant to Government Code Section 54740.

**Q. Criminal Penalty (CRIM)**

A Criminal Penalty may be issued to any user in violation of the user's permit, SBMWD Rules and Regulations, or an enforcement action issued by the Director or has failed to comply with the requirements or conditions specified in previous enforcement action. A Criminal Penalty may also be issued to any user that willfully or knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this Chapter or the user's permit, or which falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Chapter. The CRIM shall be issued by the City Attorney or County District Attorney and shall include all penalties authorized by SBMWD Rules and Regulations. The penalties shall be consistent with the Federal Clean Water Act, 33 U.S.C. 1251, and any relevant State laws. The user shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of at least \$1,000 per day for each violation of the Industrial Users of Pretreatment Standards and Requirements or imprisonment for not more than six months, or both, per violation per day. This penalty shall be consistent with the Federal Clean Water Act, 33 U.S.C. 1251, et seq. and amendments thereto, and shall apply to the exclusion of any other more lenient provision of this Chapter. A user shall be guilty of a separate violation for each day a violation of any provision of this Chapter or user's permit is committed or continued by such user.

**R. SNC Publication Notice (SNC)**

All users determined to be in Significant Noncompliance shall be published at least annually in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW. The SNC report shall include a name of the user and the provisions which were found to be in noncompliance.

**S. Written Appeal Procedures**

- 1. Any user affected by and dissatisfied with any decision, order, or enforcement action, made by the Director interpreting or implementing the provisions of this Chapter or user's permit, may file with the Director a written appeal requesting reconsideration of such decision, order or enforcement action within ten calendar days from the receipt of the notice of such decision, order or enforcement action. The user shall state in detail



the facts supporting the user's request for reconsideration. The Director shall render a ruling on the request for reconsideration to the user in writing within ten (10) business days from receipt of the appeal. Submission of such a request in no way relieves the user of liability for any violations occurring before or after receipt of decision, order, or enforcement action, nor stays the requirements of achieving or maintaining compliance.

2. Any user affected by and dissatisfied with any decision, order, or enforcement action, made by the Director interpreting or implementing the provisions of this Chapter or user's permit, may file with the General Manager a written appeal requesting reconsideration of such decision, order or enforcement action within ten calendar days from the receipt of the notice of such decision, order or enforcement action. The user shall state in detail the facts supporting the user's request for reconsideration. The General Manager shall render a ruling on the request for reconsideration to the user in writing within ten (10) business days from receipt of the appeal. Submission of such a request in no way relieves the user of liability for any violations occurring before or after receipt of decision, order, or enforcement action, nor stays the requirements of achieving or maintaining compliance.
3. If the ruling on the request for reconsideration made by the General Manager is unsatisfactory, the user may, within ten calendar days after receipt of notice of the General Manager's ruling, file a written appeal with the Board, lodging such appeal with the SBMWD along with an appeals fee of one hundred dollars. All requests for a hearing on appeals concerning an award of civil penalties, or orders of permit suspension, revocation, or denial shall be reviewed by the Board. All other hearing requests shall be at the sole discretion of the Board. The written appeal shall result in a hearing, after notice to the affected parties, for a complete review of the decision, order, or enforcement action. The hearing shall be conducted within sixty calendar days of the written request. The hearing may be recorded or transcribed and the testimony may be required to be given under oath. The Board shall make a ruling on the appeal within sixty calendar days from the date of filing and shall contain the findings of facts regarding the order.
4. The SBMWD shall have the burden of proof during these hearings and shall be responsible to submit a preponderance of evidence for all claims. The appellant may submit written evidence during the hearing to support the claims of the appellant. Formal rules of evidence shall not apply in the hearings under this Chapter. Evidence will be admissible if it is relevant and of the sort on which responsible persons are accustomed to rely in conduct of serious affairs. The SBMWD reserves the right to adopt additional procedural guidelines governing the conduct of the hearings.
5. The ruling of the Board shall be deemed a final decision, order or action by the SBMWD which any person adversely affected by such decision, order or action may appeal to the appropriate court in the County of San

Bernardino. No person may obtain judicial review of any decision, order, or enforcement action by the SBMWD under this Chapter without first having exhausted his or her administrative remedies set forth in this Section.

## 2. DETERMINING FACTORS

- A. **Magnitude of the violation.** The level of enforcement action depends on the magnitude of the violation and/or any significant threat to the public health, safety, or welfare, the environment, the POTW, or to any SBMWD, City or contract personnel. Minor violations are issued correction notices and written warnings; repeat discharge violations are issued an NMP or Notice of Violation; repeat non-discharge Ordinance violations are issued a Notice of Violation or a Violation Meeting Order; and chronic violations are issued escalated enforcement actions including Consent Orders or Compliance Orders.
- B. **Duration of the violation.** The length of time a violation has existed without being corrected will also impact the level of enforcement response. Violations that are not corrected within the specified timeframe required to comply shall result in the commencement of escalated enforcement. Violations that are easily and quickly corrected and are not major violations shall require minimum enforcement (e.g. Notice of Noncompliance or Warning Notice). The longer a discharge violation remains uncorrected shall result in escalated enforcement actions up to and including termination of sewer and/or water service and civil/criminal prosecution.
- C. **Effect of the violation on compliance with discharge permit.** The violation(s) may place the user in Significant Non-Compliance (SNC) as defined in 40 CFR 403.8. If SNC is detected, a Notice of Violation is issued and the user is published in the area's largest circulating newspaper on an annual basis. If the violation is serious enough, the user's permit may be suspended or revoked, sewer and/or water service may be terminated, and penalties and fines may be levied pursuant to SBMWD Rules and Regulations.
- D. **Effect of the violation on the operation of the POTW.** The wastewater discharge may affect the wastewater treatment ability of the POTW, the beneficial reuse of POTW sludge, the integrity of the collection system, or threaten the safety of SBMWD, City, contract personnel and the public. In these cases, the user will be responsible for all damages incurred, including all penalties and fines that may be imposed on the City by regulatory agencies pursuant to SBMWD Rules and Regulations.
- E. **Compliance history of the user.** The level of enforcement is also impacted by the compliance history of the user. Repeat violations within a twelve month term will result in escalated enforcement action including the issuance of a Probation Order. In addition, escalated enforcement action will apply if the industrial user has a history of violations with ineffective corrections, repeated violations caused by negligence, and disregard for achieving compliance. Responsive compliance efforts may warrant a less strict enforcement action.

- F. Good Faith by the User.** Additional considerations factored in the enforcement response issued to a user may include the “Good Faith” efforts of the user. A "Good Faith" effort is defined as the user's honest intention to remedy the noncompliance with actions that support the intention, e.g. prompt expenditures for pretreatment equipment or contracting of consultants to correct the noncompliance.

### 3. ENFORCEMENT VIOLATION GUIDE

| <b>DISCHARGE VIOLATIONS</b>  |   |                                     |                             |
|--|---|-------------------------------------|-----------------------------|
| <b>VIOLATION</b>   | <b>RESPONSE</b>   | <b>PENALTY</b>                      | <b>PERSONNEL</b>            |
| First Discharge Violation In A 12 Month Period   | NNC – Resample For Pollutant(s)   | None                                | ECT, ECO                    |
| Second Discharge Violation In A 12 Month Period  | NOV - Noncompliance Monitoring Program Required                           | \$100                               | ECO                         |
| NMP Violation(s) – Does Not Result In SNC  | NOV, PO – Complete Additional Monitoring                                  | \$100, \$100                        | ECO                         |
| NMP Violation(s) – SNC   | NOV, VMO, CONS, COMP, SHOW - Complete Additional Monitoring               | \$100, \$100, \$500, \$500, \$1000  | ECO                         |
| Any Discharge Violation(s) Which Result In Quarterly SNC Status  | NOV, VMO, CONS, COMP – Complete Additional Monitoring                     | \$100, \$100, \$500, \$500          | ECO, Director               |
| Any Discharge Violation(s) Which Results In Pass Through, Sludge Contamination, Or Interference            | SHOW, Civil Or Criminal Penalties – Submit Required Information           | \$1000, As Determined               | ECO, Director, GM, Attorney |
| Dilution Of Wastestream – First Offense  | NNC – Resample(s) Required  | None                                | ECA, ECT, ECO               |
| Dilution Of Wastestream – Repeat Offense(s)  | NOV – Resample(s) Required  | \$100                               | ECO                         |
| Discharge pH Meter Indicates Noncompliance   | NOV – Comply With pH Discharge Requirements                               | \$100                               | ECO                         |
| Septic Waste Discharged at Illegal Site Or Noncompliant Septic Waste Discharged at WRP – First Offense     | NOV – Submit Required Information   | \$100                               | ECO                         |
| Septic Waste Discharged at Illegal Site Or Noncompliant Septic Waste Discharged at WRP - Repeat Offense(s) | PRO, SHOW, Civil Or Criminal Penalties – Submit Required Information      | \$100, \$1000, As Determined        | ECO, Director               |
| Discharge of Any Prohibited Waste – First Offense  | NOV – Submit Required Information   | \$100                               | ECO                         |
| Discharge of Any Prohibited Waste – Repeat Offense(s)  | VMO, PRO, SHOW, Civil Or Criminal Penalties – Submit Required Information | \$100, \$100, \$1000, As Determined | ECO, Director               |

| <b>MONITORING VIOLATIONS</b>   |  |  |                  |
|--|--|--|------------------|
| <b>VIOLATION</b>   | <b>RESPONSE</b>  | <b>PENALTY</b>                         | <b>PERSONNEL</b> |
| Failure To Sample Or Resample Within Required Timeframe – First Offense, Does Not Result In    | NNC – Sample, Resample As Required                           | None                                   | ECA, ECT, ECO    |
| Failure To Sample Or Resample Within The Required Timeframe – First or Repeat Offense(s), SNC  | NOV, VMO – Sample, Resample As Required                      | \$100, \$100                           | ECO              |
| Improper Sample Location – First Offense   | NNC – Resample Required                                      | None                                   | ECA, ECT, ECO    |
| Improper Sample Location – Repeat Offense(s)   | NOV – Resample Required                                      | \$100                                  | ECO              |
| Improper Sample Collection Or Analytical Methods – First Offense                               | NNC – Resample Required                                      | None                                   | ECA, ECT, ECO    |
| Improper Sample Collection Or Analytical Methods – Repeat Offense(s)                           | NOV – Resample Required                                      | \$100                                  | ECO              |
| Failure To Monitor All Required Pollutants – First Offense                                     | NNC – Resample Required                                      | None                                   | ECA, ECT, ECO    |
| Failure To Monitor All Required Pollutants – Repeat Offense(s)                                 | NOV – Resample Required                                      | \$100                                  | ECO              |
| Failure To Install Flow, Monitoring, Or Pretreatment Equipment - Less Than 5 Days              | WN – Extension Request Required                              | None                                   | ECT, ECO         |
| Failure To Install Flow, Monitoring, Or Pretreatment Equipment - Less Than 30 Days             | NOV – Extension Request Required                             | \$100                                  | ECO              |
| Failure To Install Flow, Monitoring, Or Pretreatment Equipment – More Than 30 Days             | NOV, VMO, CONS, COMP, SHOW – Complete Equipment Installation | \$100/day, \$100, \$500, \$500, \$1000 | ECO, Director    |
| Failure To Maintain Or Operate Flow, Monitoring, Or Pretreatment Equipment – First Offense     | NNC – Complete Equipment Maintenance                         | None                                   | ECA, ECT, ECO    |
| Failure To Maintain Or Operate Flow, Monitoring, Or Pretreatment Equipment – Repeat Offense(s) | NOV – Complete Equipment Maintenance                         | \$100                                  | ECO              |

| <b>REPORTING VIOLATIONS</b>   |  |  |                  |
|---|--|--|------------------|
| <b>VIOLATION</b>  | <b>RESPONSE</b>  | <b>PENALTY</b>                         | <b>PERSONNEL</b> |
| Falsification, Failure To Maintain, Or Incomplete Records, Reports - First Offense      | NNC – Records To Be Maintained                                 | None                                   | ECA, ECT, ECO    |
| Falsification, Failure To Maintain, Or Incomplete Records, Reports - Repeat Offenses(s) | NOV – Records To Be Maintained                                 | \$100                                  | ECO, Director    |
| Failure To Submit Records, Reports, Or Correspondence – Less Than 5 Days Late           | WN – Submit Required Information                               | None                                   | ECT, ECO         |
| Failure To Submit Records, Reports, Or Correspondence – Between 5 And 30 Days Late      | NOV – Submit Required Information                              | \$100                                  | ECO              |
| Failure To Submit Records, Reports, Or Correspondence – More Than 30 Days Late, SNC     | NOV, VMO, CONS, COMP, SHOW – Submit Required Information       | \$100/day, \$100, \$500, \$500, \$1000 | ECO              |
| Failure To Report SMR Discharge Violation – First Offense                               | NNC – SMR Report Required                                      | None                                   | ECA, ECT, ECO    |
| Failure To Report SMR Discharge Violation – Repeat Offense(s)                           | NOV – SMR Report Required                                      | \$100                                  | ECO              |
| Failure To Report Slug Load Spill – No Discharge To POTW – First Offense                | NNC – Slug Load Report Required                                | None                                   | ECA, ECT, ECO    |
| Failure To Report Slug Load Spill – No Discharge To POTW – Repeat Offense(s)            | NOV – Slug Load Report Required                                | \$100                                  | ECO              |
| Failure To Report Slug Load Spill – Discharge To SBMWD POTW – First Offense             | NOV, CDO – Depending On Severity – Submit Required Information | \$100, \$250                           | ECO, Director    |
| Failure To Report Slug Load Spill – Discharge To POTW – Repeat Offense(s)               | CDO, CONS, COMP, SHOW, – Submit Required Information           | \$250, \$500, \$500, \$1000            | ECO, Director    |
| Failure To Submit Additional Monitoring – First Offense                                 | NNC – Monitoring Results Required                              | None                                   | ECA, ECT, ECO    |
| Failure To Submit Additional Monitoring – Repeat Offense(s)                             | NOV – Monitoring Results Required                              | \$100                                  | ECO              |

| <b>PERMIT VIOLATIONS</b>   |   |                                     |                   |
|--|---|-------------------------------------|-------------------|
| <b>VIOLATION</b>   | <b>RESPONSE</b>   | <b>PENALTY</b>                      | <b>PERSONNEL</b>  |
| Failure To Submit Permit Application Or Renewal By Due Date                                    | WN – Submit Required Permit Application                                     | None                                | ECT, ECO          |
| Failure To Submit Permit Application Renewal Before Current Permit Expiration Date             | NOV – Submit Required Permit Application                                    | \$100                               | ECO               |
| Failure to Submit Information In Permit Application Which Results In A Permit Reclassification | NOV – Permit Modification Required  | \$100                               | ECO               |
| Failure To Comply With Any Permit Condition Or Requirement – First Offense                     | NNC, NOV – Depending On Severity  | None, \$100                         | ECA, ECT, ECO     |
| Failure To Comply With Any Permit Condition Or Requirement – Repeat Offense(s)                 | NOV, CONS, COMP, SHOW – Depending On Severity                               | \$100, \$500, \$500, \$1000         | ECO, Director, GM |
| Unauthorized Or Unpermitted Discharge – First Offense - No Harm To The POTW                    | NNC – Submit Required Information   | None                                | ECO               |
| Unauthorized Or Unpermitted Discharge – Repeat Offense(s) - No Harm To The POTW                | NOV – Submit Required Information   | \$100                               | ECO               |
| Unauthorized Or Unpermitted Discharge – First Offense - Harm To The POTW                       | NOV, CONS, COMP, SHOW - Depending On Severity – Submit Required Information | \$100, \$500, \$500, \$1000         | ECO, Director     |
| Unauthorized Or Unpermitted Discharge – Repeat Offense(s) - Harm To The POTW                   | CDO, COMP, SHOW, Civil Or Criminal Penalties – Submit Required Information  | \$250, \$500, \$1000, As Determined | ECO, Director     |
| Failure To Submit Required Permit Information Or Any Process Modifications – First             | NNC – Submit Required Information   | None                                | ECA, ECT, ECO     |
| Failure To Submit Required Permit Information Or Any Process Modifications – Repeat            | NOV – Submit Required Information   | \$100                               | ECO               |
| Failure To Implement FWMP Requirements – First Offense   | NOV – Submit Required Information   | \$100                               | ECO               |
| Failure To Implement FWMP Requirements – Repeat Offense(s)                                     | VMO, CONS, COMP, SHOW- Submit Required Information                          | \$100, \$500, \$500, \$1000         | ECO, Director     |

| <b>MISCELLANEOUS ORDINANCE VIOLATIONS</b>  |   |   |                             |
|--|---|---|-----------------------------|
| <b>VIOLATION</b>   | <b>RESPONSE</b>   | <b>PENALTY</b>                            | <b>PERSONNEL</b>            |
| Denial of Entry To Perform Monitoring Or Inspection – First Offense                                  | NOV – Permit EC Entry   | \$100                                     | ECO                         |
| Denial Of Entry To Perform Monitoring Or Inspection – Repeat Offense(s)                              | VMO, COMP, SHOW – Obtain Inspection Warrant                           | \$100, \$500, \$1000                      | ECO, Director, GM, Attorney |
| Spill Containment Not Present Or Inadequate  | NNC – Install Or Correct Spill Containment                            | None                                      | ECA, ECT, ECO               |
| Spill Containment Not Properly Maintained – First Offense  | NNC – Maintain Spill Containment Area                                 | None                                      | ECA, ECT, ECO               |
| Spill Containment Not Properly Maintained – Repeat Offense(s)  | NOV, VMO, COMP, SHOW – Maintain Spill Containment Area                | \$100, \$100, \$500, \$1000               | ECO, Director               |
| Material Not Properly Spill Contained – First Offense  | NNC – Spill Contain Material  | None                                      | ECA, ECT, ECO               |
| Material Not Properly Spill Contained – Repeat Offense(s)  | NOV, VMO, CONS, COMP, SHOW – Spill Contain Material                   | \$100, \$100, \$500, \$500, \$1000        | ECO, Director               |
| Plan Check Project Initiated Without Environmental Control Authorization – First Offense             | NNC, WN – Comply With EC Requirements                                 | None                                      | ECA, ECO                    |
| Plan Check Project Initiated Without Environmental Control Authorization – Repeat Offense(s)         | NOV, SWO, CDO - Comply With EC Requirements                           | \$100, \$100, \$250                       | ECO, Director               |
| Illegal Water Softening Equipment Installed – First Offense  | NNC – Comply With Soft Water Regulations                              | None                                      | ECA, ECT, ECO               |
| Illegal Water Softening Equipment Installed – Repeat Offense(s)                                      | NOV, VMO, CONS, COMP, SHOW – Comply With Soft Water Regulations       | \$100, \$100, \$500, \$500, \$1000        | ECO, Director               |
| Industrial/Domestic Wastestreams Not Separated Before Pretreatment Or Monitoring – First Offense     | NNC – Wastewater Required To Be Separated                             | None                                      | ECA, ECT, ECO               |
| Industrial/Domestic Wastestreams Not Separated Before Pretreatment Or Monitoring – Repeat Offense(s) | NOV, VMO, CDO, CONS, COMP, SHOW – Wastewater Required To Be Separated | \$100, \$100, \$250, \$500, \$500, \$1000 | ECO, Director               |