ORDINANCE NO. 2010-263

AN ORDINANCE OF THE TOWN OF WINDSOR AMENDING TITLE XII, WINDSOR WATER DISTRICT, CHAPTER 1. CODE OF WINDSOR WATER DISTRICT, AND CHAPTER 4. SEWER. OF THE TOWN OF WINDSOR MUNICIPAL CODE, TO ESTABLISH A WASTEWATER DISCHARGE PERMIT PROGRAM AND

THE TOWN COUNCIL OF THE TOWN OF WINDSOR DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals

1. The current amendments were initiated to further the Town's desire to meet Regional Board NPDES permit requirements by managing discharges to the sanitary sewer system in a more formalized program.

2. The amended ordinance will expand the Waste Discharge Permit Program, promote best practices for reducing fats, oils, and grease discharges and handling dental facility wastes, update the ordinance language for consistency with modern terminology, and aid in meeting Windsor's NPDES discharge permitting requirements.

3. The Board of Directors of the Windsor County Water District adopted Ordinance No. 7, entitled "Regulating the Use of Public and Private Sewers, the Installation of Sewer Laterals and Public Sewer Main Extensions, Providing for the Employment of a Sanitary Inspector, Providing Permits and Fixing Fees for the Installation of Sanitary Sewer Laterals and Regulating the Discharge of Water and Wastes into the Public Sewer System of the Windsor County Water District" of the Windsor Municipal Code, on June 16, 1964.

SECTION 2. Findings

1. The proposed amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the Town.

SECTION 3. Severability.

That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Town Council of the Town of Windsor hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 4. Effective Date.

That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force 30 days following its adoption.

SECTION 5. Posting.

The Town Clerk of the Town of Windsor shall cause this Ordinance to be published or to be posted in at least three (3) public places in the Town of Windsor in accordance with Section 36933 of the Government Code of the State of California.

SECTION 6. Amendments

That Ordinance No. 7, of the Town of Windsor entitled "Regulating the Use of Public and Private Sewers, the Installation of Sewer Laterals and Public Sewer Main Extensions, Providing for the Employment of a Sanitary Inspector, Providing Permits and Fixing Fees for the Installation of Sanitary Sewer Laterals and Regulating the Discharge of Water and Wastes into the Public Sewer System of the Windsor County Water District", shall remain in effect as Title XII, Windsor Water District of the Town of Windsor Municipal Code to include the following amendments as follows:

1. Section 12-4-100 Intent and Purpose
2. Section 12-4-105 Prohibited Substances
3. Section 12-4-110 Abatement of Nonconforming Wastewater Discharge
4. Section 12-4-115 Damage to System
5. Section 12-4-120 Sewer Services Required; Water Connection Required
6. Section 12-4-135 Separation of Storm Drainage and Wastewater
7. Section 12-4-210 Adoption of Regulations
8. Section 12-4-215 Sewer Charges--Rate Schedule
9. Section 12-4-230 To Be Lien Upon Premises
10. Section 12-4-285 Easements or Rights-of-Way
11. Section 12-4-294 Completion of Sewer Required
12. Section 12-4-295 All Work to Be Inspected
13. Section 12-4-301 Wastewater Discharge Permit Classification
14. Section 12-4-302 Wastewater Discharge Permit
15. Section 12-4-303 Wastewater Discharge Permit and Existing Conditions
16. Section 12-4-306 Wastewater Discharge Permit and New Connections
17. Section 12-4-311 Wastewater Discharge Permit Application Process
18. Section 12-4-316 Application Signatories and Certification
19. Section 12-4-321 Wastewater Discharge Permit Issuance Process
20. Section 12-4-331 Wastewater Discharge Permit Duration
21. Section 12-4-336 Wastewater Discharge Permit Contents
22. Section 12-4-340 Wastewater Discharge Permit Modifications
23. Section 12-4-345 Wastewater Discharge Permit Transfer
24. Section 12-4-350 Wastewater Discharge Permit Appeals
25. Section 12-4-351 Wastewater Discharge Permit Revocation/Termination of Service
26. Section 12-4-355 Wastewater Discharge Program Charges and Fees
27. Section 12-4-360 Slug Control Plan
28. Section 12-4-365 Change of Wastewater Permit Restrictions
29. Section 12-4-400 General
30. Section 12-4-405 Technical Requirements
31. Section 12-4-406 Prohibited Wastes
32. Section 12-4-407 Local Limits
33. Section 12-4-410 Wastewater Sampling

34. Section 12-4-411 Pretreatment of Wastewaters
35. Section 12-4-412 Grease Removal Devices
36. Section 12-4-413 Amalgam Separators
37. Section 12-4-415 Accidental Discharges
38. Section 12-4-420 Right of Entry
39. Section 12-4-425 Damage Caused by Prohibited Wastewater Discharge
40. Section 12-4-435 Reporting Requirements
41. Section 12-4-440 Reports of Changed Discharges
42. Section 12-4-450 Enforcement Response Plan
43. Section 12-4-451 Notice of Violation
44. Section 12-4-452 Administrative Order – Consent Order
45. Section 12-4-453 Administrative Order – Show Cause Order
46. Section 12-4-454 Administrative Order – Compliance Order
47. Section 12-4-455 Administrative Order – Cease and Desist Order
48. Section 12-4-460 Civil Penalties
49. Section 12-4-461 Injunctive Relief
50. Section 12-4-462 Search/Inspection Warrants
51. Section 12-4-470 Emergency Suspensions of Discharge
52. Section 12-4-472 Vandalism and Tampering
53. Section 12-4-474 Confidential Information
54. Section 12-4-476 Publication of Users in Non-Compliance
55. Section 12-4-478 Notice
56. Section 12-4-480 Special Terms and Conditions
57. Section 12-4-482 Connection Outside the District Boundaries
58. Section 12-4-484 Severability
59. Section 12-4-500 Definitions

PASSED, APPROVED, AND ADOPTED this 7th day of July 2010, by vote as follows:

AYES: **COUNCILMEMBERS ALLEN, FUDGE, GOBLE, SCHOLAR AND MAYOR SALMON**
NOES: **NONE**
ABSTAIN: **NONE**
ABSENT: **NONE**

SAM SALMON, MAYOR

ATTEST:

BRIGITTE GRAHAM, DEPUTY TOWN CLERK

Attached: Exhibit "A" Ordinance Amendments

TITLE XII WINDSOR WATER DISTRICT

CHAPTER 1. CODE OF WINDSOR WATER DISTRICT

Article 1. In General

12-1-105 Definitions and Rules of Construction
As used in this Title:

Board shall mean the Board of Directors of the Windsor Water District. The Town Council of the Town of Windsor shall serve as the Board.

The Code or this Code shall mean "The Code of Windsor Water District, California.

Computation of time shall mean the same as set forth in Section 1-1-105 of the Code of the Town of Windsor.

The County or this County shall mean the County of Sonoma.

Day shall mean the same as set forth in Section 1-1-105 of the Code of the Town of Windsor.

Daytime shall mean the same as set forth in Section 1-1-105 of the Code of the Town of Windsor.

District shall mean "Windsor Water District."

Gender shall mean the same as set forth in Section 1-1-105 of the Code of the Town of Windsor.

Joint authority shall mean the same as set forth in Section 1-1-105 of the Code of the Town of Windsor.

Month shall mean the same as set forth in Section 1-1-105 of the Code of the Town of Windsor.

Number shall mean the same as set forth in Section 1-1-105 of the Code of the Town of Windsor.

Oath shall mean the same as set forth in Section 1-1-105 of the Code of the Town of Windsor.

Officers, departments, boards, commissions and employees shall mean officers, departments, boards, commissions, and employees of the Town of Windsor or their designees, unless the content clearly indicates otherwise. More specifically:

a. *Auditor* shall mean the Town Auditor or his/her designee.

b. *District Counsel* shall mean the Windsor Town Attorney or his/her designee.

c. *General Manager* shall mean the Windsor Town Manager or his/her designee.

d. *District Engineer* shall mean the Windsor Town Engineer or his/her designee.

e. *President* shall mean the Mayor of the Town of Windsor or his/her designee.

f. *Vice President* shall mean the Vice Mayor of the Town of Windsor or his/her designee.

Official time shall mean the same as set forth in Section 1-1-105 of the Code of the Town of Windsor.

Owner shall mean the same as set forth in Section 1-1-105 of the Code of the Town of Windsor.

Person shall mean the same as set forth in Section 1-1-105 of the Code of the Town of Windsor.

Personal property shall mean the same as set forth in Section 1-1-105 of the Code of the Town of Windsor.

Preceding/following shall mean the same as set forth in Section 1-1-105 of the Code of the Town of Windsor.

Process shall mean the same as set forth in Section 1-1-105 of the Code of the Town of Windsor.

Property shall mean the same as set forth in Section 1-1-105 of the Code of the Town of Windsor.

Real property shall mean the same as set forth in Section 1-1-105 of the Code of the Town of Windsor.

Shall/may shall mean the same as set forth in Section 1-1-105 of the Code of the Town of Windsor.

Signature or subscription by mark shall mean the same as set forth in Section 1-1- 105 of the Code of the Town of Windsor.

State shall mean the same as set forth in Section 1-1-105 of the Code of the Town of Windsor.

Tenant or occupant shall mean the same as set forth in Section 1-1-105 of the Code of the Town of Windsor.

Tenses shall mean the same as set forth in Section 1-1-105 of the Code of the Town of Windsor.

Town shall mean the Town of Windsor.

Week shall mean the same as set forth in Section 1-1-105 of the Code of the Town of Windsor.

Writing shall mean the same as set forth in Section 1-1-105 of the Code of the Town of Windsor.

Year shall mean the same as set forth in Section 1-1-105 of the Code of the Town of Windsor.

CHAPTER 4. SEWER

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12-4-120 Sewer Services Required; Water Connection Required.

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12-4-250 Public Sewer Construction.

12-4-255 Subdivisions.

12-4-260 Compliance With Permit.

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12-4-420 Right of Entry.
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12-4-500 Definitions

Article 1. Sewer System

12-4-100 Intent and Purpose.

It is the purpose of this chapter:

a. To prevent wastewater discharges from adversely affecting the Publicly-Owned Treatment Works (POTW, see 12-4-500 Definitions), the operation of the treatment facilities, the quality of effluent from the treatment plant, or the quality of the receiving water through regulation and control of the quality and quantity of wastewater discharged to the District's POTW by any discharger.

b. To enable the District to comply with its National Pollution Discharge Elimination System permit conditions, and State Waste Discharge Requirements.

c. To provide an equitable distribution of the District's cost for acquisition, construction, reconstruction, maintenance and operation of the system.

d. To protect the general public and the District staff.

e. To provide for the adoption, by resolution, of regulations to further promote and effect the above enumerated purposes.

12-4-105 Prohibited Substances.

No person shall discharge any substance causing the District not to comply with any State or Federal regulation of wastewater discharge, nor any substance not amenable to treatment in the POTW, or any substance which might tend to harm or adversely affect the POTW, or any substance or combination of substances prohibited in regulations adopted under this ordinance by the District.

12-4-110 Abatement of Nonconforming Wastewater Discharge.

a. Any wastewater discharge not in compliance with the provisions of this ordinance or regulations adopted hereunder is deemed to be a nuisance.

b. In the event the General Manager determines that any discharge into the POTW presents an imminent hazard to the health and safety of the users of the system or to the maintenance and operation of the system itself, he/she shall order such discharge terminated. If such discharge is not terminated immediately, the General Manager shall take such steps as are necessary to shut off the flow of the discharge into the POTW including disconnection of the user, if necessary.

c. All other violations of the provisions of this Code or of any regulations adopted pursuant thereto shall be nuisances within the meaning of Section 31106 of the California Water Code and shall be abated accordingly.

d. All costs of abatement shall be borne by the user.

12-4-115 Damage to System.

As a condition of the use of the POTW, any discharger who discharges or causes the discharge of prohibited substances which cause damage to the treatment processes, equipment, pipe or any other damages resulting in costs to the District shall be liable to the District for all damage occasioned thereby, regardless of faults.

12-4-120 Sewer Services Required; Water Connection Required.

No person owning or occupying or having under his/her control, any premises situated or being within three hundred (300') feet of a public sewer in the District, shall construct or maintain or suffer to be or remain upon such premises any privy, vault or cesspool or any sink, drain, or similar contrivance, except as in the manner provided in this ordinance. Any such person connecting to the POTW shall also connect to the District water system, if such system main is located within three hundred (300') feet of the premises.

12-4-125 Sewer Charges and Regulations.

a. Persons making connections to sewers and using the same shall pay such fees and abide by regulations not inconsistent with this ordinance as the Board shall, from time to time, adopt by resolution.

b. No person shall construct a building sewer, or a lateral sewer, or make any connection with any public sewer without first obtaining a written permit from the District and paying all fees and complying with all requirements and conditions required by regulations to be adopted under this ordinance by the Board.

12-4-130 Premises Not to Be Offensive.

No person shall allow or permit any premises belonging to or occupied by him/her or under his control, located in the District, or any cellar, vault, privy, cesspool, sewer or private drain thereon or therein, to become nauseous, foul or offensive or prejudicial to the public health or public comfort.

12-4-135 Separation of Storm Drainage and Wastewater.

No person, firm or corporation shall allow or permit any storm drainage of any kind from his/her premises to enter any of the sewer lines of the District, whether by surface drainage, pipes or other means.

12-4-140 Supervision of Sewer Connections.

All connections with any public sewer in the District, and all repairs thereof, including excavating and laying pipe from sewer to property line, shall be made or caused to be made under the direct supervision of the District, but at the cost and expense of person, firm or corporation desiring the same to be done.

Article 2. Sewer Construction

12-4-200 Excavation in Street.

Whenever it is necessary to excavate from property line to sewers in public streets in the District, such excavation shall be made by the person, firm or corporation making application and all work shall be installed by an appropriately licensed contractor.

12-4-205 Permit for Excavation and Installation.

When any excavation for a sewer connection will be located in the streets of the District, the applicant for such permit shall apply to the Public Works Department for an encroachment permit, and pay such fees as established from time to time.

12-4-210 Adoption of Regulations.

The Board of Directors shall adopt, by resolution, such regulations from time to time as it shall deem fit setting forth construction requirements for sewers, materials for sewers, charges for connection, sewer use charges, materials prohibited to be discharged, regulation of wastewater system, discharge and construction permits and the like.

12-4-215 Sewer Charges--Rate Schedule.

The Board of Directors shall fix the rates to be charged for sewer service by the District by resolution, and in so doing, shall distinguish the different classes of service made available and fix rates appropriate to each class of service. Rates shall be fixed and revised from time to time with the objective that the POTW shall be operated on a sound economic basis as a revenue-producing enterprise.

Charges for industrial users may also be based on applicable waste loading discharges to the sewer determined with the applicable provisions of this Title or provisions adopted in implementation of this Title.

12-4-220 Collection Procedures.

In accordance with Section 12-3-615 of this Code, the charges fixed by the District for any premises shall be collected with the charges and rates for water services furnished by the District to such premises. The sewer charges fixed by the District shall be billed upon the same bill as is prepared for charges for water services and shall be due and payable at the same time that such charges for water services are due and payable. The total amount due shall be paid as a unit and all of the provisions of this chapter pertaining to the collection of charges for water services shall apply to the collection of any such total amounts. (Amended by Ord. No. 2000-137 § 2)

12-4-225 Discontinuance of Service for Failure to Pay.

In the event that any person shall fail to pay any charge provided by the District when the same becomes due, the District may, in addition to any other remedies it has, cut off any of such services and facilities referred to in this article, and shall not resume the same until all delinquent charges together with any charges necessitated by resumption of such services and facilities have been fully paid.

12-4-230 To Be Lien Upon Premises.

Each charge or rental levied pursuant to this article on property within the District shall be a lien upon the corresponding lot, land or premises served by a connection to the POTW.

12-4-235 Lateral Permits.

No person shall construct a building sewer, lateral sewer or make a connection with any public sewer without first obtaining a permit and paying all fees and connection charges required under this Code.

12-4-240 Public Sewer Construction Permits.

No person shall uncover, use, alter, disturb, construct, extend or connect to any public sewer without first obtaining a written permit from the District and paying all fees and connection charges and furnishing security and evidence of insurance as may be required in accordance with this Code. The provision of this section requiring permit shall not apply to contractors constructing sewers under contracts with the District.

12-4-245 Plans, Profiles and Specifications Required.

The application for a Public Sewer Construction Permit shall be accompanied by complete plans, profiles and specifications, complying with all applicable ordinances rules and regulations of the District, prepared by a Registered Civil Engineer in the State of California showing all details of the proposed work based on an accurate survey of the ground. The application, together with the plan, profiles and specifications shall be examined by the District Engineer who shall approve them as filed or require them to be modified as he/she deems necessary for proper installation. After approval by the District, a permit shall be issued upon the payment of all connection charges, fees and furnishing bonds as required by the District. The permit shall prescribe such terms and conditions as the District finds necessary in the public interest.

12-4-250 Public Sewer Construction.

Prior to the issuance of a permit for public sewer construction, the applicant shall enter into a main extension agreement as provided by resolution of the Board.

12-4-255 Subdivisions.

The requirements of these regulations shall be fully complied with before any final subdivision map shall be approved by the County. The final subdivision map shall provide for the dedication of easements or rights of way in which public sewer lines are to be constructed, unless such easements have been granted by easement prior to approval of such map.

12-4-260 Compliance With Permit.

After approval of the application, evidenced by the issuance of a permit, no change shall be made in the location of the sewer, the grade, materials or other details from those described in the permit or as shown on the plans and specifications for which the permit was issued except with written permission from the District Engineer.

12-4-265 Time Limit on Permits.

If work under a permit be not commenced within one (1) year from the date of issuance or, if after partial completion, the work be discontinued for a period of one (1) year, the permit shall thereupon become void and no further work shall be done until a new permit shall have been secured. New connection, engineering and inspection fees shall be paid upon the issuance of the new permit.

12-4-270 Agreement.

The applicant's signature on an application for any permit shall constitute an agreement to comply with such permit and all of the provisions, terms and requirements of this and other ordinances, rules and regulations of the District and with the plans and specifications he/she had filed with his/her applications, if any, together with such corrections or modifications as may be made or permitted by the District, if any. Such agreement shall be binding upon the applicant and may be altered only by the District upon the written request for the alteration from the applicant.

12-4-275 Design and Construction Standards.

Minimum standards for the design and construction of sewers shall be in accordance with the design standards of the District, as adopted by resolution of the Board. The District Engineer may require modification or higher standards where unusual conditions are encountered.

12-4-280 Compliance With Local Regulations.

Any person constructing a sewer within a street shall comply with all State, County, Town or District laws, ordinances, rules and regulations pertaining to the cutting of pavement opening, barricading, lighting and protecting of trenches, backfilling and repaving thereof and shall obtain all permits and pay all fees required by the department having jurisdiction prior to the issuance of a permit by the District.

12-4-285 Easements or Rights-of-Way.

In the event an easement is required for the extension of the public sewer, the applicant shall procure and have accepted by the Board a proper easement or grant of right-of-way of sufficient width to allow the laying, maintenance and replacement of such extension or connection. The width shall be determined by the District Engineer.

12-4-290 Grade Stakes.

Grade and line stakes shall be set by a Registered Civil Engineer in the State of California prior to the start of work on any public sewer construction. The contractor shall be responsible for accurately transferring grades to grade bars and sewer invert.

12-4-291 Persons Authorized to Perform Work.

Only properly licensed contractors shall be authorized to perform the work of public sewer construction. All terms and conditions of the permit issued by the District to the applicant shall be binding on the contractor. The requirements of this section shall apply to lateral sewers installed concurrently with public sewer construction.

12-4-292 Protection of Excavation.

The applicant shall maintain such barriers, lights and signs as are necessary to give warning to the public at all times that a sewer is under construction and of each dangerous condition to be encountered as a result thereof. He/she shall also likewise protect the public in the use of the sidewalk against any such conditions in connection with the construction of the sewer, streets, sidewalks, parkways, bikeways, and other property damaged in the course of the work shall be reconstructed in a manner satisfactory to the District.

12-4-293 As-Built Drawings.

"As-built" drawings showing the actual location of all mains, structures, "Tees" and laterals shall be filed with the District before final acceptance of the work.

12-4-294 Completion of Sewer Required.

Before any acceptance of any sewer line by the District and prior to the admission of any wastewater into the system, the sewer line shall be tested and shall be complete in full compliance with all requirements of the District Standards and to the satisfaction of the District Engineer.

12-4-295 All Work to Be Inspected.

All lateral and main sewer construction work shall be inspected by the District to insure compliance with all requirements of the District. No lateral sewer shall be covered at any point until it has been inspected and passed for acceptance. No sewer shall be connected to the public

wastewater collection system until the work covered by the permit has been completed, inspected and approved by the District.

12-4-296 Notification.

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

12-4-297 Condemned Work.

When any work has been inspected and the work condemned and no certification of satisfactory completion given, a written notice to that effect shall be given instructing the owner of the premises, or the agent of such owner, to repair or replace the sewer or other work authorized by the permit, in accordance with the ordinance, rules and regulations of the District.

12-4-298 All Costs Paid by Owner.

All costs and expenses incident to the installation and connection of any sewer or other work for which a permit has been issued shall be borne by the owner. The owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the work.

12-4-299 Liability.

The District and its officers, agents and employees shall not be answerable for any liability or injury or death to any person or damage to any property arising during or growing out of the performance of any work by any such applicant. The applicant shall be answerable for, and shall save the District and its officers, agents and employees harmless from any liability imposed by law upon the District or its officers, agents or employees, fees and interest incurred in defending same or in seeking to enforce this provision. Applicant shall be solely liable for any defects in the performance of his/her work or any failure which may develop therein.

Article 3. Wastewater Discharge Permits

12-4-301 Wastewater Discharge Permit Classification.

The General Manager will classify all users in accordance with the principal activity conducted on the premises where the discharge occurs. The purpose of the classification is to facilitate regulation of discharges to the wastewater collection system on the basis of each user's waste quality, quantity, and flow; to provide an effective means of source control of toxic substances; and to provide a basis for sewer use charges to insure an equitable recovery of capital and operating costs. User permit classifications are as follows:

(A) Non-residential User. Users that discharge non-domestic wastewater to the POTW and do not meet the criteria of Significant Industrial User.

(B) Zero Discharger. Users who do not discharge to the POTW, except domestic wastewater, do not have pollutants resulting from any commercial or industrial process, have no floor drains, and do not generate wastewater.

(C) Significant Industrial User. See Article 5 Definitions.

(D) Ongoing Groundwater Discharger. Users that discharge wastewater generated from groundwater remediation projects in excess of six months.

(E) One Time Discharger. Users that discharge wastewater generated as a result of purging monitoring wells, dewatering underground storage tanks, groundwater sampling, or for a variety of other reasons for projects that will not exceed six months.

(F) Waste hauler. Haulers that service domestic waste systems. Such systems include septic tanks, cesspools, chemical toilets, trailers, or campers.

Residential users under normal circumstances will not be required to apply for or receive a Wastewater Discharge Permit as defined in this Title, providing that said user discharges only domestic wastewater.

12-4-302 Wastewater Discharge Permit.

(A) No SIU or non-residential user shall discharge wastewater into the POTW without first obtaining a Wastewater Discharge Permit from the General Manager, except when the SIU has filed a timely application and their Wastewater Discharge Permit is pending finalization.

(B) The General Manager may require other users to obtain a Wastewater Discharge Permit as necessary to carry out the purposes of this Title.

(C) Any violation of the terms and conditions of a Wastewater Discharge Permit shall be deemed a violation of this Title. Obtaining a Wastewater Discharge Permit does not relieve a user of its obligation to comply with all federal and state pretreatment standards or requirements with any federal, state and local law.

12-4-303 Wastewater Discharge Permit and Existing Conditions

Any unpermitted user not previously required to obtain a Wastewater Discharge Permit, who was discharging to the POTW prior to the effective date of this Title, and who wishes to continue such discharges in the future, shall, within thirty (30) days after the effective date of this Title, apply to the General Manager for a Wastewater Discharge Permit in accordance with this Title. The user shall not cause or allow discharges to the POTW to continue after thirty (30) days of the effective date of this Section except in accordance with a Wastewater Discharge Permit issued by the General Manager. Permits issued by the General Manager, pursuant to prior pretreatment requirements, shall remain valid for their stated terms or until terminated or amended pursuant to this Title.

12-4-306 Wastewater Discharge Permit and New Connections

Any user who is required to obtain a Wastewater Discharge Permit and who proposes to begin or recommence discharging into the POTW shall obtain such permits prior to the beginning or recommencing of such discharge. An application for this Wastewater Discharge Permit shall be filed a minimum of sixty (60) days prior to the date upon which any discharge will begin or recommence. All new industrial users shall arrange for the General Manager to conduct a walk-through site inspection of the user's facilities during the sixty (60) day period prior to connecting or contributing wastewater to the District's POTW.

12-4-311 Wastewater Discharge Permit Application Process.

The General Manager may require all users to submit either independently, or as part of an application, the following information:

(A) Identifying information: The name and address of the facility, including the name of the operator and owner.

(B) General Facility Description. SIC numbers, hours of operation, principle business activities, products produced and/or services provided at this facility, number and type of employees, and proposed or actual hours of operation.

(C) Environmental Control Permits. A list of any environmental control permits held by or for the facility including permitting agency, permit type, and identification number.

(D) Description of Operations. Facilities and plant operations/processes, wastewater generating activities, type and amount of raw materials processed (average and maximum per day) and disposal methods, each product produced by type, amount, process or processes, and rate of production, time(s), and duration of all process discharges.

(E) Facility Layout. Facility layout including floor plans, mechanical and plumbing plans, process flow, and details to show all sewers, floor drains, and appurtenances by size, location and elevation and discharge locations.

(F) Flow Measurement. Measured or estimated average and maximum daily flow, monthly average, and seasonal variations of wastewater flow rates in gallons per day to the District POTW from regulated process streams and other streams as necessary to use the combined wastestream formula or flow weighted average formula.

(G) Pollutant Measurement. Wastewater constituents and characteristics measured or estimated, including any pollutants in the discharge which are limited by any federal, state, or local standards, or pretreatment standards applicable to each regulated process; and nature and concentration (or mass if pretreatment standard requires) of regulated pollutants in each regulated process (daily maximum and average concentration or mass when required by a pretreatment standard). Sampling and analysis will be undertaken in accordance with 40 CFR Part 136.

(H) Compliance Certification. A certification statement reviewed by an authorized representative of the user and certified by a qualified professional indicating whether or not the pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance and/or additional pretreatment is necessary for the user to meet pretreatment standards and requirements. [40 CFR Part 403.12(b)(6)]

(l) Other Information. Any other information as may be deemed by the General Manager to evaluate the permit application. Incomplete or inaccurate applications will not be processed and will be returned to the industrial user for revision.

12-4-316 Application Signatories and Certification

All Wastewater Discharge Permit applications shall be signed by a responsible corporate officer, general partner, proprietor, or duly authorized representative of the user and contain the following certification statement: [40 CFR Part 403.12(l) or as amended.]

"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." [40 CFR Part 403.6(a)(2)(ii) or as amended.]

12-4-321 Wastewater Discharge Permit Issuance Process

The Wastewater Discharge Permit shall be issued upon final inspection and acceptance of construction of the connection and, when required, upon the application and issuance of a Wastewater Discharge Permit. The General Manager shall provide notice of the issuance of a Wastewater Discharge Permit to the applicant. Any permit applicant may petition the General Manger to reconsider terms of a Wastewater Discharge Permit in conformance with the terms of Section 12-4-350 Wastewater Discharge Permit Appeals.

12-4-331 Wastewater Discharge Permit Duration

Each Wastewater Discharge Permit will indicate a specific date upon which it will expire, not to exceed five years from the effective date of the Permit. The user shall apply for a Wastewater Discharge Permit re-issuance a minimum of ninety (90) days prior to the expiration of the user's existing Wastewater Discharge Permit. Expiration of a Wastewater Discharge Permit does not relieve the discharger of requirements outlined in their existing Wastewater Discharge Permit.

12-4-336 Wastewater Discharge Permit Contents

A Wastewater Discharge Permit shall include such conditions as are deemed reasonably necessary by the General Manager to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

(A) Wastewater discharge permits will contain provisions, requirements, and standards appropriate to carry out the objectives of this Title, including but not limited to the following:

a) A statement that indicates Wastewater Discharge Permit duration, which shall not exceed five years for SIU and Categorical Users

b) A statement that the Wastewater Discharge Permit is nontransferable. Any new user must apply for a new Wastewater Discharge Permit and receive prior approval from the General Manager before discharging to the sewer;

c) Effluent limits based on applicable pretreatment standards;

d) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, sample type based on pretreatment standards, and retention of records for three (3) years;

e) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules may not extend the time for compliance beyond that required by applicable federal, state, or local law;

(B) Wastewater discharge permits may contain provisions, requirements, and standards appropriate to carry out the objectives of this Title , including but not limited to the following:

(1) Limits on the average and maximum wastewater constituents and characteristics. These limits may be based on pollutant concentration and/or mass and may include prohibitions on discharge of said pollutants;

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

(3) Implementation of Best Management Practices or Best Available Technology as determined by the General Manager.

a) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

b) Requirements for the development and implementation of spill control plans, Toxic Organic Management Plan or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;

c) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

d) Requirements for installation and maintenance of inspection, sampling and flow metering facilities, and other related monitoring equipment and three (3) years of records retention;

e) A statement that compliance with the Wastewater Discharge Permit does not relieve the user of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the Wastewater Discharge Permit;

f) Requirements for reporting compliance schedules, self-monitoring, change in conditions, change in discharge including slug loads, bypass, process changes and chemical changes and automatic resampling;

g) The prohibition of dilution as partial or complete substitute for adequate pre-treatment to achieve compliance with the Wastewater Discharge Permit conditions;

h) Signatory requirements specifying the responsible corporate officer for the industrial user;

i) Payment of additional charges as stated in Section 12-4-125 Sewer Charges and Regulations;

j) Other conditions as deemed appropriate by the General Manager to ensure compliance with this Title, and state and federal laws, rules, and regulations or the terms of the permit.

12-4-340 Wastewater Discharge Permit Modifications

The General Manager may modify a Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons:

(A) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;

(B) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of Wastewater Discharge Permit issuance;

(C) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(D) Information indicating that the permitted discharge poses a threat to the POTW, personnel, or the receiving waters;

(E) Violation of any terms or conditions of the wastewater discharge or this Title;

(F) Misrepresentations or failure to fully disclose all relevant facts in the Wastewater Discharge Permit application or in any required reporting;

(G) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR Part 403.13; or

(H) To correct typographical or other errors in the Wastewater Discharge Permit.

The filing of a request by the user for a permit modification does not stay any permit condition.

12-4-345 Wastewater Discharge Permit Transfer

Wastewater discharge permits are issued to a specific user for a specific operation. A Wastewater Discharge Permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation. However, nothing in this Section shall be construed to prevent the application of the terms and conditions of this Title, including enforcement penalties, from applying to a succeeding owner, successor in interest, or other assigns of an existing contract or Wastewater Discharge Permit holder.

12-4-350 Wastewater Discharge Permit Appeals

If the discharger or applicant for a permit is dissatisfied with the decision, enforcement action, permit terms or determination made by the General Manager, he may, within thirty (30) days

after receipt of said ruling by the General Manager, appeal said ruling by giving written notice of the basis of his appeal to the Board of Directors. The Board shall, within thirty (30) days after receipt of said written notice of appeal, make a final determination of the issue submitted.

12-4-351 Wastewater Discharge Permit-Revocation/Termination of Service

Wastewater discharge permits maybe revoked or user's service may be terminated when any provision of this Title are violated.

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

12-4-355 Wastewater Discharge Program Charges and Fees.

The District may adopt reasonable fees for reimbursement of costs of setting up and operating the District's industrial wastewater program which may include:

a. Fees for Industrial Wastewater Discharge Permit applications including the cost of processing such applications;

b. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;

c. Fees for reviewing and responding to accidental discharge procedures and construction;

d. Fees for filing appeals; and

e. Other fees as the District may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Title and are separate from all other fees, fines, and penalties chargeable by the District.

12-4-360 Slug Control Plan.

The General Manager may require any Significant Industrial User or other user to develop a slug control plan. Before issuance of a Wastewater Discharge Permit, the General Manager shall determine whether a user needs such a plan. Any user required to develop and implement slug control plan shall submit, at a minimum, the following:

a. Description of discharge practices, including non-routine batch discharges.

b. Description of stored chemicals.

c. Procedures for immediately notifying the General Manager of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges.

d. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run off, worker training,

building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

In the case of an accidental spill/or slug discharge, refer to Section 12-4-415 Accidental Discharges.

12-4-365 Change of Wastewater Permit Restrictions.

The District may change the restrictions or conditions of a Wastewater Discharge Permit from time to time as circumstances may require. The District shall allow a discharger a reasonable period of time to comply with any changes in the Wastewater Permit required by the District or regulatory agencies of the State and Federal Governments.

Article 4. Wastewater Treatment

12-4-400 General.

The design and construction of all sewers, connections to sewers, pretreatment facilities and appurtenances which are directly or indirectly connected to the District sewer and wastewater treatment system shall be in accordance with all State laws, District ordinances, standard drawings, specifications and regulations as may be adopted from time to time by resolution of the Board and in accordance with generally accepted engineering practice. Any public works to be constructed shall be designed by an engineer licensed to practice in California.

Separate sewer service connections are required for each separate building whether or not such building is on the same or a different lot or parcel of land.

Exceptions may be made upon appeal to the Board, where several single-family, multifamily, commercial or industrial units are constructed within several buildings on the same parcel of land, where it is agreed that such land can be adequately served by a single private sewer main.

If the land is later divided; then separate laterals shall be provided for each building or several buildings on each separate parcel of land or for each air space unit unless the private sewer main has been legally made the responsibility of the property or unit owner(s). Such property owner or owners association will be responsible for construction, reconstruction, maintenance and repair, of the private sewer main.

In the case of the exception, a private sewer main may be placed in the proposed development with laterals to each building.

Such private sewer main shall be connected to the sewer main at a single location and a manhole or clean out shall be provided on the private main at or near the point of connection with the POTW, normally near the property line. All such private sewer mains and all such laterals thereto shall be installed at the expense of the property owner or developer.

The property owner will be responsible for construction, reconstruction, maintenance and repair of the private sewer main. For private sewer mains, the property owner or owners association shall apply for, and be responsible for a single billing, for the service.

Where such connections pre-exist these regulations, they must be permitted until sale of the parcel, at which time a separate lateral sewer shall be provided for the sold parcel.

Old lateral sewers may be used in connection with new buildings only when they are found, upon examination and test by the District Engineer, to meet all requirements of this ordinance and the adopted Standards.

In all buildings in which any building sewer is too low to permit gravity flow to the public sewer, wastewater carried by such building sewer shall be lifted by artificial means, approved by the Sonoma County Building Official and discharged to the public sewer at the expense of the owner. Adequate antibackflow devices shall be installed by the applicant.

The connection of the building sewer into the public sewer shall be made at the lateral or "T" branch, if such lateral "T" branch is available at a suitable location. Where no properly located "T" branch is available, a neat hole may be cut into the public sewer to receive the building or lateral sewer, with entry in the downstream direction at an angle of forty-five (45) degrees. A wye saddle shall be used for the connection and in no case shall the pipe protrude inside the main sewer. A smooth, neat joint shall be made, and the connection made secure and watertight, including by encasement in concrete, if so determined by the District. The connection to the public sewer shall be made in the presence of the District Engineer's representative and under his supervision and direction. Any cutting of public mains shall be done in the presence of the District Engineer's representative. All costs will be borne by applicant. Any damage to the public sewer shall be repaired at the cost of the applicant to the satisfaction of the District Engineer.

All excavations for a lateral sewer installation shall be adequately guarded with barricades or lights so as to protect the public from hazard. Streets, sidewalks, parkways and other property damaged in the course of the work shall be restored in a manner satisfactory to the District Engineer.

All domestic or sanitary wastewaters from rest rooms, showers, drinking fountains, etc., shall be kept separate from all industrial wastewaters until the industrial wastewaters have passed through any required pretreatment system or device. A control manhole of a design approved by the District shall be furnished and installed by certain designated industrial wastewater dischargers to facilitate inspection, sampling and flow measurements by personnel of the District. This control manhole shall be located off the industrial premise or if within the plant fence, a special locked gate provided, with keys to the gate lock given to the District. Unrestricted access to this control manhole shall be available to authorized personnel of the District at all times. The control manhole may be used as a junction manhole for wastewater provided the junction occurs downstream of the sampling or flow measuring point.

Each discharger shall provide protection from accidental discharge of prohibited materials or other wastes, regulated by this chapter. Where necessary, or as directed by the District Engineer, retention basins, dikes, storage tanks or other devices designed to eliminate, neutralize, offset or otherwise negate the effects or prohibited materials or waste discharges in violation of this ordinance shall be installed.

Lateral sewers shall be maintained clear and unobstructed by the User of the property served from the building being served up to the front property line providing a cleanout accessible to maintenance forces is available. If a cleanout is not available, the owner shall maintain the lateral to its connection to the public main.

All lateral sewers shall be tested by means approved by the District, in the presence of the District Engineer. All lines showing excessive leakage shall be repaired or replaced at the expense of the person doing the work and shall be done at the direction and to the satisfaction of the District Engineer.

12-4-405 Technical Requirements.

The design of sewers connected to or a part of the sewer system shall conform to the technical requirements of the District Engineering Design and Construction Standards, latest version.

12-4-406 Prohibited Wastes.

General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through, interference, or is listed in the Specific Prohibitions below. These general prohibitions apply to all users discharging to the POTW whether or not they are subject to categorical pretreatment standards or any other Federal, State, or local pretreatment standards or requirements.

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

a. Any liquid or water causing the temperature at the POTW to exceed one hundred four (104) degrees Fahrenheit, or inhibits biological activity at POTW.

b. Any petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that cause interference or pass through.

c. Any pollutant which creates fire or explosive hazard in the POTW including but not limited to waste streams with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit. .

d. Any garbage, except garbage shredded to one-fourth (1/4) inch maximum size from individual dwelling units. The installation and use of garbage grinders in industrial, commercial or institutional establishments is prohibited.

e. Any ashes, bones, hair, whole blood, cinders, and mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solids or viscous substances capable of causing obstruction to the flow in POTW resulting in Interferences.

f. Any waters or wastes having a pH lower than five and one half (5.5) or higher than eleven (11.0) or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the POTW.

g. Any pollutant which will result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

h. Any pollutant, including oxygen demanding pollutants, released in a Discharge at a flow rate and/or pollutant concentration that will cause Interference with the POTW.

i. Any trucked or hauled pollutants including septic tank sludge, except at discharge points designated by the POTW.

j. Any malodorous substance, such as Hydrogen Sulfide, or any other substance which will cause offensive odors in the POTW.

k. Any radioactive waste or isotopes in an amount greater than recommended by local or State public health agencies.

l. Any sludges, solids, or residues from the pretreatment of industrial wastes.

m. No user shall increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation.

n. Any waters or wastes containing insecticides, strong oxidizing agents or strong reducing agents.

o. Any wastes containing excessive detergents, surface active agents, or other substances which may cause excessive foaming in POTW.

p. Any waste producing excessive discoloration of wastewater or treatment plant effluent.

q. Any water or wastes containing recognizable portions of the human anatomy.

r. Any water or waste containing substances which are not amenable to treatment or which cause the treatment plant effluent to fail to meet the discharge requirements established by the State Water Resources Control Board, the California Regional Water Quality Board or any other State or regulatory agency.

s. Any discharge of wastewater, industrial waste, commercial waste, or other polluted waters into any storm drain or natural outlet.

12-4-407 Local Limits

The following pollutant local limits are established to protect against pass through and interference. No SIU shall discharge or cause to discharge any wastewater containing in excess of the follow daily maximum allowable discharge limits. In addition, the General Manager may apply all or some of the limits set forth below to other users as the General Manager deems appropriate and designates in the user's Wastewater Discharge permit.

These local limits apply to all SIUs or other users deemed by the General Manager discharging to the POTW whether or not they are subject to National Categorical Pretreatment Standards or any other Federal, State, or local pretreatment standards or requirements. These local limits do not relieve the user from being required to meet any applicable National Categorical Pretreatment Standards or any other Federal, State, or local pretreatment standards or requirements.

Toxicants	Maximum Allowable Concentration (mg/l)
Aluminum	5.0

Total Kjeldahl Nitrogen (as Ammonia)	2,600
Antimony	5.0
Arsenic	0.5
Barium	5.0
Beryllium	1.0
Biochemical Oxygen Demand (BOD)	20,000
Boron	1.0
Cadmium	0.02
Total chlorinated hydrocarbons	0.002 (trace)
Chromium (total)	0.01
Cobalt	0.5
Copper	0.5
Cyanide (total)	0.2
Total Dissolved Solids (TDS)	5,000
Fluorides	2.0
Formaldehydes	5.0
Iron	5.0
Lead	0.5
Manganese	1.0
Mercury	0.001
Total Oil and Grease (non-floatable grease, oil, fat, ether-soluble matter other than soap)	500
Total Petroleum Hydrocarbons (floatable grease, oil, fat, ether-soluble matter)	50
Phenol and derivatives	0.5
Nickel	0.2
Selenium	5.0
Silver	0.05

Total Suspended Solids (TSS)	10,000
Total Toxic Organics (TTO) **	2.13
Zinc	1.0

** Federal Register List from 40 CFR 131 Subpart D – Total Toxic Organics less pesticides and dioxins

12-4-410 Wastewater Sampling.

Periodic measurements of flow rates, flow volume, BOD, grease, TSS, TDS, and Total Kjeldahl Nitrogen, for use in determining the annual industrial wastewater treatment surcharge and such measurements of other constituents believed necessary for the District shall be made by all industrial wastewater dischargers, unless specifically relieved of such obligation by the District. All sampling, analyses and flow measurements of industrial wastewaters shall be performed by a State certified independent laboratory or by a laboratory of the industrial discharger approved by the District. If performed by District's personnel, an appropriate charge shall be paid by the discharger requesting the tests. Prior to submittal to the District of data developed in the laboratory of an industrial discharger, the results shall be verified by a responsible administrative official of the industrial discharger under the penalty of perjury.

All wastewater analyses shall be conducted in accordance with the appropriate procedure contained in 40 CFR Part 136, or as amended. If no appropriate procedure is contained therein, the standard procedure of the industry or a procedure judged satisfactory by the District Engineer shall be used to measure wastewater constituents. Any independent laboratory or discharger performing tests shall furnish any required test data or information on the test methods or equipment used, if requested to do so by the District.

All dischargers making periodic measurements shall furnish and install at the control manhole or other appropriate location a calibrated flume, weir, flow meter, or similar device approved by the District and suitable to measure the industrial wastewater flow rate and total volume. A flow indicating, recording and totalizing register may be required by the District. In lieu of wastewater flow measurements, the District may accept records of water usage and adjust the flow volumes by suitable factors to determine peak and average flow rates for the specific industrial wastewater discharge.

The sampling, analysis and flow measurement procedures, equipment and results shall be subject at any time to inspection by the District. Sampling and flow measurement facilities shall be such as to provide safe access to authorized personnel. Records of sampling shall be maintained for a period of three (3) years.

Those industrial wastewater dischargers required by the District to make periodic measurements of industrial wastewater flows and constituents shall annually make the minimum number of such measurements required. The minimum requirement for such period measurements shall be at least one (1) twenty-four (24) hour measurement per year. Representative samples of the industrial wastewater shall be obtained every fifteen minutes over the twenty-four (24) hour period, properly refrigerated, composited according to measured flow rates during the twenty-four (24) hours and analyzed for the specific wastewater constituents. Discharges required to

sample on only a few days per year shall sample during the period of highest wastewater flow and wastewater constituent discharges. Industrial plants with large fluctuations in quantity or quality of wastewater may be required to provide continuous sampling and analyses for every working day. When required by the District, dischargers shall install and maintain in proper order, automatic flow-proportional sampling equipment and/or automatic analysis and recording equipment.

Measurements to verify the quantities of waste flows and waste constituents reported by industrial dischargers will be conducted on a random basis by personnel of the District.

12-4-411 Pretreatment of Wastewaters.

A wastewater pretreatment system or device may be required by the District Engineer to treat flow prior to discharge to the sewer when it is necessary to restrict or prevent the discharge to the sewer of certain waste constituents not in compliance with Section 12-4-406Prohibited Wastes, to distribute more equally over a longer time period any peak discharges of wastewaters or to accomplish any pretreatment result required by the District. All pretreatment systems, devices, or equipment shall be approved by the District but such approval shall not absolve the discharger of the responsibility of meeting any effluent limitation required by the District. All pretreatment systems, devices, or equipment judged by the District to require engineering design shall have plans prepared and signed by an engineer of suitable discipline licensed in the State of California, and shall achieve compliance with all categorical pretreatment standards, local limits, and prohibitions specified by the EPA, the State of California, or the District, whichever is most stringent.

This chapter refers to and enforces the pretreatment standards published in the Federal Register by the EPA pursuant to Section 107(b) of the Federal Water Pollution Control Act Amendments of 1972:

Normally, a gravity separation interceptor, equalizing tank, neutralization chamber and control manhole will be required, respectively, to remove prohibited settleable and floatable solids, to equalize wastewater streams varying greatly in quantity and/or quality, to neutralize low or high pH flow and to facilitate inspection, flow measurement and sampling.

All floor drains located in process areas shall discharge to the user's pretreatment system prior to any connection to the POTW, as deemed necessary by the District Engineer.

12-4-412 Grease Removal Devices.

Grease, oil, and sand interceptors or other grease removal device shall be provided by the waste discharger when, in the opinion of the District, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity acceptable to the District and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense. The user shall keep and maintain records that document all cleaning, repair and proper disposal from all such interceptors for the preceding three (3) years. Such records shall be kept on the site for review by the District.

12-4-413 Amalgam Separators

The District Engineer may specify additional requirements for dental facilities that remove or place amalgam fillings.

(A) All users of and dischargers from dental facilities that remove or place amalgam fillings shall comply with the following waste management practices:

(1) No person shall rinse chair-side traps, vacuum screens, or amalgam separator equipment in a sink or other connection to the sanitary sewer.

(2) Users of and dischargers from dental facilities shall ensure that all staff members who handle amalgam waste are trained in the proper handling, management, and disposal of mercury-containing material and fixer-containing solutions, and shall maintain training records that shall be available for inspection by the District Engineer during normal business hours.

(3) Amalgam waste shall be stored and managed in accordance with the instructions of the recycler or hauler of such materials.

(4) Bleach and other chlorine-containing disinfectants shall not be used to disinfect the vacuum line system.

(5) The use of bulk mercury is prohibited. Only pre-capsulated dental amalgam is permitted.

(B) All users of and dischargers from dental vacuum suction systems, except as set forth in paragraphs (C) and (D), below, shall comply with the following:

(1) An ISO 11143 certified amalgam separator device shall be installed for each dental vacuum suction system on or before one year of the effective date of this Title provided, however, that all dental facilities that are newly constructed on and after the effective date of this Title shall include an installed ISO 11143 certified amalgam separator device. The installed device must be ISO 11143 certified as capable of removing a minimum of 95% of amalgam. The amalgam separator system shall be certified at flow rates comparable to the flow rate of the actual vacuum suction system operation. Neither the separator device nor the related plumbing shall include an automatic flow bypass. For facilities that require an amalgam separator that exceeds the practical capacity of ISO 11143 test methodology, a non-certified separator will be accepted, provided that smaller units from the same manufacturer and of the same technology are ISO-certified. Alternative materials and methods may be proposed to the District Engineer for approval.

(2) Proof of certification and installation records shall be submitted to the District Engineer within thirty (30) days of installation.

(3) Amalgam separators shall be maintained in accordance with manufacturer's recommendations. Installation, certification, and maintenance records shall be available for immediate inspection upon request by the District Engineer during normal business hours.

(C) Facilities with vacuum suction systems that meet all of the following conditions may apply to the District Engineer for an exemption to the requirements of paragraph (B), above:

(1) The system was installed before the effective date of this title.

(2) The system is a dry vacuum pump system with an air-water separator.

(3) The sedimentation tank is non-bottom draining, with the drain above the anticipated maximum level of accumulated sludge.

(4) Evidence of regular pump outs (a minimum of once a year, or more often if either directed by the manufacturer or necessary to keep solids from exiting through the drain) is maintained and open to inspection by the District Engineer during normal business hours.

(5) The system has no direct discharge pipe to the sewer on the bottom of the sedimentation tank.

(D) The following types of dental practice are exempt from this Section, provided that removal or placement of amalgam fillings occurs at the facility no more than three (3) days per year: orthodontics, periodontics, oral and maxillofacial surgery, radiology, oral pathology or oral medicine, and endodontistry and prosthodontistry.

(E) Any user or discharger whose facility meets all five conditions in paragraph (C), above, may apply for an exemption by written letter to the District Engineer. The District Engineer will review the system and, if the exemption is approved, shall provide a written letter of exemption. An exemption obtained pursuant to paragraph (C) of this Section shall expire upon installation of a new vacuum system. Upon expiration of the exemption, the facility shall comply with paragraph (B) of this Section before commencing further operation.

12-4-415 Accidental Discharges.

In the case of any discharge including, but not limited to, accidental discharges, discharges of a non-routine or episodic nature, a non-customary batch discharge or a slug load which may cause potential problems for the POTW (including a violation of the prohibited discharge standards of this Title), it is the responsibility of the user to immediately notify the District Engineer of the incident. This notification shall include the location of discharge, type of waste, concentration and volume (if known), and corrective actions taken by the user.

Within five (5) days following an accidental discharge, the user shall, unless waived by the District Engineer, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar or future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the system, natural resources, or any other damage to persons or property. Nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this Title.

Failure to notify the District of potential problem discharges shall be deemed a violation of this Title.

Sewer connections within the discharger's plumbing or drainage system shall be appropriately labeled to warn operating personnel against discharge of any substance in violation of this article.

12-4-420 Right of Entry.

The duly authorized employees of the District, or authorized agents, bearing proper credentials and identification, shall be permitted, announced or unannounced, to enter all properties served by the District for the purposes of inspection, observation, measurement, sampling, testing, reviewing records, and copying records in accordance with the provisions of this ordinance. Unreasonable delays in allowing the authorized employees access to the user's premises shall be a violation of this Title.

12-4-425 Damage Caused by Prohibited Wastewater Discharge.

Any industrial wastewater discharger who discharges or causes the discharge of prohibited wastewaters which cause damage to District facilities, detrimental effects on treatment processes or any other damages resulting in costs to the District shall be liable for all damage occasioned thereby.

12-4-440 Reports of Changed Discharges

Each user shall notify the District Engineer of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least sixty (60) days before the change.

a. The District Engineer may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a Wastewater Discharge Permit application as required by this Title.

b. The District Engineer may issue a Wastewater Discharge Permit as required by this Title or modify an existing Wastewater Discharge Permit.

c. No user shall implement the planned changed condition(s) until or unless the District Engineer has responded to the user's notice.

d. For purposes of this requirement, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants, shall be deemed significant.

12-4-456 Reporting Requirements.

a. Baseline Monitoring Reports.

All Significant Industrial Users shall submit to the District a baseline report within one-hundred eighty (180) days of the effective date of this Section or one-hundred eighty (180) days after final administrative decision on a category determination, whichever is earlier. The baseline report shall contain the information specified in 40 CFR Part 403.12(b) or as amended. The information required for application for a permit and/or modification of a permit may fulfill the requirements of the baseline report. If in submitting information to apply for or to modify a permit, the Significant Industrial User also intends to fulfill the requirements for the baseline report, the Significant Industrial User shall so state.

b. Compliance Schedule Progress Reports.

The Significant Industrial User shall submit a progress report to the District Engineer no later than fourteen (14) days following each date in the schedule and the final date of compliance

including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule;

c. Reports on Compliance with Categorical Pretreatment Standard Deadline.

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements will submit to the District Engineer a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards or requirements, the average and maximum daily flow for these process units, and the actual average production rate for these process units. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR Part 403.6(c) or as amended, this report will contain a reasonable measure of the user's long term production rate. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operational and maintenance changes and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user and a certified qualified professional. Filing of this compliance report cannot relieve the user of any fines, civil penalties, or other liability which may be imposed by this Title or other applicable law, or failure to meet the applicable pretreatment standards or requirements subsequent to the date for final compliance with such applicable standard.

d. Periodic Compliance Reports.

1. All Significant Industrial Users shall, at a frequency determined by the District Engineer, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards or requirements and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports shall be signed and certified in accordance with 40 CFR Part 403.6(a)(2)(ii) or as amended. The report shall contain a description of the methods utilized by the user in collecting the wastewater sample for analysis, including but not limited to the sampling device(s) used, the sampling period, the amount of each sample collected, sample handling and preservation techniques used, and date of sample delivery to the laboratory for analysis.

2. All wastewater samples must be representative of the Significant Industrial User's discharge. Wastewater monitoring and flow measurement facilities will be properly operated, cleaned, calibrated, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order is a violation and shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

3. If a Significant Industrial User, subject to the reporting requirement in this Section, monitors any pollutant more frequently than required by the District Engineer, using the procedures prescribed in this Title, the results of this monitoring will be included in the report.

4. In the event a sample from a periodic compliance report indicates that a constituent is in violation of the allowable concentration levels as set forth in the user's permit or permit contract, the user shall inform the District within the next business day, repeat the sampling and pollutant analysis for the parameter in violation, and submit in writing the results of this second analysis within thirty (30) days of the discovery of the first violation. The initial sampling and analysis report shall be submitted within forty-five (45) days of the initial sampling date with a cover report setting forth the causes of the violation, the remedial actions taken to date with regard to the violation, and the scheduled additional actions which will be implemented to prevent a recurrence.

5. The District Engineer may also, at any time, require a signed statement by the user setting forth management practices and/or material usage practices which have an effect on the nature, volume, and quality of the wastewater discharge and/or which potentially will affect the ability to comply with pretreatment standard requirements.

6. When required by the District Engineer, an industrial user shall submit a report indicating the concentration of specific pollutants discharged in the effluent. The determination of said pollutants by the District Engineer shall be based on what is reasonably expected to be found at the site and the frequency of monitoring shall be based on the compliance status of the industrial user.

7. Periodic Compliance Reports may be waived by the District Engineer if the District is monitoring the user discharge.

8. The District Engineer may require all users either independently, or as part of an application, to submit a certification statement reviewed by an authorized representative of the user and certified by a qualified professional indicating whether or not the pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance and/or additional pretreatment is necessary for the user to meet pretreatment standards and requirements. [40 CFR Part 403.12(b)(6)]

e. Reports from Unpermitted Users.

All users not required to obtain a Wastewater Discharge Permit shall provide appropriate reports to the District Engineer if required by the District Engineer.

12-4-460 Civil Penalties

(A) When the District Engineer finds that a user has violated, or continues to violate, any provision of this Title, a Wastewater Discharge Permit or order issued hereunder, or any other pretreatment standard or requirement, the District Engineer may fine such user in an amount not to exceed $25,000 per violation per day. In addition, pursuant to the authority of California Government Code Sections 54739 to 54740.6, the District may issue administrative complaints, conduct administrative hearings, and/or impose civil penalties in accordance with the procedures set forth in these sections for violation of the District's requirements set forth in this Title. The amount of any civil penalties imposed under this Section which have remained delinquent for a period of sixty (60) days shall constitute a lien against the real property of the discharger from which the discharge originated

resulting in the imposition of the civil penalty. [California Government Code 54740 and 54740.5]

(B) Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of the unpaid balance, and interest shall accrue thereafter. A lien against the user's property may be sought for unpaid charges, fines, and penalties.

(C) Users desiring to dispute such fines must file a written request for the District Engineer to reconsider the fine along with full payment of the fine amount within ten (10) days of being notified of the fine. Where the District Engineer believes a request has merit, the District Engineer may convene a hearing on the matter within fifteen (15) days after receiving the request from the user. The District Engineer may add the costs of preparing administrative enforcement actions, such as notices and orders to assess the fine. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user.

(D) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

12-4-461 Injunctive Relief

When the District Engineer finds that a user has violated, or continues to violate, any provision of this Title, a Wastewater Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, the District Engineer may seek the issuance of a temporary or permanent injunction, as appropriate, to restrain or compel the specific performance of the Wastewater Discharge Permit, order, or other requirement imposed by this Title on activities of the user. The District Engineer may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user. [California Government Code 54740]

12-4-462 Search/Inspection Warrants.

(A) If the District Engineer has been refused access to a building, structure or property or any part thereof, and if the District Engineer has probable cause to believe that there may be a violation of District ordinance or that there is a need to inspect or sample as part of a routine inspection/sampling program of the District designed to verify compliance with District ordinance or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the District Engineer may seek issuance of a search, seizure, or inspection warrant. In the event of an emergency affecting public health and safety, or if the user consents, inspections shall be made without the issuance of a warrant.

(B) To the extent that the owner or possessor of the premises requires that a warrant be received, the District may, in its discretion, suspend the permit and/or any other right to discharge to sanitary facilities immediately, and such suspension may continue until such time as a warrant has been received and the inspection has been completed. If no violation of this Title or the permit, if applicable, is found, the suspension shall be lifted. In the event that violations of this Title or the permit, if applicable, are found, then the suspension

may, at the discretion of the District, be continued or terminated, or other enforcement remedies may be sought.

(C) The District may choose to inspect the facility to determine compliance with all standards as set forth in this Title or permit if applicable, and additionally, such inspections may be undertaken to verify the wastewater flows and strengths reported by the discharger.

12-4-470 Emergency Suspensions of Discharge.

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

(A) Any user notified of a suspension of its discharge shall immediately stop or eliminate its discharge. In the event of a user's failure to immediately comply voluntarily with the suspension order, the District Engineer may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The District Engineer may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the District Engineer that the period of endangerment has passed, unless the termination proceedings in Section 12-4-351 are initiated against the user.

(B) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the District Engineer prior to the date of any show cause hearing.

(C) After reasonably attempting to informally notify the user, the District may take all necessary steps to halt or prevent such discharge including, but not limited to plugging or physically disconnecting the user's access to the District POTW.

(D) Nothing in this Section shall be interpreted as requiring a hearing prior to any emergency suspension under this Section.

12-4-472 Vandalism and Tampering

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with any monitoring equipment so as to cause alteration of the sampling analysis or readings or cause damage or destruction of equipment being utilized to determine compliance with this Title. Tampering with a District-installed meter may be subject to fines in accordance with this Title.

12-4-474 Confidential Information.

Information and data on a user obtained from reports, surveys, Wastewater Discharge Permit applications, Wastewater Discharge Permits, and monitoring programs, and from the District Engineer' inspection and sampling activities, shall be available to the public without restriction,

unless the user specifically requests in writing, and is able to demonstrate to the satisfaction of the District Engineer, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets or that are proprietary in nature or otherwise exempt from disclosure under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets, secret processes proprietary information, or information otherwise exempt from disclosure shall not be made available for inspection by the public but shall be made available, to the extent allowed by law, immediately upon request to governmental agencies for uses related to this Title, the National Pollutant Discharge Elimination System (NPDES) program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR Part 2.302 or as amended, will not be recognized as confidential information and will be available to the public to the extent allowed by law.

12-4-476 Publication of Users in Non-Compliance.

The District Engineer shall publish annually in accordance with 40 CFR 403 or as amended, in any paper of general circulation that provides meaningful public notice within the jurisdiction served by the POTW, a list of the users which, during the previous twelve (12) months, were in Significant Noncompliance with applicable pretreatment standards and requirements.

12-4-478 Notice.

Unless otherwise provided herein, any notice required to be given by the District shall be in writing and served in person or by registered or certified mail. If served by mail, the notice shall be sent to the last address known to the District. Where the address is unknown, service may be made upon the owner of record of the property involved.

Notice shall be deemed to have been given at the time of deposit, postage prepaid, in a facility serviced by the United States Postal Service.

12-4-480 Special Terms and Conditions.

Notwithstanding any provision of this Title to the contrary, the Board and any user may enter into an agreement where unusual conditions compel special terms and conditions and charges for the interception, treatment and disposal of an industrial wastewater necessary to meet the purposes of this Title. In no event, however, may the National Categorical Pretreatment Standards referred, or as amended or any other Federal or State standard, be relaxed or waived.

12-4-482 Connection Outside the District Boundaries.

(A) The Board may, at their sole discretion approve of and, authorize a permit to connect to the District sewer for properties outside the District. Any request for such a connection outside of the District's boundaries and the Town's Urban Growth Boundary requires a public hearing and

Board approval. The following guiding principles shall be considered for any such sewer connection:

(1) Annexation to the District should be considered if the property is within the Urban Growth Boundary

(2) Without annexation, the proponent needs to explain in writing why the service should be extended to the subject property

(3) Substantial evidence, prepared by a civil engineer and certified by the District Engineer and Sonoma County Health Department, that the extension is necessary to replace failing septic tank-leach field systems and/or water systems and the extension does not exceed that required to serve development existing onsite as of October 2, 1997. The information should also indicate that there is no other feasible way, based on physical conditions of the property, to provide the services. Evidence should show that moving the septic tank-leach field and/or drilling another well on another location on the property has been explored and is not feasible.

(4) The extension of service cannot be to properties designated as open space and cannot interfere with accepted agricultural practices.

(5) The property requesting service should be immediately adjacent to land already served by the District.

(6) An Outside Service Agreement approved by the Board is required and LAFCO approval may also be required.

(7) All costs associated with engineering, design, connection fees, construction, environmental mitigation, public services and facilities, frontage improvements, utility under grounding, and application fees are the responsibility of the proponent.

(8) To demonstrate the need for District services, the proponent will certify that the property owner occupies the dwelling and that it is the property owner's primary residence.

(B) The applicant shall first enter into an agreement in writing whereby he/she shall bind himself, his/her heirs, successors and assigns to abide by all ordinances, rules and regulations in regard to the manner in which such sewer shall be used, the manner of connecting therewith, and the plumbing and drainage in connection therewith and also shall agree to pay all fees required for securing the permit; annexation, development connection fees and monthly sewer service charges in the amount set by the District for the privilege of using such sewer.

12-4-484 Severability

If any provision of this Title is invalidated by any court of competent jurisdiction, the remaining provision shall not be affected and shall continue in full force and effect.

Article 5. Definitions

12-4-500 Definitions.

As used in this chapter:

Act shall mean Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251, et seq., or as amended.

Applicant shall mean the person or his/her authorized agent making application for a permit for a sewer or plumbing installation and shall be the owner of premises to be served by the sewer for which a permit is requested.

Batch discharges shall mean intentional, controllable discharges that occur periodically within an industrial user's process (typically the result of a non-continuous process).

Board shall mean the Board of Directors of the Windsor Water District.

BOD or *biochemical oxygen demand* shall mean the measure of decomposable organic material in domestic or industrial wastewaters as represented by the oxygen utilized over a period of five (5) days at twenty (20) degrees Centigrade and as determined by the appropriate procedure in 40 CFR Part 136, or as amended."

Bypass shall mean the intentional diversion of wastestreams from any portion of a user's treatment facility.

Building shall mean any structure used for human habitation, business or commercial activity, industry, recreation, public use or other purpose containing sanitary facilities.

Chlorine demand shall mean the difference between the amount of chlorine added to a wastewater sample and the amount remaining at the end of a thirty (30) minute period as determined by the procedures given in 40 CFR Part 136, or as amended. "

COD or *chemical oxygen demand* shall mean the measure of chemically decomposable material in domestic or industrial wastewater as represented by the oxygen utilized as determined by the appropriate procedure described in 40 CFR Part 136, or as amended.

Contractor shall mean an individual, firm, corporation, partnership or association duly licensed by the State of California to perform the type of work to be done under this permit.

Discharger is synonymous with User.

District shall mean the Windsor Water District.

District Engineer shall mean the Windsor Town Engineer.

Domestic wastewater shall mean the water carried wastes produced from non-industrial activities and which result from normal human living processes.

Dwelling unit shall mean any single family dwelling of one (1) or more rooms having one (1) or more plumbing fixtures suitable for residential occupancy by any number of persons living together as a single family, including single family dwelling units and each group of rooms constituting a dwelling unit for a single family in any multiple dwelling structure.

Effluent shall mean the liquid outflow of any facility designed to treat, convey or retain wastewater.

Existing Source shall mean any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards under Section 307 (b) and (c) of the Act or as amended which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act or as amended.

Family shall mean any one (1) or more persons comprising a single family unit.

Total Dissolved Solids (TDS) shall mean the solid matter in solution in the wastewater and shall be obtained by evaporation of a sample from which all suspended matter or "non-filterable

residue" has been removed by filtration as determined by the procedures in 40 CFR Part 136, or as amended

Formula shall mean the Industrial Wastewater Treatment Surcharge Formula.

Garbage shall mean or include kitchen and table refuse, offal, swill and every accumulation of animal, vegetable and other matter that attends the preparation, consumption, decay or dealing in the storage of meats, fish, birds, fruits or vegetables and all broken or discarded crockery, bottles and tin vessels. Dead animals, swill, offal and other solvable waste matter having a value shall not be included within the meaning of the word garbage.

General Manager shall mean the General Manager of Windsor Water District or his/her duly authorized deputy or agent.

Gravity separation interceptor shall mean any facility designed, constructed and operated for the purpose of removing and retaining dangerous, deleterious or prohibited constituents from wastewater by differential gravity separation before discharge to the public sewer.

Grease Removal Devices shall mean a grease interceptor designed to intercept, trap, or otherwise prevent grease, sand, flammable liquids, or other substances potentially harmful to the POTW from entering.

Industrial connection sewer shall mean the sewer connecting the building sewer or building waste drainage system to the public sewer for the purpose of conveying industrial wastewater.

Industrial owner shall mean any owner on whose premises any manufacturing or processing activity for profit is engaged in, including the manufacturing or processing of agricultural products, animals, poultry, goods, wares or other products or materials.

Industrial user shall mean all non-residential users and Significant Industrial Users.

Industrial wastewater shall mean all water carried wastes and wastewater of the community excluding domestic wastewater and uncontaminated water, and shall include all wastewater from any producing, manufacturing, processing, institutional, commercial, agricultural or other operation where the wastewater discharged includes significant quantities of wastes of non-human origin.

Inspector shall mean a person authorized by the District to inspect wastewater generation, conveyance, processing and disposal facilities.

Interference shall mean a discharge, which, alone or in conjunction with a discharge or discharges from other sources, both;

a. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use, or disposal; and

b. Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sludge use or disposal in compliance with statutory provisions, regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Act or as amended; the Solid Waste Disposal Act (SWDA) or as amended, including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA)or as amended, and including regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA or as amended; the Clean

Air Act or as amended; the Toxic Substances Control Act or as amended, and the Marine Protection, Research and Sanctuaries Act or as amended..

Lateral sewer shall mean the sewer from the main sewer to the property line.

Local limits shall mean the technically and/or literature-based limits of pollutants, expressed as either concentration or as mass, set by the District. Local limits do not relieve a user from being required to meet National Categorical Pretreatment Standards or any other Federal, State, or local pretreatment standards or requirements.

Main sewer shall mean a public sewer designed to accommodate more than one (1) lateral sewer.

Multiple lodging structure shall mean any two (2) or more lodging units in any single building or structure or group of buildings or structures, including any rooming house, hotel or motel, bed and breakfast.

National Pollutant Discharge Elimination System (NPDES) shall mean the system established pursuant to Section 402 of the Clean Water Act.

National Pretreatment Standard or National Categorical Pretreatment Standard shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c), or as amended, of the Act, which applies to industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR, Part 403.5, or as amended.

New source shall mean:

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

i. The building, structure, facility, improvement or installation is constructed at a site or on a lot at which no other source is located; or

ii. The building, structure, facility, improvement or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

iii. The production or wastewater generating processes of the building, structure, facility, improvement or installation are substantially independent of an existing source at the same site or lot. The General Manager shall determine whether the production or wastewater generating processes are substantially independent, taking into account these factors as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source.

b. Construction on a site at which an existing source is located resulting in a modification of said source if the construction does not create a new building, structure, facility, improvement or installation but otherwise alters, replaces, or adds to existing process or production equipment.

c. Construction of a new source as defined under this section has commenced if the applicant, user or customer has:

i. Begun, or caused to begin as part of a continuous onsite construction program:

1. Any placement, assembly, or installation of facilities, improvement or equipment; or

2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, improvements or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

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

Non-residential user shall mean users whose premises are primarily for non-residential activity but excluding premises of Significant Industrial Users. Incidental residential use is not precluded.

Ordinance shall mean, unless otherwise specified, the Sewer Use Ordinance.

Outside sewer shall mean a sanitary sewer beyond the District boundary and not subject to the control or jurisdiction of the District.

Pass-through shall mean any discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit or waste discharge requirements, including an increase in the magnitude or duration of a violation.

Peak flow rate shall mean the average rate at which wastewater is discharged to a public sewer during the highest thirty (30) minute flow period in the preceding twelve (12) months.

Permit shall mean any written authorization required pursuant to this or any other regulation of the District for the installation of any Public Owned Treatment Works.

Person shall mean any individual, partnership, committee, association, corporation, public agency and any other organization or group of persons, public or private.

Plant shall mean the Wastewater Treatment Plant of the District.

Public Owned Treatment Works (POTW) shall mean a treatment works as defined by Section 212, or as amended, of the Act, which is owned and/or operated by a State or municipality. This includes any devices and systems used in the collection, storage, treatment, recycling, and reclamation of the municipal wastewater or industrial wastewater of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant.

Premises shall mean any lot, or any piece or parcel of land comprising two (2) or more lots or record in one (1) ownership, or any building or other structure or any part of any building or structure used or useful for human habitation or gathering or for carrying on a business or occupation or any commercial or industrial activity.

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 prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical, or biological processes, process changes or by other means, except as prohibited by 40 CFR Part 403.6 (d), or as amended.

Pretreatment requirements shall mean any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard, imposed on an industrial wastewater user.

Public improvements standards shall mean the minimum standards for public works construction in the District.

Public sewer shall mean a sewer lying below a street and which is under the jurisdiction of the District or other public agencies.

Radioactive material shall mean material containing chemical elements that spontaneously change their atomic structure by emitting any particles, rays or energy forms.

Residential user shall mean users whose premises are primarily for residential purposes and have no significant producing or processing activity of a commercial, industrial or institutional nature.

Sanitary sewer shall mean a sewer which carries wastewater and to which storm, surface and groundwaters are not intentionally admitted.

Section shall mean a section of this ordinance.

Sewer shall mean a pipe or conduit for carrying wastewater.

Sewer service shall mean the service and facilities for collection, treatment and disposal of wastewater furnished or available to premises by the POTW.

Sewer system is synonymous with Publicly Owned Treatment Works (POTW).

Shall is mandatory and *may* is permissive.

Significant industrial user shall mean

a. a user subject to categorical pretreatment standards under 40 CFR Part 403.6 or as amended and in any industry as defined in 40 CFR Parts 405-471 or as amended; or

b. A user that:

i. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blowdown wastewater);

ii. Contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW; or

iii. Is designated as such by the General Manager on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR Part 403.8(f)(6)) or as amended.

Significant non-compliance shall mean a Significant Industrial User (or any Industrial User which violates paragraphs (c), (d), or (h) of this section) whose violations meet one or more of the following criteria:

a. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;

b. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for the same pollutant parameter during a six month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC criteria (TRC=1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

c. Any other discharge violation that the General Manager believes 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 pollutants that have caused imminent endangerment to the public or to the environment, or have resulted in the General Manager's exercise of its emergency authority to halt or prevent such a discharge;

e. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a Industrial Wastewater Discharge Permit or enforcement order for starting construction, completing construction, or attaining final compliance;

f. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self monitoring reports, and reports on compliance with compliance schedules;

g. Failure to accurately report noncompliance; or

h. Any other violation(s) or group of violations, including a violation of Best Management Practices, which the General Manager determines will adversely affect the operation or implementation of the local pretreatment program.

Single family dwelling shall mean one (1) dwelling unit in a single structure.

Slug discharge shall mean a discharge capable of causing adverse impacts to the District, its workers, or the environment, or any pollutant including an oxygen-demanding pollutant released in a discharge at a flow rate and/or pollutant concentration which may cause interference with the operation of the District POTW. A slug discharge is considered to be a discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge. Accidental spills are unintentional, largely uncontrolled discharges that may result from leaks or spills of storage containers or manufacturing processes in an area with access to floor drains.

Solid wastes shall mean the nonliquid carried wastes normally considered to be suitable for disposal with refuse at sanitary landfill refuse disposal site.

Standard methods shall mean the current edition of Standard Methods for the Examination of Water and Wastewater as published by the American Public Health Association.

Storm drain shall mean a conduit which carries storm and surface or groundwaters and drainage, but excludes wastewater and polluted industrial wastes.

Street shall mean any public highway, road, street, avenue, alley, way, easement or right-of-way in the District.

Total residue shall mean the material left in a vessel after evaporation of a sample of water, as determined by the appropriate procedure described in 40 CFR Part 136, or amended.

Total Suspended Solids (TSS) shall mean that portion of the "total residue," of any wastewater sample, that is retained by a filter when a sample is passed through a filter, as determined by the appropriate procedure described in 40 CFR 136, or as amended.

Trade secrets shall include but shall not be limited to any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce or compound an article of trade or a service having a commercial value, and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

Trunk sewer shall mean a sewer constructed, maintained and operated by the District that conveys wastewater to the District's treatment facilities and into which lateral and collecting sewers discharge.

Upset shall mean an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

Uncontaminated water shall mean any wasted water not contaminated or polluted with wastewater and which is suitable or could readily be made suitable for discharge to the District stormwater drainage system.

User shall mean any person who is owner of record, lessee, sublessee, mortgagee in possession, or responsible for property having a connection to a District sewer or for processes which contribute wastewater to a District sewer.

Wastewater shall mean the water carried wastes of the community derived from human or industrial sources including domestic wastewater and industrial wastewater. Rainwater, groundwater or drainage or uncontaminated water is not wastewater.