

ORDINANCE NO. OCSD-53

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE  
ORANGE COUNTY SANITATION DISTRICT AMENDING  
WASTEWATER DISCHARGE REGULATIONS, AND  
REPEALING ORDINANCE NO. OCSD-48

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The Board of Directors of the Orange County Sanitation District (OCSD) does hereby FIND:

- A. That OCSD is required by federal and state law, including the Clean Water Act (33 U.S.C. 1251, et seq.), the General Pretreatment Regulations (40 CFR 403), and the Porter-Cologne Water Quality Control Act (Water Code § 13000, et seq.), to implement and enforce a program for the regulation of Wastewater discharges to OCSD's sewers; and
- B. That OCSD is required by federal, state, and local law to meet applicable standards of treatment plant effluent quality; and
- C. That the adoption of this Ordinance is statutorily exempt under the California Environmental Quality Act pursuant to the provisions of Public Resources Code Section 21080(b)(8) and California Code of Regulations Section 15273(a) and categorically exempt pursuant to California Code of Regulations Sections 15307 and 15308.
- D. That OCSD operates and maintains a separate sewer system of pipes, pumps stations, intercepting sewer lines, and other conveyances upstream of its wastewater treatment plant headworks to collect and convey domestic, commercial and industrial wastewater, and is not designed to collect large amounts of storm water runoff from precipitation events.
- E. That OCSD implements a system-specific Sewer System Management Plan which includes provisions to provide proper and efficient management, operation, and maintenance of sanitary sewer systems in compliance with the California Statewide General Waste Discharge Requirements, Systems, Water Quality Order No. 2006-0003-DWQ For Wastewater Collection Agencies.

NOW, THEREFORE, the Board of Directors of the Orange County Sanitation District does ORDAIN:

Section I: Wastewater Discharge Regulations governing the use of OCSD's Sewerage Facilities are hereby restated and amended to provide as follows:

## ARTICLE 1. GENERAL PROVISIONS

### 101. PURPOSE AND POLICY

This ordinance sets uniform requirements for Users of OCSD's Sewerage Facilities and enables OCSD to comply with all applicable state and federal laws, including the Clean Water Act (33 United States Code [U.S.C.] 1251, et seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations [CFR] Part 403). This Ordinance

shall be interpreted in accordance with the definitions set forth in Section 102. The provisions of the Ordinance shall apply to the direct or indirect discharge of all liquid wastes carried to facilities of OCSD.

- A. The purpose of this Ordinance is to provide for the maximum public benefit from the use of OCSD's Sewerage Facilities. This shall be accomplished by regulating sewer use and Wastewater discharges; by providing equitable distribution of costs, in compliance with applicable federal, state, and local regulations; and by supporting the proper disposal of Prescription Drugs as noted in the guidelines published by the Office of National Drug Control Policy. The revenues to be derived from the application of this Ordinance shall be used to defray all costs of providing sewerage service by OCSD, including, but not limited to, administration, operation, monitoring, maintenance, financing, capital construction, replacement and recovery, and provisions for necessary reserves;
- B. This ordinance is meant to protect both OCSD personnel who may be affected by Wastewater, sludge, and biosolids in the course of their employment and the general public.
- C. To comply with federal, state, and local policies and to allow OCSD to meet applicable standards of treatment plant effluent quality, biosolids quality, and air quality, provisions are made in this Ordinance for the regulation of Wastewater discharges to the public sewer. This Ordinance establishes quantity and quality limits on all Wastewater discharges which may adversely affect OCSD's Sewerage System, processes, effluent quality, biosolids quality, air emission characteristics, or inhibit OCSD's ability to beneficially reuse or dispose of its treated Wastewater, biosolids or meet biosolids discharge criteria.
- D. It is the intent of these limits to improve the quality of Wastewater being received for treatment and to encourage water conservation and Wastewater minimization by all Users connected to a public sewer. This Ordinance also provides for regulation of the degree of Wastewater Pretreatment required, the issuance of permits for Wastewater discharge and connections and other miscellaneous permits, and establishes penalties for violation of the Ordinance.
- E. OCSD is committed to: 1) a policy of Wastewater reclamation and reuse to provide alternate sources of water supply for OCSD and agencies with which OCSD has agreements for Wastewater reclamation; and 2) a policy for the protection of groundwater. OCSD is also committed to help protect groundwater goals as established by various water quality and water purveyor agencies. To fulfill these commitments, OCSD may implement more stringent quality requirements on Wastewater discharges through regulation, including revisions to this Ordinance.

- F. OCSD is committed to a policy for the beneficial use of biosolids, the implementation of programs to land-apply or provide for the marketing and distribution of biosolids, which may necessitate more stringent quality requirements on Wastewater discharges.
- G. OCSD is also committed to meet applicable air quality goals established by the South Coast Air Quality Management District, which may further necessitate more stringent quality requirements on Wastewater discharges.

102. DEFINITIONS

- A. Unless otherwise defined herein, terms related to water quality shall be as adopted in the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, the American Water Works Association, and the Water Environment Federation.

The testing procedures for Wastewater constituents and characteristics shall be as provided in 40 CFR 136 (Code of Federal Regulations; Title 40; Protection of Environment; Chapter I, Environmental Protection Agency; Part 136, Guidelines Establishing Test Procedures for the Analyses of Pollutants), or as specified.

Other terms not herein defined shall have the same meaning as defined in the latest California Building and Construction Codes, Title 24, California Code of Regulations.

- 1. Act or "the Act" shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251, et seq.
- 2. Approved POTW Pretreatment Program or Program or POTW Pretreatment Program shall mean a program administered by a POTW that meets the criteria established in 40 CFR 403.8 and 403.9 and which has been approved by a Regional Administrator or State Director in accordance with 40 CFR 403.11.
- 3. Authorized Representative or Designated Signatory shall mean:
  - a) A Responsible Officer, as that term is defined in this Ordinance and 40 CFR 403.12(l); or
  - b) A person that is responsible for the overall operation of the facility from which the discharge originates and that a

Responsible Officer has designated, in writing and submitted to OCSD, an Authorized Representative; or

- c) A person that has overall responsibility for environmental matters for the facility from which the discharge originates and that a Responsible Officer has designated, in writing and submitted to OCSD, an Authorized Representative; or
  - d) If the applicant or User is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or the designee.
4. Best Management Practices (BMPs) shall mean management practices to prevent or reduce pollution or to meet Article 2 standards. Such BMPs shall be considered Local Limits and Pretreatment Standards as stated in 40 CFR 403.5(c)(4).
  5. Biochemical Oxygen Demand (BOD) shall mean a measurement of oxygen utilized by the decomposition of organic material, over a specified time period (usually 5 days) in a Wastewater sample. It is used as a measurement of the readily decomposable organic content of Wastewater.
  6. Board shall mean the Board of Directors of the Orange County Sanitation District.
  7. Bypass shall mean the intentional diversion of wastestreams from any portion of a User's treatment facility.
  8. Capital Facilities Capacity Charge shall mean the payment of a fee, imposed by the governing Board of OCSD, to pay for the future costs of constructing new sewerage collection, treatment, and disposal facilities; and as a contributive share of the cost of the existing facilities. This charge shall be paid by all property owners at the time they develop the property and connect directly or indirectly to OCSD's Sewerage Facilities as a new system User. This charge, which rates are set forth in a separate Ordinance, is expressly authorized by the provisions of California Health & Safety Code Sections 5471 and 5474.
  9. Charge For Use shall mean OCSD's sanitary sewer service charge, a charge established and levied by OCSD upon residential, commercial, and industrial Users of OCSD's Sewerage System, pursuant to Sections 302.6(F), or 303.6(E) of this Ordinance, in proportion to the use of the treatment works by their respective class,



that provides for the recovery of the costs of operation and maintenance expenses, capital facilities rehabilitation or replacement, and adequate reserves for the POTW. The minimum charge for use is the Annual Sewer Service Fee Residential Users.

10. Chemical Oxygen Demand (COD) shall mean a measure of the oxygen required to oxidize all compounds, both organic and inorganic, in Wastewater.
11. Class I User shall mean any User who discharges Wastewater that:
  - a) is a Significant Industrial User; or
  - b) Is determined to have a reasonable potential for adversely affecting OCSD's operation or for violating any Pretreatment Standard, Local Limit, or discharge requirement, or may cause Pass Through affecting OCSD's ability to comply with its NPDES Permit or other regulations and standards; or
  - c) may cause pass through or Interference with OCSD's Sewerage Facilities.
12. Class II User shall mean any User whose charge for use is greater than the special assessment "OCSD Sewer User Fee" included on the County of Orange secured property tax bill exclusive of debt service, that discharges wastes other than sanitary, and that is not otherwise required to obtain a Class I permit.
13. Code of Federal Regulations (CFR) shall mean the codification of the general and permanent regulations published in the Federal Register by the executive departments and agencies of the federal government.
14. Compatible Pollutant shall mean a combination of biochemical oxygen demand, suspended solids, pH, fecal coliform bacteria, plus other Pollutants that OCSD's treatment facilities are designed to accept and/or remove. Compatible Pollutants are non-compatible when discharged in quantities that have an adverse effect on OCSD's Sewerage System or NPDES permit, or when discharged in qualities or quantities violating any Federal Categorical Pretreatment Standards, Local Limit, or other discharge requirement.
15. Composite Sample shall mean a collection of individual samples obtained at selected intervals based on an increment of either flow or time. The resulting mixture (composite sample) forms a representative sample of the wastestream discharged during the

sample period.

16. Connection Permit shall mean a permit issued by OCSD, upon payment of a capital facilities capacity charge, authorizing the Permittee to connect directly to an OCSD's Sewerage Facilities or to a sewer which ultimately discharges into an OCSD's Sewerage Facilities.
17. Department Head shall mean that person duly designated by the General Manager to perform those delegated duties as specified in this Ordinance.
18. Discharger shall mean any Person who discharges or causes a discharge of Wastewater directly or indirectly to a public sewer. Discharger shall mean the same as User.
19. District shall mean the Orange County Sanitation District or OCSD.
20. Division Head shall mean that person duly designated by the General Manager to implement the OCSD Pretreatment Program and perform the duties as specified in this Ordinance.
21. Domestic Septage shall mean the liquid and solid material removed from food service establishments, or a septic tank, cesspool, portable toilet, or similar treatment works that receives only domestic Wastewater.
22. Domestic Wastewater shall mean the liquid and solid waterborne wastes derived from the ordinary living processes of humans of such character as to permit satisfactory disposal, without special treatment, into the public sewer or by means of a private disposal system.
23. Downstream Sampling or Monitoring shall mean sampling or monitoring usually conducted in a city or agency owned sewer for the purpose of determining the compliance status of an industrial or commercial Discharger.
24. Dry Weather Urban Runoff shall mean surface runoff flow that is generated from any drainage area within OCSD's service area during a period that does not fall within the definition of Wet Weather. It is surface runoff that contains Pollutants that interfere with or prohibit the recreational use and enjoyment of public beaches or cause an environmental risk or health hazard.
25. Enforcement Compliance Schedule Agreement (ECSA) shall mean

a mutual agreement between OCSD and Permittee requiring implementation of necessary Pretreatment practices and/or installation of equipment to ensure permit compliance.

26. Enforcement Response Plan shall mean a plan containing detailed procedures indicating how OCSD will investigate and respond to instances of Industrial User non-compliance in accordance with 40 CFR 403.8(f)(1) or other Users in accordance with OCSD non-compliance procedures.
27. Federal Categorical Pretreatment Standards shall mean any regulation containing Pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307(b) and (c) of the Clean Water Act (33 U.S.C. 1317) which apply to a specific category of Industrial Users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
28. Federal Regulations shall mean any applicable provision of the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, Title 33, United States Code, Section 1251 and following, and any regulation promulgated by the United States Environmental Protection Agency under Title 40 CFR implementing that act.
29. Flow Monitoring Facilities shall mean equipment and structures provided at a User's expense to measure, totalize, and/or record, the incoming water to the facility or the Wastewater discharged to the sewer.
30. General Manager shall mean the individual duly designated by the Board of Directors of OCSD to administer this Ordinance (see also Section 107).
31. Grab Sample shall mean a sample taken from a wastestream on a one-time basis without regard to the flow in the wastestream and without consideration of time.
32. Hydrolysate shall mean the resultant liquid from the hydrolysis of human remains.
33. Hydrolysis shall mean the process by which the body of a deceased person is chemically reduced to its essential organic components and bone fragments either before or after processing of the remains after removal from the hydrolysis chamber.
34. Indirect Discharge or Discharge shall mean the introduction of

Pollutants into a POTW from any non-domestic source regulated under Section 307(b), (c) or (d) of the Act [33 U.S.C. 1317(b)-(d)].

35. Industrial User shall mean any User that discharges Industrial Wastewater.
36. Industrial Wastewater shall mean all liquid carried wastes and Wastewater of the community, excluding domestic Wastewater and domestic septage, and shall include all Wastewater from any producing, manufacturing, processing, agricultural, or other operation.
37. Inspector shall mean a person authorized by the General Manager to inspect any existing or proposed Wastewater generation, conveyance, processing, and disposal facilities.
38. Instantaneous Limit (see the Maximum Allowable Discharge Limit)
39. Interference shall mean any discharge which, alone or in conjunction with a discharge or discharges from other sources, either:
  - a) inhibits or disrupts OCSD, its treatment processes or operations, or its biosolids processes, use, or disposal; or
  - b) is a cause of a violation of any requirement of OCSD's NPDES permit or prevents lawful biosolids or treated effluent use or disposal.
40. LEL (Lower Explosive Limit) shall mean the minimum concentration of a combustible gas or vapor in air (usually expressed in percent by volume at sea level) which will ignite if an ignition source (sufficient ignition energy) is present.
41. Letter to Discharge shall mean a letter authorizing a User to discharge to the sewer without having to obtain a Special Purpose Discharge Permit. The discharge volume is generally limited to less than 1 million gallons.
42. Local Limit shall mean specific discharge limits developed pursuant to 40 CFR 403.5(c) and enforced by OCSD upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).
43. Local Sewering Agency shall mean any public agency or private corporation responsible for the collection and disposal of Wastewater to OCSD's Sewerage Facilities and duly authorized under the laws

of the State of California to construct and/or maintain public sewers.

44. Major Violation shall mean a discharge over the permitted discharge limit, as determined by the result of a sample analysis, as follows:
- a) a discharge exceeding a Mass Emission Rate limit by 20% or more, or
  - b) a discharge exceeding a concentration limit by 20% or more, or
  - c) a pH discharge less than 5.0.
45. Mass Emission Rate shall mean the weight of material discharged to the sewer system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of a particular constituent or combination of constituents.
46. Maximum Allowable Discharge Limit shall mean the maximum quantity or concentration of a Pollutant allowed to be discharged at any period of time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
47. Medical Waste shall mean the discharge of isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
48. Milligrams Per Liter (mg/L or mg/l) shall mean a unit of the concentration of a constituent or compound that is found in water or Wastewater. It is 1 milligram of the constituent or compound in 1 liter of water or Wastewater.
49. Minor Violation shall mean a discharge over the permitted discharge limit as determined by the result of a sample analysis, as follows:
- a) a discharge exceeding a Mass Emission Rate limit by less than 20%, or
  - b) a discharge exceeding a concentration limit by less than 20%, or.
  - c) a pH discharge equal to or greater than 5.0, but less than 6.0, or

- d) a pH discharge greater than 12.0.
50. National Pretreatment Standard, Pretreatment Standard, or Standard shall mean any regulation containing Pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharges and categorical standards established pursuant to 40 CFR 403.5 and 403.6.
51. North American Industry Classification System (NAICS) shall mean an industry classification system that groups establishments into industries based on the activities in which they are primarily engaged.
52. National Pollutant Discharge Elimination System Permit (NPDES Permit) shall mean the permit issued to control the discharge to surface waters of the United States as detailed in Section 402 of the Act (33 U.S.C. 1342).
53. New Source shall mean those sources that are new as defined by 40 CFR 403.3(m) as revised.
54. Non-compatible Pollutant shall mean any Pollutant which is not a Compatible Pollutant as defined herein.
55. OCSD shall mean Orange County Sanitation District.
56. OCSD's Sewerage Facilities or System shall mean any property belonging to OCSD used in the treatment, reclamation, reuse, transportation, or disposal of Wastewater, or biosolids.
57. Ordinance shall mean that document entitled "Wastewater Discharge Regulations" containing OCSD requirements, conditions, and limits for connecting and discharging to the sewer system, as may be amended and modified.
58. pH shall mean both acidity and alkalinity on a scale ranging from 0 to 14 where 7 represents neutrality, numbers less than 7 increasing acidity, and more than 7 increasing alkalinity, and is the logarithm of the reciprocal of the quantity of hydrogen ions in moles per liter of solution.
59. Pass Through shall mean discharge through OCSD's Sewerage Facilities to Waters of the U.S. which, alone or in conjunction with discharges from other sources, is a cause of a violation of OCSD's

NPDES permit.

60. Permittee shall mean a Person who has received a permit to discharge Wastewater into OCSD's Sewerage Facilities subject to the requirements and conditions established by OCSD.
61. Person shall mean any individual, partnership, copartnership, company, firm, association, corporation or public agency, joint stock company, trust, estate, or any other legal entity; or their legal representatives, responsible corporate officers, agents, assigns, including all federal, state, and local governmental entities.
62. Pesticides shall mean those compounds classified as such under federal or state law or regulations including, but not limited to DDT (dichlorodiphenyltrichloro-ethane, both isomers); DDE (dichlorodiphenyl-ethylene); DDD (dichlorodiphenyldichloroethane); aldrin, benzene hexachloride (alpha [ $\alpha$ ], beta [ $\beta$ ], and gamma [ $\gamma$ ] isomers); chlordane; endrin; endrin aldehyde; 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD); toxaphene;  $\alpha$ -endosulfan;  $\beta$ -endosulfan; endosulfan sulfate; heptachlor; heptachlor epoxide; dieldrin; demeton; guthion; malathion; methoxychlor; mirex; and parathion.
63. Pollutant shall mean any constituent, compound, or characteristic of Wastewaters on which a discharge limit or requirement may be imposed either by OCSD or the regulatory bodies empowered to regulate OCSD.
64. Polychlorinated Biphenyls (PCB) shall mean those compounds classified as such under federal or state law including, but not limited to Aroclors 1016, 1221, 1228, 1232, 1242, 1248, 1254, 1260, and 1262.
65. Pretreatment shall mean the reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutant properties in Wastewater to a level authorized by OCSD prior to, or in lieu of, discharge of the Wastewater into OCSD's Sewerage System. The reduction or alteration can be obtained by physical, chemical or biological processes, by process changes, or by other means.
66. Pretreatment Facility shall mean any works or devices that the General Manager determines are appropriate to treat, restrict, or prevent the flow of Industrial Wastewater prior to discharge into a public sewer.

67. Pretreatment Requirements shall mean any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.
68. Priority Pollutants shall mean the most recently adopted list of toxic Pollutants identified and listed by EPA as having the greatest environmental impact. They are classified as Non-compatible Pollutants and may require Pretreatment prior to discharge to prevent:
- a) Interference with OCSD's operation; or
  - b) biosolids contamination; or
  - c) Pass Through into receiving waters or into the atmosphere.
69. Public Agency shall mean the State of California and any city, county, district, other local authority or public body of or within this state.
70. Public Sewer shall mean a sewer owned and operated by OCSD, a city or other local sewerage Public Agency which is tributary to OCSD's Sewerage Facilities.
71. Publicly Owned Treatment Works or POTW shall mean a treatment works as defined by section 212 of the Act (33 U.S.C. 1292), which is owned by a state or municipality (as defined by section 502(4) of the Act [33 U.S.C. 1362(4)]). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal Sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey Wastewater to a POTW Treatment Plant. The term also means the municipality, as defined in section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.
72. RCRA shall mean Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901, et seq.) and as amended.
73. Regulatory Agencies shall mean those agencies having jurisdiction over the operation of OCSD including, but not limited to, the following:
- a) United States Environmental Protection Agency, Region IX, San Francisco and Washington, DC (EPA).
  - b) California State Water Resources Control Board (SWRCB).



- c) California Regional Water Quality Control Board, Santa Ana Region (RWQCB).
  - d) South Coast Air Quality Management District (SCAQMD).
  - e) California Environmental Protection Agency (Cal-EPA).
74. Regulatory Compliance Schedule Agreement (RCSA) shall mean an agreement between OCSD and Permittee requiring the Permittee to implement Pretreatment practices and/or install equipment to ensure compliance with future revised categorical Pretreatment Standards or revised discharge limits.
75. Responsible Officer shall mean:
- a) As defined in 40 CFR 403.12(l), if the applicant or User is a corporation:
    - (1) The president, secretary, treasurer, or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or
    - (2) The manager of one or more manufacturing, production, or operation facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual Wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - b) As defined in 40 CFR 403.12(l), if the applicant or User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
  - c) If the applicant or User is a federal, state, or local

governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or the designee.

- d) An applicant or User not falling within one of the above categories must designate as the Responsible Officer an individual responsible for the overall operation of the facility.
76. Sample Point shall mean a location accepted by OCSD, from which Wastewater can be collected that is representative in content and consistency of the entire flow of Wastewater being sampled.
77. Sampling Facilities shall mean structure(s) provided at a User's expense for OCSD or User to measure and record Wastewater constituent mass, concentrations, collect a representative sample, or provide access to plug or terminate the discharge.
78. Sanitary Waste shall mean domestic Wastewater, human excrement, and gray water (e.g., water from household showers, dishwashing operations, etc.).
79. Septic Waste shall mean any Sewage from holding tanks such as vessels, chemical toilets, and septic tanks.
80. Service Area shall mean an area for which OCSD has agreed to either provide sewer service, or Wastewater treatment, or Wastewater disposal.
81. Sewage shall mean Wastewater.
82. Sewerage Facilities or System shall mean any and all facilities used for collecting, conveying, pumping, treating, and disposing of Wastewater or sludge or biosolids.
83. Significant Industrial User, except as provided in 40 CFR 403.3 (v)(2) and (v)(3), shall mean: (i) All Industrial Users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and/or 40 CFR Chapter I, Subchapter N; and (ii) Any other Industrial User that, pursuant to 40 CFR 403.3(v)(1): discharges an average of 25,000 gallons per day or more of process Wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown Wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW Treatment plant; or is designated as such by OCSD on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating

any Pretreatment Standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

84. Significant Non-Compliance (SNC) shall mean the compliance status of an Industrial User who is in violation of one or more of the criteria as described in 40 CFR 403.8(f)(2)(viii).
85. Slug Load or Slug Discharge shall mean any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 201 of this Ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits, or Permit conditions.
86. Sludge shall mean any solid, semi-solid or liquid decant, supernate or supernate from a manufacturing process, utility service, or Pretreatment Facility.
87. Special Assessment Credit shall mean the portion of the secured property tax bill that represents the regional special assessment sewer User fee as defined by OCSD.
88. Special Purpose User shall mean any Discharger who is granted a Special Purpose Discharge Permit by OCSD to discharge unpolluted water, storm runoff, or groundwater to OCSD's Sewerage Facilities.
89. Spent Solutions shall mean any concentrated Industrial Wastewater or Wastewater that is not authorized to be discharged to a Sewage facility until appropriately treated.
90. Spill Containment shall mean a protection system installed by the Permittee to prohibit the discharge to the sewer of non-compatible Pollutants.
91. Standard Methods shall mean procedures described in the current edition of *Standard Methods for the Examination of Water and Wastewater*, as published by the American Public Health Association, the American Water Works Association and Water Pollution Control Federation.
92. Suspended Solids or Total Suspended Solids (TSS) shall mean any insoluble material contained as a component of Wastewater and capable of separation from the liquid portion of said Wastewater by laboratory filtration as determined by the appropriate testing procedure and expressed in terms of milligrams per liter.

93. Total Organic Carbon (TOC) shall mean the measure of total organic carbon in mg/L using heat, oxygen, ultraviolet irradiation, chemical oxidants, or combinations of these oxidants that convert organic carbon to carbon dioxide, rounded to two significant figures. As such, Total Toxic Organics is a subset of TOC.
94. Total Toxic Organics (TTO) shall mean the summation of all quantifiable values greater than 0.01 milligrams per liter for the organics regulated by the EPA or OCSD for a specific industrial category.
95. Unpolluted Water shall mean water to which no Pollutant has been added either intentionally or accidentally.
96. User shall mean any Person who discharges or causes a discharge of Wastewater directly or indirectly to a public sewer. User shall mean the same as Discharger. User includes Industrial Users as a type of User.
97. Waste-Tracking Form shall mean that receipt which is retained by the generator of hazardous wastes as required by the State of California or the United States Government pursuant to RCRA, or the California Hazardous Materials Act, or that receipt which is retained by the generator for recyclable wastes or liquid non-hazardous wastes as required by OCSD. The Waste-Tracking Form is typically known as a “waste manifest.”
98. Wastehauler shall mean any Person carrying on or engaging in vehicular transport of brine, domestic septage (except the SAWPA Sewer Service Area in compliance with the 1996 OCSD/SAWPA Agreement), or Wastewater as part of, or incidental to, any business for the purpose of discharging directly or indirectly said Wastewater into OCSD’s Sewerage System.
99. Wastewater shall mean the liquid and water-carried wastes of the community and all constituents thereof, whether treated or untreated, discharged into or permitted to enter a public sewer.
100. Wastewater Constituents and Characteristics shall mean the individual chemical, physical, bacteriological, and radiological parameters, including volume and flow rate and such other parameters that serve to define, classify or measure the quality and quantity of Wastewater.
101. Wet Weather shall mean any period of time during which measurable

rainfall occurs within OCSD's service area. This period shall include the time following the cessation of rainfall until OCSD determines that the wet weather event is no longer impacting OCSD's Sewerage System.

102. Working Day shall mean the period of time during which production or operation is taking place or any period during which discharge to the sewer is occurring.

103. Zero Discharge Certification shall mean a control mechanism that is issued by OCSD to ensure that specific facilities are not discharging a Pollutant(s) that may otherwise qualify the facility for a discharge permit.

B. Words used in this Ordinance in the singular may include the plural and the plural the singular. Terms used in the masculine form shall include feminine, and terms used in the feminine form shall include masculine.

#### 103. CONFIDENTIAL INFORMATION

All user information and data on file with OCSD is presumed to be available to the public and governmental agencies without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of OCSD that the release of such information would divulge information, processes or methods which would be detrimental to the User's competitive position. The demonstration of the need for confidentiality made by the Permittee must meet the burden necessary for withholding such information from the general public under applicable state and federal law. Any such claim must be made at the time of submittal of the information by marking the submittal "Confidential Business Information" on each page containing such information.

Information which is demonstrated to be confidential shall not be transmitted to anyone other than a governmental agency without prior notification to the User. Wastewater constituents and characteristics and other effluent data, as defined in 40 CFR 2.302, shall not be recognized as confidential information and shall be available to the public.

#### 104. SALE OR CHANGE OF OWNERSHIP

A. Permits issued under this Ordinance are for a specific User, for a specific operation at a specific location or for a specific Wastehauler, and create no vested rights. Notwithstanding 104.C, the existing permit will be terminated upon sale or change of ownership.

B. No permit may be transferred to allow a discharge to a public sewer from a point other than the location for which the permit was originally issued.

- C. When the permittee is a legal entity (such as a corporation, partnership, limited liability company, or other legal entity), the permittee is deemed to have undergone a change of ownership when any other legal entity or person acquires direct or indirect ownership or control of more than fifty percent (50%) of the total ownership interest in the permittee.
- D. At least thirty (30) calendar days prior to the sale or change of ownership of any business operating under a permit issued by OCSD, the Permittee shall notify OCSD in writing of the proposed sale or change of ownership. The successor owner shall apply to OCSD for a new permit at least thirty (30) calendar days prior to the sale or change of ownership in accordance with the provisions of this Ordinance. A successor owner shall not discharge any Wastewater for which a permit is required by this Ordinance until a new permit is issued by OCSD to the successor owner.
- E. The written notification of intended sale or change of ownership shall be in a form approved by OCSD and shall include a written certification by the new owner or Authorized Representative, which shall include as a minimum:
  - 1. the specific date on which the sale or change of ownership is to occur; and
  - 2. an acknowledgement to comply fully with all the terms, conditions, limits, and provisions of this Ordinance and the new permit.

105. RESERVED

106. AUTHORITY

- A. OCSD is regulated by several agencies of the United States Government and the State of California, pursuant to the provisions of federal and state Law. Federal and state laws grant to OCSD the authority to regulate and/or prohibit, by the adoption of ordinances or resolutions, and by issuance of discharge certifications, or discharge permits, the discharge of any Wastewater, directly or indirectly, to OCSD's Sewerage Facilities. Said authority includes the right to establish limits, conditions, and prohibitions; to establish flow rates or prohibit flows discharged to OCSD's Sewerage Facilities; to require the development of compliance schedules for the installation of equipment systems and materials by all Users; and to take all actions necessary to enforce its authority including implementation of the Enforcement Response Plan, whether within or outside OCSD's boundaries, including those Users that are tributary to OCSD or within areas for which OCSD has contracted to provide sewerage services.
- B. Four jurisdictions contribute to and are under the purview of OCSD's

Pretreatment program: a section of the Irvine Ranch Water District; a section of the Sanitation Districts of Los Angeles County, which has several Dischargers at the county border; the South Orange County Wastewater Authority, and the Santa Ana Watershed Project Authority (SAWPA), whose discharge is delivered via the Santa Ana River Interceptor (SARI) and is comprised of mostly Wastewater brines. Nothing in this Ordinance is intended to preclude the discharge from SAWPA's SARI Service Area of discharges consisting solely of Wastewater brines that are compliant with all regulations and agreements.

- C. OCSD has the authority pursuant to California Health and Safety Code Sections 5471 and 5474 to prescribe, revise, and collect all fees and charges for services and facilities furnished by OCSD either within or without its territorial limits.

#### 107. DELEGATION OF AUTHORITY

Whenever any power is granted to or a duty is imposed upon the General Manager, the power may be exercised or the duty may be performed by any person so authorized by the General Manager.

#### 108. SIGNATORY REQUIREMENTS

Reports and permit applications required by this Ordinance shall contain the following certification statement:

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

The statement shall be signed by a Responsible Officer (or his/her Authorized Representative) of the Industrial User as defined in 40 CFR 403.12(l), or as defined and designated by OCSD.

#### 109. RECORD KEEPING REQUIREMENTS

Any User subject to OCSD's reporting requirements shall maintain and make available for inspection and copying records of all information obtained pursuant to, or resulting from, any monitoring activities required by OCSD, including documentation associated with Best Management Practices, and any additional records or information obtained pursuant to monitoring activities undertaken by the User independent of such

requirements. Such records shall include information as described in 40 CFR 403.12(o)(1) and (2). These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or OCSD, or where the User has been specifically notified of a longer retention period by the General Manager.



## ARTICLE 2. GENERAL PROHIBITIONS, LIMITS AND REQUIREMENTS FOR DISCHARGE

### 201. PROHIBITED DISCHARGES

These prohibitions apply to all Users of OCSD's Sewerage Facilities whether or not they are subject to Federal Categorical Pretreatment Standards or any other national, state, or local Pretreatment Standards or requirements.

#### A. General Prohibitions.

1. No User shall introduce or cause to be introduced into OCSD's Sewerage Facilities any Pollutant, Wastewater, or flow which causes Pass Through or Interference or would cause OCSD to violate any federal, state, or local regulatory requirement.
2. No User shall increase the contribution of flow, Pollutants, or change the nature of Pollutants where such contribution or change does not meet applicable standards and requirements or where such contribution would cause OCSD to violate any federal, state, or local regulatory permit.
3. No Person shall transport Wastewater from one location or facility to another for the purpose of treating or discharging it directly or indirectly to OCSD's Sewerage Facilities without written permission from OCSD.
4. No Person shall deliver by vehicular transport, rail car, or dedicated pipeline, directly or indirectly to OCSD's Sewerage Facilities, Wastewater which contains any substance that is defined as a hazardous waste by the Regulatory Agencies.
5. No Person shall discharge or cause to be discharged any non-domestic water directly or indirectly to any OCSD Sewerage Facilities without prior authorization.

#### B. Specific Prohibitions. No User shall introduce or cause to be introduced into the Sewerage Facilities, any Pollutant, substance, or Wastewater which:

1. Creates a fire or explosive hazard in the Sewerage Facilities including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Centigrade) using any of the test methods specified in 40 CFR 261.21; or produces a gaseous mixture that is 10% or greater of the lower explosive limit (LEL).

2. Causes obstruction to the flow in the Sewerage Facilities resulting in interference or damage to the Sewerage Facilities.
3. Produces noxious or malodorous liquids, gases, solids, or other Wastewater which, either singly or by interaction with other Wastes, is sufficient to create a public nuisance or a hazard to life, or to prevent entry into the Sewerage Facilities for maintenance or repair.
4. Results in toxic gases, vapors, or fumes within the Sewerage Facilities in a quantity that may cause acute worker health and safety problems.
5. Contains any radioactive Wastes or isotopes except in compliance with applicable regulations from other governmental agencies empowered to regulate the use of radioactive materials.
6. Causes, alone or in conjunction with other sources, OCSD's treatment plant effluent to fail a toxicity test.
7. Causes OCSD's effluent or any other product of the treatment process, residues, biosolids, or scums, to be unsuitable for reclamation, reuse or disposal. Examples of items which may cause these conditions include, but are not limited, to food packaging, product containers, and non-dispersible products.
8. Causes discoloration or any other condition which affects the quality of OCSD's influent or effluent in such a manner that inhibits OCSD's ability to meet receiving water quality, biosolids quality, or air quality requirements established by Regulatory Agencies.
9. Creates excessive foaming in the Sewerage Facilities.
10. Violates any applicable Federal Categorical Pretreatment Standards, statute, regulation, or ordinance of any public agency or Regulatory Agency having jurisdiction over the operation of or discharge of Wastewater through the Sewerage Facilities.
11. Has a temperature higher than 140 degrees Fahrenheit, (60 degrees Centigrade), or which causes the temperature at the treatment plant to exceed 104 degrees Fahrenheit (40 degrees Centigrade).
12. Has a pH less than 6.0 or greater than 12.0.
13. Causes corrosion, fouling, occlusion, or damage to the POTW beyond normal wear and tear.

14. Is released in a discharge at a flow rate and/or Pollutant concentration (including oxygen-demanding Pollutant (BOD, etc.)) which will cause interference with OCSD's Sewerage Facilities.
15. Is in excess of the permitted Mass Emission Rates established in accordance with Section 213 of this Ordinance, or the concentration limits set forth in Table 1, or the discharge permit.
16. Contains material which will readily settle or cause an obstruction to flow in the Sewerage Facilities resulting in interference, such as, but not limited to, sand, mud, glass, metal filings, diatomaceous earth, cat litter, asphalt, wood, bones, hair, fleshings, food packaging, product containers, and non-dispersible products.
17. Includes petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or Pass Through.
18. Causes the Orange County Water District Groundwater Replenishment System product water to exceed its TOC limit of 0.5 mg/L.

## 202. PROHIBITION ON DILUTION

No User shall increase the use of water or in any other manner attempt to dilute a discharge as a partial or complete substitute for treatment to achieve compliance with this Ordinance and the User's permit or to establish an artificially high flow rate for permit Mass Emission Rates.

## 203. PROHIBITION ON SURFACE RUNOFF AND GROUNDWATER

No Person shall discharge groundwater, storm water, surface runoff, or subsurface drainage directly or indirectly to OCSD's Sewerage Facilities except as provided herein. Pursuant to Section 304 or 305, et seq., OCSD may approve the discharge of such water only when no alternate method of disposal is reasonably available or to mitigate an environmental risk or health hazard. The discharge of such waters shall require a Dry Weather Urban Runoff Discharge Permit, a Special Purpose Discharge Permit, or written authorization from OCSD. If a permit is granted for the discharge of such water into a Public Sewer, the User shall pay all applicable charges and shall meet such other conditions as required by OCSD.

## 204. PROHIBITION ON NON-DOMESTIC SURFACE AND FLOOR DRAINS

No Person shall discharge non-domestic water via a surface or floor drain directly or indirectly to OCSD's Sewerage Facilities except as provided herein. OCSD may approve

the discharge of such water at its sole discretion. The discharge of such waters shall require written authorization from OCSD and shall meet other such conditions as required by OCSD and this Ordinance.

205. PROHIBITION ON UNPOLLUTED WATER

- A. No Person shall discharge unpolluted water such as single pass cooling water directly or indirectly to OCSD's Sewerage Facilities except as provided herein. Pursuant to Section 305, et seq., OCSD may approve the discharge of such water only when no alternate method of disposal or reuse is reasonably available or to mitigate an environmental risk or health hazard.
- B. The discharge of such waters shall require a Special Purpose Discharge Permit from OCSD.
- C. If a permit is granted for the discharge of such water into a public sewer, the User shall pay all applicable charges and shall meet such other conditions as required by OCSD.

206. PROHIBITION ON SLUG DISCHARGES AND NOTIFICATION REQUIREMENT

OCSD has the right to control slug discharges, if it is determined to be necessary. All Significant Industrial Users are required to notify OCSD immediately of any changes at their facilities that could affect the potential for a slug discharge.

207. PROHIBITION ON THE USE OF GRINDERS

- A. Waste from industrial or commercial grinders shall not be discharged into a Public Sewer, except wastes generated in packing or preparing food or food products. Such grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the Public Sewer.
- B. Waste from Food Service Establishments operating a grinder is prohibited and shall not be discharged into a Public Sewer unless written authorization from the General Manager is obtained.

208. PROHIBITION ON POINT OF DISCHARGE

No Person, except Local Sewering Agencies involved in maintenance functions of sanitary sewer facilities, shall discharge any Wastewater directly into a manhole or other opening in a sewer other than through an approved building sewer, unless approved by OCSD upon written application by the User and payment of the applicable fees and charges established therefor.

209. HAZARDOUS WASTE DISCHARGE NOTIFICATION REQUIREMENT

Any User that discharges any hazardous waste into the Sewerage System shall notify OCSD immediately as required by 40 CFR 403.12(p).

210. PROHIBITION AND REQUIREMENTS FOR WASTEHAULER DISCHARGES TO OCSD'S SEWERAGE SYSTEM AND WASTEHAULER STATION

- A. No Wastehauler shall discharge to OCSD's Sewerage System, domestic septage or other approved waste or wastewater from a vacuum pumping truck or other liquid waste transport vehicle, without first obtaining both a valid Orange County Health Care Agency (OCHCA) registration or other control mechanism (where applicable), and a OCSD Wastehauler Permit as required by Section 306. Such Wastewaters shall be discharged only at locations designated by OCSD, and at such times as established by OCSD. OCSD may collect samples of each hauled load to ensure compliance with applicable standards.
- B. No Wastehauler shall discharge domestic septage or other approved Waste or Wastewater constituents in excess of Limits in Table 1.
- C. The discharge of industrial Wastewater by any Wastehauler is prohibited unless written permission of the General Manager has been obtained, the proper permits have been obtained, and the Industrial Wastewater meets federal and state limits applicable to the User or generator from which the Industrial Wastewater was obtained; or the Maximum Local Discharge Limits as specified in Table 1, whichever are more stringent. The discharge of hauled Industrial Wastewater is subject to all other requirements of this Ordinance.
- D. No Wastehauler shall discharge or deliver Wastewater to a Sewerage System that is tributary to OCSD's Sewerage Facilities that are from a source that is not within OCSD's service area unless prior authorization for such Wastewater is granted by the General Manager.
- E. No Wastehauler shall deliver directly to OCSD's Sewerage Facilities any Wastewater originating within OCSD's boundaries, from an industrial user subject to categorical Pretreatment Standards, and is greater than the categorical Pretreatment Standards, OCSD's Local Limits, or hazardous waste levels defined by RCRA (40 U.S.C. § 6901, et seq.) or 40 CFR 261.
- F. Notwithstanding E above, no Wastehauler shall deliver directly to OCSD's Sewerage Facilities any Wastewater originating within OCSD's boundaries, from a commercial or an industrial user not subject to categorical Pretreatment Standards, and is greater than OCSD Local Limits or hazardous Waste levels defined by RCRA or 40 CFR 261.

- G. No Wastehauler shall add chemicals into Wastehauler trucks while on OCSD premises before discharging to the OCSD Wastehauler Station unless approved by OCSD.
- H. No Wastehauler shall discharge Wastewater to the OCSD Wastehauler Station, which contains mixed load types, i.e., domestic septage, brine, etc.
- I. Wastehaulers shall provide a Waste-Tracking Form for every load. This form shall include, at a minimum, the name and address of the Wastehauler, permit number, truck identification, names and addresses of all sources of Wastewater, and volume and characteristics of Wastewater.
- J. Discharge at the OCSD Wastehauler Station shall be through an appropriate hose and connection to the discharge port. Discharging Wastewater directly to the surface area of the Wastehauler Station is prohibited.
- K. Wastehauler hoses must be connected to the Wastehauler Station discharge port when being cleaned.
- L. Transferring loads between trucks or from portable toilets to trucks on OCSD property is prohibited unless permission from OCSD is obtained.
- M. Wastehaulers discharging Food Service Establishment grease waste into OCSD's Wastehauler Station must have a valid California Department of Food and Agriculture (CDFA) permit, if required by law. Wastehaulers must have all necessary permits, or copies thereof, in their possession at the time of discharge to the OCSD Wastehauler station and must present copies for inspection by OCSD personnel upon request

## 211. PROHIBITION ON MEDICAL WASTE

- A. No solid Wastes consisting of, but not limited to, hypodermic needles, syringes, instruments, utensils or other paper and plastic items from hospitals, clinics, offices of medical doctors, convalescent homes, medical laboratories or other medical facilities shall be discharged to the Sewerage System, unless prior written approval for such discharges has been granted by the General Manager.
- B. OCSD shall have the authority to require that any discharge of etiologic agents or infectious agents or substances to the Sewerage System be rendered inactive and noninfectious prior to discharge if the infectious Waste is deemed to pose a threat to the public health and safety, or can become an etiologic agent subsequent to discharge to the Sewerage

System, or will result in any violation of applicable Wastewater discharge requirements.

- C. No unused, unwanted, or expired pharmaceuticals (both over the counter and prescription-only medications) shall be disposed of in the Sewerage System, except in accordance with federal and state regulations, or in the absence of such regulations, using Best Management Practices.

## 212. PROHIBITION ON DISPOSAL OF SPENT SOLUTIONS AND SLUDGES

Spent solutions, sludges, and materials of quantity or quality in violation of, or prohibited by this Ordinance, or any permit issued under this Ordinance must be disposed of in compliance with all regulatory requirements at a permitted point of disposal as defined by OCSD or Regulatory Agency with jurisdiction thereof.

If the point of disposal is at an OCSD-permitted treatment facility, all Waste-Tracking Forms shall be retained for a minimum of three years by the facility and Wastehauler of said Wastewater and made available for copying for review upon request.

## 213. PROHIBITION ON HYDROLYSATE

No Person shall discharge Hydrolysate, Wastes, or Wastewater resulting from Hydrolysis either directly or indirectly to the Sewerage System.

## 214. BEST MANAGEMENT PRACTICES

OCSD may develop BMPs, by ordinance or individual wastewater discharge permits, to implement Local Limits and the requirements of Article 2.

## 215. MASS EMISSION RATE DETERMINATION

- A. Mass Emission Rates for non-compatible or Compatible Pollutants that are present or anticipated in the User's Wastewater discharge may be set for each User and made an applicable part of each User's permit. These rates shall be based on Table 1, Maximum Allowable Local Discharge Limits, or Federal Categorical Pretreatment Standards, and the User's average daily Wastewater discharge for the past three years, the most recent representative data, or other data acceptable to the General Manager.
- B. To verify the User's operating data, OCSD may require the User to submit an inventory of all Wastewater streams and/or records indicating production rates.
- C. OCSD may revise limits or Mass Emission Rates previously established in the discharger's permit at any time, based on: current or anticipated operating data of the discharger or OCSD; OCSD's ability to meet NPDES

limits; or changes in the requirements of Regulatory Agencies.

- D. The excess use of water to establish an artificially high flow rate for Mass Emission Rate determination is prohibited.



216. MAXIMUM ALLOWABLE LOCAL DISCHARGE LIMITS

OCSD's Maximum Allowable Local Discharge Limits are shown in Table 1 below.

TABLE 1

<b>MAXIMUM ALLOWABLE LOCAL NON-DOMESTIC DISCHARGE LIMITS<sup>(1)</sup></b>	
<u>CONSTITUENT</u>	<u>MILLIGRAMS/LITER</u>
1,4-dioxane <sup>(2)</sup>	1.0
Ammonia	Mass <sup>(3)</sup>
Arsenic	2.0
Biochemical Oxygen Demand (BOD)	Mass <sup>(3)</sup>
Cadmium	1.0
Chromium (Total)	20.0
Copper	3.0
Cyanide (Total)	5.0
Lead	2.0
Mercury	0.03
Molybdenum	2.3
Nickel	10.0
Pesticides	0.01
Oil and Grease of Mineral or Petroleum Origin <sup>(4)</sup>	100.0
Polychlorinated Biphenyls (PCB)	0.01
Selenium	3.9
Silver	15.0
Sulfide (Dissolved)	0.5
Sulfide (Total)	5.0
Zinc	10.0
 <b>MAXIMUM ALLOWABLE DISCHARGE LIMITS FOR WASTEHAULERS DISCHARGING DOMESTIC SEPTAGE TO THE OCSD WASTEHAULER STATION</b>	
<u>CONSTITUENT</u>	<u>MILLIGRAMS/LITER</u>
Cadmium	1.0
Chromium	35.0
Copper	25.0
Lead	10.0
Nickel	10.0
Zinc	50.0

<sup>(1)</sup> Users subject to Federal Categorical Pretreatment Standards may be required to meet more stringent limits.

<sup>(2)</sup> 1,4-dioxane is also known as "p-dioxane."

<sup>(3)</sup> BOD and ammonia mass discharged will be tracked by OCSD and Users. It is the Permittee's responsibility to report the intended technically-based mass use to OCSD.

<sup>(4)</sup> "Oil and Grease of Mineral or Petroleum Origin" is also known as "Petroleum Oil and Grease as Silica Gel Treated n-Hexane Extractable Material" or "SGT-HEM Non-Polar Material."

## ARTICLE 3. DISCHARGE PERMITS, CERTIFICATIONS, CHARGES, AND FEES

### 301. INTRODUCTION

- A. To provide the maximum public benefit from the use of OCSD's Sewerage Facilities, written authorization to use said facilities is required. This written authorization shall be in the form of a discharge permit or certification. No vested right shall be given by issuance of permits or certifications provided for in this Ordinance. OCSD reserves the right to establish, by Ordinance regulation, or in Wastewater Discharge Permits or certifications, more stringent standards or requirements on discharges to OCSD Sewerage Facilities if deemed by the General Manager appropriate to comply with this Ordinance and the requirements of Regulatory Agencies.
- B. The discharge permit shall be in one of five forms and is dependent upon the type of discharger, volume, and characteristics of discharge. The five discharge permits are:
  - 1. Class I Wastewater Discharge Permit.
  - 2. Class II Wastewater Discharge Permit.
  - 3. Dry Weather Urban Runoff Discharge Permit.
  - 4. Special Purpose Discharge Permit.
  - 5. Wastehauler Discharge Permit.
- C. The Discharge Certification is issued to those Users that are discharging regulated Wastewater but are not otherwise required to obtain a discharge permit.
- D. The Zero Discharge Certification is issued to certify that a particular Pollutant or process is not used or discharged to OCSD, even though regulated process Wastewater may still be generated on-site and eventually hauled or otherwise eliminated. Such a facility does not require a discharge permit, but may require a Zero Discharge Certification.

### 302. CLASS I WASTEWATER DISCHARGE PERMITS

- A. No User requiring a Class I permit shall discharge Wastewater without obtaining a Class I Wastewater Discharge Permit.
- B. Class I Wastewater Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other regulations, charges for use, and fees established by OCSD. The conditions of Wastewater Discharge

Permits shall be enforced by OCSD in accordance with this Ordinance and applicable state and federal regulations.

- C. All Class I Users proposing to discharge directly or indirectly into the OCSD Sewerage Facilities shall obtain a Wastewater Discharge Permit by filing an application pursuant to Section 302.1 and paying the applicable fees pursuant to Section 302.3. For purposes of this Ordinance, a Class I User is any User:
1. Subject to Federal Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; or
  2. That discharges an average of 25,000 gallons per day or more of process Wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown Wastewater); or
  3. Contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the OCSD POTW; or
  4. That is designated as such by OCSD on the basis that the Industrial User has a reasonable potential for adversely affecting the OCSD POTW's operation or for violating any Pretreatment Standard, Local Limit or requirement (in accordance with 40 CFR 403.8(f)(6)); or
  5. That may cause Pass Through affecting OCSD's ability to comply with its NPDES Permit or other regulations and standards; or
  6. That may cause Interference with OCSD's Sewerage Facilities.

### 302.1 Class I Wastewater Discharge Permit Application

- A. Any User required to obtain a Class I Wastewater Discharge Permit shall complete and file with OCSD, prior to commencing discharge, an application on the form prescribed by OCSD. The applicant shall submit, in units and terms appropriate for evaluation, the following information:
1. Name, address, assessor's parcel number(s), NAICS number(s), description of the manufacturing process or service activity.
  2. (Whichever is applicable) name, address of any and all principals/owners/major shareholders of company; Articles of Incorporation; most recent Report of the Secretary of State; Business License.
  3. Volume of Wastewater to be discharged.

4. Name of individual who can be served with notices other than officers of corporation.
  5. Name and address of property owner, landlord and/or manager of the property.
  6. Water supplier and water account numbers.
  7. Wastewater constituents and characteristics as required by OCSD, including, but not limited to, those mentioned in Section 215, Mass Emission Rate Determination, and Table 1, Local Discharge Limits, of this Ordinance. These constituents and characteristics shall be determined by a laboratory selected by the discharger and acceptable to OCSD.
  8. Time and duration of discharge.
  9. Number of employees per shift and hours of work per employee per day for each shift.
  10. Waste minimization, best management practices, and water conservation practices.
  11. Production records, if applicable.
  12. Waste-Tracking Forms, if applicable.
  13. Landscaped area in square feet, if applicable.
  14. Tons of cooling tower capacity, if applicable.
  15. EPA Hazardous Waste Generator Number, if applicable.
  16. Any other information as specified.
- B. Applicants may be required to submit site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, spill containment, clarifiers, Pretreatment equipment, and appurtenances by size, location, and elevation for evaluation.
- C. Applicants may also be required to submit information related to the applicant's business operations, processes, and potential discharge as may be requested by OCSD to properly evaluate the permit application.
- D. After evaluation of the data, OCSD may issue a Wastewater Discharge Permit, subject to terms and conditions set forth in this Ordinance and as

otherwise determined by the General Manager to be appropriate to protect OCSD's Sewerage Facilities.

- E. The permit application may be denied if the applicant fails to establish to OCSD's satisfaction that adequate Pretreatment equipment is included within the applicant's plans to ensure that the discharge limits will be met or if the applicant has, in the past, demonstrated an inability to comply with applicable discharge limits.
- F. The permit application may be denied if the applicant has in the past demonstrated an inability to keep current with OCSD invoices for items such as Permit Fees, Non-Compliance Resampling Fees, Civil Penalties, Administrative Civil Penalties, Charges for Use, and Supplemental Capital Facilities Capacity Charges.

### 302.2 Class I Permit Conditions, and Limits

- A. A Class I permit shall contain all of the following conditions or limits:
  - 1. Mass Emission Rates and concentration limits regulating non-compatible Pollutants, including BMPs based on applicable Pretreatment Standards.
  - 2. Requirements to notify OCSD in writing prior to modification to processes or operations through which Industrial Wastewater may be produced.
  - 3. Location of the User's on-site sampling point.
  - 4. Requirements for submission of self-monitoring reports, technical reports, production data, discharge reports, compliance with Pretreatment Standards, BMP-based Pretreatment Standards and/or Local Limits, and/or Waste-Tracking Forms.
  - 5. Requirements for maintaining, for a minimum of three (3) years, plant records relating to Wastewater discharge, and Waste-Tracking Forms as specified by OCSD.
  - 6. Requirements to submit copies of tax and water bills.
- B. A Class I permit may contain any of the following conditions and/or limits:
  - 1. Requirements for the User to construct and maintain, at his own expense, appropriate Pretreatment equipment, pH control, Flow Monitoring Facilities, and sampling facilities.

2. Limits on rate and time of discharge or requirements for flow regulation and equalization.
3. Requirements to self-monitor.
4. Assumed values for BOD and suspended solids characteristics that typify the Discharger's effluent for determination of the charge for use.
5. Other terms and conditions which may be appropriate to ensure compliance with this Ordinance or determined by the General Manager to be appropriate to protect OCSD's Sewerage System.

### 302.3 Class I Permit Fee

- A. The Class I permit fee shall be in an amount adopted by Ordinance of the Board of Directors. The permit fee shall be payable at the time a permit application is submitted for the issuance of a new permit or a renewed permit. Payment of permit fees must be received by OCSD prior to issuance of either a new permit or a renewed permit. Permittee shall also pay any delinquent invoices in full prior to permit renewal.
- B. Any permit issued for a location wherein the Permittee is not the property owner may be conditioned upon depositing financial security to guarantee payment of all annual fees and charges to be incurred, in accordance with the provisions of Section 623.(E) of this Ordinance.

### 302.4 Class I Permit Modification of Terms and Conditions

- A. The terms and conditions of an issued permit may be subject to modification and change in the sole determination by the General Manager during the life of the permit based on:
  1. The Discharger's current or anticipated operating data;
  2. OCSD's current or anticipated operating data;
  3. Changes in the requirements of Regulatory Agencies which affect OCSD; or
  4. A determination by the General Manager that such modification is appropriate to further the objectives of this Ordinance.
- B. New source indirect Dischargers shall be required to install and start up any

necessary pollution control equipment before beginning discharge, and comply with applicable Federal Categorical Pretreatment Standards not to exceed thirty (30) days after the commencement of discharge.

- C. Permittee may request a modification to the terms and conditions of an issued permit. The request shall be in writing stating the requested change, and the reasons for the change. OCSD shall review the request, make a determination on the request, and respond in writing.
- D. Permittee shall be informed of any change in the permit limitations, conditions, or requirements at least forty-five (45) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

### 302.5 Class I Permit Duration and Renewal

Class I permits shall normally be issued for a period not to exceed four (4) years. At least forty-five (45) days prior to the expiration of the permit, the User shall apply for renewal of the permit in accordance with the provisions of this Article 3.

### 302.6 Class I Permit Charge for Use

- A. The purpose of a charge for use is to ensure that each recipient of sewerage service from OCSD pays its reasonably proportionate share of all the costs of providing that sewerage service. Charges for use to recover the cost of conveying, treating, and disposing of Sewage in OCSD's Sewerage Facilities are exclusive of any fees levied by local sewerage agencies. The charge for use shall be based on the total maintenance, operation, capital expenditures, and reserve requirements for providing Wastewater collection, treatment, and disposal.
- B. A Discharger who is issued a Class I Wastewater Discharge Permit under the provisions of this Ordinance shall pay a charge for use in accordance with the formula contained herein and the unit charge rates adopted by Ordinance of the Board of Directors. These fees shall be invoiced on a quarterly basis. The quarterly invoice shall be based upon an estimate of the annual use as determined by OCSD. OCSD shall compute the charge for use based upon actual use for the preceding fiscal year on an annual reconciliation statement.
- C. The charge for use is payable within forty-five (45) days of invoicing by OCSD. A special assessment credit will be allowed for any regional sanitary sewer service charge adopted by the Board of Directors by separate Ordinance and levied against the permitted property.
- D. In order for OCSD to determine actual annual water use, the User shall

provide to OCSD copies of its water bills. If these water bill copies are not received by August 15th of each year for the 12-month period ended closest to June 30, OCSD will endeavor to obtain the water use data. Data obtained by OCSD will be considered correct and will not be adjusted before the next annual reconciliation statement. There shall be a fee levied for OCSD administrative costs when OCSD obtains water use data. OCSD's Board of Directors shall adopt the amount of the fee.

- E. The charge for use shall be computed by the following formula:

$$\text{Charge for Use} = \text{VoV} + \text{BoB} + \text{SoS} - \text{Special Assessment Credit}$$

Where V = total annual volume of flow, in millions of gallons

B = total annual discharge of biochemical oxygen demand, in thousands of pounds

S = total annual discharge of suspended solids, in thousands of pounds

Vo, Bo, So = Unit Charge rates established and adopted by Ordinance of OCSD's Board of Directors, based upon the funding requirements of providing sewerage service, in dollars per unit as described in Paragraph F below:

- F. The Unit Charge rates in the charge-for-use formula shall be determined by the following method:

1. An Operations and Maintenance component of the Unit Charge for the total annual operation and maintenance funding requirements of the Sewerage System shall be levied at a rate to be determined from time to time by the Board of Directors. This Charge shall be allocated among the three Wastewater charge parameters of flow, biochemical oxygen demand and suspended solids in accordance with the General Manager's determination as to the costs associated with each parameter and pursuant to applicable requirements of state and federal Regulatory Agencies.

The operation and maintenance costs as distributed to flow, biochemical oxygen demand and suspended solids shall be divided by the projected annual total flow volume and weights of biochemical oxygen demand and suspended solids to be treated by the Sewerage System in the budgeted year.

2. A Capital Facilities Replacement Service component of the Unit Charge for capital replacement and capital improvement shall be levied at a rate to be determined from time to time by the Board of



Directors. This charge shall be allocated among Wastewater charge parameters of flow, biochemical oxygen demand, and suspended solids in accordance with the General Manager's determination of which portion of the charge predominantly relates to each parameter.

The capital facilities charge distributed to biochemical oxygen demand, and suspended solids shall be divided by the projected annual weights of biochemical oxygen demand and suspended solids to be treated by the Sewerage System in the budgeted year.

3. The Unit Charge rates for each respective Wastewater component in (1) and (2) above shall be summed. The Unit Charge rates so determined will be expressed in dollars per million gallons for Vo, and in dollars per thousand pounds for Bo and So.
- G. Other measurements of the organic content of the Wastewater of a Discharger, such as COD or TOC, may be used instead of BOD. However, the Discharger must establish to the General Manager's satisfaction a relationship between the BOD of the Wastewater and the parameter of measure. This relationship shall be used by OCSD in determining the charge for use.

When Wastewater from sanitary facilities is discharged separately from the other Wastewater of a Discharger, the charge for use for discharging the Wastewater may be determined by using the following:

1. 25 gallons per employee per eight-hour working day.
2. BOD and suspended solids to be calculated at domestic Wastewater strength per employee per year.

The number of employees will be considered as the average number of people employed full time on a daily basis. This may be determined by averaging the number of people employed at the beginning and end of each quarter, or other period that reflects normal employment fluctuations.

### 303. CLASS II WASTEWATER DISCHARGE PERMITS

- A. No User requiring a Class II permit shall discharge Wastewater without obtaining a Wastewater Discharge Permit.
- B. Class II Wastewater Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other regulations, charges for use and fees established by OCSD. The conditions of Wastewater Discharge Permits shall be enforced by OCSD in accordance with this Ordinance and applicable state and federal regulations.

- C. All Class II Users proposing to discharge directly or indirectly into the OCSD's Sewerage Facilities shall obtain a Wastewater Discharge Permit by filing an application pursuant to Section 303.1 and paying the applicable fees pursuant to Section 303.3. For purposes of this Ordinance, a Class II User is any User:
1. Whose charge for use is greater than the special assessment "OCSD Sewer User Fee" included on the County of Orange secured property tax bill exclusive of debt service; and
  2. Discharging Wastewater other than sanitary; and
  3. Not otherwise required to obtain a Class I permit.

### 303.1 Class II Wastewater Discharge Permit Application

- A. Any User required to obtain a Class II Wastewater Discharge Permit shall complete and file with OCSD, prior to commencing discharge, an application on the form prescribed by OCSD. The applicant shall submit, in units and terms appropriate for evaluation, the following information:
1. Name, address, assessor's parcel number(s) and NAICS number(s); description of the manufacturing process or service activity.
  2. Name and address of any and all principals/owners/major shareholders of company; Articles of Incorporation; most recent Report of the Secretary of State; Business License.
  3. Volume of Wastewater to be discharged.
  4. Name of individual who can be served with notices other than officers of corporation.
  5. Name and address of property owner, landlord and/or manager of the property.
  6. Water supplier and water account numbers.
  7. Wastewater constituents and characteristics as required by OCSD, including, but not limited to, those mentioned in Section 215, Mass Emission Rate Determination, and Table 1, Local Discharge Limits of this Ordinance. These constituents and characteristics shall be determined by a laboratory selected by the Discharger and acceptable to OCSD.

8. Time and duration of discharge.
  9. Number of employees and average hours of work per employee per day.
  10. Production records, if applicable.
  11. Waste-Tracking Forms, if applicable.
  12. Landscaped area in square feet, if applicable.
  13. Tons of cooling tower capacity, if applicable.
  14. EPA Hazardous Waste Generator Number, if applicable.
  15. Any other information as specified.
- B. Applicants may be required to submit site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, spill containment, clarifiers, Pretreatment systems, and appurtenances by size, location, and elevation for evaluation.
- C. Applicants may also be required to submit other information related to the applicant's business operations, processes, and potential discharge as may be requested to properly evaluate the permit application.
- D. After evaluation of the data furnished, OCSD may issue a Wastewater Discharge Permit, subject to terms and conditions set forth in this Ordinance and as otherwise determined by the General Manager to be appropriate to protect the OCSD system.
- E. The permit application may be denied if the applicant fails to establish to OCSD's satisfaction that adequate Pretreatment equipment is included within the applicant's plans to ensure that the discharge limits will be met or if the applicant has, in the past, demonstrated an inability to comply with applicable discharge limits.

### 303.2 Class II Permit Conditions and Limits

- A. A Class II permit shall contain all of the following conditions and/or limits:
1. Applicable Mass Emission Rates and concentration limits regulating non-compatible Pollutants.
  2. Requirements to notify OCSD in writing prior to modification to processes or operations through which Industrial Wastewater may

be produced.

3. Location of the User's on-site sample point.
  4. Requirements for submission of technical reports, production data, discharge reports, and/or Waste-Tracking Forms.
  5. Requirements to submit copies of tax and water bills.
- B. A Class II permit may contain any of the following conditions and/or limits:
1. Requirements for the User to construct and maintain, at his own expense, appropriate Pretreatment equipment, pH control, flow monitoring and/or sampling facilities.
  2. Limits on rate and time of discharge or requirements for flow regulation and equalization.
  3. Assumed values for BOD and suspended solids characteristics that typify the Discharger's effluent for determination of the charge for use.
  4. Requirements to self-monitor.
  5. Requirements for maintaining, for a minimum of three years, plant records relating to Wastewater discharge, and Waste-Tracking Forms as specified by OCSD.
  6. Other provisions which may be appropriate to ensure compliance with this Ordinance.
  7. Other terms and conditions determined by the General Manager to be appropriate to protect OCSD's Sewerage System.

### 303.3 Class II Permit Fee

- A. The Class II permit fee shall be in an amount adopted by Ordinance of the Board of Directors. The permit fee shall be payable at the time a permit application is submitted for the issuance of a new permit or a renewed permit. Payment of the permit fee must be received by OCSD prior to issuance of either a new permit or a renewed permit. Permittee shall also pay any delinquent invoices in full prior to permit renewal.
- B. Any permit issued for a location wherein the Permittee is not the property owner may be conditioned upon depositing financial security to guarantee payment of all annual fees and charges to be incurred, in accordance with the provisions of Section 623.(E) of this Ordinance.

### 303.4 Class II Permit Modification of Terms and Conditions

- A. The terms and conditions of an issued permit may be subject to modification and change in the sole determination by the General Manager during the life of the permit based on:
  - 1. The Discharger's current or anticipated operating data;
  - 2. OCSD's current or anticipated operating data;
  - 3. Changes in the requirements of Regulatory Agencies which affect OCSD; or
  - 4. A determination by the General Manager that such modification is appropriate to further the objectives of this Ordinance.
- B. The Permittee may request a modification to the terms and conditions of an issued permit. The request shall be in writing stating the requested change, and the reasons for the change. OCSD shall review the request, make a determination on the request, and respond in writing.
- C. Permittee shall be informed of any change in the permit limitations, conditions, or requirements at least forty-five (45) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

### 303.5 Class II Permit Duration and Renewal

Class II permits shall normally be issued for a period not to exceed five (5) years. At least forty-five (45) days prior to the expiration of the permit, the User shall apply for renewal of the permit in accordance with the provisions of this Article 3.

### 303.6 Class II Permit Charge for Use

- A. The purpose of a charge for use is to ensure that each recipient of sewerage service from OCSD pays its reasonably proportionate share of all the costs of providing that sewerage service. Charges for use to recover the cost of conveying, treating, and disposing of Sewage in OCSD's Sewerage Facilities are exclusive of any fees levied by local sewerage agencies. The charge for use shall be based on the total maintenance, operation, capital expenditures, and reserve requirements for providing Wastewater collection, treatment, and disposal.
- B. A Discharger who is issued a Class II Wastewater Discharge Permit under the provisions of this Ordinance shall pay a charge for use in accordance

with the formula contained herein and the Unit Charge rates adopted annually by Ordinance of the Board of Directors. These fees shall be invoiced on a quarterly basis. The quarterly invoice shall be based upon an estimate of the annual use as determined by OCSD.

Annually, OCSD shall compute the charge for use based upon actual use for the preceding fiscal year on an annual reconciliation statement. The charge for use is payable within forty-five (45) days of invoicing by OCSD. A special assessment credit will be allowed for any regional sanitary sewer service charge adopted by the Board of Directors by separate Ordinance and levied against the permitted property.

- C. In order for OCSD to determine actual annual water use, the User shall provide to OCSD copies of its water bills. If these water bill copies are not received by August 15th of each year for the 12-month period ended closest to June 30, OCSD will endeavor to obtain the water use data. Data obtained by OCSD will be considered correct and will not be adjusted before the next annual reconciliation statement.

There shall be a fee levied for OCSD administrative costs when water use data is obtained by OCSD. The amount of the fee shall be adopted by the OCSD Board of Directors.

- D. The charge for use shall be computed by the following formula:

$$\text{Charge for Use} = \text{VoV} + \text{BoB} + \text{SoS} - \text{Special Assessment Credit}$$

Where V = total annual volume of flow, in millions of gallons

B = total annual discharge of biochemical oxygen demand, in thousands of pounds

S = total annual discharge of suspended solids, in thousands of pounds

Vo, Bo, So = Unit Charge rates adopted annually by Ordinance of OCSD's Board of Directors, based upon the funding requirements of providing sewerage service, in dollars per unit as described in Paragraph E below.

- E. The unit charge rates in the charge for use formula shall be established annually and shall be determined by the following method:
  - 1. An Operations and Maintenance component of the Unit Charge for the total annual operation and maintenance funding requirements of the Sewerage System shall be levied at a rate to be determined from time to time by the Board of Directors. This charge shall be allocated among the three Wastewater charge parameters of flow, biochemical

oxygen demand and suspended solids in accordance with the General Manager's determination as to the costs associated with each parameter and pursuant to applicable requirements of state and federal Regulatory Agencies.

The operation and maintenance costs as distributed to flow, biochemical oxygen demand and suspended solids shall be divided by the projected annual total flow volume and weights of biochemical oxygen demand and suspended solids to be treated by the Sewerage System in the budgeted year.

2. A Capital Facilities Replacement component of the Unit Charge for capital replacement and capital improvement shall be levied at a rate to be determined from time to time by the Board of Directors. This charge shall be allocated among the three Wastewater charge parameters of flow, biochemical oxygen demand and suspended solids in accordance with the General Manager's determination of which portion of the charge predominantly relates to each parameter.

The capital facilities charge distributed to biochemical oxygen demand and suspended solids shall be divided by the projected annual weights of biochemical oxygen demand and suspended solids to be treated by the Sewerage System in the budgeted year.

3. The unit charge rates for each respective Wastewater component in (1) and (2) above shall be summed. The Unit Charge rates so determined will be expressed in dollars per million gallons for  $V_o$ , and in dollars per thousand pounds for  $B_o$  and  $S_o$ .

- F. Other measurements of the organic content of the Wastewater of a Discharger, such as COD or TOC, may be used instead of BOD. However, the Discharger must establish to the General Manager's satisfaction a relationship between the BOD of the Wastewater and the other parameter of measure. This relationship shall be used by OCSD in determining the charge for use. When Wastewater from sanitary facilities is discharged separately from the other Wastewater of a Discharger, the charge for use for discharging the sanitary Wastewater may be determined by using the following:

1. 25 gallons per employee per eight-hour working day.
2. BOD and suspended solids to be calculated at domestic Wastewater strength per employee per year.

The number of employees will be considered as the average number of people employed full time on a daily basis. This may be

determined by averaging the number of people employed at the beginning and end of each quarter, or other period that reflects normal employment fluctuations.

304. DRY WEATHER URBAN RUNOFF DISCHARGE PERMITS

- A. No User shall discharge urban runoff directly to OCSD's Sewerage System without obtaining a Dry Weather Urban Runoff Discharge Permit.
- B. OCSD shall determine whether the dry weather urban runoff proposed to be discharged into OCSD's Sewerage System may cause a potential environmental risk and/or health hazard that cannot be economically or practically controlled by alternative disposal methods.
- C. Dry Weather Urban Runoff Discharge Permits shall be subject to all provisions of this Ordinance and all other regulations, charges for use, and fees established by OCSD.
- D. All Users required to obtain a Dry Weather Urban Runoff Discharge Permit proposing to discharge directly or indirectly into OCSD's Sewerage Facilities shall file an application pursuant to Section 304.1 and pay the applicable fees pursuant to Sections 304.3 and 304.6.

304.1 Dry Weather Urban Runoff Discharge Permit Application

- A. An applicant shall contact OCSD prior to any construction of facilities and discharge of dry weather urban runoff into the Sewerage System to determine if the discharge of dry weather urban runoff to the OCSD's Sewerage Facilities is feasible.
- B. Applicants shall complete and file with OCSD, prior to commencing discharge, an application in the form prescribed by OCSD. This application shall be accompanied by applicable fees, design plans, a detailed analysis of other disposal alternatives, or other data as needed by OCSD for review. The applicant shall provide justification that disposal alternatives for the dry weather urban runoff are not economically or practically feasible in lieu of sewer discharge.
- C. In addition to the discharge permit, OCSD may require that the permit applicant enter into an agreement setting forth the terms under which the dry weather urban runoff discharge is authorized.
- D. Applicants shall provide adequate Pretreatment and/or Best Management Practices included within the applicants' plans to ensure that the applicable discharge limits shall be met.



### 304.2 Dry Weather Urban Runoff Discharge Permit Condition and Limits

The issuance of a Dry Weather Urban Runoff Discharge Permit may contain any the following conditions or limits:

- A. Mass Emission Rates and concentration limits regulating non-compatible Pollutants.
- B. Requirements for the User to construct and maintain, at the User's expense, appropriate Pretreatment equipment, Flow Monitoring Facilities, and devices to prevent storm water discharge into OCSD's Sewerage System during a wet weather event (rain event).
- C. Requirements for the User to provide OCSD with its operations and maintenance plan, best management practices, and pollution prevention strategies designed to minimize or eliminate dry weather urban runoff Pollutants.
- D. Limits on rate and time of discharge or requirements for flow regulation and equalization prior to discharge to the Sewerage System.
- E. Requirements to self-monitor the discharge to the Sewerage System.
- F. The General Manager may impose additional requirements as may be appropriate to reduce the burden on OCSD's Sewerage Facilities.
- G. Prohibitions on the discharge, which may cause OCSD's effluent, biosolids, or any other product of its treatment process, to be unsuitable for reclamation, reuse, or disposal.

### 304.3 Dry Weather Urban Runoff Discharge Permit Fee

The Dry Weather Urban Runoff Discharge Permit fee shall be paid by the applicant in an amount established in the applicable Ordinance adopted by OCSD's Board of Directors. Payment of permit fees must be received by OCSD prior to issuance of either a new permit or a renewed permit. Each Permittee shall also pay delinquent invoices in full prior to permit renewal.

### 304.4 Dry Weather Urban Runoff Discharge Permit Modification of Terms and Conditions

- A. The terms and conditions of an issued permit may be subject to modification and change in the sole determination by OCSD during the life of the permit based on:
  - 1. The discharger's current or anticipated operating data;

2. OCSD's current or anticipated operating data;
  3. Changes in the requirements of Regulatory Agencies, which affect OCSD; or
  4. A determination by the General Manager that such modification is appropriate to further the objectives of this Ordinance.
- B. A Permittee may request a modification to the terms and conditions of an issued permit. The request shall be in writing stating the requested changes and the reasons for the change. OCSD shall review the request, make a determination on the request, and respond accordingly.
- C. A Permittee shall be informed of any changes in the permit at least forty-five (45) days prior to the effective date change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

#### 304.5 Dry Weather Urban Runoff Discharge Permit Duration and Renewal

Dry Weather Urban Runoff Discharge Permit shall normally be issued for a period not to exceed five (5) years. At least forty-five (45) days prior to the expiration of the permit, the User shall apply for renewal of the permit in accordance with the provisions of this Article 3.

#### 304.6 Dry Weather Urban Runoff Discharge Permit Charge for Use

A Discharger who is issued a Dry Weather Urban Runoff Discharge Permit under the provision of this Ordinance shall pay a charge for use in accordance with rates established by Ordinance adopted by OCSD's Board of Directors.

#### 305. SPECIAL PURPOSE DISCHARGE PERMITS

- A. No User requiring a Special Purpose Discharge Permit shall discharge Wastewater without obtaining a Special Purpose Discharge Permit. Alternatively, at the discretion of the OCSD Division Head or Department Head, OCSD may issue a Letter to Discharge in lieu of a Special Purpose Discharge Permit.
- B. Special Purpose Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other regulations, charges for use, and fees established by OCSD. The conditions of Special Purpose Discharge Permits shall be enforced by OCSD in accordance with this Ordinance and applicable state and federal regulations.
- C. All Special Purpose Discharge Permit Users proposing to discharge directly

or indirectly into OCSD's Sewerage Facilities shall obtain a Special Purpose Discharge Permit by filing an application pursuant to Section 305.1 and paying the applicable fees pursuant to Sections 305.3 and 305.6. This discharge permit may be granted when no alternative method of disposal is reasonably available, or to mitigate an environmental risk or health hazard.

### 305.1 Special Purpose Discharge Permit Application

- A. Applicants seeking a Special Purpose Discharge Permit shall complete and file with OCSD, prior to commencing discharge, an application in the form prescribed by OCSD. This application shall be accompanied by the applicable fees, plumbing plans, a detailed analysis of the alternatives for water disposal, or other data as needed by OCSD for review.
- B. The permit application may be denied when the applicant has failed to establish to OCSD's satisfaction that adequate Pretreatment equipment is included within the applicants' plans to ensure that the discharge limits will be met or that the applicant has, in the past, demonstrated an inability to comply with applicable discharge limits.

### 305.2 Special Purpose Discharge Permit Conditions and Limits

- A. Discharge conditions and limits shall be no less stringent than Section 201(A), General Prohibitions; 201(B), Specific Prohibitions; Section 213, Mass Emission Rate Determination; and Table 1, Local Discharge Limits.
- B. Monitoring requirements for the discharge shall be for those non-compatible Pollutants known to exist in the discharge. At least one set of baseline analysis prior to or upon sewer discharge may be required for all constituents contained in the most current Environmental Protection Agency (EPA) "Priority Pollutant" list, excluding asbestos, as listed in Appendix A of 40 CFR Part 423, or as subsequently amended.
- C. OCSD may specify and make part of each Special Purpose Discharge Permit specific Pretreatment Requirements or other terms and conditions determined by the General Manager to be appropriate to protect OCSD's Sewerage Facilities, the Local Sewering Agency, to comply with Regulatory Agencies' requirements, to ensure compliance with this Ordinance, and to assess a charge for use.

### 305.3 Special Purpose Discharge Permit Fee

The special purpose discharge permit fee shall be paid by the applicant in an amount adopted by Ordinance of the Board of Directors. Payment of permit fees must be received by OCSD prior to issuance of either a new permit or a renewed permit. Each Permittee shall also pay delinquent invoices in full prior to permit renewal.

### 305.4 Special Purpose Discharge Permit Modification of Terms and Conditions

- A. The terms and conditions of an issued permit may be subject to modification and change in the sole determination by OCSD during the life of the permit based on:
  - 1. The Discharger's current or anticipated operating data;
  - 2. OCSD's current or anticipated operating data;
  - 3. Changes in the requirements of Regulatory Agencies which affect OCSD; or
  - 4. A determination by the General Manager that such modification is appropriate to further the objectives of this Ordinance.
- B. A Permittee may request a modification to the terms and conditions of an issued permit. The request shall be in writing stating the requested change, and the reasons for the change. OCSD shall review the request, make a determination on the request, and respond in writing.
- C. A Permittee shall be informed of any changes in the permit at least forty-five (45) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

### 305.5 Special Purpose Discharge Permit Duration and Renewal

Special purpose discharge permits shall normally be issued for a period not to exceed five (5) years, but may be renewed as determined by the General Manager. Users seeking permit renewal shall comply with all provisions of this Article 3.

### 305.6 Special Purpose Discharge Permit Charge for Use

The General Manager shall establish a charge for use to cover all costs of OCSD for providing sewerage service and monitoring. A deposit determined by the General Manager to be sufficient to pay the estimated charges for use shall accompany the Special Purpose Discharge Permit application, and said deposit shall be applied to the charges for use.

306. WASTEHAULER DISCHARGE PERMIT

- A. Wastehauler Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other regulations, charges for use, and fees established by OCSD. The conditions of Wastehauler Discharge Permits shall be enforced by OCSD in accordance with this Ordinance and applicable state and federal regulations.
- B. A Wastehauler proposing to discharge Waste and/or Wastewater into the OCSD Wastehauler Station shall obtain and keep current both a valid Orange County Health Care Agency registration (where applicable), and a OCSD Wastehauler Discharge Permit.

306.1 Wastehauler Discharge Permit Application

- A. No User or Wastehauler shall discharge waste and/or Wastewater without both a valid Orange County Health Care Agency registration (where applicable) and an OCSD Wastehauler Discharge Permit.
- B. Any User or Wastehauler required to obtain a Wastehauler Discharge Permit shall complete and file with OCSD prior to commencing discharge, an application in a form prescribed by OCSD. This application shall be accompanied by the applicable fees. The applicant shall submit, in units and terms appropriate for evaluation, the following information:
  - 1. Name, address, telephone number, and description of the industries or clients using the applicant's services.
  - 2. (Whichever is applicable) Name and address of any and all principals/owners/major shareholders of the company, Articles of Incorporation, most recent Report of the Secretary of State, and Business License.
  - 3. Name and address of leaseholder of the vehicle or trailer, if applicable.
  - 4. Number of trucks and trailers and the license numbers and tank hauling capacity of each truck or trailer.
  - 5. A copy of the applicant's valid Orange County Health Care Agency registration, where applicable.
- C. Wastehaulers discharging Food Service Establishment grease waste into OCSD's Wastehauler Station must have a valid California Department of Food and Agriculture (CDFA) permit, if required by law.

- D. Other information related to the applicant's business operations and potential discharge may be requested to properly evaluate the permit application.
- E. After evaluation of the data furnished, OCSD may issue a Wastehauler Discharge Permit, subject to terms and conditions set forth in this Ordinance and as otherwise determined by the General Manager to be appropriate to protect OCSD's Sewerage System.

### 306.2 Wastehauler Discharge Permit Conditions and Limits

The issuance of a Wastehauler permit may contain any of the following conditions or limits:

- A. Limits on discharge of heavy metals and other priority Pollutants.
- B. Requirements for maintaining and submitting Wastehauling records and Waste-Tracking Forms, and a valid copy of a current Orange County Health Care Agency registration (where applicable).
- C. Additional requirements as otherwise determined to be appropriate by the General Manager to protect OCSD's Sewerage System or as specified by other Regulatory Agencies.
- D. Other terms and conditions which may be applicable to ensure compliance with this Ordinance.

### 306.3 Wastehauler Discharge Permit Fee

The Wastehauler discharge permit fee shall be paid by the applicant in an amount adopted by Ordinance of the Board of Directors. Payment of permit fees must be received by OCSD prior to issuance of either a new permit or a renewed permit. A Permittee shall also pay any delinquent invoices in full prior to permit renewal.

### 306.4 Wastehauler Identification Decal and Access Card Transfer

- A. The identification decal is non-transferable.
- B. If a gate access card is issued, it shall be issued to a specific permitted vehicle and is non-transferable unless previously authorized in writing by OCSD.

### 306.5 Wastehauler Discharge Permit Modification of Terms and Conditions

- A. The terms and conditions of an issued permit may be subject to modification and change in the sole determination by OCSD during the life of the permit

based on:

1. The Discharger's current or anticipated operating data;
  2. OCSD's current or anticipated operating data;
  3. Changes in the requirements of Regulatory Agencies which affect OCSD; or
  4. A determination by the General Manager that such modification is appropriate to further the objectives of this Ordinance.
- B. Permittee may request a modification to the terms and conditions of an issued permit. The request shall be in writing stating the requested change, and the reasons for the change. OCSD shall review the request, make a determination on the request, and respond in writing.
- C. Permittee shall be informed of any change in the permit limits, conditions, or requirements at least forty-five (45) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

#### 306.6 Wastehauler Discharge Permit Duration and Renewal

Wastehauler Discharge Permits shall be issued for a period not to exceed three (3) years. The Wastehauler Discharge Permit is contingent upon the Permittee maintaining a valid Orange County Health Care Agency Permit registration throughout the duration of the Wastehauler Discharge Permit. If at any time, the Permittee is determined to not have a valid OCHCA registration, the OCSD Wastehauler Discharge Permit will be immediately revoked. Upon expiration of the permit, the User and/or Wastehauler shall apply for renewal of the permit in accordance with the provisions of Article 3.

#### 306.7 Wastehauler Discharge Permit Charge for Use

A charge for use to cover all costs of OCSD for providing the Wastehauler Station service and monitoring shall be established by Ordinance of the Board of Directors.

#### 307. DISCHARGE CERTIFICATIONS

- A. Discharge Certifications may be issued to those Users that are discharging regulated Wastewater but are not otherwise required to obtain a discharge permit.
- B. No User requiring a Discharge Certification, or a Zero Discharge Certification shall discharge non-domestic Wastewater to OCSD without obtaining certification.

- C. Discharge Certifications shall be expressly subject to all provisions of this Ordinance and all other regulations, charges for use, and fees established by OCSD. The conditions of the Discharge Certifications shall be enforced by OCSD in accordance with this Ordinance and applicable state and federal regulations.
- D. All Users subject to Discharge Certifications proposing to discharge directly or indirectly into the OCSD's Sewerage Facilities shall obtain a Discharge Certification by filing an application and paying all applicable fees thereto.
- E. A User required to obtain a Discharge Certification may be required, at OCSD's discretion, to submit a completed application, and OCSD will approve the certification or otherwise proceed as required by federal law.
- F. The Discharge Certification shall contain as a minimum:
  - 1. BMPs to regulate the quality of Wastewater discharged;
  - 2. Requirements to periodically certify that appropriate BMPs are being practiced or are no longer necessary;
  - 3. Requirements to notify OCSD in writing prior to modification to processes or operations through which regulated Wastewater may be produced;
  - 4. Notice that OCSD may inspect the facility as necessary to assess and assure compliance with all discharge requirements; and
  - 5. Requirements to comply with Resource Conservation and Recovery Act (RCRA) and state hazardous waste regulations regarding the proper disposal of hazardous waste.
- G. A Zero Discharge Certification shall contain at a minimum:
  - 1. A statement that no discharge of regulated Wastewater is permitted;
  - 2. Requirements to notify OCSD of any changes in operation resulting in a potential for discharge;
  - 3. Requirements to periodically certify that no discharge of regulated Wastewater has occurred;
  - 4. Notice that OCSD may inspect the facility as necessary to assess and assure compliance with the "no discharge" requirement; and



5. Requirements to comply with Resource Conservation and Recovery Act (RCRA) and state hazardous waste regulations regarding the proper disposal of hazardous waste.

308. OUT OF DISTRICT PERMITS/DISCHARGERS

- A. Industrial Wastewater Discharge Permits for Dischargers located outside OCSD's boundaries but within the OCSD service area and tributary to OCSD's Sewerage Facilities, may be issued by a Local Sewering Agency after approval by OCSD. OCSD shall have the right of inspection and sampling of the User's discharge to determine compliance with Industrial Wastewater discharge regulations. Such inspection and sampling will be performed under a coordinated plan developed with the Local Sewering Agency. The more stringent of the industrial Wastewater discharge regulations and effluent limits of OCSD and the local agency shall apply to the Discharger.
- B. Pursuant to Article 6 herein, OCSD shall have the right to enforce the Federal Regulations, the provisions of this Ordinance, and permit conditions and limits applicable to any User located outside of OCSD's service area, but whose discharge is tributary to OCSD's Sewerage Facilities.
- C. The fees for use shall be determined by OCSD and set forth in a use agreement with the Local Sewering Agency.
- D. The requirements for a liquid wastehauler program may be established by a Local Sewering Agency after obtaining written permission from OCSD.

309. RESERVED

310. RESERVED

## ARTICLE 4. FACILITIES REQUIREMENTS

### 401. DRAWING SUBMITTAL REQUIREMENTS

Upon request by OCSD:

- A. Applicants or Users may be required to submit three copies of detailed facility plans. The submittal shall be in a form and content acceptable to OCSD for review of existing or proposed Pretreatment facilities, spill containment facilities, monitoring facilities, metering facilities, and operating procedures. The review of the plans and procedures shall in no way relieve the User of the responsibility of modifying the facilities or procedures in the future, as necessary to produce a discharge acceptable to OCSD, and to meet the requirements of this Ordinance or any requirements of other Regulatory Agencies.
- B. The drawing shall depict as a minimum the manufacturing process (Wastewater generating sources), spill containment, monitoring or metering facilities, and Pretreatment facilities.
- C. The applicant or User shall submit a schematic drawing of the Pretreatment facilities, piping and instrumentation diagram, and Wastewater characterization report.
- D. Users and applicants may also be required to submit for review site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, spill containment, clarifiers, and appurtenances by size, location, and elevation for evaluation.
- E. OCSD may require the drawings be prepared by a California Registered Chemical, Mechanical, or Civil Engineer.
- F. Permittees shall be required to submit updated detailed facility plans.

### 402. PRETREATMENT FACILITIES

- A. All Users shall provide Wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all Categorical Pretreatment Standards, Table 1, Local Discharge Limits, and the prohibitions set out in Sections 201 (A) & (B) of this Ordinance within the time limitations specified by EPA, the state, or OCSD, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated by a qualified operator, and maintained in proper operating condition at the User's expense.

- B. All Users may also be required by OCSD to submit Wastewater analysis plans, contingency plans, and meet other necessary requirements to ensure proper operation of the Pretreatment facilities and compliance with permit limits and this Ordinance.
- C. No User shall increase the use of water or in any other manner attempt to dilute a discharge as a partial or complete substitute for treatment to achieve compliance with this Ordinance and the User's Permit.

403. SPILL CONTAINMENT FACILITIES/ACCIDENTAL SLUG CONTROL PLANS

- A. All Users shall provide spill containment for protection against discharge of prohibited Pollutants, materials or other Wastewaters regulated by this Ordinance. Such protection shall be designed to secure the discharges and to prevent them from entering into the Sewerage System in accordance with reasonable engineering standards. Such facilities shall be provided and maintained at the User's expense.
- B. The General Manager shall require any Significant Industrial User to develop and implement an accidental discharge/slug control plan. OCSD may evaluate whether each Industrial User needs such a plan. Any User required to develop and implement an accidental discharge/control slug plan shall submit a plan which addresses, at a minimum, the following:
  - 1. Description of discharge practices, including non-routine batch discharges.
  - 2. Description of stored chemicals.
  - 3. Procedures for immediately notifying OCSD of any accidental of slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in Article 2 of this Ordinance.
  - 4. 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 measures and equipment for emergency response.

#### 404. MONITORING/METERING FACILITIES

All Wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

- A. OCSD may require the User to construct and maintain in proper operating condition at the User's sole expense, flow monitoring, constituent monitoring and/or sampling facilities.
- B. Permittees may be required to install and maintain an appropriate effluent flow monitoring device. Calibration of such flow monitoring device shall be done annually or as specified in the Wastewater discharge permit.
- C. The monitoring or metering facilities may be required to include a security closure that can be locked with an OCSD provided hasp lock during sampling or upon termination of service.
- D. The location of the monitoring or metering facilities shall be subject to approval by OCSD.
- E. The User shall provide immediate, clear, safe and uninterrupted access to OCSD to the User's monitoring and metering facilities.
- F. For all industries permitted by OCSD, domestic Wastewaters shall be kept segregated from all Industrial Wastewaters until the Industrial Wastewaters have passed through any required Pretreatment system or device and the Permittee's sample point.

#### 405. WASTE MINIMIZATION REQUIREMENTS

- A. As required by a User's permit, the User shall provide waste minimization plans to reduce or eliminate Pollutant discharge to the Sewerage System and conserve water. The User shall investigate product substitution, housekeeping practices, provide inventory control, implement employee education, and other steps as necessary to minimize Wastewater produced.
- B. Upon approval by OCSD, a User may certify that their facility does not discharge any type of Wastewater containing Pollutants that may directly or indirectly discharge into OCSD's Sewerage System as a form of Best Management Practice (BMP).

ARTICLE 5. MONITORING, REPORTING, NOTIFICATION, AND INSPECTION  
REQUIREMENTS

501. MONITORING AND REPORTING CONDITIONS

A. Monitoring for Annual Charge for Use

The Wastewater constituents and characteristics of a Discharger needed for determining the annual charge for use shall be submitted in the form of self-monitoring reports by the User to OCSD, if requested. The frequency of analyses and reporting shall be set forth in the User's permit. The analyses of these constituents and characteristics shall be by a laboratory acceptable to OCSD, and at the sole expense of the Permittee. Analyses performed by OCSD's personnel may be used in the determination of the annual charge for use.

B. Monitoring for Compliance with Permit Conditions or Reporting Requirements

OCSD may require reports for self-monitoring of Wastewater constituents and characteristics of the Discharger needed for determining compliance with any limit or requirements as specified in the User's permit, federal or state regulations, or this Ordinance. The federal Pretreatment regulations, including 40 CFR 403.12(g)-(h), contain requirements for collecting samples, such as requiring that sampling be representative of conditions occurring during the reporting period and that grab samples must be collected for certain parameters. These reports include:

1. Baseline Monitoring Reports.

- a) Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Industrial Users subject to categorical Pretreatment Standard(s) currently discharging to or scheduled to discharge to OCSD shall submit to the General Manager a report which contains the information listed in paragraph b), below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Significant Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the General Manager a report which contains the information listed in paragraph c), below. A New Source shall report the method of Pretreatment it intends to use to meet applicable categorical Pretreatment Standards. A New Source also shall give estimates of its

anticipated flow and quantity of Pollutants to be discharged.

b) Users described above shall submit the information set forth below.

(1) All information required in Section 302.13 of this Ordinance, including requirements in 40 CFR 403.12(b)(1)-(7).

(2) Measurement of Pollutants.

a) The User shall provide the following information.

1) The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.

2) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the General Manager, of regulated Pollutants in the discharge from each regulated process.

3) Instantaneous, Daily Maximum, and long-term average concentrations or mass, where required, shall be reported.

4) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 501.2 of this Ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the General Manager or the applicable Standards to determine compliance with the Standard.

5) Sampling must be performed in accordance with procedures set out in Section 602 of this Ordinance.

b) The User shall take a minimum of one representative sample to compile that data

necessary to comply with the requirements of this paragraph.

- c) Samples should be taken immediately downstream from Pretreatment facilities if such exist or immediately downstream from the regulated process if no Pretreatment exists. If other Wastewaters are mixed with the regulated Wastewater prior to Pretreatment the User should measure the flows and concentrations necessary to allow use of the Combined Wastestream Formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e), this adjusted limit along with supporting data shall be submitted to OCSD;
  - d) Sampling and analysis shall be performed in accordance with this Ordinance;
  - e) The General Manager may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial Pretreatment measures;
  - f) The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected Pollutant discharges to OCSD.
- (3) Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in this Ordinance and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional Pretreatment is required to meet the Pretreatment Standards and Requirements.
- (4) Compliance Schedule. If additional Pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will

provide such additional Pretreatment and/or O&M must be provided.

The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set forth in this Ordinance.

- (5) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with this Ordinance and signed by an Authorized Representative.

## 2. Compliance Schedule Progress Reports.

The following conditions shall apply to the compliance schedule required by this Ordinance:

- a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional Pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- b) No increment referred to above shall exceed nine (9) months;
- c) The User shall submit a progress report to the General Manager no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and
- d) In no event shall more than nine (9) months elapse between such progress reports to the General Manager.

## 3. 90-Day Compliance Reports.

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 OCSD, any User subject to such Pretreatment Standards and Pretreatment Requirements shall submit to the General Manager a report containing the information described in this Ordinance. For Users subject to equivalent mass or concentration limits, this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable Pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with this Ordinance. All sampling will be done in conformance with Section 602.

4. Periodic Compliance Reports.

- a) Except as otherwise specified in this Ordinance, all Significant Industrial Users must, at a frequency determined by the General Manager, submit no less than twice per year on dates specified by OCSD reports indicating the nature, concentration of Pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the General Manager or the Pretreatment Standard necessary to determine the compliance status of the User including documentation associated with Best Management Practices.
- b) OCSD will meet reporting requirements as specified by 40 CFR Part 3 (Cross-Media Electronic Reporting). Therefore, Users that send electronic (digital) documents to OCSD to satisfy the requirements of this Section must register for the system online and submit a signed Subscriber Agreement to OCSD for review and approval.

5. Notification of the Discharge of Hazardous Waste.

- a) Any User who commences the discharge of hazardous waste shall notify OCSD, the EPA Regional Waste Management Division Director, and state hazardous waste authorities, in writing, of any discharge into OCSD of a substance which, if otherwise disposed of, would be a hazardous waste under 40

CFR Part 261. The User shall receive written approval from the OCSD to discharge hazardous waste. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to OCSD, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under subdivision 6 below. The notification requirement in this Section does not apply to Pollutants already reported by Users subject to categorical Pretreatment Standards under the self-monitoring requirements of this Ordinance.

- b) Dischargers are exempt from the requirements of paragraph (a), above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.
- c) In the case of any new regulations under section 3001 of RCRA (42 U.S.C. § 6921) identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the General Manager, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

- d) In the case of any notification made under this Section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- e) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Ordinance, a permit issued thereunder, or any applicable federal or state law.

6. Reports of Changed Conditions

Each User must notify the General Manager's designee in writing at least thirty (30) days prior to implementing any significant changes to the User's operations, systems, or processes. Significant changes include any modifications which may alter the nature, quality, or volume of its Wastewater, or which may alter the facility's production processes and/or treatment systems and methods.

- a) The General Manager may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a Wastewater discharge permit application under this Ordinance.
- b) The General Manager may issue a Wastewater discharge permit under this Ordinance or modify an existing Wastewater discharge permit under this ordinance in response to changed conditions or anticipated changed conditions.

7. Reports of Potential Problems

- a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for OCSD, the User shall follow the notification procedures under Notification of Spill or Slug Loading in Article 5. This notification shall also include the location of the discharge, type of Wastewater, concentration and volume, if known, and corrective actions taken by the User.
- b) Within five (5) days following such discharge, the User shall, unless waived by the General Manager, submit a detailed written report. This written notification shall include, but not be limited to, the date of the incident, the reasons for the discharge or spill, what steps were taken to immediately

correct the problem, and what steps are being taken to prevent the problem from recurring.

- c) Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage or loss to OCSD, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fees, fines, penalties, or other liability which may be imposed pursuant to this Ordinance or other applicable law.
- d) A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph a, above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
- e) Significant Industrial Users are required to notify the General Manager immediately of any changes at its facility affecting the potential for a Slug Discharge.

8. Reports from Unpermitted Users

All Users not required to obtain a Wastewater discharge permit shall provide appropriate reports to the General Manager as the General Manager may require.

9. Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a User indicates a violation, the User must notify the General Manager within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the General Manager within thirty (30) days after becoming aware of the violation. Resampling by the User is not required if OCSD performs sampling at the User's facility at least once a month, or if OCSD performs sampling at the User's facility between the time when the initial sampling was conducted and the time when the User or OCSD receives the results of this sampling, or if OCSD has performed the sampling and analysis in lieu of the User.

10. Other reports as required by OCSD.

- a) Monitoring reports of the analyses of Wastewater constituents and characteristics shall be in a manner and form approved

by OCSD and shall be submitted upon request of OCSD. When applicable, the self-monitoring requirement and frequency of reporting may be set forth in the User's permit as directed by OCSD. The analyses of Wastewater constituents and characteristics and the preparation of the monitoring report shall be done at the sole expense of the User.

- b) Failure by the User to perform any required monitoring, or to submit monitoring reports required by OCSD constitutes a violation of this Ordinance, may result in determining whether the Permittee is in significant non-compliance, and be cause for OCSD to initiate all necessary tasks and analyses to determine the Wastewater constituents and characteristics for compliance with any limits and requirements specified in the User's permit or in this Ordinance. The User shall be responsible for any and all expenses of OCSD in undertaking such monitoring analyses and preparation of reports.

#### 501.1 Inspection and Sampling Conditions

- A. OCSD may inspect and sample the Wastewater generating and disposal facilities of any User to ascertain whether the intent of this Ordinance is being met and the User is complying with all requirements.
- B. OCSD shall have the right to place on the User's property or other locations as determined by OCSD, such devices as are necessary to conduct sampling or metering operations. Other sampling locations may include downstream manholes, usually in the Sewerage System, for the purpose of determining the compliance status of an industrial or commercial Discharger.
- C. OCSD may require the User to install and maintain sample points in areas acceptable to OCSD outside the User's facility, within the reasonable control of the User or OCSD. OCSD may also require lockable sample boxes fully containing the sample points. The User shall grant OCSD access to the sample points and sample boxes in accordance with this Ordinance.
- D. In order for OCSD to determine the Wastewater characteristics of the Discharger for purposes of determining the annual use charge and for compliance with permit requirements, the User shall make available for inspection and copying by OCSD all notices, self-monitoring reports, Waste-Tracking Forms, and records including, but not limited to, those related to production, Wastewater generation, Wastewater disposal, and those required in the Pretreatment Requirements without restriction but

subject to the confidentiality provision set forth in Section 103 herein. All such records shall be kept by the User a minimum of three (3) years.

- E. If a Discharger falsifies, tampers with, or knowingly renders inaccurate any monitoring device or sample collection method, the Discharger may be subject to imposition of penalties, permit suspension or permit revocation.

#### 501.2 Analytical Requirements

All Pollutant analyses, including sampling techniques, to be submitted as part of a Wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR 136 does not contain sampling or analytical techniques for the Pollutant in question, or where the EPA determines that the 40 CFR 136 sampling and analytical techniques are inappropriate for the Pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including EPA-approved procedures or procedures approved by the General Manager.

#### 501.3 Right of Entry

- A. Persons or occupants of premises where Wastewater is created or discharged shall allow OCSD, or its representatives, reasonable access to all parts of the Wastewater generating and disposal facilities for the purposes of inspection and sampling during all times the Discharger's facility is open, operating, or any other reasonable time. No Person shall interfere with, delay, resist or refuse entrance to authorized OCSD personnel attempting to inspect any facility involved directly or indirectly with a discharge of Wastewater to OCSD's Sewerage System.
- B. Where a User has security measures in place, the User shall make necessary arrangements so that personnel from OCSD shall be permitted to enter without delay for the purpose of performing their specific responsibilities.

#### 501.4 Notification of Spill or Slug Loading

- A. In the event the Discharger is unable to comply with any permit condition due to a breakdown of equipment, accidents, or human error, or the Discharger has reasonable opportunity to know that a discharge will exceed the discharge provisions of the User's permit, Sections 201(A) & (B) or Table 1, Local Discharge Limits, the Discharger shall immediately notify OCSD by telephone. If the Wastewater or material discharged to the sewer has the potential to cause or result in a fire or explosion hazard, the Discharger shall immediately notify the local fire department and OCSD. Also see *Reports of Potential Problems* in this Article.

### 501.5 Bypass Prohibition; Notification of Bypass

- A. Bypass of Industrial Wastewater to the Sewerage System is prohibited. OCSD may take enforcement action against the User, unless:
  - 1. Bypass was unavoidable because it was done to prevent loss of life, personal injury, or severe property damage;
  - 2. There were no feasible alternatives to the Bypass, such as the use of auxiliary treatment facilities, retention of untreated Wastes, elective slow-down or shut-down of production units or maintenance during periods of production downtime. This condition is not satisfied if adequate backup equipment could have been feasibly installed in the exercise of reasonable engineering judgment to prevent a Bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
  - 3. The Permittee submitted notices as required under Section 501.4(A).
- B. If a Permittee knows in advance of the need for a Bypass, it shall submit a written request to allow the Bypass to OCSD, if possible, at least ten (10) days before the date of the Bypass.
- C. OCSD may approve an anticipated Bypass at its sole discretion after considering its adverse effects, and OCSD determines that the conditions listed in Section 501.5(A)(1-3) are met.
- D. A Permittee shall provide telephone notification to OCSD of an unanticipated Bypass that exceeds its permitted discharge limits within four hours from the time the Permittee becomes aware of the Bypass. A written report shall also be provided within five (5) days of the time the Permittee becomes aware or could reasonably have been aware of the Bypass. The report shall contain a description of the Bypass and its cause; the duration of the Bypass, including exact dates and times, and, if the Bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the Bypass. Failure to comply with the oral notice or written report may be grounds for permit revocation.

## ARTICLE 6. ENFORCEMENT

### 601. PURPOSE AND SCOPE

- A. The Board finds that in order for OCSD to comply with the laws, regulations, and rules imposed upon it by Regulatory Agencies and to ensure that OCSD's Sewerage Facilities and treatment processes are protected and are able to operate with the highest degree of efficiency, and to protect the public health and environment, specific enforcement provisions must be adopted to govern the discharges to OCSD's Sewerage System by Permittees or by facilities required to obtain Zero Discharge Certifications. Certain violations may result in civil or criminal penalties for violation of Pretreatment Standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines.
- B. To ensure that all interested parties are afforded due process of law and that non-compliance and violations are resolved as soon as possible, the general policy of OCSD is that:
  - 1. Any determination relating to a Zero Discharge Certification, Probation Order, Enforcement Compliance Schedule Agreement (ECSA), or Regulatory Compliance Schedule Agreement (RCSA) will be made by the Division Head of the OCSD Pretreatment Program, with a right of appeal by the Permittee to the General Manager pursuant to the procedures set forth in Section 618.
  - 2. Any permit suspension or revocation recommended by the Division Head responsible for the OCSD Pretreatment Program will be heard and a recommendation made to the General Manager by an OCSD Department Head or other person designated by the General Manager.
  - 3. Actions and decisions by the Division Head or Department Head are made pursuant to a delegation of authority by the General Manager as authorized by Section 107 of this Ordinance.
  - 4. The Board of Directors may adopt rules of procedure to establish the conduct of certain administrative proceedings.
- C. OCSD, at its discretion, may utilize any one, combination, or all enforcement remedies provided in this Article 6 in response to any permit or Ordinance violation.



602. DETERMINATION OF NON-COMPLIANCE WITH DISCHARGE LIMITS

A. Sampling Procedures

1. Sampling of all Permittees' facilities, Wastewater and discharges shall be conducted in the time, place, manner, and frequency determined at the sole discretion of OCSD.
2. Non-compliance with Mass Emission Rate limits, concentration limits, permit discharge conditions, or any discharge provision of this Ordinance may be determined by an analysis of a grab or composite sample of the effluent of a User. Non-compliance with Mass Emission Rate limits shall be determined by an analysis of a composite sample of the User's effluent, except that a grab sample may be used to determine compliance with Mass Emission Rate limits when the discharge is from a closed (batch) treatment system in which there is no Wastewater flow into the system when the discharge is occurring, the volume of Wastewater contained in the batch system is known, the time interval of discharge is known, and the grab sample is homogeneous and representative of the discharge.
3. All Wastewater samples must be representative of the User's discharge. Any sample taken from a sample point is considered to be representative of the discharge to the public sewer.
4. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
5. If a User subject to the reporting requirement in this section monitors any regulated Pollutant at the appropriate sampling location more frequently than required by the General Manager, using the procedures prescribed in this Ordinance, the results of this monitoring shall be included in the report.

603. ENFORCEMENT PROCEDURES AND APPLICABLE FEES

A. Self-Monitoring Requirements as a Result of Non-Compliance

1. If analysis of any sample obtained by OCSD or by a Permittee shows non-compliance with the applicable Wastewater discharge limits set forth in this Ordinance or in the Permittee's discharge permit, OCSD may impose self-monitoring requirements on the Permittee.

2. A Permittee shall perform required self-monitoring of constituents in a frequency, at the specific location, and in a manner directed by OCSD.
3. All analyses of self-monitoring samples shall be performed by an independent laboratory acceptable to OCSD and submitted to OCSD in the form and frequency determined by OCSD.
4. All self-monitoring costs shall be borne by the Permittee.
5. Nothing in this section shall be deemed to limit the authority of OCSD to impose self-monitoring as a permit condition.

B. Purpose of Non-Compliance Resampling Fees

The purpose of the non-compliance resampling fee is to compensate OCSD for costs of additional sampling, monitoring, laboratory analysis, treatment, disposal, and administrative processing incurred as a result of the non-compliance, and shall be in addition to and not in lieu of any penalties as may be assessed pursuant to Sections 616 and 617.

C. Non-Compliance Resampling Fees for Composite Samples

1. Each violation of a Permittee's permit limit or condition is a violation of this Ordinance.
  - a) If analysis of any composite sample of a Permittee's discharge obtained by OCSD shows a major violation by the Permittee of the Mass Emission Rates or concentration limits specified in the Permittee's discharge permit or in this Ordinance, then the Permittee shall pay non-compliance resampling fees to OCSD pursuant to fee schedules adopted by OCSD's Board of Directors.
  - b) If analysis of any composite sample of a Permittee's discharge obtained by OCSD shows a minor violation by the Permittee of the Mass Emission Rates or concentration limits specified in the Permittee's discharge permit or in this Ordinance, then OCSD shall impose non-compliance resampling fees pursuant to fee schedules adopted by OCSD's Board of Directors.
2. The fees specified in subsection 603.C.1.a), C.1.b) and D herein shall be imposed for each date on which OCSD conducts sampling as a result of a violation by a Permittee.

D. Non-Compliance Resampling Fees for Grab Samples and Self-Monitoring Results

1. If analysis of any grab sample of a Permittee's discharge shows non-compliance with any concentration limits as set forth in the User's permit or in this Ordinance, OCSD may impose non-compliance resampling fees, pursuant to fee schedules adopted by the OCSD Board of Directors, for resampling conducted by OCSD as a result of a violation by the Permittee.
2. If any self-monitoring analysis of a Permittee's discharge shows non-compliance with any concentration limits or Mass Emission Rates as set forth in the User's permit or in this Ordinance, OCSD may impose non-compliance resampling fees, pursuant to fee schedules adopted by the OCSD Board of Directors, for sampling conducted by OCSD as a result of a violation by the Permittee.

603.1 Probation Order

A. Grounds

In the event the Division Head determines that a Permittee has violated any provision of this Ordinance, or the terms, conditions and limits of its discharge permit, or has not made payment of all amounts owed to OCSD for User charges, non-compliance resampling fees or any other fees, the General Manager may issue a Probation Order, whereby the Permittee must comply with all directives, conditions and requirements therein within the time prescribed.

B. Provisions

The issuance of a Probation Order may contain terms and conditions including, but not limited to, installation of Pretreatment equipment and facilities, requirements for self-monitoring, submittal of drawings or technical reports, operator certification, audit of Waste minimization practices, payment of fees, limits on rate and time of discharge, or other provisions to ensure compliance with this Ordinance.

C. Probation Order - Expiration

A Probation Order issued by the General Manager shall be in effect for a period not to exceed ninety (90) days.

603.2 Enforcement Compliance Schedule Agreement (ECSA)

A. Grounds

Upon determination that a Permittee is in non-compliance with the terms, conditions or limits specified in its permit or any provision of this Ordinance, and needs to construct and/or acquire and install equipment related to Pretreatment, the General Manager may require the Permittee to enter into an ECSA which will, upon the effective date of the ECSA, amend the Permittee's permit. The ECSA shall contain terms and conditions by which a Permittee must operate during its term and shall provide specific dates for achieving compliance with each term and condition for construction and/or acquisition and installation of required equipment related to Pretreatment.

B. Provisions

The issuance of an ECSA may contain terms and conditions including but not limited to requirements for self-monitoring, installation of Pretreatment equipment and facilities, submittal of drawings or reports, operator certification, audit of Waste minimization practices, payment of fees, limits on rate and time of discharge, deposit of performance guarantee, interim limits, or other provisions to ensure compliance with this Ordinance.

C. ECSA - Payment of Amounts Owed

OCSD shall not enter into an ECSA until such time as all amounts owed to OCSD, including User fees, non-compliance resampling fees, deposits, or other amounts due are paid in full, or an agreement for deferred payment secured by collateral or a third party, is approved by the General Manager. Failure to pay all amounts owed to OCSD shall be grounds for permit suspension or permit revocation as set forth in Section 605 and 606.

D. ECSA - Permit Suspension/Revocation

If compliance is not achieved in accordance with the terms and conditions of an ECSA during its term, the General Manager may issue an order suspending or revoking the discharge permit pursuant to Section 605 or 606 of this Ordinance.

604. REGULATORY COMPLIANCE SCHEDULE AGREEMENT (RCSA)

A. Grounds

If at any time subsequent to the issuance of a Wastewater Discharge Permit to an Industrial User, Federal Categorical Pretreatment Standards are adopted or revised by the United States Environmental Protection Agency,

or in the event OCSD enacts revised or new discharge limits, the General Manager, upon determination that an Industrial User would not be in compliance with the adopted revised or new limits, may require the industrial User to enter into a RCSA with OCSD under terms and conditions that would provide for achieving compliance with all new standards by the industrial User on a specific date. The RCSA shall have a maximum term of two hundred-seventy (270) days. The General Manager may approve a longer term, upon a showing of good cause.

B. Provisions

The issuance of a RCSA may contain terms and conditions including but not limited to requirements for installation of Pretreatment equipment and facilities, submittal of drawings or reports, waste minimization practices or other provisions to ensure compliance with this Ordinance.

C. RCSA - Non-Compliance Resampling Fee

During the period a RCSA is in effect, any discharge by Permittee in violation of the RCSA will require payment of non-compliance resampling fees in accordance with this Article 6.

605. PERMIT SUSPENSION

A. Grounds

The General Manager may suspend any permit when it is determined that a Permittee:

1. Fails to comply with the terms and conditions of either an ECSA or RCSA.
2. Knowingly provides a false statement, representation, record, report, or other document to OCSD.
3. Refuses to provide records, reports, plans, or other documents required by OCSD to determine permit terms, conditions, or limits, discharge compliance, or compliance with this Ordinance.
4. Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or sample collection method.
5. Fails to report significant changes in operations or Wastewater constituents and characteristics.
6. Violates a Probation Order.

7. Refuses reasonable access to the Permittee's premises for the purpose of inspection and monitoring.
8. Does not make timely payment of all amounts owed to OCSD for User charges, non-compliance sampling fees, permit fees, or any other fees imposed pursuant to this Ordinance.
9. Violates any condition or limit of its discharge permit or any provision of OCSD's Ordinances or regulations.

B. Notice

When the General Manager has reason to believe that grounds exist for permit suspension, he/she shall give written notice thereof via personal delivery, mail with proof of delivery, or a similar method to the permittee setting forth a statement of the facts and grounds deemed to exist.

C. Suspension Effective Immediately

Any discharger notified of a permit suspension shall immediately cease and desist all direct and indirect discharges to the OCSD's sewerage system. In the event the discharger fails to voluntarily comply with the suspension order, the General Manager may take such steps as are reasonably necessary to prevent further discharges, including blocking or severing the discharger's connection to the sewer system.

D. Suspension Hearing

Any discharger whose permit is suspended may file a written request for a suspension hearing pursuant to this section. Such a request will not stay the suspension.

In the event a hearing is requested, the General Manager or his/her designee shall, within fourteen (14) days after receiving the request, hold a hearing to determine whether the permit suspension should be confirmed or terminated.

1. At the suspension hearing, the Permittee shall have an opportunity to respond to the allegations set forth in the notice by presenting written or oral evidence. The hearing shall be conducted in accordance with procedures established by the General Manager and approved by OCSD's General Counsel.
2. The General Manager or the General Manager's designee shall render a decision on the suspension within seventy-two (72) hours following the conclusion of the suspension hearing. In the event the

General Manager or his/her designee fails to make a decision within seventy-two (72) hours, the suspension shall be stayed pending the decision.

3. The decision shall be made in writing and include a brief statement of facts found to be true and a determination of the issues presented, including a final decision and order regarding whether the suspension is upheld or terminated.
4. The written decision and order of the General Manager or his/her designee shall be sent via personal delivery, mail with proof of delivery, or a similar method to the Permittee or its legal counsel/representative at the Permittee's business address.

E. Effect of Suspension Order

1. Upon issuance, an order of permit suspension issued by the General Manager shall be final in all respects.
2. The permittee shall immediately cease and desist its discharge of any Wastewater, directly or indirectly to OCSD's Sewerage System for the duration of the suspension. All costs for physically terminating and reinstating service shall be paid by the Permittee.
3. Any owner and responsible management employee of the Permittee shall be bound by the order of suspension.

F. Reinstatement or Revocation

1. The General Manager shall reinstate the suspended permit upon proof of satisfactory compliance with all discharge requirements of OCSD, including all additional permit requirements deemed necessary by the General Manager or his or her designee to prevent future violations by the permittee
2. The General Manager may, in his or her sole discretion, seek to permanently revoke any suspended permit pursuant to the procedures outlined in Section 606 of this Ordinance.

606. PERMIT REVOCATION

A. Grounds

The General Manager may revoke any permit when it is determined that a Permittee:

1. Knowingly provides a false statement, representation, record, report, or other document to OCSD.
2. Refuses to provide records, reports, plans, or other documents required by OCSD to determine permit terms, conditions, or limits, discharge compliance, or compliance with this Ordinance.
3. Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or sample collection method.
4. Fails to report significant changes in operations or Wastewater constituents and characteristics.
5. Fails to comply with the terms and conditions of an ECSA, permit suspension, or probation order.
6. Discharges effluent to OCSD's Sewerage System while its permit is suspended.
7. Refuses reasonable access to the Permittee's premises for the purpose of inspection and monitoring.
8. Does not make timely payment of all amounts owed to OCSD for User charges, non-compliance resampling fees, permit fees, or any other fees imposed pursuant to this Ordinance.
9. Causes interference with OCSD's collection, treatment, or disposal system.
10. Fails to submit oral notice or written report of a Bypass occurrence.
11. Violates any condition or limit of its discharge permit or any provision of OCSD's Ordinances or regulations.

B. Notice/Hearing

When the General Manager has reason to believe that grounds exist for the revocation of a permit, he/she shall give written notice via personal delivery, mail with proof of delivery, or a similar method thereof to the Permittee setting forth a statement of the facts and grounds deemed to exist together with the time and place where the charges shall be heard by the General Manager's designee. The hearing date shall be not less than fifteen (15) calendar days nor more than forty-five (45) calendar days after the mailing of such notice.

1. At the hearing, the Permittee shall have an opportunity to respond to



the allegations set forth in the notice by presenting written or oral evidence. The revocation hearing shall be conducted in accordance with the procedures established by the General Manager and approved by OCSD's General Counsel.

2. After the conclusion of the hearing, the General Manager's designee shall submit a written report to the General Manager within thirty (30) calendar days setting forth a brief statement of facts found to be true, a determination of the issues presented, conclusions, and a recommendation.
3. The General Manager shall make his/her determination and should he/she find that grounds exist for permanent revocation of the permit, he/she shall issue his/her decision and order in writing within twenty (20) calendar days of receiving the written report. The written decision and order of the General Manager shall be sent via personal delivery, mail with proof of delivery, or a similar method to the Permittee or its legal counsel/representative at the Permittee's business address.
4. In the event the General Manager determines to not revoke the permit, he/she may order other enforcement actions, including, but not limited to, a temporary suspension of the permit, under terms and conditions that he/she deems appropriate.

C. Effect

1. Upon issuance, an order of permit revocation issued by the General Manager shall be final in all respects.
2. The Permittee shall immediately cease and desist its discharge of any Wastewater directly or indirectly to OCSD's Sewerage System. All costs for physical termination shall be paid by the Permittee.
3. Any owner or Authorized Representative of the Permittee shall be bound by the order of revocation.
4. Any future application for a permit at any location within OCSD by any Person subject to an order of revocation will be considered by OCSD after fully reviewing the records of the revoked permit, which records may be the basis for denial of a new permit.

607. WASTEHAULER NON-COMPLIANCE WITH PERMIT CONDITIONS

A Wastehauler's non-compliance with permit requirements shall be determined by an analysis of a sample of the discharge for any constituent or conditions specified in the

Wastehauler's discharge permit or this Ordinance. If the discharge of a Wastehauler is found by the analysis to be in excess of the concentration limits specified in the Wastehauler's discharge permit or in this Ordinance, the Wastehauler shall, after receiving a demand from OCSD, identify in writing, all sources of the discharge.

OCSD reserves the right to sample and inspect any Wastehauler that delivers Wastewater to any facility which is tributary to OCSD's Sewerage Facilities.

Even if it is established to the satisfaction of the General Manager that the origin of the discharge is domestic septage, or septic Waste, OCSD may still elect not to accept Wastewater from that particular source.

If the discharge is Industrial Wastewater from an industrial source(s) and exceeds permit concentration limits or limits specified in this Ordinance, the following shall apply:

A. First Violation

1. The Permittee shall pay a non-compliance processing or sampling fee pursuant to fee schedules adopted by the OCSD Board of Directors.
2. The Wastehauler permit for disposal privileges shall be suspended for five (5) days.

B. Second Violation

1. The Permittee shall pay a non-compliance processing or sampling fee pursuant to fee schedules adopted by the OCSD Board of Directors.
2. The Wastehauler permit for disposal privileges shall be suspended for ten (10) days.
3. The Wastehauler permit may be revoked in accordance with Section 606.

608. DAMAGE TO FACILITIES OR INTERRUPTION OF NORMAL OPERATIONS

- A. Any User who discharges any Wastewater which causes or contributes to any obstruction, interference, damage, or any other impairment to OCSD's Sewerage Facilities or to the operation of those facilities shall be liable for all costs required to clean or repair the facilities together with expenses incurred by OCSD to resume normal operations. Such discharge shall be grounds for permit revocation. A service charge of twenty five percent (25%) of OCSD costs shall be added to the costs and charges to reimburse OCSD for miscellaneous overhead, including administrative personnel and

record keeping. The total amount shall be payable within forty-five (45) days of invoicing by OCSD.

- B. Any User who discharges a Wastewater which causes or contributes to OCSD violating its discharge requirements established by any Regulatory Agency incurring additional expenses or suffering losses or damage to the facilities, shall be liable for any costs or expenses incurred by OCSD, including regulatory fines, penalties, and assessments made by other agencies or a court.

#### 609. INDUSTRIAL WASTEWATER PASS THROUGH

Any User whose discharge results in a Pass Through event affecting OCSD or its Sewerage Facilities shall be liable for all costs associated with the event, including treatment costs, regulatory fines, penalties, assessments, and other indirect costs. The Discharger shall submit to OCSD plans to prevent future recurrences to the satisfaction of OCSD.

#### 610. PUBLICATION OF VIOLATION

Upon a determination in a permit suspension, permit revocation, or civil penalty proceedings that a User has discharged in violation of its permit or any provision under this Ordinance, OCSD may require that the User notify the public and/or other Users of the OCSD's Sewerage Facilities of such violation, of actions taken to correct such violation, and of any administrative or judicial orders or penalties imposed as a result of such violation.

#### 611. PUBLISHED NOTICES FOR SIGNIFICANT NON-COMPLIANCE

In accordance with Federal Regulations, including 40 CFR 25 and 40 CFR 403.8(f), OCSD shall annually cause to be published the names of all Industrial Users in significant non-compliance. Upon a minimum of a thirty (30) day notification to the User, said publication shall be made in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by OCSD.

#### 612. PUBLIC NUISANCE

Discharge of Wastewater in any manner in violation of this Ordinance or of any order issued by the General Manager, as authorized by this Ordinance, is hereby declared a public nuisance and shall be corrected or abated as directed by the General Manager. Any Person creating a public nuisance is guilty of a misdemeanor.

#### 613. TERMINATION OF SERVICE

- A. OCSD, by order of the General Manager, may physically terminate sewerage service to any property as follows:

1. On a term of any order of emergency suspension or revocation of a permit; or
  2. Upon the failure of a Person not holding a valid discharge permit to immediately cease discharge, whether direct or indirect, to OCSD's Sewerage Facilities; or
  3. Upon the failure of a facility not holding a valid discharge permit or certification.
- B. All costs for physical termination shall be paid by the User as well as all costs for reinstating service.

614. EMERGENCY SUSPENSION ORDER

- A. OCSD may, by order of the General Manager, suspend sewerage service or Wastehauler discharge service when the General Manager determines that such suspension is necessary in order to stop an actual or impending discharge which presents or may present an imminent or substantial endangerment to the health and welfare of persons, or to the environment, or may cause interference to the OCSD's Sewerage Facilities, or may cause OCSD to violate any state or federal law or regulation. Any Discharger notified of and subject to an Emergency Suspension Order shall immediately cease and desist the discharge of all Industrial Wastewater to the Sewerage System.
- B. As soon as reasonably practicable following the issuance of an Emergency Suspension Order, but in no event more than five (5) days following the issuance of such order, the General Manager shall hold a hearing to provide the User the opportunity to present information in opposition to the issuance of the Emergency Suspension Order. Such a hearing shall not stay the effect of the Emergency Suspension Order. The hearing shall be conducted in accordance with procedures established by the General Manager and approved by the OCSD General Counsel. The General Manager shall issue a written decision and order within two (2) business days following the hearing, which decision shall be sent via personal delivery, mail with proof of delivery, or a similar method to the User or its legal counsel/representative at that User's business address. The decision of the General Manager following the hearing shall be final in all respects.

615. INJUNCTION

Whenever a Discharger of Wastewater is in violation of or has the reasonable potential to violate any provision of this Ordinance, permit condition, or any Federal Categorical Pretreatment Standards or Pretreatment Requirements as set forth in 40 CFR Section

403.8, et seq., fails to submit required reports, or refuses to allow OCSD entry to inspect or monitor the User's discharge, OCSD may petition the Superior Court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate to restrain the continued violation or to prevent threatened violations by the Discharger.

## 616. CIVIL PENALTIES

### A. Authority

All Users of OCSD's Sewerage System and facilities are subject to enforcement actions administratively or judicially by OCSD, U.S. EPA, State of California Regional Water Quality Control Board, or the County of Orange District Attorney. Said actions may be taken pursuant to the authority and provisions of several laws, including but not limited to: (1) Federal Water Pollution Control Act, commonly known as the Clean Water Act (33 U.S.C. Section 1251, et seq.); (2) California Porter-Cologne Water Quality Control Act (California Water Code Section 13000, et seq.); (3) California Hazardous Waste Control Law (California Health & Safety Code Sections 25100, et seq.); (4) Resource Conservation and Recovery Act of 1976 (42 U.S.C. Section 6901, et seq.); and (5) California Government Code Sections 54739-54740.

### B. Recovery of Fines or Penalties

In the event OCSD is subject to the payment of fines or penalties pursuant to the legal authority and actions of other Regulatory Agencies or enforcement agencies based on a violation of law or regulation or its permits, and said violation can be established by OCSD, as caused by the discharge of any User of OCSD's Sewerage System which is in violation of any provision of this Ordinance or the User's permit, OCSD shall be entitled to recover from the User all costs and expenses, including, but not limited to, the full amount of said fines or penalties to which OCSD has been subjected.

### C. Ordinance

Pursuant to the authority of California Government Code Sections 54739 - 54740.6, any Person who violates any provision of this Ordinance; any permit condition, prohibition or effluent limit; or any suspension or revocation order shall be liable civilly for a sum not to exceed \$25,000.00 per violation for each day in which such violation occurs. Pursuant to the authority of the Clean Water Act, 33 U.S.C. Section 1251, et seq., any Person who violates any provision of this Ordinance, or any permit condition, prohibition, or effluent limit shall be liable civilly for a sum not to exceed \$25,000.00 per violation for each day in which such violation occurs. The General Counsel of OCSD, upon order of the General Manager, shall

petition the Superior Court to impose, assess, and recover such penalties, or such other penalties as OCSD may impose, assess, and recover pursuant to federal and/or state legislative authorization.

D. Administrative Civil Penalties

1. Pursuant to the authority of California Government Code Sections 54740.5 and 54740.6, OCSD may issue an administrative complaint to any Person who violates:
  - a) any provision of this Ordinance;
  - b) any permit condition, prohibition, or effluent limit, or certification requirement; or
  - c) any suspension or revocation order.
2. The administrative complaint shall be served via personal delivery, mail with proof of delivery, or a similar method on the Person and shall inform the Person that a hearing will be conducted, and shall specify a hearing date within sixty (60) days. The administrative complaint will allege the act or failure to act that constitutes the violation of OCSD requirements, the provisions of law authorizing civil liability to be imposed, and the proposed civil penalty. The matter shall be heard by the General Manager's designee. The Person to whom an administrative complaint has been issued may waive the right to a hearing, in which case a hearing will not be conducted.
3. At the hearing, the Person shall have an opportunity to respond to the allegations set forth in the administrative complaint by presenting written or oral evidence. The hearing shall be conducted in accordance with the procedures established by the General Manager and approved by OCSD's General Counsel.
4. After the conclusion of the hearing, the General Manager's designee shall submit a written report to the General Manager within thirty (30) calendar days setting forth a brief statement of the facts found to be true, a determination of the issues presented, conclusions, and a recommendation.
5. The General Manager shall make his/her determination and should he/she find that grounds exist for assessment of a civil penalty against the Person, he/she shall issue his/her decision and order in writing within twenty (20) calendar days of receiving the written report.

6. If, after the hearing or appeal, if any, it is found that the Person has violated reporting or discharge requirements, the General Manager may assess a civil penalty against that Person. In determining the amount of the civil penalty, the General Manager may take into consideration all relevant circumstances, including but not limited to the extent of harm caused by the violation, the economic benefit derived through any non-compliance, the nature and persistence of the violation, the length of time over which the violation occurs, and corrective action, if any, attempted or taken by the Person involved.
7. Civil penalties may be assessed as follows:
  - a) In an amount which shall not exceed two thousand dollars (\$2,000.00) for each day for failing or refusing to furnish technical, monitoring reports, or any other required documents;
  - b) In an amount which shall not exceed three thousand dollars (\$3,000.00) for each day for failing or refusing to timely comply with any compliance schedules established by OCSD;
  - c) In an amount which shall not exceed five thousand dollars (\$5,000.00) per violation for each day of discharge in violation of any Wastewater discharge limit, permit condition, or requirement issued, reissued, or adopted by OCSD;
  - d) In any amount which does not exceed ten dollars (\$10.00) per gallon for discharges in violation of any suspension, revocation, cease and desist order or other orders, or prohibition issued, reissued, or adopted by OCSD;
8. Any Person aggrieved by an order issued by the General Manager assessing administrative civil penalties may, within fifteen (15) days after the General Manager issues the order, file an appeal with the Governing Board. The evidence on appeal shall consist solely of the General Manager's order and the administrative record before the hearing officer. The Governing Board shall determine whether to uphold, modify, or reverse the General Manager's order. The decision of the Governing Board shall be set forth in writing and be sent by certified mail to the appellant. The decision of the Governing Board shall be final in all respects. If no appeal of the General Manager's decision is filed within fifteen (15) days of its issuance, the General Manager's order becomes final in all respects.

9. Copies of the administrative order shall be served on the party served with the administrative complaint, either by personal service or by registered mail to the Person at his business or residence address, and upon other persons who appeared at the hearing and requested a copy of the order.
10. Any Person aggrieved by a final decision issued by the Governing Board, may obtain review in the superior court, pursuant to Government Code Section 54740.6, by filing in the court a petition for writ of mandate within thirty (30) days following the service of a copy of the Governing Board decision.
11. Payment of any order setting administrative civil penalties shall be made within thirty (30) days of the date the order becomes final. The amount of any administrative civil penalties imposed 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 resulting in the imposition of the civil penalty originated. The lien shall have no effect until recorded with the county recorder. OCSD may record the lien for any unpaid administrative civil penalties on the ninety-first (91st) day following the date the order becomes final.
12. No administrative civil penalties shall be recoverable under Section 616.D for any violation for which OCSD has recovered civil penalties through a judicial proceeding filed pursuant to Government Code Section 54740.

#### 617. CRIMINAL PENALTIES

Any Person who violates any provision of this Ordinance is guilty of a misdemeanor, which upon conviction is punishable by a fine not to exceed \$1,000.00, or imprisonment for not more than thirty (30) days, or both. Each violation and each day in which a violation occurs may constitute a new and separate violation of this Ordinance and shall be subject to the penalties contained herein.

#### 618. APPEALS TO GENERAL MANAGER

##### A. General

Any User, permit applicant, or Permittee affected by any decision, action or determination made by the Division Head may file with the General Manager a written request for an appeal hearing. The request must be received by OCSD within fifteen (15) days of mailing of notice of the decision, action, or determination of OCSD to the appellant. The request for hearing shall set forth in detail all facts supporting the appellant's



request. Filing of an appeal shall stay the proceedings and furtherance of the action being appealed

B. Notice

The General Manager shall, within fifteen (15) days of receiving the request for appeal, and pursuant to Section 107, designate a Department Head or other person to hear the appeal and provide written notice to the appellant of the hearing date, time and place via personal delivery, mail with proof of delivery, or a similar method. The hearing date shall not be more than thirty (30) days from the delivery date of such notice to the appellant unless a later date is agreed to by the appellant. If the hearing is not held within said time due to actions or inactions of the appellant, then the staff decision shall be deemed final.

C. Hearing

At the hearing, the appellant shall have the opportunity to present information supporting its position concerning the Division Head's decision, action or determination. The hearing shall be conducted in accordance with procedures established by the General Manager and approved by OCSD's General Counsel.

D. Written Determination

After the conclusion of the hearing, the Department Head (or other designee) shall submit a written report to the General Manager setting forth a brief statement of facts found to be true, a determination of the issues presented, conclusions, and a recommendation whether to uphold, modify or reverse the Division Head's original decision, action or determination. The General Manager shall make his/her determination and shall issue his/her decision and order within thirty (30) calendar days of receiving the written report by the Department Head (or other designee). Upon issuance, the order of the General Manager shall be final in all respects. The written decision and order of the General Manager shall be sent via personal delivery, mail with proof of delivery, or a similar method to the appellant or its legal counsel/representative at the appellant's business address.

619. PAYMENT OF CHARGES

- A. Except as otherwise provided, all fees, charges and penalties established by this Ordinance are due and payable upon receipt of notice thereof. All such amounts are delinquent if unpaid forty-five (45) days after date of invoice.

- B. Any charge that becomes delinquent shall have added to it a penalty in accordance with the following:
  - 1. Forty-six (46) days after date of invoice, a basic penalty of ten percent (10%) of the base invoice amount, not to exceed a maximum of \$1,000.00; and
  - 2. A penalty of one and one-half percent (1.5%) per month of the base invoice amount and basic penalty shall accrue from and after the forty-sixth (46th) day after date of invoice.
- C. Any invoice outstanding and unpaid after ninety (90) days shall be cause for immediate suspension of the permit.
- D. Penalties charged under this Section shall not accrue to those invoices successfully appealed.
- E. Payment of disputed charges is still required by the due date during OCSD review of any appeal submitted by Permittees.

#### 620. COLLECTION OF DELINQUENT ACCOUNTS

Collection of delinquent accounts shall be in accordance with OCSD's policy resolution establishing procedures for collection of delinquent obligations owed to OCSD, as amended from time to time by the Board of Directors. Any such action for collection may include an application for an injunction to prevent repeated and recurring violations of this Ordinance.

#### 621. APPEAL OF CHARGES AND FEES

Except for non-compliance charges and penalties, any User, permit applicant, or Permittee affected by any decision, action, or determination by OCSD, relating to fiscal issues of OCSD in which the User, applicant, or Permittee is located, including but not limited to the imposition and collection of fees, such as capital facility capacity charges, sewer use charges, special purpose discharge use charges and Wastehauler fees, may request that OCSD reconsider imposition of such fees or charges. Following review of such a request, OCSD shall notify the User, permit applicant, or Permittee via personal delivery mail with proof of delivery, or a similar method of OCSD's decision on the reconsideration request. Any User, permit applicant, or Permittee adversely affected by OCSD's decision on the reconsideration request may file an appeal which shall be heard by the Board of Directors. The notice of appeal must be received by OCSD within thirty (30) days of the mailing of OCSD's decision on the reconsideration request.

#### 622. RECOVERY OF COSTS INCURRED BY OCSD

In the event any User, permit applicant, or permittee fails to comply with any of the terms

and conditions of this Ordinance, a probationary order, an order of permit suspension or revocation, an ECSA, a RCSA, a certification, or a permit issued hereunder, OCSD shall be entitled to reasonable attorney's fees and costs which may be incurred in order to enforce any of said terms and conditions, with or without filing proceedings in court.

623. FINANCIAL SECURITY/AMENDMENTS TO PERMIT

A. Compliance Deposit

Permittees that have been subject to enforcement and/or collection proceedings may be required to deposit with OCSD an amount determined by the General Manager as necessary to guarantee payment to OCSD of all charges, fees, penalties, costs and expenses that may be incurred in the future, before permission is granted for further discharge to the sewer.

B. Delinquent Accounts

OCSD may require an amendment to the permit of any Permittee who fails to make payment in full of all fees and charges assessed by OCSD, including reconciliation amounts, delinquency penalties, and other costs or fees incurred by Permittee.

C. Bankruptcy

Every Permittee filing any legal action in any court of competent jurisdiction, including the United States Bankruptcy Court, for purposes of discharging its financial debts or obligations or seeking court ordered, protection from its creditors, shall, within ten (10) days of filing such action, apply for and obtain the issuance of an amendment to its permit.

D. Permit Amendments

OCSD shall review and examine Permittee's account to determine whether previously incurred fees and charges have been paid in accordance with time requirements prescribed by this Ordinance. OCSD may thereafter issue an amendment to the User's permit in accordance with the provisions of Article 3 and subsection E below.

E. Security

An amendment to a Wastewater discharge permit issued pursuant to subdivisions (B), (C) and (D) above, may be conditioned upon the Permittee depositing financial security in an amount equal to the average total fees and charges for two (2) calendar quarters during the preceding year. Said deposit shall be used to guarantee payment of all fees and charges incurred for future services and facilities furnished by OCSD and shall not be used

by OCSD to recover outstanding fees and charges incurred prior to the Permittee filing and receiving protection from creditors in the United States Bankruptcy Court.

F. Return of Security

In the event the Permittee makes payment in full within the time prescribed by this Ordinance of all fees and charges incurred over a period of two (2) years following the issuance of an amendment to the permit pursuant to subdivisions (B), (C) and (D), OCSD shall either return the security deposit posted by the Permittee or credit their account.

624. JUDICIAL REVIEW

A. Purpose and Effect

Pursuant to Section 1094.6 of the California Code of Civil Procedure, OCSD hereby enacts this part to limit to ninety (90) days following final decisions in adjudicatory administrative hearings the time within which an action can be brought to review such decisions by means of administrative mandamus.

B. Definitions

As used in this Section, the following terms and words shall have the following meanings:

1. Decision shall mean and include adjudicatory administrative decisions that are made after hearing, or after revoking, suspending, or denying an application for a permit.
2. Complete Record shall mean and include the transcript, if any exists, of the proceedings, all pleadings, all notices and orders, any proposed decision by the General Manager, the final decision, all admitted exhibits, all rejected exhibits in the possession of OCSD or its offices or agents, all written evidence, and any other papers in the case.
3. Party shall mean a Person whose permit has been denied, suspended, or revoked.

C. Time Limit for Judicial Review

Judicial review of any decision of OCSD or its officer or agent may be made pursuant to Section 1094.5 of the Code of Civil Procedure only if the petition for writ of mandate is filed not later than the ninetieth (90th) day following the date on which the decision becomes final. If there is no provision for

reconsideration in the procedures governing the proceedings or if the date is not otherwise specified, the decision is final on the date it is made. If there is provision for reconsideration, the decision is final upon the expiration of the period during which such reconsideration can be sought; provided that if reconsideration is sought pursuant to such provision the decision is final for the purposes of this Section on the date that reconsideration is rejected.

D. Preparation of the Record

The complete record of the proceedings shall be prepared by the OCSD officer or agent who made the decision and shall be delivered to the petitioner within ninety (90) days after he/she has filed written request therefor. OCSD may recover from the petitioner its actual costs for transcribing or otherwise preparing the record.

E. Extension

If the petitioner files a request for the record within ten (10) days after the date the decision becomes final, the time within which a petition, pursuant to Section 1094.5 of the Code of Civil Procedure, may be filed shall be extended to not later than the thirtieth (30th) day following the date on which the record is either personally delivered or mailed to the petitioner or the petitioner's attorney of record.

F. Notice

In making a final decision, OCSD shall provide notice to the party that the time within which judicial review must be sought is governed by Section 1094.6 of the Code of Civil Procedure.

G. Administrative Civil Penalties

Notwithstanding the provisions in this Section, and pursuant to Government Code Section 54740.6, judicial review of an order of the General Manager imposing administrative civil penalties pursuant to Section 616.D may be made only if the petition for writ of mandate is filed not later than the thirtieth (30th) day following the day on which the order of the General Manager becomes final.

ARTICLE 7. SEWER SERVICE CHARGES – CAPITAL FACILITY CAPACITY CHARGES

701. SANITARY SEWER SERVICE CHARGE

Every parcel of real property located within OCSD which is improved with structures designed for residential, commercial, or industrial use, and connected to the OCSD's Sewerage System, shall pay a sanitary sewer service charge in an amount adopted by the Board of Directors by separate Ordinance.

702. CAPITAL FACILITIES CAPACITY CHARGE

Every parcel of real property located within OCSD which is improved with structures designed for residential, commercial, or industrial use, and connected to the OCSD's Sewerage System, shall pay a capital facilities capacity charge in an amount adopted by the Board of Directors by separate Ordinance.

## ARTICLE 8. SEVERABILITY

### 801. SEVERABILITY

If any provision of these Regulations or the application to any circumstances is held invalid, the remainder of the regulations or the application of such provision to other persons or other circumstances shall not be affected.

### 802. GENERAL APPLICATION

The provisions of this Ordinance shall apply to all properties within OCSD including those properties otherwise deemed exempt from payment of taxes or assessments by provisions of the state Constitution or statute, including properties owned by other public agencies or tax-exempt organizations.

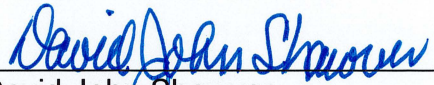
Section I: This Ordinance is enacted in order to preserve the public health and safety, and in order to continue the provision of sewer services by OCSD. The facts requiring the public health and safety to be preserved are that the regulation of the discharge of industrial and sanitary Sewage is regulated by federal and state law, and protection of individuals' health and the environment require that no discharges of untreated Sewage/Wastewater are allowed to occur that are not in accord with technical specifications and requirements.

Section II: Effective Date. This Ordinance shall take effect July 1, 2019.

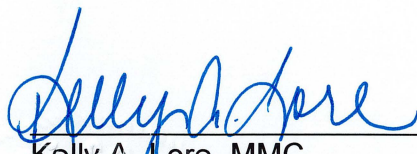
Section III: Repeal. Ordinance No. OCSD-48 is hereby repealed.

Section IV: The Clerk of the Board shall certify to the adoption of this Ordinance and shall cause a summary to be published in a newspaper of general circulation as required by law.

PASSED AND ADOPTED by the Board of Directors of the Orange County Sanitation District at a Regular Meeting held the 22nd day of May, 2019.

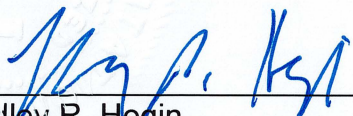
  
\_\_\_\_\_  
David John Shawver  
Chair, Board of Directors  
Orange County Sanitation District

ATTEST:



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Kelly A. Lore, MMC  
Clerk of the Board  
Orange County Sanitation District



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Bradley R. Hogin  
General Counsel



STATE OF CALIFORNIA )  
 )SS.  
COUNTY OF ORANGE )

I, Kelly A. Lore, Clerk of the Board of Directors of Orange County Sanitation District, do hereby certify that the above and foregoing Ordinance No. OCSD-48 was introduced for first reading at a regular meeting of said Board on the 24th day of April 2019, and passed and adopted at a regular meeting of said Board on the 22nd day of May 2019, by the following vote, to wit:

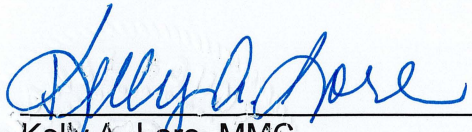
**AYES:** Avery; Beamish (Alternate); Bernstein; Chaffee; Collacott; Harper (Alternate); Hawkins; Iglesias; Kim; Kring; Massa-Lavitt; R. Murphy; Nguyen; Nichols (Alternate); O'Neill (Alternate); Ooten (Alternate); Parker; Peterson; Shawver; Shea; Silva; F. Smith; Wanke; Withers and Yarc

**NOES:** None

**ABSTENTIONS:** None

**ABSENT:** None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of Orange County Sanitation District this 22nd day of May, 2019.

  
\_\_\_\_\_  
Kelly A. Lore, MMC  
Clerk of the Board  
Orange County Sanitation District