Pretreatment Compliance Inspection

Summary Report

Discharger:	Malaga County Water District Fresno County NPDES No. CA000084239
Location:	3580 S. Frank Street, Fresno, CA 93725
Contacts:	Russ Holcomb, General Manager Michael Taylor, PE., Provost & Richard Consulting Group
Inspection date:	February 18, 2010
Inspected by:	I-Hsin Lee, Tetra Tech, Inc.

Contents

Attachments

1. Executive Summary

The Malaga County Water District (District) owns and operates the Malaga Wastewater Treatment Facility (WWTF), which provides service to an approximate population of 2,000 in the unincorporated community of Malaga. The District has hired a contractor, Provost & Richard Consulting Group, to assist in implementing its pretreatment program. The District is responsible for a pretreatment program that consists of 275 permitted nondomestic dischargers. Five of those dischargers are classified and permitted as significant industrial users (SIUs) as defined at Title 40 of the *Code of Federal Regulations* (CFR), section 403.3(v). The District does not have any categorical industrial users (CIUs) subject to federal categorical pretreatment requirements.

The pretreatment compliance inspection (PCI) revealed several significant deficiencies in the District's pretreatment program. The District's sewer use ordinance (SUO) has not been updated to incorporate the required streamlining provisions, and its permits do not include all the minimum federal required elements. Furthermore, the District's oversight procedures (i.e., compliance monitoring and inspections) are insufficient to provide independent verification of each SIU's compliance with pretreatment standards and requirements. In addition, the District has failed to identify all instances of noncompliance and take appropriate enforcement actions. Finally, the inspection team found the District's pretreatment files disorganized and incomplete.

2. Introduction

The Central Valley Regional Water Quality Control Board (Water Board), with assistance from Tetra Tech, Inc., conducted a PCI of the District's pretreatment program on February 18, 2010. The District submitted its program for approval on October 6, 2004, and according to the District's National Pollutant Discharge Elimination System (NPDES) permit, the State Water Board Office of Chief Counsel deemed the District's SUO adequate on December 29, 2005.

The PCI consisted of three parts: an interview of District staff, a review of the pretreatment program permits and files, and site visits to three permitted industries. The interview included a discussion with District staff regarding the program in general, the District's compliance sampling and inspection procedures and their frequency, and enforcement issues. The Tetra Tech inspector reviewed two of the District's SIU files:

- PPG (noncategorical SIU)
- Produce Containers (Cal-Pine), LLC (noncategorical SIU).

The Tetra Tech inspector, accompanied by District personnel, also conducted site visits at the following facilities:

- Caps Sandblasting and Powdercoating (nonsignificant nondomestic user)
- Produce Containers (Cal-Pine), LLC (noncategorical SIU)
- Safety Kleen Corporation (nonsignificant nondomestic user).

This report summarizes the overall findings of the inspection and describes those program elements that are not consistent with federal pretreatment program requirements. In addition, the report provides recommendations to enhance the effectiveness of program implementation and enforcement.

3. Size of Program

The District requires all nondomestic dischargers to have a discharge permit. District staff members manage a pretreatment program that consists of 275 permitted nondomestic dischargers. Five of those dischargers are classified and permitted as SIUs; the District does not have any CIUs. The District's SUO classifies SIUs as Class I users and all other nondomestic users (light industrial or commercial users) as Class II users.

The District does not survey or regulate dental facilities and does not participate in any pharmaceuticals takeback programs.

4. Legal Authority

The federal pretreatment regulations at 40 CFR 403.8(f) require that every POTW subject to the national pretreatment program have the necessary legal authority to apply and enforce section 307(b) and (c) and section 402(b)(8) of the Clean Water Act.

On October 14, 2005, the U.S. Environmental Protection Agency (EPA) promulgated several changes to the general pretreatment regulations (streamlining rule). The following table indicates where to find these changes in the newly revised general pretreatment regulations at 40 CFR Part 403.

Issue	Section of 40 CFR Part 403 Rule
Sampling for pollutant not present	403.8(f)(2)(v), 403.12(e)
General control mechanisms	403.8(f)(1)(iii)
Best management practices (BMPs)	403.5, 403.8(f), 403.12(b), (e), (h)
Slug control plans	403.8(f)(1)(iii)(B)(6), 403.8(f)(2)(vi)
Equivalent concentration limits for flow-based standards	403.6(c)(6)
Equivalent mass limits for concentration-based standards	403.6(c)(5)
Use of grab and composite samples	403.12(b), (d), (e), (g), (h)
Significant noncompliance criteria	403.8(f)(2)(viii)
Removal credits	403.7(h)
Nonsignificant CIU	403.3(v)(2), 403.8(f)(2)(v), (6), 403.12(e)(1), (g), (i), (g)
Middle-tier CIU	403.8(f)(2)(v)(C), 403.12(e)(3), (i)
Miscellaneous changes	403.12(g), (j), (l), (m)

Many of the streamlining provisions are changes that the POTW may adopt at its discretion. A few of the provisions, however, require the POTW to revise its legal authority. These required changes are as follows:

- 40 CFR 403.8(f)(1)(iii)(B)(6): clarification that slug control requirements must be referenced in SIU control mechanisms

- 40 CFR 403.8(f)(2)(viii)(A–C): revisions to the significant noncompliance (SNC) definition
- 40 CFR 403.12(g): modifications to the sampling requirements and clarification of the requirement to report all monitoring results.

District personnel indicated that the District has not revised its SUO to incorporate the required streamlining provisions. Therefore, the District is required to review its SUO and incorporate the required streamlining provisions into its legal authority as soon as possible. The Tetra Tech inspector reminds the District that it must submit any revisions to its SUO to the Water Board for review. If the revisions are considered substantial as defined at 40 CFR 403.18(b), the Water Board must review and approve the revisions before the District may implement them. If the revisions are nonsubstantial, such as incorporating required and optional streamlining rule components, the District is required to notify the Water Board of the changes at least 45 days before implementing them.

In addition, the Tetra Tech inspector noted an inconsistency in how the District is applying the Class I SIU classification. According to District personnel, all SIUs are classified as Class IA dischargers. Dischargers that require grease traps, sediment separators, or oil/water separators are classified as Class IB users. The District does not consider Class IB users SIUs. The District's SUO, however, does not delineate Class I users in this way. Section 2.8.01 outlines only two classifications—Class I (SIUs) and Class II (all others). Therefore, the District is required to review its legal authority and either revise its SUO to include the additional delineation of a Class IB user or reclassify all Class IB users as Class I users (SIUs).

The Tetra Tech inspector conducted a cursory review of the District's SUO (Ordinance No. 01-13-2004) and noticed that its definition of *slug discharge* is inconsistent with the federal definition at 40 CFR 403.8(f)(2)(vi). Therefore, the District is required to review its SUO to ensure that all of it definitions are consistent with the respective federal definitions. In addition, the Tetra Tech inspector strongly recommends that the District evaluate its SUO with the EPA Model Ordinance and the EPA Legal Review Checklist to determine whether any additional revisions are needed.

5. Nondomestic Discharger Characterization

The federal pretreatment regulations at 40 CFR 403.8(f)(2) require that POTWs develop and implement procedures to identify and locate industrial users (IUs) that might be subject to the local pretreatment program. Those procedures must also include proper categorization of all SIUs as defined at 40 CFR 403.3(v).

The Tetra Tech inspector found the District's procedures for identifying nondomestic dischargers adequate. The District requires all new commercial and industrial users to obtain a connection permit. In addition, the District permits all nondomestic users, and the permits have a maximum duration of 1 year. District permit also routinely review water supply information to identify possible SIUs.

6. Control Mechanisms

To ensure compliance with applicable pretreatment standards, the federal pretreatment regulations at 40 CFR 403.8(f)(1)(iii) require POTWs to control the discharges from nondomestic dischargers by using control mechanisms (permits or other similar means). The control mechanisms must include, at a minimum, the following:

- Statement of duration (in no case more than 5 years)
- Statement of no transferability
- Effluent limits, including BMPs based on applicable pretreatment standards
- Self-monitoring, sampling, reporting, and record-keeping requirements
- Statement of penalties
- Compliance schedules (if applicable)
- Required resampling within 30 days after noticing a violation
- Slug control requirements (if necessary)
- Notification requirements
  - Notice of slug loadings
  - Notification of spills, bypasses, or upsets
  - Notification of significant change in discharge
  - Notification within 24 hours after noticing a violation.

Permits for CIUs must also properly use the combined wastestream formula, properly convert mass-based limits to concentration-based limits, and properly apply production-based limits (if applicable) and must include a prohibition on dilution as a substitute for treatment.

6.1 Reissuance of SIU permits

The Tetra Tech inspector could not find the 2009 Calpine permit. District personnel indicated that all SIU permits are issued for a duration of one year. The Tetra Tech inspector could find only an unsigned draft 2009 permit for Calpine. The District personnel could not explain why there was no final and signed 2009 permit in the files. According to Section 2.8.01 of the District's SUO, all SIUs discharging to the WWTF must have a permit. Without documentation of a final and signed permit in the files, it could be perceived that Calpine discharged illegally in 2009. Therefore, the District is required to ensure that every SIU is issued a signed and final permit prior to the expiration of the previous permit.

6.2 Effluent Limits

The iron limit in Calpine's permit is inconsistent with the limit established in the District's SUO. The iron limit in the permit is listed as 10 parts per million (milligrams per liter, mg/L) but the SUO specifies that the local limit for iron is 1 part per million. Therefore, the District is required to revise Calpine's permit to include the iron limit established in the SUO.

6.3 Self-Monitoring Requirements

The permits reviewed contain inconsistent self-monitoring requirements. For example, Part 3.2(a) of Calpine's permit specifies that the discharger is required to collect a minimum of one flow-proportional 24-hour composite each month processing occurs. The permit does not specify which pollutants are subject to composite sampling requirements. Then section 3.4(d) and (e) of the permit specifies that the discharger is required to conduct monthly monitoring of biochemical oxygen demand (BOD), total suspended solids (TSS), and iron and biannual sampling of aluminum, arsenic, barium, boron, cadmium, chromium, copper, and zinc. According to Part 3.2(a) of the permit, if the discharger conducts processing every month, the discharge could be subject to monthly composite sampling requirements. But according to section 3.4(d) and (e), the discharger is subject to different monitoring requirements. Therefore, the District is required to review all monitoring requirements to ensure that they are consistent throughout the permit.

Furthermore, the District's permits do not clearly specify what types of samples must be collected for each pollutant. For example, the Calpine permit does not specify what types of sampling techniques must be used for aluminum, arsenic, barium, boron, cadmium, chromium, copper, zinc and iron. Therefore, the District is required to review all SIU permits to ensure that the appropriate sampling technique is clearly identified for each pollutant that the discharger is required to self-monitor.

The permits reviewed do not specify the appropriate sampling point. Therefore, the District is required to revise all SIU permit to include a specific description of where the sampling point is located.

6.4 Reporting and Notification Requirements

The permits reviewed do not clearly specify all reporting requirements (i.e., signature requirements, certification requirements). The federal regulations at 40 CFR 403.8(f)(1)(iii)(B)(4) require that all permits include all federal reporting requirements, specifically outlined in each SIU permit. Therefore, the District is required to review all SIU permits to ensure that all federal reporting requirements are clearly outlined in them.

The permits reviewed do not include the requirement to notify the District within 24 hours or the requirement to resample and submit the results of the resampling event within 30 days of becoming aware of a violation. Furthermore, the permits do not include the requirement to report slug loadings, spills, or bypasses. The permits only references ordinance 3-14-95 for all notification requirements. The federal regulations at 40 CFR 403.8(f)(2) require that all notification requirements be specifically included in the permit. These notification requirements include all reporting requirements outlined at 40 CFR 403.12. Incorporating the requirements by reference is not acceptable. Therefore, the District is required to review all SIU permit to ensure that each permit specifically outlines the notification and resampling requirements after becoming aware of a violation.

6.5 Statement of Civil and/or Criminal Penalties

The permits reviewed do not contain a statement of applicable civil and/or criminal penalties. The federal regulations at 40 CFR 403.8(f)(1)(iii)(B)(5) require that all permits include a specific statement of applicable civil and/or criminal penalties. Therefore, the District is required to review all SIU permit to ensure that each SIU permit includes a statement of applicable civil and/or criminal penalties.

7. Compliance Monitoring

The federal pretreatment regulations at 40 CFR 403.8(f)(2)(v) require that a POTW develop and implement an inspection and monitoring program to determine, independent of information supplied by nondomestic dischargers, compliance or noncompliance with applicable pretreatment standards and requirements. Furthermore, 40 CFR 403.8(f)(2)(vii) requires POTWs to investigate instances of noncompliance and enforce the regulations as necessary.

7.1 Compliance Sampling

The regulations at 40 CFR 403.8(f)(2)(v) require that all SIUs be sampled at least once a year unless the POTW has authorized a CIU to forego sampling of a pollutant regulated by federal pretreatment requirements. In such a case, the POTW must sample for the waived pollutant(s) at least once during the nondomestic discharger's permit term [40 CFR 403.8(f)(2)(v)(A)].

The Tetra Tech inspector did not find any documented sampling events conducted by the District. District personnel indicated that the District only monitors for electrical conductivity (EC) at each of the SIUs and does not sample for any of the other pollutants of concern at the SIUs. The District is required to revise its compliance monitoring procedures to ensure that it monitors each of the pollutants of concern listed in each SIU's permit at least once a year.

7.2 Compliance Inspections

The regulations at 40 CFR 403.8(f)(2)(v) require that all SIUs be inspected at least once a year unless a discharger is subject to the reduced reporting requirements under 40 CFR 403.12(e)(3). In such a case, the POTW must inspect the discharger at least once every 2 years [40 CFR 403.8(f)(2)(v)(C)].

Even though District personnel indicated that annual compliance inspections are conducted at each of the SIUs, the Tetra Tech inspector did not find any documented inspection reports in the SIU files. Without proper documentation of the District's inspections, the Tetra Tech inspector could not affirm that the District has actually conducted the required compliance inspections. Therefore, the District is required to revise its compliance inspection procedures to ensure that all compliance inspections are properly documented. The Tetra Tech inspector recommends that the District create an inspection checklist that can be used during compliance inspections as well as to document the inspection event.

7.3 Nondomestic Discharger Site Visits Conducted during the Inspection

The Tetra Tech inspector, along with District personnel, inspected three of the permitted nondomestic dischargers as part of the PCI. The Tetra Tech inspector noted the following during the nondomestic discharger site visits:

- *Caps Sandblasting and Powdercoating.* This facility is permitted by the District as a nonsignificant nondomestic discharger. The Tetra Tech inspector requested a visit to this facility to ensure that the District had correctly classified the discharger.

  The facility is a small job shop that sandblasts or powder-coats parts to a customer's specifications. The facility does not wash any of its parts prior to sandblasting or powder-coating. If any of the parts need cleaning prior to sandblasting or powder-coating, the facility cleans the parts with rags and disposes of the rags as solid waste. Furthermore, the facility does not have any rinse tanks on-site. Therefore, the District has correctly classified the discharger. No deficiencies were noted during the site visit.

- *Produce Containers (Cal-Pine), LLC.* This facility is permitted by the District as a noncategorical SIU. The facility prints and assembles specialty corrugated crates and boxes. It has four printers, two die cutters, and two die cutter/folder machines. The printers use water-based inks, and all the colors used in the printers are mixed on-site. The printing process uses a rubber stamping method. The facility also mixes its own starch/glue for its corrugated cardboard line.

  The facility recycles and reuses most of its wastewater when possible. Wastewater from the adhesive and printing line is discharged into an equalization tank. The facility takes a sample from the equalization tank to conduct a jar test to determine whether the wastewater is treatable and ultimately may be discharged to the District. If the wastewater is not treatable, it is hauled off-site for disposal. If the wastewater is treatable, flocculant and coagulant are added and the treated water is discharged into a brown-water tank. The water from the brown-water tank is then mixed with the reject reverse osmosis water and cooling tower blowdown and is reused in the facility's printing and glue process lines. If there is an excess of brown water, it is discharged to the District.

  No deficiencies were noted during the site visit.

- *Safety Kleen Corporation.* This facility is permitted by the District as a nonsignificant nondomestic discharger. The Tetra Tech inspector requested a visit to this facility to ensure that the District had correctly classified the discharger.

  The facility does not treat any wastes on-site. The facility collects wastes from its customers and ships them off to other Safety Kleen facilities for treatment or disposal. There is no processing on-site. Therefore, the District has correctly classified the discharger as a nonsignificant nondomestic discharger.

No deficiencies were noted during the site visit.

7.4 Requesting, Receiving, and Analyzing Reports

The federal pretreatment regulations at 40 CFR 403.8(f)(2)(iv) require the District to request, receive, and analyze all reports submitted by SIUs. The inspector reminded the District during the course of the inspection that EPA has finalized the pretreatment streamlining provisions to include sampling requirements for all periodic reports as required at 40 CFR 403.12(e) and (h). The District is required to ensure that all reports submitted by SIUs comply with the provisions of 40 CFR 403.12.

The District has failed to identify all violations. The District did not notice that all of Calpine's self-monitoring reports failed to include the required certification and signature. In addition, the District did not notice PPG's iron violation (sample date on June 2, 2009) and Calpine's numerous EC and iron violations. Furthermore, there was no resampling event after PPG's June 2009 iron violation. The District is required to review its procedures for reviewing and analyzing reports submitted by SIUs. The District is required to ensure that all violations are identified and enforcement actions are taken as specified by the District's ERP.

7.5 Slug Discharge Control Plans

The federal pretreatment regulations at 40 CFR 403.8(f)(2)(vi) require the District to evaluate each SIU, by October 14, 2006, or within 1 year of its becoming an SIU, to determine whether the SIU needs to develop and implement a slug discharge control plan. A slug discharge is any discharge of a nonroutine, episodic nature, including an accidental spill or noncustomary batch discharge [40 CFR 403.8(f)(2)(vi)]. The regulations also require an SIU to notify the POTW immediately of any changes at the SIU's facility that affect the potential for a slug discharge.

The District has not performed slug discharge evaluations at any of its SIUs. Therefore, the District is required to evaluate each of its SIUs to determine whether any of the dischargers are required to develop and implement a slug discharge control plan. In addition, the District is required to document each of these evaluations.

8. Enforcement

The federal pretreatment regulations at 40 CFR 403.8(f)(5) require the District to develop and implement an ERP. The plan must contain detailed procedures indicating how the District will investigate and respond to instances of IU noncompliance.

The District has failed to identify all instances of noncompliance (Calpine's EC and iron violations and PPG's iron violation) and therefore has not taken appropriate enforcement action against SIUs in violation. The District is required to implement the enforcement actions outlined in its ERP for all instances of noncompliance.

The District failed to recognize that Calpine's and PPG's iron violations in 2009 caused the facilities to be in significant noncompliance. The District failed to publish these

dischargers in a newspaper of general circulation. The District is required to review all the SIU files to determine whether other SIUs are in SNC for 2009. In addition, the District is required to publish all SIUs in SNC for 2009 in a newspaper of general circulation.

9. Record-keeping

The Tetra Tech inspector found the District's record and files disorganized and incomplete. Because the District has a contractor assisting with the implementation of its pretreatment program, there were two sets of files—District files and contractor files. The contractor's files are kept off-site and were brought to the District for the purpose of this inspection. Some of the information needed for the inspection could be found in only the contractor files, while some of the information could not be found in either set of files. Furthermore, each SIU had one large file with all of the reports and information in it without any delineation, and the information in the files was not in chronological order.

The Tetra Tech inspector strongly recommends that the District revise its record-keeping procedures. Because the District is ultimately responsible for its pretreatment program, the District should have a complete set of all files on-site. In addition, the District's filing system should be clearly delineated so that files are separated into different folders for permits, correspondence, enforcement actions, discharger sampling reports, District compliance sampling events, and District inspection reports. Finally, all the information and documents should be filed chronologically.

10. Summary of Requirements and Recommendations

Listed below are the primary requirements and recommendations resulting from the inspection of the District's pretreatment programs. For more specific information pertaining to each comment, see the cited sections of the report.

10.1 Requirements

1. District personnel indicated that the District has not revised its SUO to incorporate the required streamlining provisions. Therefore, the District is required to review its SUO and incorporate the required streamlining provisions into its legal authority as soon as possible. (Section 4, Legal Authority)

2. The Tetra Tech inspector noted an inconsistency in how the District is applying the Class I SIU classification. Therefore, the District is required to review its legal authority and either revise its SUO to include the additional delineation of a Class IB user or reclassify all Class IB users as Class I users (SIUs). (Section 4, Legal Authority)

3. The Tetra Tech inspector conducted a cursory review of the District's SUO (Ordinance No. 01-13-2004) and noticed that its definition of *slug discharge* is inconsistent with the federal definition at 40 CFR 403.8(f)(2)(vi). Therefore, the District is required to review its SUO to ensure that all of it definitions are consistent with the respective federal definitions. (Section 4, Legal Authority)

4. The Tetra Tech inspector could not find the 2009 Calpine permit. Therefore, the District is required to ensure that all SIUs are issued signed and final permits prior to the expiration of the previous permits. (Section 6.1, Reissuance of SIU permits)

5. The iron limit in Calpine's permit is inconsistent with the limit established in the District's SUO. The iron limit in the permit is listed as 10 mg/L, but the SUO specifies that the local limit for iron is 1 mg/L. Therefore, the District is required to revise Calpine's permit to include the iron limit established in its SUO. (Section 6.2, Effluent Limits)

6. The permits reviewed contain inconsistent self-monitoring requirements. Therefore, the District is required to review all monitoring requirements to ensure that they are consistent throughout the permit. (Section 6.3, Self-Monitoring Requirements)

7. The permits do not clearly specify what types of samples must be collected for each pollutant. Therefore, the District is required to review all SIU permits to ensure that the appropriate sampling technique is clearly identified for each pollutant that the discharger is required to self-monitor. (Section 6.3, Self-Monitoring Requirements)

8. The permits reviewed do not specify the appropriate sampling point. Therefore, the District is required to revise all SIU permit to include a specific description of where the sampling point is located. (Section 6.3, Self-Monitoring Requirements)

9. The permits reviewed do not clearly specify all reporting requirements (i.e., signature requirements, certification requirements). Therefore, the District is required to review all SIU permits to ensure that all federal reporting requirements are clearly outlined in each SIU permit. (Section 6.4, Reporting and Notification Requirements)

10. The permits reviewed do not include the requirement to notify the District within 24 hours or the requirement to resample and submit the results of the resampling event within 30 days of becoming aware of a violation. Furthermore, the permits do not include the requirements to report slug loadings, spills, or bypasses. Therefore, the District is required to review all SIU permit to ensure that each permit specifically outlines the notification and resampling requirements after becoming aware of a violation. (Section 6.4, Reporting and Notification Requirements)

11. The permits reviewed do not contain a statement of applicable civil and/or criminal penalties. Therefore, the District is required to review all SIU permits to ensure that each SIU permit includes a statement of applicable civil and/or criminal penalties. (Section 6.5, Statement of Civil and/or Criminal Penalties)

12. The Tetra Tech inspector did not find any documented sampling events conducted by the District. The District is required to revise its compliance monitoring procedures to ensure that it monitors each of the pollutants of concern listed in each SIU's permit at least once of year. (Section 7.1, Compliance Sampling)

13. Even though District personnel indicated that annual compliance inspections are conducted at each of the SIUs, the Tetra Tech inspector did not find any documented inspection reports in the SIU files. Therefore, the District is required to revise its compliance inspections procedures to ensure that all compliance inspections are properly documented. (Section 7.2, Compliance Inspections)

14. The District has failed to identify all violations. The District is required to review its procedures for reviewing and analyzing reports submitted by its SIUs. The District is required to ensure that all violations are identified and enforcement actions are taken as specified in the District's ERP. (Section 7.4, Requesting, Receiving, and Analyzing Reports)

15. The District has not performed any slug discharge evaluations at any of its SIUs. Therefore, the District is required to evaluate each of its SIUs to determine whether any of the dischargers are required to develop and implement a slug discharge control plan. In addition, the District is required to document each of these evaluations. (Section 7.5, Slug Discharge Control Plans)

16. The District has failed to identify all instances of noncompliance and therefore has not taken appropriate enforcement action against SIUs in violation. The District is required to implement the enforcement actions outlined in its ERP for all instances of noncompliance. (Section 8, Enforcement)

17. The District failed to recognize that Calpine's and PPG's iron violations in 2009 caused the facilities to be in significant noncompliance. The District is required to review all the SIU files to determine whether other SIUs are in SNC for 2009. In addition, the District is required to publish all SIUs in SNC for 2009 in a newspaper of general circulation. (Section 8, Enforcement)

10.2 Recommendations

1. The Tetra Tech inspector conducted a cursory review of the District's SUO (Ordinance No. 01-13-2004) and noticed some inconsistencies between it and the EPA model SUO. The Tetra Tech inspector strongly recommends that the District evaluate its SUO with the EPA Model Ordinance and the EPA Legal Review Checklist to determine if any revisions are needed. (Section 4, Legal Authority)

2. Even though District personnel indicated that annual compliance inspections are conducted at each of the SIUs, the Tetra Tech inspector did not find any documented inspection reports in the SIU files. The Tetra Tech inspector recommends that the District create an inspection checklist that can be used

during compliance inspections as well as to document the inspection event. (Section 7.2, Compliance Inspections)

3. The Tetra Tech inspector found the District's record and files disorganized and incomplete. The Tetra Tech inspector strongly recommends that the District revise its record-keeping procedures. Because the District is ultimately responsible for its pretreatment program, it should have a complete set of all files on-site. In addition, the District's filing system should be clearly delineated so that files are separated into different folders for permits, correspondence, enforcement actions, discharger sampling reports, District compliance sampling events, and District inspection reports. Finally, all of the information and documents should be filed chronologically. (Section 9, Record-keeping)

SITE VISIT DATA SHEET

INSTRUCTIONS: Record observations made during the IU site visit. Provide as much detail as possible.						
Name of industry: Calpine Corrugated (Produce Containers, LLC)						
Address of industry: 3366 Muscat Ave, Fresno, CA 93725						
Date of visit: February 18, 2010			Time of visit: 1:30 p.m.			
Name of inspector(s): Russ Holcomb, Malaga County Water District I-Hsin Lee, Tetra Tech, Inc.						
Provide the name(s) and title(s) of industry representative(s)						
Name	**Title**			**Phone/Email**		
Craig Gast	Plant Engineer					
IU Permit Number: 1001		Exp Date: December 31, 2010		IU Classification: Noncategorical SIU		
Inspection Type/Purpose		Scheduled	X	Unscheduled		PCA
	X	PCI		New Company		Complaint
Please provide the following documentation:						
1. Nature of operation: The facility prints and assembles specialty corrugated crates and boxes.						
2. Number of employees	Not determined (ND)	Number of shifts:	ND	Hours of operation:	ND	
3. Water source: Malaga County Water District.						
4. Wastestream flow(s) discharged to the POTW: The facility recycles and reuses the majority of its wastewater when possible. Wastewater from the adhesive and printing line is discharged into an equalization tank. The facility will take a sample from the equalization tank to conduct a jar test to determine is the wastewater is treatable and ultimately discharged to the District. If the wastewater is not treatable then the wastewater is hauled off-site for disposal. If the wastewater is treatable, then flocculant and coagulant is added and the treated water is discharged into a brownwater tank. The water from the brownwater tank is then mixed with the reject reverse osmosis water and cooling tower blowdown and is reused in the starch mixture. If there is an excess of brownwater, it is discharged to the District.						
Sanitary:	ND (gpd)	Process:	ND (gpd)	Combined:	ND (gpd)	
5. Describe any significant changes in process or flow: The facility representative indicated that it will be conducting an evaluation to determine if it can reuse and recycle all of its process wastewater and become a zero-discharger.						
6. Type of pretreatment system (Describe): See Question #4						
	Continuous flow	X	Batch		Combined	
7. Condition/operation of pretreatment system (Describe) The pretreatment system looks to be in good operating condition. All the tanks were well labeled.						
Any unusual conditions or problems with the pretreatment system: None.						

SITE VISIT DATA SHEET (Continued)

8. Process area description (identify raw materials and processes used):

The facility has 4 printers, 2 die cutters and 2 die cutter/folder machines. The printers use water-based inks. All of the colors used for in the printers are mixed on-site. The printing process utilizes a rubber stamping method.

9. Condition/operation of process area (Describe):
The process area was very clean.

Any unusual conditions or problems with the process area:
None.

10. General housekeeping in process area (Describe):
Good. The facility is very clean and well maintained.

Any unusual conditions or problems with general housekeeping in process area:
None.

11. Chemical storage area (identify the chemicals that are maintained on-site and how they are stored):
ND

Any floor drains?	ND	Any spill control measures?	ND

General housekeeping of chemical storage area (Describe):
ND

12. Are hazardous wastes drummed and labeled? ND

13. Does the IU have hazardous waste manifests? ND.

Any problems associated with hazardous waste: ND

14. Solid waste production: ND.

Solid waste disposal method(s): ND

15. Description of sample location: ND

Sampling method/technique: ND

16. Evaluation of self-monitoring data:	X	Yes		No		N/A

If yes, was self-monitoring adequate: Yes

17. Who performs the self-monitoring analysis? The facility has a contract lab.

Notes:

The RO reject water is discharged at a rate of 19 gallons per minute when in use. The RO reject water is used in the process.

The cooling tower blowdown occurs when the electrical conductivity (EC) reaches 800, about 100 gallons per day of cooling tower blowdown is discharged.

Outside of the facility, there are 3 large containers. One is used to hold high EC wastewater that cannot be treated at the facility. This waste is hauled off-site for disposal.

The other is a reverse osmosis reject water holding tank. The water inside this tank is reused in the facilities processes

The last tank is the "brown water tank" or the mixing tank. This tank will hold the treated wastewater from the printing and starch lines. Reverse osmosis water can be fed into this tank and the mixture can be used back into the facility's process.

ICIS WENDB DATA ENTRY WORKSHEET

PRETREATMENT COMPLIANCE INSPECTIONS/AUDITS

► TYPE OF COMPLIANCE MONITORING: **PCI**

► NAME OF PRETREATMENT PROGRAM: **Malage County Water District**

► CONTROLLING AUTHORITY NPDES ID: **NPDES NO. CA0084239**

START DATE OF INSPECTION.....02/18/2010 | ► END DATE OF INSPECTION.....02/18/2010

LEAD INSPECTOR (Name, Company, Phone, E-mail [if available]):
I-Hsin Lee, Tetra Tech, Inc., 703-385-6000 x387, ihsin.lee@tetratech.com

ACCOMPANYING INSPECTOR(s) (Name, Company, Phone, E-mail [if available]):

SIGNIFICANT INDUSTRIAL USERS (SIUs)	PCI CHECKLIST REFERENCE	PCA CHECKLIST REFERENCE	DATA
► SIUs* :	II.B.2.a	I.C.4.a	5
► SIUs Without Control Mechanism:	II.C.1.c	I.D.1 and II.A	0
► SIUs Not Inspected:	II.E.2.c	I.F.2.c	3***
► SIUs Not Sampled:	II.E.2.b	I.F.2.b	3***
► SIUs in SNC with Pretreatment Standards** :	II.F.3.a	I.F.3.a	2***
► SIUs in SNC with Reporting Requirements:	II.F.3.a	I.F.3.a	0
SIUs in SNC with Pretreatment Schedule:		I.F.3.a	0
SIUs in SNC Published in Newspaper:		I.G.4; II.D.7	0
Criminal Suits Filed Against SIUs:	II.F.1		0
CATEGORICAL INDUSTRIAL USERS (CIUs)			
► CIUs:		I.C.4.a	0
OTHER INFORMATION			
Pass-Through/Interference Indicator *(none, Yes, or No)*		I.G.6	No
DEFICIENCIES			
Control Mechanism Deficiencies *(No or Yes)*		I.D.1;II.A.4	Yes
Inadequacy of Sampling and Inspections *(No or Yes)*		II.C and Site Visit Sheets	Yes
Adequacy of Pretreatment Resources *(Yes or No)*		I.I	No

FOOTNOTES:
► denotes required information
* The number of SIUs entered into PCS is based on the CA's definition of "Significant Industrial User."
** AS DEFINED IN EPA's 1986 Pretreatment Compliance Monitoring and Enforcement Guidance.
*** 3 of the SIU files were reviewed during the PCI. None of the files reviewed contained any inspection reports and the compliance monitoring were found to be inadequate. The District failed to identify PPG and Calpine as SIUs in SNC. This SNC determination was performed by the Tetra Tech inspector.

DATA ENTRY WORKSHEET COMPLETED BY:	I-Hsin Lee	DATE:	02/19/2010
TITLE:	Staff Engineer	TELEPHONE NO.:	703-385-6000 x387

RNC DATA ENTRY WORKSHEET

RNC DATA ENTRY WORKSHEET			
INSTRUCTIONS: Enter the data provided by the specific checklist questions that are referenced.			
CA name: Malaga County Water District			
Permit number: NPDES No. CA0084239			
Date of inspection: February 18, 2010		Date entered into PCS	
		Level	Checklist Reference
N/A	Failure to enforce against pass through and/or interference	I	II.F.6.b&9
N/A	Failure to submit required reports within 30 days	I	Att. A.A.3
N/A	Failure to meet compliance schedule milestone date within 90 days	I	Att. A.A.4
N/A	Failure to issue/reissue control mechanisms to 90% of SIUs within 6 months	II	II.C.1.b&2
Yes	Failure to inspect or sample 80% of SIUs within the last 12 months	II	II.E.2
Yes	Failure to enforce pretreatment standards and reporting requirements	II	II.F.2
N/A	Other (specify)	II	

SNC

N/A	CA in SNC for violation of any Level I criterion
Yes	CA in SNC for violation of two or more Level II criterion

For more information on RNC, please refer to EPA's 1990 Guidance for Reporting and Evaluating POTW Noncompliance with Pretreatment Implementation Requirements

RNC WORKSHEET COMPLETED BY:	I-Hsin Lee	DATE:	2/18/2010
TITLE:	Tetra Tech, Inc. - Staff Engineer	TELEPHONE:	703-385-6000 ext 387

MALAGA COUNTY WATER DISTRICT

3580 SOUTH FRANK STREET
FRESNO, CALIFORNIA 93725
PHONE (559) 485-7353
FAX (559) 485-7319

NON-RESIDENTIAL WASTEWATER DISCHARGE PERMIT

Permit No: 1038 | **MCWD Account No:** 008

Name of Permitee:	PPG		
Mailing Address:	3333 S. Peach Fresno, CA 93725		
Facility Address:	3333 S. Peach Fresno, CA 93725		
Authorized Rep:	Ray Yee	Phone No:	(559) 485-4660 ext 200
Title:	Plant Manager		
Company Rep:	Krystle Shoate Corp Engineer 3	Phone No:	(559) 493-357
APN:	331-020-27S		
SIC No:	3211		
Fee Paid:	Yes		
Class:	IA	No. of Employees:	126
Issued:	12/31/2009	Renewals:	9
Expires:	12/31/2010	**Sewer Unit Allocation:**	836

Maintenance of Sewer Unit Allocation Fee: $ Mo

Authorized District Signature: _____ Date: 12-18-09
Michael G. Taylor, District Engineer

This permit authorizes the Permitee to discharge non-residential wastewater in accordance with the terms and conditions specified herein, provided that all other District requirements are met. Other District requirements include, but are not necessarily limited to, paying sewer connection fees and annexation fees and obtaining a sewer connection permit.

MALAGA COUNTY WATER DISTRICT

3580 SOUTH FRANK STREET
FRESNO, CALIFORNIA 93725
PHONE (559) 485-7353
FAX (559) 485-7319

NON-RESIDENTIAL WASTEWATER DISCHARGE PERMIT

Permit No:	1038	MCWD Account No:	008

Name of Permitee: PPG Flat Glass Manufacturers.

Mailing Address: 3333 S. Peach
Fresno, CA 93725

Facility Address: 3333 S. Peach
Fresno, CA 93725

Authorized Rep: Ray Yee Phone No: (559) 485-4660 ext 202

Title: Plant Manager

Company Rep: Krystle Shoate
Corp Engineer Trainee - Tank Engr. 3. Phone No: (559) 493-357

APN: 331-020-27S

SIC No: 3211

12/17/09. L/m for Ray Yee. Flat Glass Manu.

No. of Employees: 126

Renewals: 8

Sewer Unit Allocation: 836

e: $ Mo

Taylor, District Engineer

Date: 1-23-09

charge non-residential wastewater in accordance with ... specified herein, provided that all other District requirements are met. Other District requirements include, but are not necessarily limited to, paying sewer connection fees and annexation fees and obtaining a sewer connection permit.

MALAGA COUNTY WATER DISTRICT

3580 SOUTH FRANK STREET - FRESNO, CALIFORNIA 93725
PHONE (559) 485-7353 - FAX (559) 485-7319

January 20, 2009

PPG
3333 S. Peach
Fresno, CA 93725

Subject: Non-Residential Wastewater Discharge Permit 1038

Dear Mr. Yee:

Thank you for taking the time to discuss your Non-Residential Wastewater Discharge Permit; at this time, no changes have occurred that require an inspection of your facility or change to your billing status.

The District has renewed the Permit for your facility in accordance with Ordinance 3.14.95, a copy of this Ordinance is available at the District office for review upon request.

This permit should be kept on file on the premises, along with copies of any documents related to the disposal or collection of any waste disposed into the sewer or removed from grease or sediment traps. Attached are the current Standard Conditions. Please note a change in Part 2.2 - Specific Discharge Prohibitions. The limit for electroconductivity has been changed from 1000 to 950 micromhos/cm.

It is the intent of the District to provide you with the most economical waste water treatment and disposal. Your assistance in protecting our collection and treatment system from abuse is appreciated.

Please review the enclosed and contact me by phone at (559) 449-2700 or email sruff@ppeng.com if you have any questions or updates to the information.

Sincerely,

Shannon Ruff
Provost & Pritchard Engineering Group, Inc.

cc: Malaga County Water District, Russ Holcomb

PART 1 STANDARD CONDITIONS

1. Duty to Comply

The permittee shall comply with all of the conditions of this permit and all of the provisions, terms, and requirements of all orders, ordinances, rules, and regulations of the District, including but not limited to connection permits, baseline discharge requirements (per Ordinance 3-14-95) and agreements for wastewater disposal variance, as amended.

2. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or correct any adverse impact to the wastewater treatment system or the environment resulting from noncompliance with this permit.

3. Notification and Reporting

The permittee shall notify the District prior to any new or changed discharge, and shall immediately notify the District (phone 559-485-7353) of any wastewater discharge which is not in compliance with this permit or Ordinance 3-14-95, or which might be reasonably judged to constitute a hazard to District personnel, the wastewater treatment system, or the environment.

The permittee shall furnish any information relating to wastewater discharge quantity and quality as required by the District, and shall comply with all reporting requirements specified in this permit.

4. Retention of Records

The permittee shall maintain a copy of this permit and Ordinance 3-14-95 on file at 3333 S. Peach Ave., Fresno, CA 93725.

The permittee shall maintain on-site for a minimum of three years any records of monitoring activities and results, and wastes hauled off-site (including Uniform Hazardous Waste Manifests), and make such records available for inspection and copying by District staff upon request. All records that pertain to matters that are the subject of Administrative Orders or any other enforcement or litigation activities brought by the District shall be retained and preserved by the permittee until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

5. Costs and Fees

The permittee shall pay all fees required by District ordinances, including but not limited to, connection fees, annexation fees, bond debt services charges, and sewer unit fees.

The permittee shall also pay any additional cost or expenses incurred by the District for handling and treating excess loads imposed on the treatment system and any cost or expense incurred by the District in the enforcement of the provisions of its ordinances and the correction of violations thereof.

6. Facilities

The permittee shall make wastewater acceptable under the limitations of Ordinance 3-14-95 before discharging to the sewerage system. Any facilities required to pretreat wastewater to a level

acceptable to the District shall be provided and maintained at the permittee's expense. Detailed plans showing the pretreatment facilities and operating facilities shall be submitted to the District for review, and shall be acceptable to and approved by the District, in writing, before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the District under the provisions of Ordinance 3-14-95. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to, and be approved in writing by, the District.

Pretreatment facilities (including sampling and flow monitoring facilities) shall be maintained in good working order and shall be operated so as to ensure continuous compliance with District ordinances, resolutions, rules and regulations, and any applicable permits by the permittee at the permittee's own cost and expense. Pretreatment facilities are at all times subject to the requirements of these rules and regulations and all other applicable codes, ordinances, and laws. Intermittent operation of pretreatment facilities, except as provided for in writing by the District, during discharge to the sewerage system is prohibited.

All solids, sludge, filter backwash or other pollutants removed by pretreatment facilities shall not be discharged to the sewerage system, but shall be stored, treated and/or disposed of in accordance with applicable State and Federal regulations.

7. Right of Entry

The permittee shall allow District personnel, upon the presentation of credentials, to enter upon any property or premises at all reasonable times for the purposes of:
(a) reviewing and copying any records required to be kept under the provisions of Ord. 3-14-95;
(b) inspecting any monitoring equipment, pretreatment facility or discharge-producing process; or
(c) inspecting and/or sampling any discharge of wastewater to the wastewater facilities.
District personnel may enter upon the property at any hour under emergency circumstances. In the event of such emergency entry, District personnel shall make every effort to immediately notify the permittee's designated agent.

8. Duration

The terms and conditions of this permit shall remain in effect until either:
(a) the permit is modified;
(b) the permit is revoked:
(c) the permit expires and cause is determined for non-renewal of the permit.
Failure of the District to act upon a valid permit application or renewal application shall allow for automatic extension of operations under existing permit conditions until such District action is complete.

9. Severability

The provisions of this permit are severable, and if any provisions of this permit or the application of any provision of this permit to any circumstances is held invalid, the application of such provision to other circumstances and the remainder of the permit shall not be affected hereby.

10. Transferability

This permit shall not be reassigned, transferred, or sold to a new owner, new user, different premises, or to a new or changed operation.

11. Enforcement and Penalties

Failure to comply with any of the provisions of this permit, Ordinance 3-14-95, or applicable State or Federal laws or regulations may result in any or all of the following actions:

(a) administrative actions including but not limited to Notices of Violation, Administrative Orders, Administrative Hearings, Governing Board Hearings, Compliance Orders, and civil penalties;
(b) legal actions including but not limited to preliminary or permanent injunctions, or both;
(c) civil and/or criminal penalties;
(d) permit revocation;
(e) temporary or permanent disconnection from the District's sewerage system.
(f) water supply severance

12. Appeals

Any permittee affected by any decision, action, or determination, including Administrative Orders, issued by the Manager, interpreting or implementing the provisions of Ordinance 3-14-95 or any permit issued therein, may file with the District a written request for reconsideration within ten (10) days of such decision, action, or determination, setting forth in detail the facts supporting the permittee's request for reconsideration.

If the ruling made by the Manager is unsatisfactory to the person requesting reconsideration, this person may, within ten (10) days after notification of District action, file a written appeal to the District's Board of Directors. The written appeal shall be heard by the body within sixty (60) days from the date of filing. The District's Board of Directors shall make a final ruling on the appeal within ten (10) days of the close of the meeting. The Manager's decision, action, or determination shall remain in effect during such period of reconsideration.

Any permittee aggrieved by a final order issued by the Board of Directors may obtain review of the order of the Board in the Superior Court by filing in the court a petition for writ of mandate within thirty (30) days following the service of a copy of a decision and order issued by the Board.

If no aggrieved party petitions for writ of mandate within the time provided by this section, an order of the Board shall not be subject to review by any court or agency, except that the Board may grant review on its own motion after the expiration of the time limits.

13. Maintenance Fee

A permittee may apply for a permit to maintain availability of allocated sewer units. A determination will be made by the District of applicable fixed costs associated with said sewer units. The District may issue a permit to maintain the allocated sewer units for a specific time frame. Terms and conditions of such a permit are determined on a case by case basis.

PART 2 DISCHARGE PROHIBITIONS AND LIMITATIONS

1. Standard Discharge Prohibitions

The permittee shall comply with all discharge prohibitions and limitations specified in Ordinance 3-14-95, Chapter II. Prohibited materials include but are not necessarily limited to:

(a) any materials which may cause interference or pass-through;
(b) oils and grease in any concentration or quantity which may cause or contribute to obstruction;
(c) explosive mixtures;
(d) noxious material;
(e) improperly shredded garbage;
(f) solid or viscous wastes which may cause obstruction;
(g) slug loads;
(h) toxic or hazardous substances;
(i) unpolluted waters;
(j) wastes with objectionable color not removed by the treatment process;
(k) corrosive wastes;
(l) trucked or hauled waste;
(m) any other materials which may cause or contribute to a detrimental environmental impact or nuisance, interfere with District opportunities to reclaim or recycle products of the treatment process, or may otherwise be incompatible with the wastewater facilities.

2. Specific Discharge Prohibitions

pH	acceptable range = 6.0 - 9.0
E.C. (conductivity)	950 µmhos/cm maximum
B.O.D.	1,000 mg/l,
Suspended Solids	1,000 mg/l,
Oils and Greases	100 mg/l

Metals (with associated maximum allowable discharge):

iron	1ppm	copper	5ppm
arsenic	5ppm	mercury	0.2ppm
beryllium	_____	selenium	1ppm
chromium	5ppm	silver	5ppm
cyanide	_____	phenols	1ppm
nickel	5ppm	zinc	5ppm
lead	5ppm	aluminum	5ppm
benzene	0.02ppm	barium	10ppm
cadmium	0.1ppm	boron	8ppm

Screening size _20_ mesh/inch

Temperature - maximum of 150°F

PART 3 MONITORING AND REPORTING REQUIREMENTS

1. General Monitoring Requirements

(a) The Manager may require any permittee to monitor wastewater discharge and to submit monitoring reports to the Manager, at a frequency specified by the Manager. The permittee shall comply with all monitoring requirements specified in this permit or otherwise required, in writing, by the District.

(b) Flow monitoring and sampling facilities shall comply with all applicable provisions of this permit and Ordinance 3-14-95.

(c) Laboratory analysis of industrial wastewater samples shall be performed in accordance with the approved test procedures specified in 40CFR136 unless otherwise authorized, in writing, by District staff.

2. Specific Monitoring Requirements

(a) One flow-proportional 24-hour composite sample every six months. The samples are to be obtained during the second week of June and December of each year. The sampler shall be maintained in accordance with manufacturer's recommendations, shall be cleaned once per month when in use, and samples shall be maintained at 4.0°C (±2.0°C).

(c) Operate and maintain flowmeter, have it electronically calibrated annually and hydraulically calibrated every three years by a recognized professional in flowmeter testing and repair, and provide proof of calibration to the District prior to July 31 annually. The flowmeter shall record instantaneous and cumulative flow discharged from the facility.

3. General Reporting Requirements

(a) The Manager may require any permittee to submit monitoring reports to the Manager, in a format and at a frequency specified by the Manager. The permittee shall comply with all reporting requirements specified in this permit or otherwise required, in writing, by the District.

(b) All permittees subject to Federal categorical pretreatment standards shall comply with all applicable reporting requirements specified in 40CFR403.12.

(c) The permittee shall notify the District prior to any new or changed discharge, and shall immediately notify the District (phone 559-485-7353) of any wastewater discharge which is not in compliance with this permit or Ordinance 3-14-95, or which might be reasonably judges to constitute a hazard to District personnel, the wastewater treatment system, or the environment.

4. Specific Reporting Requirements

(a) Provide a site plan showing the location of all wastewater treatment facilities (grease traps, sand separators, etc.)

(b) Monitor solid separator at vehicle wash down area biannually (Record scum and solids level).

(c) As per Part 1 Section 4, maintain a log of all wastewater and solids removed from the premises. Submit copies of the log on an annual basis to Malaga County Water District.

(d) Submit to the District on a monthly basis a record of daily flow discharge from the site.

(e) Submit to the District the results of the composite sample of pH, EC, Lead, Iron, Copper, BOD, TSS taken in June and December of each year.

PART 4 SPECIAL CONDITIONS

No special conditions.

PPG Industries, Inc. 3333 South Peach Avenue Fresno, California 93725

Ray C. Yee
Manager
Works No. 15
Glass Group

December 16, 2009

Russ Holcomb
General Manager
Malaga County Water District
3580 South Frank Street
Fresno, CA 93725

Re: Monthly Monitoring Results
Malaga County Water District
Non-Residential Wastewater Discharge Permit No. 1038

Dear Mr. Holcomb:

PPG Industries, Inc. located at 3333 South Peach Street, Fresno, California submits, by this letter, the October 2009 monthly monitoring report as required by the facility's non-residential waste water discharge permit No. 1038. Per the "specific reporting requirements" of the permit, PPG is submitting in this report, a record of daily flow discharge from the site.

October 2009 Daily Flow Values					
Date	Flow (gal)	Date	Flow (gal)	Date	Flow (gal)
1-Oct-09	8433	12-Oct-09	14004	23-Oct-09	8532
2-Oct-09	13756	13-Oct-09	11380	24-Oct-09	4035
3-Oct-09	20541	14-Oct-09	138	25-Oct-09	12130
4-Oct-09	29553	15-Oct-09	5362	26-Oct-09	8169
5-Oct-09	25348	16-Oct-09	2605	27-Oct-09	3180
6-Oct-09	14565	17-Oct-09	1609	28-Oct-09	1439
7-Oct-09	19782	18-Oct-09	2981	29-Oct-09	2372
8-Oct-09	18258	19-Oct-09	1703	30-Oct-09	7126
9-Oct-09	14852	20-Oct-09	528	31-Oct-09	9294
10-Oct-09	16022	21-Oct-09	5207		
11-Oct-09	20062	22-Oct-09	5241		

Should you have any questions regarding this submittal, please don't hesitate to call Krystle Shoate at (559) 493-3357.

"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 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."

Sincerely,

Ray Yee
Plant Manager

PPG Industries, Inc. 3333 South Peach Avenue Fresno, California 93725

Ray C. Yee
Manager
Works No. 15
Glass Group

Russ Holcomb
General Manager
Malaga County Water District
3580 South Frank Street
Fresno, CA 93725

July 22, 2009

Re: Monthly Monitoring Results
Malaga County Water District
Non-Residential Wastewater Discharge Permit No. 1038

Dear Mr. Holcomb:

PPG Industries, Inc. located at 3333 South Peach Street, Fresno, California submits, by this letter, the June 2009 monthly monitoring report as required by the facility's non-residential waste water discharge permit No. 1038. Per the "specific reporting requirements" of the permit, PPG is submitting in this report, a record of daily flow discharge from the site.

June 2009 Daily Flow Values					
Date	Flow (gal)	Date	Flow (gal)	Date	Flow (gal)
1-Jun-09	58368	12-Jun-09	38912	23-Jun-09	55296
2-Jun-09	33792	13-Jun-09	43008	24-Jun-09	59392
3-Jun-09	49152	14-Jun-09	41984	25-Jun-09	66560
4-Jun-09	47104	15-Jun-09	37888	26-Jun-09	57344
5-Jun-09	29696	16-Jun-09	39936	27-Jun-09	68608
6-Jun-09	76800	17-Jun-09	56320	28-Jun-09	74752
7-Jun-09	93184	18-Jun-09	68608	29-Jun-09	84992
8-Jun-09	67584	19-Jun-09	56320	30-Jun-09	64512
9-Jun-09	44032	20-Jun-09	71680		
10-Jun-09	43008	21-Jun-09	79872		
11-Jun-09	46080	22-Jun-09	60416		

Enclosed please find the semi-annual sampling report, dated 6/2/09. As was reported to you on June 22, 2009 by Krystle Shoate via voicemail, the sampling results showed Total Recoverable Iron at 3800 ug/L, or 3.8 ppm, which is above the permit limit (1 ppm). PPG immediately began an investigation upon receipt of the sample results. Preliminarily, PPG believes that the elevated iron content may have come from pipe lining in the plant's process water-cooling system. If that is the case, PPG is investigating whether mechanical filtration could be used to remove iron particulate from the wastewater before the flow exits the plant.

Additionally, attached you will find the log of all wastewater and solids removed from the premises as required by the "specific reporting requirements" of the permit, as well as proof of electronic and hydraulic calibration of the flowmeter as required by the "specific monitoring requirements" of the permit.

Should you have any questions regarding this submittal, please don't hesitate to call Krystle Shoate at (559) 493-3357.

"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 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."

Sincerely,

Ray Yee
Plant Manager

Attachments:

Semi-annual Sampling Report
Flowmeter Calibration Certification
Log of wastewater and solids removed from the premises

PPG Industries, Inc. Works 15 3333 S. Peach Ave. Fresno, CA 93725	Project: Wastewater Samples Project Number: Monthly Project Manager: Crystal Shoate	**Reported:** 07/13/2009 16:30

Water Analysis (Metals)

BCL Sample ID: 0907134-01 | **Client Sample Name:** PPG SEWER LIFT STATION, 6/2/2009 11:00:00AM

Constituent	Result	Units	PQL	MDL	Method	Prep Date	Run Date/Time	Analyst	Instrument ID	Dilution	QC Batch ID	MB Bias	Lab Quals
Total Recoverable Copper	63	ug/L	10	2.4	EPA-200.7	06/08/09	06/10/09 13:13	JDC	PE-OP2	1	BSF0530	ND	
Total Recoverable Iron	3800	ug/L	50	30	EPA-200.7	06/08/09	06/10/09 13:13	JDC	PE-OP2	1	BSF0530	ND	
Total Recoverable Lead	25	ug/L	50	12	EPA-200.7	06/08/09	06/10/09 13:13	JDC	PE-OP2	1	BSF0530	ND	J

Permit 109

MALAGA COUNTY WATER DISTRICT

3580 SOUTH FRANK STREET
FRESNO, CALIFORNIA 93725
PHONE (559) 485-7353
FAX (559) 485-7319

NON-RESIDENTIAL WASTEWATER DISCHARGE PERMIT

Permit No: 1001 **MCWD Account No:** 020

Name of Permitee:	Produce Containers, LLC		
Mailing Address:	3366 Muscat Avenue Fresno, CA 93725		
Facility Address:	3366 Muscat Avenue Fresno, CA 93725		
Authorized Rep:	Ted Rathburn	Phone No:	559-217-5300
Title:	President		
Company Rep:	Travis Johnson	Phone No:	559-217-5300
APN:			
SIC No:	2653		
Fee Paid:	$ 365.00 paid		
Class:	1A	No. of Employees:	90
Issued:	11/04/2009	Renewals:	0 New
Expires:	12/31/2010	**Sewer Unit Allocation:**	393

Maintenance of Sewer Unit Allocation Fee: $2,500 Mo

Authorized District Signature: _____ Date: 11-4-09
Michael G. Taylor, District Engineer

This permit authorizes the Permitee to discharge non-residential wastewater in accordance with the terms and conditions specified herein, provided that all other District requirements are met. Other District requirements include, but are not necessarily limited to, paying sewer connection fees and annexation fees and obtaining a sewer connection permit.

PART 1 STANDARD CONDITIONS

1. Duty to Comply

The permittee shall comply with all of the conditions of this permit and all of the provisions, terms, and requirements of all orders, ordinances, rules, and regulations of the District, including but not limited to connection permits, baseline discharge requirements (per Ordinance 3-14-95) and agreements for wastewater disposal variance, as amended.

2. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or correct any adverse impact to the wastewater treatment system or the environment resulting from noncompliance with this permit.

3. Notification and Reporting

The permittee shall notify the District prior to any new or changed discharge, and shall immediately notify the District (phone 559-485-7353) of any wastewater discharge which is not in compliance with this permit or Ordinance 3-14-95, or which might be reasonably judged to constitute a hazard to District personnel, the wastewater treatment system, or the environment.

The permittee shall furnish any information relating to wastewater discharge quantity and quality as required by the District, and shall comply with all reporting requirements specified in this permit.

4. Retention of Records

The permittee shall maintain a copy of this permit and Ordinance 3-14-95 on file at:

3366 E. Muscat Avenue
Fresno, CA 93725

The permittee shall maintain on-site for a minimum of three years any records of monitoring activities and results, and wastes hauled off-site (including Uniform Hazardous Waste Manifests), and make such records available for inspection and copying by District staff upon request. All records that pertain to matters that are the subject of Administrative Orders or any other enforcement or litigation activities brought by the District shall be retained and preserved by the permittee until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

5. Costs and Fees

The permittee shall pay all fees required by District ordinances, including but not limited to, connection fees, annexation fees, bond debt services charges, and sewer unit fees.

The permittee shall also pay any additional cost or expenses incurred by the District for handling and treating excess loads imposed on the treatment system and any cost or

expense incurred by the District in the enforcement of the provisions of its ordinances and the correction of violations thereof.

6. Facilities

The permittee shall make wastewater acceptable under the limitations of Ordinance 3-14-95 before discharging to the sewerage system. Any facilities required to pretreat wastewater to a level acceptable to the District shall be provided and maintained at the permittee's expense. Detailed plans showing the pretreatment facilities and operating facilities shall be submitted to the District for review, and shall be acceptable to and approved by the District, in writing, before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the District under the provisions of Ordinance 3-14-95. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to, and be approved in writing by, the District.

Pretreatment facilities (including sampling and flow monitoring facilities) shall be maintained in good working order and shall be operated so as to ensure continuous compliance with District ordinances, resolutions, rules and regulations, and any applicable permits by the permittee at the permittee's own cost and expense. Pretreatment facilities are at all times subject to the requirements of these rules and regulations and all other applicable codes, ordinances, and laws. Intermittent operation of pretreatment facilities, excepts as provided for in writing by the District, during discharge to the sewerage system is prohibited.

All solids, sludge, filter backwash or other pollutants removed by pretreatment facilities shall not be discharged to the sewerage system, but shall be stored, treated and/or disposed of in accordance with applicable State and Federal regulations.

7. Right of Entry

The permittee shall allow District personnel, upon the presentation of credentials, to enter upon any property or premises at all reasonable times for the purpose of:

(a) reviewing and copying any records required to be kept under the provisions of Ord. 3-14-95;

(b) inspecting any monitoring equipment, pretreatment facility or discharge-producing process; or

(c) inspecting and/or sampling any discharge of wastewater to the wastewater facilities. District personnel may enter upon the property at any hour under emergency circumstances. In the event of such emergency entry, District personnel shall make every effort to immediately notify the permittee's designated agent.

8. Duration

The terms and conditions of this permit shall remain in effect until either:
(a) the permit is modified;
(b) the permit is revoked;

(c) the permit expires and cause is determined for non-renewal of the permit. Failure of the District to act upon a valid permit application or renewal application shall allow for automatic extension of operations under existing permit conditions until such District action is complete.

9. Severability

The provisions of this permit are severable, and if any provisions of this permit or the application of any provision of this permit to any circumstances is held invalid, the application of such provision to other circumstances and the remainder of the permit shall not be affected hereby.

10. Transferability

This permit shall not be reassigned, transferred, or sold to a new owner, new user, different premises, or to a new or changed operation.

11. Enforcement and Penalties

Failure to comply with any of the provisions of this permit, Ordinance 3-14-95, or applicable State or Federal laws or regulations may result in any or all of the following actions:

(a) administrative actions including but not limited to Notices of Violation, Administrative Orders, Administrative Hearings, Governing Board Hearings, Compliance Orders, and civil penalties;

(b) legal actions including but not limited to preliminary or permanent injunctions, or both;

(c) civil and/or criminal penalties;

(d) permit revocation;

(e) temporary or permanent disconnection from the District's sewerage system.

(f) water supply serverance

12. Appeals

Any permittee affected by any decision, action, or determination, including Administrative Orders, issued by the Manager, interpreting or implementing he provisions of Ordinance 3-14-95 or any permit issued therein, may file with the District a written request for reconsideration within ten (10) days of such decision, action, or determination, setting forth in detail in facts supporting the permittee's request for reconsideration.

If the finding made by the Manager is unsatisfactory to the person requesting reconsideration, this person may, within ten (10) days after notification of District action, file a written appeal to the District's Board of Directors. The written appeal shall be heard by the body within sixty (60) days from the date of filing. The District's Board of Directors shall make a final ruling on the appeal within ten (10) days of the close of the meeting. The Manager's decision, action, or determination shall remain in effect during such period of reconsideration.

Any permittee aggrieved by a final order issued by the Board of Directors may obtain review of the order of the Board in the Superior Court by filing in the court a petition for

writ of mandate within thirty (30) days following the service of a copy of a decision and order issued by the Board.

If no aggrieved party petitions for writ of mandate within the time provided by this section, an order of the Board shall not be subject to review by any court or agency, except that the Board may grant review on its own motion after the expiration of the time limits.

13. Maintenance Fee

A permittee may apply for a permit to maintain availability of allocated sewer units. A determination will be made by the District of applicable fixed costs associated with said sewer units. The District may issue a permit to maintain the allocated sewer units for a specific time frame. Terms and conditions of such a permit are determined on a case y case basis.

PART 2 DISCHARGE PROHIBITIONS AND LIMITATIONS

1. Standard Discharge Prohibitions

The permittee shall comply with all discharge prohibitions and limitations specified in Ordinance 3-14-95. Prohibited materials include but are not necessarily limited to:

(a) any materials which may cause interference or pass-through;
(b) oils and grease in any concentration or quantity which may contribute to an obstruction;
(c) explosive mixtures;
(d) noxious material;
(e) improperly shredded garbage;
(f) solid or viscous wastes which may cause obstruction;
(g) slug loads;
(h) toxic or hazardous substances;
(i) unpolluted waters
(j) wastes with objectionable color not removed by the treatment process;
(k) corrosive wastes;
(l) trucked or hauled waste;
(m) any other materials which may cause or contribute to a detrimental environmental impact or nuisance, interfere with District opportunities to reclaim or recycle products of the treatment process, or may otherwise be incompatible with the wastewater facilities.

2. Specific Discharge Prohibitions

pH acceptable range = 6.0 – 9.0

E.C. (conductivity) **950** µmhos/cm maximum (based on a monthly average for the calendar month)

B.O.D. 1,000 mg/l,
Suspended Solids 1,000 mg/l,
C.O.D. 1,000 mg/l,
Oils and Greases 100 mg/l,

Metals (with associated maximum allowable discharge):

Iron	10ppm	lead	5ppm	silver	5ppm
arsenic	5ppm	benzene	0.02ppm	phenols	1ppm
beryllium	_____	cadmium	0.1ppm	zinc	5ppm
chromium	5ppm	copper	5ppm	aluminum	5ppm
cyanide	_____	mercury	0.2ppm	barium	10ppm
nickel	5ppm	selenium	1ppm	boron	8ppm

Screening size 20 mesh/inch

Maximum Temperature – 150 °F
Gallons per day **50,000 for a peak day** (at a discharge rate not to exceed 40 gpm)
Gallons per day **35,000 average daily flow for any given week**

PART 3 MONITORING AND REPORTING REQUIREMENTS

1. General Monitoring Requirements
   (a) The Manager may require any permittee to monitor wastewater discharge and to submit monitoring reports to the Manager, at a frequency specified by the Manager. The permittee shall comply with all monitoring requirements specified in this permit or otherwise required, in writing, by the District.

   (b) Flow monitoring and sampling facilities shall comply with all applicable provisions of this permit and ordinance 3-14-95.

   (c) Laboratory analysis of industrial wastewater samples shall be performed in accordance with the approved test procedures specified in 40CFR136 unless otherwise authorized, in writing, by District staff.

2. Specific Monitoring Requirements
   (a) Make available a minimum of one flow-proportional 24-hour composite sample each month processing occurs. Composite samples shall be taken in the existing metering manhole at the site.

   (b) The sampler shall be maintained in accordance with manufacturer's recommendations, shall be cleaned once per month when in use, and samples shall be maintained at 4.0°C (±2.0°C).

   (c) Operate and maintain a flowmeter to monitor process effluent discharge, have it electronically calibrated annually and hydraulically calibrated every three years by a recognized professional in flowmeter testing and repair, and provide proof of calibration to the District prior to July 31 annually.

   (d) Sample (grab) the process effluent for pH, BOD, and TSS weekly.

   (e) Operate and maintain a continuous electroconductivity meter.

3. General Reporting Requirements
   (a) The Manager may require any permittee to submit monitoring reports to the Manager, in a format and at a frequency specified by the Manager. The permittee shall comply with all reporting requirements specified in this permit or otherwise required, in writing, by the District.

   (b) All permittees subject to Federal categorical pretreatment standards shall comply with all applicable reporting requirements specified in 40CFR403.12.

   (c) The permittee shall notify the District prior to any new or changed discharge, and shall immediately notify the District (phone 559-485-7353)

of any wastewater discharge which is not in compliance with the permit or Ordinance 3-14-95, or which might be reasonably judges to constitute a hazard to District personnel, the wastewater treatment system, or the environment. (Examples include spills or wasting of ink).

4. Specific Reporting Requirements

(a) Provide a site plan showing the location of all wastewater treatment facilities (grease traps, sand separators, etc.)

(b) As per Part 1 Section 4, maintain a log of all wastewater and solids removed from the premise. Submit copies of the log on a quarterly basis to MCWD for the first year and annually thereafter.

(c) Report to the MCWD results of the continuous, weekly and monthly sampling. Reports to be submitted to MCWD by the 15th of each month. Continuous monitoring shall consist of electroconductivity and pH of the effluent. Daily flow monitoring shall be recorded. The monthly report shall include the average and maximum values for daily flow, Ec, and pH.

(d) Monthly monitoring and reporting shall consist of BOD, TSS, and Iron.

(e) Bi-annual sampling and reporting of Aluminum, Arsenic, Barium, Boron, Cadmium, Chromium, Copper, and Zinc shall be performed in June and December.

PART 4 SPECIAL CONDITIONS

1. Reservation of Sewer Unit Allocation

The user shall pay a reservation fee of $2,500.00/month for the reservation of 735 sewer units.

MALAGA COUNTY WATER DISTRICT

3580 SOUTH FRANK STREET
FRESNO, CALIFORNIA 93725
PHONE (559) 485-7353
FAX (559) 485-7319

NON-RESIDENTIAL WASTEWATER DISCHARGE PERMIT

Permit No:	1001	**MCWD Account No:**	020

Name of Permitee:	Produce Containers, LLC		
Mailing Address:	3366 Muscat Avenue Fresno, CA 93725		
Facility Address:	3366 Muscat Avenue Fresno, CA 93725		
Authorized Rep:	Ted Rathburn	Phone No:	559-217-5300
Title:	President		
Company Rep:	Travis Johnson	Phone No:	559-217-5300
APN:			
SIC No:	2653		
Fee Paid:	$ 365.00 paid		
Class:	1A	No. of Employees:	90
Issued:	12/11/07	Renewals:	0 New
Expires:	12/31/08	**Sewer Unit Allocation:**	393

Maintenance of Sewer Unit Allocation Fee: $2,500 Mo

Authorized District Signature: _____ Date: _____
Michael G. Taylor, District Engineer

This permit authorizes the Permitee to discharge non-residential wastewater in accordance with the terms and conditions specified herein, provided that all other District requirements are met. Other District requirements include, but are not necessarily limited to, paying sewer connection fees and annexation fees and obtaining a sewer connection permit.

PART 1 STANDARD CONDITIONS

1. Duty to Comply

The permittee shall comply with all of the conditions of this permit and all of the provisions, terms, and requirements of all orders, ordinances, rules, and regulations of the District, including but not limited to connection permits, baseline discharge requirements (per Ordinance 3-14-95) and agreements for wastewater disposal variance, as amended.

2. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or correct any adverse impact to the wastewater treatment system or the environment resulting from noncompliance with this permit.

3. Notification and Reporting

The permittee shall notify the District prior to any new or changed discharge, and shall immediately notify the District (phone 559-485-7353) of any wastewater discharge which is not in compliance with this permit or Ordinance 3-14-95, or which might be reasonably judged to constitute a hazard to District personnel, the wastewater treatment system, or the environment.

The permittee shall furnish any information relating to wastewater discharge quantity and quality as required by the District, and shall comply with all reporting requirements specified in this permit.

4. Retention of Records

The permittee shall maintain a copy of this permit and Ordinance 3-14-95 on file at:

3366 E. Muscat Avenue
Fresno, CA 93725

The permittee shall maintain on-site for a minimum of three years any records of monitoring activities and results, and wastes hauled off-site (including Uniform Hazardous Waste Manifests), and make such records available for inspection and copying by District staff upon request. All records that pertain to matters that are the subject of Administrative Orders or any other enforcement or litigation activities brought by the District shall be retained and preserved by the permittee until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

5. Costs and Fees

The permittee shall pay all fees required by District ordinances, including but not limited to, connection fees, annexation fees, bond debt services charges, and sewer unit fees.

The permittee shall also pay any additional cost or expenses incurred by the District for handling and treating excess loads imposed on the treatment system and any cost or

expense incurred by the District in the enforcement of the provisions of its ordinances and the correction of violations thereof.

6. Facilities

The permittee shall make wastewater acceptable under the limitations of Ordinance 3-14-95 before discharging to the sewerage system. Any facilities required to pretreat wastewater to a level acceptable to the District shall be provided and maintained at the permittee's expense. Detailed plans showing the pretreatment facilities and operating facilities shall be submitted to the District for review, and shall be acceptable to and approved by the District, in writing, before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the District under the provisions of Ordinance 3-14-95. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to, and be approved in writing by, the District.

Pretreatment facilities (including sampling and flow monitoring facilities) shall be maintained in good working order and shall be operated so as to ensure continuous compliance with District ordinances, resolutions, rules and regulations, and any applicable permits by the permittee at the permittee's own cost and expense. Pretreatment facilities are at all times subject to the requirements of these rules and regulations and all other applicable codes, ordinances, and laws. Intermittent operation of pretreatment facilities, excepts as provided for in writing by the District, during discharge to the sewerage system is prohibited.

All solids, sludge, filter backwash or other pollutants removed by pretreatment facilities shall not be discharged to the sewerage system, but shall be stored, treated and/or disposed of in accordance with applicable State and Federal regulations.

7. Right of Entry

The permittee shall allow District personnel, upon the presentation of credentials, to enter upon any property or premises at all reasonable times for the purpose of:

(a) reviewing and copying any records required to be kept under the provisions of Ord. 3-14-95;

(b) inspecting any monitoring equipment, pretreatment facility or discharge-producing process; or

(c) inspecting and/or sampling any discharge of wastewater to the wastewater facilities. District personnel may enter upon the property at any hour under emergency circumstances. In the event of such emergency entry, District personnel shall make every effort to immediately notify the permittee's designated agent.

8. Duration

The terms and conditions of this permit shall remain in effect until either:
(a) the permit is modified;
(b) the permit is revoked;

(c) the permit expires and cause is determined for non-renewal of the permit. Failure of the District to act upon a valid permit application or renewal application shall allow for automatic extension of operations under existing permit conditions until such District action is complete.

9. Severability

The provisions of this permit are severable, and if any provisions of this permit or the application of any provision of this permit to any circumstances is held invalid, the application of such provision to other circumstances and the remainder of the permit shall not be affected hereby.

10. Transferability

This permit shall not be reassigned, transferred, or sold to a new owner, new user, different premises, or to a new or changed operation.

11. Enforcement and Penalties

Failure to comply with any of the provisions of this permit, Ordinance 3-14-95, or applicable State or Federal laws or regulations may result in any or all of the following actions:

(a) administrative actions including but not limited to Notices of Violation, Administrative Orders, Administrative Hearings, Governing Board Hearings, Compliance Orders, and civil penalties;

(b) legal actions including but not limited to preliminary or permanent injunctions, or both;

(c) civil and/or criminal penalties;

(d) permit revocation;

(e) temporary or permanent disconnection from the District's sewerage system.

(f) water supply serverance

12. Appeals

Any permittee affected by any decision, action, or determination, including Administrative Orders, issued by the Manager, interpreting or implementing he provisions of Ordinance 3-14-95 or any permit issued therein, may file with the District a written request for reconsideration within ten (10) days of such decision, action, or determination, setting forth in detail in facts supporting the permittee's request for reconsideration.

If the finding made by the Manager is unsatisfactory to the person requesting reconsideration, this person may, within ten (10) days after notification of District action, file a written appeal to the District's Board of Directors. The written appeal shall be heard by the body within sixty (60) days from the date of filing. The District's Board of Directors shall make a final ruling on the appeal within ten (10) days of the close of the meeting. The Manager's decision, action, or determination shall remain in effect during such period of reconsideration.

Any permittee aggrieved by a final order issued by the Board of Directors may obtain review of the order of the Board in the Superior Court by filing in the court a petition for

writ of mandate within thirty (30) days following the service of a copy of a decision and order issued by the Board.

If no aggrieved party petitions for writ of mandate within the time provided by this section, an order of the Board shall not be subject to review by any court or agency, except that the Board may grant review on its own motion after the expiration of the time limits.

13. Maintenance Fee

A permittee may apply for a permit to maintain availability of allocated sewer units. A determination will be made by the District of applicable fixed costs associated with said sewer units. The District may issue a permit to maintain the allocated sewer units for a specific time frame. Terms and conditions of such a permit are determined on a case y case basis.

PART 2 DISCHARGE PROHIBITIONS AND LIMITATIONS

1. Standard Discharge Prohibitions

The permittee shall comply with all discharge prohibitions and limitations specified in Ordinance 3-14-95. Prohibited materials include but are not necessarily limited to:

(a) any materials which may cause interference or pass-through;
(b) oils and grease in any concentration or quantity which may contribute to an obstruction;
(c) explosive mixtures;
(d) noxious material;
(e) improperly shredded garbage;
(f) solid or viscous wastes which may cause obstruction;
(g) slug loads;
(h) toxic or hazardous substances;
(i) unpolluted waters
(j) wastes with objectionable color not removed by the treatment process;
(k) corrosive wastes;
(l) trucked or hauled waste;
(m) any other materials which may cause or contribute to a detrimental environmental impact or nuisance, interfere with District opportunities to reclaim or recycle products of the treatment process, or may otherwise be incompatible with the wastewater facilities.

2. Specific Discharge Prohibitions

pH acceptable range = 6.0 – 9.0
E.C. (conductivity) 1,000 µmhos/cm maximum
B.O.D. 1,000 mg/l,
Suspended Solids 1,000 mg/l,
C.O.D. 1,000 mg/l,
Oils and Greases 100 mg/l,
Metals (with associated maximum allowable discharge):

Iron	1ppm	lead	5ppm	silver	5ppm
arsenic	5ppm	benene	0.02ppm	phenols	1ppm
beryllium	_____	cadmium	0.1ppm	zinc	5ppm
chromium	5ppm	copper	5ppm	aluminum	5ppm
cyanide	_____	mercury	0.2ppm	barium	10ppm
nickel	5ppm	selenium	1ppm	boron	8ppm

Screening size __20__ mesh/inch

Maximum Temperature – 150 °F
Gallons per day 10,000.. (at a discharge rate not to exceed _ gpm)

PART 3 MONITORING AND REPORTING REQUIREMENTS

1. General Monitoring Requirements

   (a) The Manager may require any permittee to monitor wastewater discharge and to submit monitoring reports to the Manager, at a frequency specified by the Manager. The permittee shall comply with all monitoring requirements specified in this permit or otherwise required, in writing, by the District.

   (b) Flow monitoring and sampling facilities shall comply with all applicable provisions of this permit and ordinance 3-14-95.

   (c) Laboratory analysis of industrial wastewater samples shall be performed in accordance with the approved test procedures specified in 40CFR136 unless otherwise authorized, in writing, by District staff.

2. Specific Monitoring Requirements

   (a) Make available a minimum of one flow-proportional 24-hour composite sample each month processing occurs. Composite samples shall be taken in the existing metering manhole at the site.

   (b) The sampler shall be maintained in accordance with manufacturer's recommendations, shall be cleaned once per month when in use, and samples shall be maintained at 4.0°C (±2.0°C).

   (c) Operate and maintain a flowmeter to monitor process effluent discharge, have it electronically calibrated annually and hydraulically calibrated every three years by a recognized professional in flowmeter testing and repair, and provide proof of calibration to the District prior to July 31 annually.

   (d) Sample (grab) the process effluent for pH, BOD, and TSS weekly.

   (e) Operate and maintain a continuous electroconductivity meter.

3. General Reporting Requirements

   (a) The Manager may require any permittee to submit monitoring reports to the Manager, in a format and at a frequency specified by the Manager. The permittee shall comply with all reporting requirements specified in this permit or otherwise required, in writing, by the District.

   (b) All permittees subject to Federal categorical pretreatment standards shall comply with all applicable reporting requirements specified in 40CFR403.12.

   (c) The permittee shall notify the District prior to any new or changed discharge, and shall immediately notify the District (phone 559-485-7353)

of any wastewater discharge which is not in compliance with the permit or Ordinance 3-14-95, or which might be reasonably judges to constitute a hazard to District personnel, the wastewater treatment system, or the environment. (Examples include spills or wasting of ink).

4. Specific Reporting Requirements

(a) Provide a site plan showing the location of all wastewater treatment facilities (grease traps, sand separators, etc.)

(b) As per Part 1 Section 4, maintain a log of all wastewater and solids removed from the premise. Submit copies of the log on a quarterly basis to MCWD for the first year and annually thereafter.

(c) Report to the MCWD results of the weekly and monthly sampling. Reports to be submitted to MCWD by the 15th of each month.

PART 4 SPECIAL CONDITIONS

1. Reservation of Sewer Unit Allocation

The user shall pay a reservation fee of $2,500.00/month for the reservation of 735 sewer units.

BSK Analytical Laboratories
Engineers & Laboratories

1[illegible] Stanislaus Street
Fresno, California 93706
(559) 497-2888
Fax (559) 485-6935

BSK Submission Number: 2009050504

MCWD Permits
Calpine
1001 ~~1069~~
20 035

05/13/2009

Travis Johnson
Calpine Corrugated LLC
3366 E. Muscat Ave.
Fresno, CA 93725

Dear Travis Johnson,

Thank you for selecting BSK Analytical Laboratories for your analytical testing needs. We have prepared this report in response to your request for analytical services. Please find enclosed the following sections for your complete laboratory report, each uniquely paginated:

CASE NARRATIVE: An overview of the work performed.
CERTIFICATE OF ANALYSIS: Analytical results.
REPORT OF SAMPLE INTEGRITY
CHAIN OF CUSTODY FORM

Certification: BSK Analytical Laboratories certifies that the test results contained in this report meet all requirements of the NELAC Standards for applicable certified drinking water chemistry analyses under CA NELAP Certificate #04227CA, CA-ELAP Certificate #1180, and Nevada Certificate #CA79. For all other matrices and bacteriological analyses, this data package is in compliance with ELAP Standards for applicable certified analyses under CA-ELAP Certificate #1180. Any exceptions to applicable standards have been noted in the case narrative. Please note that certifications are applicable only to tests and/or analytes specified on each. Certification information may be obtained by contacting the laboratory or visiting our website at www.bsklabs.com. The results in this report pertain only to the samples tested in the laboratory. This report shall not be reproduced, except in full, without written permission from BSK Analytical Laboratories.

If additional clarification of any information is required, please contact your Client Services Representative, Dan Larkin, at (800) 877-8310 or (559) 497-2888.

BSK ANALYTICAL LABORATORIES

Dan Larkin
Client Services Representative

MAY 19 2009

Case Narrative

BSK Submission Number: 2009050504

SAMPLE AND RECEIPT INFORMATION

The sample(s) was received, prepared, and analyzed within the method specified holding times unless otherwise noted on the Certificate of Analysis. Samples, when shipped, arrived within acceptable temperature requirements of 0° to 6° Celsius unless otherwise noted on the Report of Sample Integrity. Samples collected by BSK Analytical Laboratories were collected in accordance with the BSK Sampling and Collection Standard Operating Procedures.

QUALITY CONTROL

All analytical quality controls are within established method criteria except when noted in the Quality Control section or on the Certificate of Analysis. All positive results for EPA Methods 504.1, 502.2, and 524.2 require the analysis of a Field Reagent Blank (FRB) to confirm that the results are not a contamination error from field sampling steps. If Field Reagent Blanks were not submitted with the samples, this method requirement has not been performed. QC samples may include analytes not requested in this submission.

RUN	ORDER	TEST	ANALYTE	COMMENT

SAMPLE RESULT INFORMATION

Samples are analyzed as received (wet weight basis) unless noted here. The results relate only to the items tested. Any exceptions to be considered when evaluating these results are also listed here, if applicable. Results contained in this package shall not be reproduced, except in full, without written approval of BSK Analytical Laboratories.

ORDER	TEST	ANALYTE	COMMENT
1113077			Sample has a turbidity of greater than 1 NTU. Sample was digested using EPA method 200.2 prior to metals analysis.

Carbon Copies to:

MALAGA_WD: @ Malaga Water District *3580 S. Frank Fresno, CA 93725*

BSK Analytical Laboratories
Engineers & Laboratories

1414 Stanislaus Street
Fre. , California 93706
(559) 497-2888
Fax (559) 485-6935

Certificate of Analysis

NELAP Certificate #04227CA
ELAP Certificate #1180

Travis Johnson
Calpine Corrugated LLC
3366 E. Muscat Ave.
Fresno, CA 93725

BSK Submission #: 2009050504
BSK Sample ID #: 1113077

Report Issue Date: 05/13/2009

Project ID:
Project Desc: Weekly Water Monitoring
Submission Comments:
Sample Type: Liquid
Sample Description: Continuous Monitoring Center
Sample Comments:

Date Sampled: 05/07/2009
Time Sampled: 1330
Date Received: 05/07/2009

Inorganics

Analyte	Method	Result	Units	PQL	Dilution	DLR	Prep Date/Time	Analysis Date/Time
Biochemical Oxygen Demand (BOD)	SM 5210-B	**190**	mg/L	5.0	1	5.0	05/07/09 16:07	05/12/09 11:38
Iron (Fe)	EPA 200.7	**1.8**	mg/L	0.050	1	0.050	05/12/09	05/12/09
Total Suspended (TSS)	SM 2540 D	**24**	mg/L	5.0	1	5.0	05/08/09	05/12/09

mg/L: Milligrams/Liter (ppm)
mg/Kg: Milligrams/Kilogram (ppm)
µg/L: Micrograms/Liter (ppb)
µg/Kg: Micrograms/Kilogram (ppb)
%Rec: Percent Recovered (surrogates)

PQL: Practical Quantitation Limit
DLR: Detection Limit for Reporting : PQL x Dilution
ND: None Detected at DLR
pCi/L: Picocurie per Liter

H: Analyzed outside of hold time
P: Preliminary result
S: Suspect result. See Case Narrative for comments.
E: Analysis performed by External laboratory. See External Laboratory Report attachments.
MDC: Min Detectable Concentration

Report Authentication Code:

Sample Integrity

Pg. 1 of 2

2009050504 05/07/2009
C CALI E CO
57087
TAT: Standard

Date Received 5/7/09

Section 1- Sampled Same Day

Sample Transport: Walk In SJVC BSK-Courier Transported In: Ice Chest Box Hand

Has chilling process begun? Y N Samples Received: Chilled to Touch / Ambient / On Ice

Section 2- Sampled Previously

Sample Transport: CAO UPS SJVC Walk-In BSK-Courier GSO Fed Exp. Other:_____

No. Coolers/Ice Chests: _____ Temperature(s): _____

Was Temperature In Range : Y N Received On Ice: Wet Blue

Describe type of packing materials: Bubble Wrap Foam Packing Peanuts Paper Other:_____

Were ice chest custody seals present? Y N Intact: Y N

Section 3- COC Info.	Completed Yes	Completed No	Info From Container		Completed Yes	Completed No	Info From Container
Was COC Received	✓			Analysis Requested	✓		
Date Sampled	✓			Any hold times less than 72hr	✓		
Time Sampled	✓			Client Name	✓		
Sample ID	✓			Address	✓		
Special Storage/Handling Ins.		✓		Telephone #	✓		

Section 4- Bottles / Analysis	Yes	No	N/A	Comment
Did all bottles arrive unbroken and intact?:	✓			
Were bottle custody seals present?			✓	
Were bottle custody seals intact?			✓	
Did all bottle labels agree with COC?:	✓			
Were correct containers used for the tests requested?:	✓			
Were correct preservations used for the tests requested?:	✓			
Was a sufficient amount of sample sent for tests indicated?:	✓			
Were bubbles present in VOA Vials?: **(Volatile Methods Only)**			✓	
Were Ascorbic Acid Bottles received with the VOAs			✓	

Section 5- Comments / Discrepancies

Sample(s) Split/Preserve: Yes No Container: _____ Preservation:_____ Init.:____

Was Client Service Rep. notified of discrepancies: Yes No N/A CSR: Notified By:

Explanations / Comments

Report Comment Entered:

SR-FL-0002-02

Labeled by: 1400

Labels checked by: 1400

Sample Integrity Pg 2 of 2

SR-FL-0002-02

BSK Bottles (Yes) No . 57087

0009050504 05/07/2009
CALPINE CO TAT: Standard

8oz (A) 16oz (B) 32oz (C) Amber Glass (AG)

Container(s) Received	1						
Bacti $Na_2S_2O_3$							
None (p) White Cap	1C						
None (p) Blue Cap							
HNO_3 (p) Red Cap	1B						
H_2SO_4 (p) Yellow Cap							
NaOH (p) Green Cap							
Other:							
Dissolved Oxygen 300ml (g)							
250ml (AG) None							
250ml (AG) H_2SO_4 COD Yellow Label							
250ml (AG) $Na_2S_2O_3$ 515,547 Blue Label							
250ml (AG) $Na_2S_2O_3$+ MCAA 531.1 Orange Label							
250ml (AG) NH_4Cl 552 Purple Label							
250ml (AG) EDA DBPs Brown Label							
250ml (AG) Other:							
500ml (AG) None							
500ml (AG) H_2SO_4 TPH-Diesel Yellow Label							
1 Liter (AG) None							
1 Liter (AG) H_2SO_4 O&G Yellow Label							
1 Liter (AG) $Na_2S_2O_3$ 548 / 525 / 521 Blue Label							
1 Liter (P) $Na_2S_2O_3$+ H_2SO_4 549							
1 Liter (AG) NaOH+ZnAc Sulfide							
1 Liter (AG) Ascorbic/EDTA/Pot Citrate 527 Grey Label							
1 Liter (AG) CuSO4/Trizma 529 Turquoise Label							
1 Liter (AG) Na_2SO_3 / HCL 525 **UCMR** Neon Green Label							
1 Liter (AG) Ammonium Chloride 535 Purple Label							
40ml VOA Vial Clear – HCL							
40ml VOA Vial Amber – $Na_2S_2O_3$							
40ml VOA Vial Clear – None							
40ml VOA Vial Clear - $Na_2S_2O_3$ 504, 505							
40ml VOA Vial Clear – H_3PO_4							
Other:							
Asbestos 32oz Plastic/Foil							
Radiological GA / GB (½ Gal Plastic)							
Radiological 226 / 228 (32 oz plastic N-BSK)							
Radon 200ml Clear (g)							
Low Level Hg/Metals Double Baggie							
THM-FP 4-40ml VOA None							
250 Clear Glass Jar							
500 Clear Glass Jar							
1 Liter Clear Glass Jar							
Plastic Bag							
Soil Tube Brass / Steel / Plastic							
Tedlar Bags							

5/8/09

BSK ANALYTICAL LABORATORIES

1414 Stanislaus Street, Fresno, CA 93706-1623
(559) 497-2888 • FAX (559) 497-2893 • www.bsklabs.com

5708

2009050504 05/07/2009
CALPINE CO TAT: Standard
57087

* Required Fields TEMP: _____

Client/Company Name *:	Report Attention *:	Phone * #: 559-519-7268 FAX * #: 559-237-176
Calpine Corrugated	Travis Johnson	E-mail: tjohnson@calpinecorrugated.com

ANALYSIS REQUESTED

Address *	City *	State *	Zip *
3366 E. Muscat	Fresno	CA	93725

Carbon Copies: (Circle One) CDHS ☐ Fresno Co ☐ EPA ☐ Merced Co ☐ Tulare Co ☐ Other:

Project Information: Weekly Water Monitoring

PO # Quote #

How would you like your completed results sent? ☑ E-Mail ☐ Fax ☑ EDD ☐ Mail Only

Regulatory Compliance Electronic Data Transfer: ☐ Y ☐ N System No. *

Sampler Name Printed / Signature: SHANE BEDFORD

QC Request: ☑ STD ☐ Level II

Result Request ** Surcharge: ☐ STD ☐ 5 Day** ☐ 2 Day** ☐ 1 Day**

Matrix Types: RSW = Raw Surface Water, CFW = Clorinated Finished Water, CWW = Chorinated Waste Water, BW = Bottled Water, RGW = Raw Ground Water, FW = Finished Water, WW = Waste Water, SW = Storm Water, DW = Drinking Water, SO = Solid

Sample #	# Bottles	Sampled Date	Sampled Time	Sample Description / Location *	Matrix *	Comments / Station Code	BOD	Fe	TSS						
1	2	5-7-09	1:30	Continuous Monitoring Center	WW	Discharge to Malaga Water System	X	X	X						
						1,113,077									

Relinquished by: (Signature and Printed Name)	Company	Date	Time	Received by (Signature and Print Name)	Company
TRAVIS JOHNSON	Calpine Corrugated	5-7-09	1:30		
SHANE BEDFORD	CALPINE Corrugated	5-7-09	1:30		
Received for Lab by: (Signature and Printed Name)		Date 5/7/09	Time 13:30	Payment Received at Delivery: Date: Amount: Check/Cash/Card PIA # Init.	

Shipping Method: CAO UPS GSO WALK-IN SJVC FED EX OTHER

Cooling Method: WET BLUE NONE

Packing Material:

SR-FL-0012-00 (Analytical)

PART 1 STANDARD CONDITIONS

1. Duty to Comply

The permittee shall comply with all of the conditions of this permit and all of the provisions, terms, and requirements of all orders, ordinances, rules, and regulations of the District, including but not limited to connection permits, baseline discharge requirements (per Ordinance 3-14-95) and agreements for wastewater disposal variance, as amended.

2. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or correct any adverse impact to the wastewater treatment system or the environment resulting from noncompliance with this permit.

3. Notification and Reporting

The permittee shall notify the District prior to any new or changed discharge, and shall immediately notify the District at (559) 485-7353 of any wastewater discharge which is not in compliance with this permit or Ordinance 3-14-95, or which might be reasonably judged to constitute a hazard to District personnel, the wastewater treatment system, or the environment.

The permittee shall furnish any information relating to wastewater discharge quantity and quality as required by the District, and shall comply with all reporting requirements specified in this permit.

4. Retention of Records

The permittee shall maintain a copy of this permit and Ordinance 3-14-95 on file at _____
_____.

The permittee shall maintain on-site for a minimum of three years any records of monitoring activities and results, and wastes hauled off-site (including Uniform Hazardous Waste Manifests), and make such records available for inspection and copying by District staff upon request. All records that pertain to matters that are the subject of Administrative Orders or any other enforcement or litigation activities brought by the District shall be retained and preserved by the permittee until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

5. Costs and Fees

The permittee shall pay all fees required by District ordinances, including but not limited to, connection fees, annexation fees, bond debt services charges, and sewer unit fees.

The permittee shall also pay any additional cost or expenses incurred by the District for handling and treating excess loads imposed on the treatment system and any cost or expense incurred by the District in the enforcement of the provisions of its ordinances and the correction of violations thereof.

6. Facilities

The permittee shall make wastewater acceptable under the limitations of Ordinance 3-14-95 before discharging to the sewerage system. Any facilities required to pretreat wastewater to a level acceptable to the District shall be provided and maintained at the permittee's expense. Detailed plans showing the pretreatment facilities and operating facilities shall be submitted to the District for review, and shall be acceptable to and approved by the District, in writing, before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the District under the provisions of Ordinance 3-14-95. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to, and be approved in writing by, the District.

Pretreatment facilities (including sampling and flow monitoring facilities) shall be maintained in good working order and shall be operated so as to ensure continuous compliance with District ordinances, resolutions, rules and regulations, and any applicable permits by the permittee at the permittee's own cost and expense. Pretreatment facilities are at all times subject to the requirements of these rules and regulations and all other applicable codes, ordinances, and laws. Intermittent operation of pretreatment facilities, excepts as provided for in writing by the District, during discharge to the sewerage system is prohibited.

All solids, sludge, filter backwash or other pollutants removed by pretreatment facilities shall not be discharged to the sewerage system, but shall be stored, treated and/or disposed of in accordance with applicable State and Federal regulations.

7. Right of Entry

The permittee shall allow District personnel, upon the presentation of credentials, to enter upon any property or premises at all reasonable times for the purpose of:

(a) reviewing and copying any records required to be kept under the provisions of Ord. 3-14-95;

(b) inspecting any monitoring equipment, pretreatment facility or discharge-producing process; or

(c) inspecting and/or sampling any discharge of wastewater to the wastewater facilities. District personnel may enter upon the property at any hour under emergency circumstances. In the event of such emergency entry, District personnel shall make every effort to immediately notify the permittee's designated agent.

8. Duration

The terms and conditions of this permit shall remain in effect until either:
(a) the permit is modified;
(b) the permit is revoked;
(c) the permit expires and cause is determined for non-renewal of the permit. Failure of the District to act upon a valid permit application or renewal application shall allow for

automatic extension of operations under existing permit conditions until such District action is complete.

9. Severability

The provisions of this permit are severable, and if any provisions of this permit or the application of any provision of this permit to any circumstances is held invalid, the application of such provision to other circumstances and the remainder of the permit shall not be affected hereby.

10. Transferability

This permit shall not be reassigned, transferred, or sold to a new owner, new user, different premises, or to a new or changed operation.

11. Enforcement and Penalties

Failure to comply with any of the provisions of this permit, Ordinance 3-14-95, or applicable State or Federal laws or regulations may result in any or all of the following actions:

(a) administrative actions including but not limited to Notices of Violation, Administrative Orders, Administrative Hearings, Governing Board Hearings, Compliance Orders, and civil penalties;

(b) legal actions including but not limited to preliminary or permanent injunctions, or both;

(c) civil and/or criminal penalties;

(d) permit revocation;

(e) temporary or permanent disconnection from the District's sewerage system.

(f) water supply serverance

12. Appeals

Any permittee affected by any decision, action, or determination, including Administrative Orders, issued by the Manager, interpreting or implementing he provisions of Ordinance 3-14-95 or any permit issued therein, may file with the District a written request for reconsideration within ten (10) days of such decision, action, or determination, setting forth in detail in facts supporting the permittee's request for reconsideration.

If the fuling made by the Manager is unsatisfactory to the person requesting reconsideration, this person may, within ten (10) days after notification of District action, file a written appeal to the District's Board of Directors. The written appeal shall be heard by the body within sixty (60) days from the date of filing. The District's Board of Directors shall make a final ruling on the appeal within ten (10) days of the close of the meeting. The Manager's decision, action, or determination shall remain in effect during such period of reconsideration.

Any permittee aggrieved by a final order issued by the Board of Directors may obtain review of the order of the Board in the Superior Court by filing in the court a petition for writ of mandate within thirty (30) days following the service of a copy of a decision and order issued by the Board.

If no aggrieved party petitions for writ of mandate within the time provided by this section, an order of the Board shall not be subject to review by any court or agency, except that the Board may grant review on its own motion after the expiration of the time limits.

13. Maintenance Fee

A permittee may apply for a permit to maintain availability of allocated sewer units. A determination will be made by the District of applicable fixed costs associated with said sewer units. The District may issue a permit to maintain the allocated sewer units for a specific time frame. Terms and conditions of such a permit are determined on a case y case basis.

PART 2 DISCHARGE PROHIBITIONS AND LIMITATIONS

1. Standard Discharge Prohibitions

The permittee shall comply with all discharge prohibitions and limitations specified in Ordinance 3-14-95. Prohibited materials include but are not necessarily limited to:

(a) any materials which may cause interference or pass-through;
(b) oils and grease in any concentration or quantity which may contribute to an obstruction;
(c) explosive mixtures;
(d) noxious material;
(e) improperly shredded garbage;
(f) solid or viscous wastes which may cause obstruction;
(g) slug loads;
(h) toxic or hazardous substances;
(i) unpolluted waters
(j) wastes with objectionable color not removed by the treatment process;
(k) corrosive wastes;
(l) trucked or hauled waste;
(m) any other materials which may cause or contribute to a detrimental environmental impact or nuisance, interfere with District opportunities to reclaim or recycle products of the treatment process, or may otherwise be incompatible with the wastewater facilities.

2. Specific Discharge Prohibitions

pH acceptable range = 6.0 – 9.0
E.C. (conductivity) 950 µmhos/cm maximum
B.O.D. 1,000 mg/l,
Suspended Solids 1,000 mg/l,
C.O.D. 1,000 mg/l,
Oils and Greases 100 mg/l,
Metals (with associated maximum allowable discharge):

Iron	1ppm	lead	5ppm	silver	5ppm
arsenic	5ppm	benene	0.02ppm	phenols	1ppm
beryllium	_____	cadmium	0.1ppm	zinc	5ppm
chromium	5ppm	copper	5ppm	aluminum	5ppm
cyanide	_____	mercury	0.2ppm	barium	10ppm
nickel	5ppm	selenium	1ppm	boron	8ppm

Screening size __20__ mesh/inch

Maximum Temperature – 150 °F
Gallons per day _____. (at a discharge rate not to exceed ____ gpm)

PART 3 MONITORING AND REPORTING REQUIREMENTS

1. General Monitoring Requirements
   (a) The Manager may require any permittee to monitor wastewater discharge and to submit monitoring reports to the Manager, at a frequency specified by the Manager. The permittee shall comply with all monitoring requirements specified in this permit or otherwise required, in writing, by the District.

   (b) Flow monitoring and sampling facilities shall comply with all applicable provisions of this permit and ordinance 3-14-95.

   (c) Laboratory analysis of industrial wastewater samples shall be performed in accordance with the approved test procedures specified in 40CFR136 unless otherwise authorized, in writing, by District staff.

2. Specific Monitoring Requirements
   (a) OPTIONAL – Make available a minimum of one flow-proportional 24-hour composite sample each week processing occurs, on a day indicated by the District. Composite samples shall be taken from the portable composite sampler located_____.

   (b) OPTIONAL – The sampler shall be maintained in accordance with manufacture's recommendations, shall be cleaned once per month when in use, and samples shall be maintained at 4.0°C (±2.0°C).

   (c) OPTIONAL – Operate and maintain flowmeter, have it electronically calibrated annually and hydraulically calibrated every three years by a recognized professional in flowmeter testing and repair, and provide proof of calibration to the District prior to July 31 annually.

   (d) OPTIONAL – Maintain a logbook containing daily pH spot checks, and make this log book available for inspection and copying by District staff upon request.

3. General Reporting Requirements
   (a) The Manager may require any permittee to submit monitoring reports to the Manager, in a format and at a frequency specified by the Manager. The permittee shall comply with all reporting requirements specified in this permit or otherwise required, in writing, by the District.

   (b) All permittees subject to Federal categorical pretreatment standards shall comply with all applicable reporting requirements specified in 40CFR403.12.

(c) The permittee shall notify the District prior to any new or changed discharge, and shall immediately notify the District (phone 559-485-7353) of any wastewater discharge which is not in compliance with the permit or Ordinance 3-14-95, or which might be reasonably judges to constitute a hazard to District personnel, the wastewater treatment system, or the environment.

4. Specific Reporting Requirements

(a) Provide a site plan showing the location of all wastewater treatment facilities (grease traps, sand separators, etc.)

(b) Monitor grease traps weekly (record scum and solids level)

(c) As per Part 1 Section 4, maintain a log of all wastewater and solids removed from the premise. Submit copies of the log on a quarterly basis to MCWD for the first year and annually thereafter.

PART 4 SPECIAL CONDITIONS

1. pH Neutralization

OPTIONAL – Maintain the pH neutralization system as required, and keep copies of the invoices of the tanks of ammonia purchased for review and copying by District staff upon request.

2. Sand Interceptors

OPTIONAL – Sand interceptors shall be cleaned as often as necessary to prevent accumulation of sand in the sewerage system. At no time shall the level of sand in either interceptor exceed thirty (30) inches.

3. Reservation of Sewer Unit Allocation

The user shall pay a reservation fee of $_____/month for the reservation of ____ sewer units.

PART 1 STANDARD CONDITIONS

1. Duty to Comply

The permittee shall comply with all of the conditions of this permit and all of the provisions, terms, and requirements of all orders, ordinances, rules, and regulations of the District, including but not limited to connection permits, baseline discharge requirements (per Ordinance 3-14-95) and agreements for wastewater disposal variance, as amended.

2. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or correct any adverse impact to the wastewater treatment system or the environment resulting from noncompliance with this permit.

3. Notification and Reporting

The permittee shall notify the District prior to any new or changed discharge, and shall immediately notify the District at (559) 485-7353 of any wastewater discharge which is not in compliance with this permit or Ordinance 3-14-95, or which might be reasonably judged to constitute a hazard to District personnel, the wastewater treatment system, or the environment.

The permittee shall furnish any information relating to wastewater discharge quantity and quality as required by the District, and shall comply with all reporting requirements specified in this permit.

4. Retention of Records

The permittee shall maintain a copy of this permit and Ordinance 3-14-95 on file at the premises.

The permittee shall maintain on-site for a minimum of three years any records of monitoring activities and results, and wastes hauled off-site (including Uniform Hazardous Waste Manifests), and make such records available for inspection and copying by District staff upon request. All records that pertain to matters that are the subject of Administrative Orders or any other enforcement or litigation activities brought by the District shall be retained and preserved by the permittee until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

5. Costs and Fees

The permittee shall pay all fees required by District ordinances, including but not limited to, connection fees, annexation fees, bond debt services charges, and sewer unit fees.

The permittee shall also pay any additional cost or expenses incurred by the District for handling and treating excess loads imposed on the treatment system and any cost or expense incurred by the District in the enforcement of the provisions of its ordinances and the correction of violations thereof.

6. Facilities

The permittee shall make wastewater acceptable under the limitations of Ordinance 3-14-95 before discharging to the sewerage system. Any facilities required to pretreat wastewater to a level acceptable to the District shall be provided and maintained at the

permittee's expense. Detailed plans showing the pretreatment facilities and operating facilities shall be submitted to the District for review, and shall be acceptable to and approved by the District, in writing, before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the District under the provisions of Ordinance 3-14-95. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to, and be approved in writing by, the District.

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All solids, sludge, filter backwash or other pollutants removed by pretreatment facilities shall not be discharged to the sewerage system, but shall be stored, treated and/or disposed of in accordance with applicable State and Federal regulations.

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District personnel may enter upon the property at any hour under emergency circumstances. In the event of such emergency entry, District personnel shall make every effort to immediately notify the permittee's designated agent.

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The terms and conditions of this permit shall remain in effect until either:

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(b) legal actions including but not limited to preliminary or permanent injunctions, or both;
(c) civil and/or criminal penalties;
(d) permit revocation;
(e) temporary or permanent disconnection from the District's sewerage system.
(f) water supply severance

12. Appeals

Any permittee affected by any decision, action, or determination, including Administrative Orders, issued by the Manager, interpreting or implementing the provisions of Ordinance 3-14-95 or any permit issued therein, may file with the District a written request for reconsideration within ten (10) days of such decision, action, or determination, setting forth in detail the facts supporting the permittee's request for reconsideration.

If the ruling made by the Manager is unsatisfactory to the person requesting reconsideration, this person may, within ten (10) days after notification of District action, file a written appeal to the District's Board of Directors. The written appeal shall be heard by the body within sixty (60) days from the date of filing. The District's Board of Directors shall make a final ruling on the appeal within ten (10) days of the close of the meeting. The Manager's decision, action, or determination shall remain in effect during such period of reconsideration.

Any permittee aggrieved by a final order issued by the Board of Directors may obtain review of the order of the Board in the Superior Court by filing in the court a petition for writ of mandate within thirty (30) days following the service of a copy of a decision and order issued by the Board.

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A permittee may apply for a permit to maintain availability of allocated sewer units. A determination will be made by the District of applicable fixed costs associated with said sewer units. The District may issue a permit to maintain the allocated sewer units for a specific time frame. Terms and conditions of such a permit are determined on a case by case basis.

PART 2 DISCHARGE PROHIBITIONS AND LIMITATIONS

1. Standard Discharge Prohibitions

The permittee shall comply with all discharge prohibitions and limitations specified in Ordinance 3-14-95. Prohibited materials include but are not necessarily limited to:

(a) any materials which may cause interference or pass-through;
(b) oils and grease in any concentration or quantity which may contribute to an obstruction;
(c) explosive mixtures;
(d) noxious material;
(e) improperly shredded garbage;
(f) solid or viscous wastes which may cause obstruction;
(g) slug loads;
(h) toxic or hazardous substances;
(i) unpolluted waters;
(j) wastes with objectionable color not removed by the treatment process;
(k) corrosive wastes;
(l) trucked or hauled waste;
(m) any other materials which may cause or contribute to a detrimental environmental impact or nuisance, interfere with District opportunities to reclaim or recycle products of the treatment process, or may otherwise be incompatible with the wastewater facilities.

2. Specific Discharge Prohibitions

pH acceptable range = 6.0 - 9.0

E.C. (conductivity)	950	µmhos/cm maximum
B.O.D.	1,000	mg/l,
Suspended Solids	1,000	mg/l,
C.O.D.	1,000	mg/l,
Oils and Greases	100	mg/l

Metals (with associated maximum allowable discharge):

iron	1ppm	lead	5ppm	silver	5ppm
arsenic	5ppm	benzene	0.02ppm	phenols	1ppm
beryllium		cadmium	0.1ppm	zinc	5ppm
chromium	5ppm	copper	5ppm	aluminum	5ppm
cyanide		mercury	0.2ppm	barium	10ppm
nickel	5ppm	selenium	1ppm	boron	8ppm

Screening size 20 mesh/inch

Maximum Temperature - 150°F

PART 3 MONITORING AND REPORTING REQUIREMENTS

1. General Monitoring Requirements

(a) The Manager may require any permittee to monitor wastewater discharge and to submit monitoring reports to the Manager, at a frequency specified by the Manager. The permittee shall comply with all monitoring requirements specified in this permit or otherwise required, in writing, by the District.

(b) Flow monitoring and sampling facilities shall comply with all applicable provisions of this permit and Ordinance 3-14-95.

(c) Laboratory analysis of industrial wastewater samples shall be performed in accordance with the approved test procedures specified in 40CFR136 unless otherwise authorized, in writing, by District staff.

2. Specific Monitoring Requirements - Sediment/Oil Separators

(a) Monitor grease and sediment in the interceptor tank monthly. Maintain a logbook of monitoring and make this logbook available for inspection and copying by District staff.

3. General Reporting Requirements

(a) The Manager may require any permittee to submit monitoring reports to the Manager, in a format and at a frequency specified by the Manager. The permittee shall comply with all reporting requirements specified in this permit or otherwise required, in writing, by the District.

(b) All permittees subject to Federal categorical pretreatment standards shall comply with all applicable reporting requirements specified in 40CFR403.12.

(c) The permittee shall notify the District prior to any new or changed discharge, and shall immediately notify the District (phone 559-485-7353) of any wastewater discharge which is not in compliance with this permit or Ordinance 3-14-95, or which might be reasonably judges to constitute a hazard to District personnel, the wastewater treatment system, or the environment.

4. Specific Reporting Requirements

(a) Provide a site plan showing the location of all wastewater treatment facilities (grease traps, sand separators, etc.)

(b) As per Part 1 Section 4, maintain a log of all wastewater and solids removed from the premises. Submit copies of the log on a quarterly basis to MCWD for the first year and annually thereafter. Submit a copy of the logbook of monthly inspection of the oil/water separator in January of each year.

PART 4 SPECIAL CONDITIONS

1. Sand Interceptors

Sand interceptors shall be cleaned as often as necessary to prevent accumulation of sand in the sewerage system. At no time shall the level of sand in either interceptor exceed thirty (30) inches.

PART 1 STANDARD CONDITIONS

1. Duty to Comply

The permittee shall comply with all of the conditions of this permit and all of the provisions, terms, and requirements of all orders, ordinances, rules, and regulations of the District, including but not limited to connection permits, baseline discharge requirements (per Ordinance 3-14-95) and agreements for wastewater disposal variance, as amended.

2. Duty to Mitigate

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3. Notification and Reporting

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Failure of the District to act upon a valid permit application or renewal application shall allow for automatic extension of operations under existing permit conditions until such District action is complete.

9. Severability

The provisions of this permit are severable, and if any provisions of this permit or the application of any provision of this permit to any circumstances is held invalid, the application of such provision to other circumstances and the remainder of the permit shall not be affected hereby.

10. Transferability

This permit shall not be reassigned, transferred, or sold to a new owner, new user, different premises, or to a new or changed operation.

11. Enforcement and Penalties

Failure to comply with any of the provisions of this permit, Ordinance 3-14-95, or applicable State or Federal laws or regulations may result in any or all of the following actions:
(a) administrative actions including but not limited to Notices of Violation, Administrative Orders, Administrative Hearings, Governing Board Hearings, Compliance Orders, and civil penalties;
(b) legal actions including but not limited to preliminary or permanent injunctions, or both;
(c) civil and/or criminal penalties;
(d) permit revocation;
(e) temporary or permanent disconnection from the District's sewerage system.
(f) water supply severance

12. Appeals

Any permittee affected by any decision, action, or determination, including Administrative Orders, issued by the Manager, interpreting or implementing the provisions of Ordinance 3-14-95 or any permit issued therein, may file with the District a written request for reconsideration within ten (10) days of such decision, action, or determination, setting forth in detail the facts supporting the permittee's request for reconsideration.

If the ruling made by the Manager is unsatisfactory to the person requesting reconsideration, this person may, within ten (10) days after notification of District action, file a written appeal to the District's Board of Directors. The written appeal shall be heard by the body within sixty (60) days from the date of filing. The District's Board of Directors shall make a final ruling on the appeal within ten (10) days of the close of the meeting. The Manager's decision, action, or determination shall remain in effect during such period of reconsideration.

Any permittee aggrieved by a final order issued by the Board of Directors may obtain review of the order of the Board in the Superior Court by filing in the court a petition for writ of mandate within thirty (30) days following the service of a copy of a decision and order issued by the Board.

If no aggrieved party petitions for writ of mandate within the time provided by this section, an order of the Board shall not be subject to review by any court or agency, except that the Board may grant review on its own motion after the expiration of the time limits.

13. Maintenance Fee

A permittee may apply for a permit to maintain availability of allocated sewer units. A determination will be made by the District of applicable fixed costs associated with said sewer units. The District may issue a permit to maintain the allocated sewer units for a specific time frame. Terms and conditions of such a permit are determined on a case by case basis.

PART 2 DISCHARGE PROHIBITIONS AND LIMITATIONS

1. Standard Discharge Prohibitions

The permittee shall comply with all discharge prohibitions and limitations specified in Ordinance 3-14-95. Prohibited materials include but are not necessarily limited to:

(a) any materials which may cause interference or pass-through;
(b) oils and grease in any concentration or quantity which may contribute to an obstruction;
(c) explosive mixtures;
(d) noxious material;
(e) improperly shredded garbage;
(f) solid or viscous wastes which may cause obstruction;
(g) slug loads;
(h) toxic or hazardous substances;
(i) unpolluted waters;
(j) wastes with objectionable color not removed by the treatment process;
(k) corrosive wastes;
(l) trucked or hauled waste;
(m) any other materials which may cause or contribute to a detrimental environmental impact or nuisance, interfere with District opportunities to reclaim or recycle products of the treatment process, or may otherwise be incompatible with the wastewater facilities.

2. Specific Discharge Prohibitions

pH acceptable range = 6.0 - 9.0

E.C. (conductivity)	950	µmhos/cm maximum
B.O.D.	1,000	mg/l,
Suspended Solids	1,000	mg/l,
Oils and Greases	100	mg/l

Metals (with associated maximum allowable discharge):

iron	1ppm	cadmium	0.1ppm	zinc	5ppm
arsenic	5ppm	copper	5ppm	aluminum	5ppm
chromium	5ppm	mercury	0.2ppm	barium	10ppm
nickel	5ppm	selenium	1ppm	boron	8ppm
lead	5ppm	silver	5ppm		
benzene	0.02ppm	phenols	1ppm		

Screening size 20 mesh/inch

Maximum Temperature - 150°F

PART 3 MONITORING AND REPORTING REQUIREMENTS

1. General Monitoring Requirements

(a) The Manager may require any permittee to monitor wastewater discharge and to submit monitoring reports to the Manager, at a frequency specified by the Manager. The permittee shall comply with all monitoring requirements specified in this permit or otherwise required, in writing, by the District.

(b) Sampling facilities shall comply with all applicable provisions of this permit and Ordinance 3-14-95.

(c) Laboratory analysis of industrial wastewater samples shall be performed in accordance with the approved test procedures specified in 40CFR136 unless otherwise authorized, in writing, by District staff.

2. Specific Monitoring Requirements -Pretreatment

(a) None.

3. General Reporting Requirements

(a) The Manager may require any permittee to submit monitoring reports to the Manager, in a format and at a frequency specified by the Manager. The permittee shall comply with all reporting requirements specified in this permit or otherwise required, in writing, by the District.

(b) All permittees subject to Federal categorical pretreatment standards shall comply with all applicable reporting requirements specified in 40CFR403.12.

(c) The permittee shall notify the District prior to any new or changed discharge, and shall immediately notify the District (phone 559-485-7353) of any wastewater discharge which is not in compliance with this permit or Ordinance 3-14-95, or which might be reasonably judged to constitute a hazard to District personnel, the wastewater treatment system, or the environment.

4. Specific Reporting Requirements

(a) None

RESOLUTION NO. 3-14-95

A RESOLUTION ADOPTING ADMINISTRATIVE GUIDELINES FOR ENFORCEMENT OF THE M.C.W.D. SEWER USE ORDINANCE

MALAGA COUNTY WATER DISTRICT

RESOLVED, by the BOARD OF DIRECTORS of the Malaga County Water District that;

WHEREAS, the BOARD has adopted Ordinance No. 3-14-95 (the MCWD Sewer Use Ordinance), which regulates discharges to the wastewater system and

WHEREAS, guidelines for enforcing the regulations established in Ordinance No. 3-14-95 are necessary for its implementation.

Now, THEREFORE, it is found, determined and ordered as follows,

That the "Administrative Guidelines for the Enforcement of the M.C.W.D. Sewer Use Ordinance," attached hereto and by reference incorporated herein are hereby adopted and approved.

The foregoing resolution was introduced by Director Arriaga, seconded by Director Leyva and adopted on roll call on March 14, 1995 by the following vote,

DIRECTOR: Robert J. Arriaga

DIRECTOR: John R. Leyva

DIRECTOR: Henry F. Murrieta

DIRECTOR: Eva L. Luna

DIRECTOR: Charles Garabedian Jr.

AYES: 5 NOES: 0 ABSENT OR NOT VOTING: 0

WHEREUPON, the Chairman declared the foregoing resolution adopted, and SO ORDERED.

Stephen T. Barile
Secretary of the Board of Directors
MALAGA COUNTY WATER DISTRICT

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE M.C.W.D. SEWER USE ORDINANCE

TABLE OF CONTENTS

IV. NONCOMPLIANCE DETECTED THROUGH INSPECTIONS OR FIELD INVESTIGATIONS

- IV-A. Failure to maintain sand interceptors
- IV-B. Minor violation noted during inspections
- IV-C. Major violation of permit condition

V. ENFORCEMENT ESCALATION

- V-A. No follow-up by user to phone call
- V-B. No response to follow-up letter or District meeting by deadline specified
- V-C. Failure to respond to Notice of Violation by deadline
- V-D. Failure to resolve Notice of Violation by deadline

NOTES:

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF
THE MALAGA COUNTY WATER DISTRICT SEWER USE ORDINANCE

SAMPLING, MONITORING AND REPORTING

I-A.1

Non-Compliance	Circumstances
Failure to sample, monitor or report (routine reports)	Isolated (once in 3 months)
Range of Response	**Penalties**
Phone call from Sewer Plant Operator with offer of help or meeting	

I-A.2

Non-Compliance	Circumstances
Failure to sample, monitor or report (routine reports)	Infrequent (second time in 3 months)
Range of Response	**Penalties**
Phone call Sewer Plant Operator with offer of help or meeting and follow-up letter	

I-A.3

Non-Compliance	Circumstances
Failure to sample, monitor or report (routine reports)	Frequent (third in 3 months) - Significant Non-Compliance
Range of Response	**Penalties**
Notice of Violation from Sewer Plant Operator	If no action resolving Notice of Violation in 45 days - publication in newspaper

ORDINANCE NO. 4-22-97 (A)

AN ORDINANCE OF THE MALAGA COUNTY WATER DISTRICT AMENDING ORDINANCE NO. 3-14-95 REGULATING THE USE OF WASTEWATER FACILITIES OF THE MALAGA COUNTY WATER DISTRICT

BE IT ORDAINED by the Board of Directors of the Malaga County Water District, Fresno County, California, that Ordinance No. 3-14-95, an Ordinance regulating the use of the wastewater facilities of the Malaga County Water District is hereby amended as follows:

SECTION 1: Section 5.07 is hereby added to read as follows:

Section 5.07 TRANSFER OF PERMIT. A Non-residential Wastewater Discharge Permit is issued to a specific user for a specific operation. The permit shall not be reassigned or transferred or sold to a new owner, new user or tenant, different premises, or a new or changed operation. If a Non-residential Wastewater Discharge Permit is transferred in violation of this section, the Nonresidential User shall pay a surcharge fee of twenty (20) percent of the aggregate amount discharged in the District's facilities. The District reserves the right to enforce any other penalties authorized under this Ordinance, including terminating service to the Nonresidential User.

SECTION 2: Section 6.01.010 is hereby amended to read to follows:

SECTION 6.01.010 FAILURE TO FILE APPLICATION OR OBTAIN PERMIT. All nonresidential users shall complete and file an application on the form prescribed by the Manager, accompanied by the application fee. Prior to discharging any industrial wastewater into the District's facilities the nonresidential user shall obtain a Non-residential Wastewater Discharge Permit. Nonresidential users who are discharging into the District's wastewater facilities on the effective date of Ordinance No. 3-14-95, and have not applied for a Nonresidential Wastewater Discharge Permit as required under section 5.01, shall have fifteen (15) days from the effective date of this Ordinance to complete and file with the District the application required by section 5.02. If a nonresidential user fails to complete and file with the District an application on the form prescribed by the Manager within fifteen (15) days from the effective date of this Ordinance, the Nonresidential User shall be subject to a fine of $150.00 per calendar day for each day that the Nonresidential User fails to comply with this provision or sections 5.01 or 5.02 of this Ordinance.

SECTION 3: This ordinance shall be posted in three public places within the District within 10 days after adoption, there being no newspaper of general circulation printed, published and distributed in the District and this Ordinance shall take effect immediately.

I hereby certify that the foregoing is full, true and a correct copy of an ordinance duly passed and adopted by the Board of Directors of the Malaga County Water District, Fresno County, California at a meeting held on the 22nd day of April, 1997, by the following vote:

AYES: DIRECTORS: Garabedian Jr., Luna, Arriaga, Leyva, Murrieta

NOES: DIRECTORS: None

ABSENT: DIRECTORS: None

Chairman
MALAGA COUNTY WATER DISTRICT

ATTEST:

Gerald Forde
Secretary/Manager

(04-08-97)11430.1

ORDINANCE NO. 4-22-97 (B)

AN ORDINANCE OF THE MALAGA COUNTY WATER DISTRICT AMENDING TITLE 1 AND 2 OF THE MALAGA COUNTY WATER DISTRICT'S ORDINANCE CODE REGARDING WATER AND SEWER BILLING AND CHARGES

BE IT ORDAINED by the Board of Directors of the Malaga County Water District, Fresno County, California, that Ordinance No. 3-14-95, an Ordinance regulating the use of the wastewater facilities of the Malaga County Water District is hereby amended as follows:

SECTION 1: Sections 1.11.14, 1.11.15, 1.11.16, 1.11.17 and 1.11.18 of Chapter 11, of Title 1 of the Malaga County Water District Ordinance Code are hereby repealed.

SECTION 2: Section 2.4.01 of Chapter 2 of Title 2 is hereby amended by adding the following definitions:

"Customer" means a person, on an application for service as responsible for payment of charges.

"Utility" or "Utility Service" means water service, refuse disposal service, or sewer service, or any combination thereof, or privileges connected with water, refuse disposal or sewer service.

SECTION 3: Chapter 9 of Title 2 is hereby repealed, and replaced with the following:

2.9.01 Residential Accounts. A residential or tenant applicant may be required to deposit a sum of money with the District prior to establishing an account and furnishing service. The decision to require a deposit shall be based solely upon the credit worthiness of the applicant as determined by the District.

2.9.02 AMOUNT OF DEPOSIT. The amount of deposit when required by a residential or tenant applicant to guarantee payment of utility bills, shall be made in an amount equal to twice the estimated average periodic bill or three times the estimated average monthly bill. No interest will be paid on guarantee deposits.

2.9.03 RETURN OF DEPOSIT. If a residential customer's account has not been delinquent for twelve consecutive months, any service deposit or other security for said account shall be returned to the customer upon application for refund of said security. If a customer who has established credit, or whose deposit has been returned as provided herein, fails to pay his bill promptly as required under this Chapter, the District may demand as a condition precedent to further service and as security for the payment of bills thereafter to be incurred, a deposit in the maximum amounts set forth in section 2.9.02.

2.9.04 CLOSING OF ACCOUNT. The balance of the deposit of any account remaining after the closing bill for service has been paid, and less any District offsets, shall be returned to the customer. No interest shall be paid by the district on any such balance. In the event the customer fails to leave a forwarding address, and no such address is received in one year, said balance shall be forfeited to the District.

2.9.05 PROHIBITION OF RECOVERING CHARGES FROM SUBSEQUENT TENANTS. In no event shall the District seek to recover any charges or penalties for the residential use to a tenant under an account established by a tenant for the furnishing of services to or for the tenant's residential use from any subsequent tenant or the property owner due to nonpayment of charges by a previous tenant. "Subsequent tenant" shall not include any adult person who lived at the residence during the period that the charges or penalties accrued. The District will not require that service to subsequent tenants be furnished on the account of the landlord or property owner unless the property owner consents through a written agreement.

SECTION 4: Chapter 10 of Title 2 is hereby repealed, and replaced with the following:

2.10.01 BILLING PERIOD. The regular billing period will be monthly or bi-monthly at the option of the District.

2.10.02 OPENING AND CLOSING BILLS. Opening and closing bills for less than the normal billing period shall be prorated both as to minimum charges and quantity blocks. If the total period for which service is rendered is less than one (1) month, the bill shall not be less than the monthly minimum charge applicable. Closing bills may be estimated by the District for the final period as an expediency to permit the customer to pay the closing bill at the time service is discontinued.

2.10.03 PAYMENT OF BILLS. Bills for utilities services shall be rendered at the end of each billing period to include the minimum charge for the following month. Bills shall be payable and due nineteen (19) days from the date of depositing the bill for services in the United States mail or upon presentation to the customer. If a bill is not paid within nineteen (19) days after the Post Office cancellation date of the billing, the billing shall be subject to a basic penalty of ten percent (10%) and for each month that such charge remains delinquent a further penalty of one-half of one percent (½%) of said basic charge shall be added. Service may be discontinued pursuant to

section 2.11.01 until payment is made in full. If due date falls on a weekend or holiday, payment is due on the next working day. All bills for utility services shall be payable at the Office of the Malaga County Water District, 3580 South Frank, Fresno, California 93725.

2.10.04 DISTRICT SERVICE BILLS. The District shall have the power to combine bills for utility services rendered to any one customer or bill separately, as in the District's discretion it may deem to be in the best interests of the District.

2.10.05 BILLING OF SEPARATE METERS NOT COMBINED. Separate bills will be rendered for each meter installment except where the District has, for its own convenience, installed two or more meters in place of one meter. Where such installations are made the meter readings will be combined for billing purposes.

2.10.06 SERVICE CHARGE FOR RETURNED CHECKS. If a remittance tendered in payment of any account fails to clear through the banks and is returned, the account shall be considered unpaid, any receipts issued therefor shall be void, and the indebtedness shall be restored to the account. The service charge for a return check shall be fifteen dollars ($15).

2.10.07 DISPUTED BILLS. Should the amount of any bill for service be questioned, the customer shall promptly request an explanation. If the explanation is not satisfactory or is not understood, the customer may initiate a complaint or request an investigation within five (5) days of receiving the disputed bill, or within thirteen (13) days of the mailing of the notice required by section 2.10.08. Any customer whose complaint or request for an investigation pursuant to this section has resulted in an adverse determination by the Manager may appeal the determination to the Board of Directors.

2.10.08 PAYMENT AGREEMENTS. Whenever a delinquent current or former customer desires continuance of a utility service discontinued under this Chapter, service may be extended to the customer on a temporary basis until such delinquence is cured, provided that the customer enters into an agreement with the District for the payment of the delinquency. The agreement may be made by Manager and shall provide for the regular repayment of the delinquent amount. The terns of the agreement shall be determined by the Manager with the approval of the General Counsel, shall include simple interest charges established by the Manager, and shall be reasonably calculated to insure payment and collection of the delinquent amount. Failure to make a scheduled payment shall result in discontinuance of service without further notice. The maximum term of the agreement shall be twelve months.

SECTION 5: Chapter 11 of Title 2 is hereby repealed and replaced with the following:

2.11.01 DISCONNECTION FOR NONPAYMENT. No utility service to a residential customer on account of nonpayment of delinquent charges may be terminated, unless the District gives notice of the delinquency and the impending termination at least ten (10) days prior to

the proposed termination, by means of a notice mailed, postage prepaid, to the customer to whom the service is billed. The notice of delinquency may not be mailed earlier than nineteen (19) days from the date of mailing the utility bill for services. Furthermore, the ten (10) day period shall not commence until five (5) days after the mailing of the notice.

Every notice of termination of service shall include all of the following information:

1. The name and address of the customer whose account is delinquent.

2. The amount of the delinquency.

3. The date by which payment or arrangements for payment is required in order to avoid termination.

4. The procedure by which the customer may initiate a complaint or request an investigation concerning service or charges.

5. The procedure by which the customer may request amortization of the unpaid charges.

6. The procedure for the customer to obtain information on the availability of financial assistance, including private, local, state or federal sources, if applicable.

7. The telephone number of an employee of the District who can provide additional information or institute arrangements for payment.

The District shall make a reasonable attempt to contact an adult person residing at the premises of the customer by telephone or personal contact, at least 24 hours prior to any termination of service, except that, whenever telephone or personal contact cannot be accomplished, the District shall give, by mail, in person, or by posting in a conspicuous location at the premises, a notice of termination of service, at least 48 hours prior to termination.

2.11.02 RE-CONNECTION CHARGE. A RE-CONNECTION charge plus penalties will be made and collected prior to renewing service following a discontinuance, as set forth in the **Master Schedule of Fees, Charges, and Recovered Costs, Chapter Two, No. 11.**

2.11.03 UNSAFE APPARATUS. Water service may be refused or discontinued to any premises are apparatuses or appliances are in use which might endanger or disturb the service to other customers.

2.11.04 CROSS-CONNECTIONS. Water service may be refused or discontinued to any premises where there exists a cross-connection in violation of State or Federal laws.

2.11.05 FRAUD OR ABUSE. Service may be discontinued if necessary to protect the District against fraud or abuse.

2.11.06 NONCOMPLIANCE WITH REGULATIONS. Service may be discontinued for noncompliance with this or any other ordinance or regulation related to the water service.

2.11.07 UPON VACATING PREMISES. Customers desiring to discontinue service should notify the District two (2) days prior to vacating the premises. Unless discontinuance of service is ordered, the customer shall be liable for charges whether or not any water is used.

2.11.08 LIMITATION OF TERMINATING SERVICE. The District shall not terminate residential service for nonpayment in any of the following situations:

1. During the pendency of an investigation by the District of a customer dispute or complaint.

2. When the customer has been granted an extension of the period for payment of a bill.

3. On the certification of a licensed physician and surgeon that to do so will be life threatening to the customer and the customer is financially unable to pay for service within the normal payment period and is willing to enter into an amortization agreement with the District with respect to all charges that the customer is unable to pay prior to delinquency.

2.11.09 THIRD PARTY NOTIFICATION. The District will make available to its residential customers who are 65 years of age or older, or who are dependent adults as defined in paragraph (1) of subdivision (b) of Section 15610 of the Welfare and Institution code, a third-party notification service, whereby the District will attempt to notify a person designated by the customer to receive notification when the customer's account is past due and subject to termination. The notification shall include information on what is required to prevent termination of service. The residential customer shall make a request for third-party notification on a form provided by the District, and shall include a written consent of the designated third party. The third-party notification does not obligate the third party to pay the overdue charges, nor shall it prevent or delay termination of service.

SECTION 6: Chapter 12 of Title 2 is hereby repealed and replaced with the following:

2.12.01 SUIT. All unpaid rates and charges and penalties herein provided may be collected by suit.

2.12.02 COST. Defendant shall pay all costs of suit in any judgment rendered in favor of District.

SECTION 7: This ordinance shall be posted in three public places within the District within 10 days after adoption, there being no newspaper of general circulation printed, published and distributed in the District and this Ordinance shall take effect immediately.

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I hereby certify that the foregoing is full, true and a correct copy of an ordinance duly passed and adopted by the Board of Directors of the Malaga County Water District, Fresno County, California at a meeting held on the 22nd day of April 1997, by the following vote:

AYES: DIRECTORS: Garabedian Jr., Luna, Arriaga, Leyva, Murrieta

NOES: DIRECTORS: None

ABSENT: DIRECTORS: None

Chairman
Malaga County Water District

ATTEST:

Secretary/Manager

(4-14-97)11450.1

ORDINANCE NO. 5-11-97

AN ORDINANCE OF THE MALAGA COUNTY WATER DISTRICT AMENDING ORDINANCE NO. 3-14-95 REGULATING THE USE OF WASTEWATER FACILITIES OF THE MALAGA COUNTY WATER DISTRICT

BE IT ORDAINED by the Board of Directors of the Malaga County Water District, Fresno County, California, that Ordinance No. 3-14-95, an Ordinance regulating the use of the wastewater facilities of the Malaga County Water District is hereby amended as follows:

SECTION 1: Section 5.07 is hereby added to read as follows:

Section 5.07 TRANSFER OF PERMIT. A Non-residential Wastewater Discharge Permit is issued to a specific user for a specific operation. The permit shall not be reassigned or transferred or sold to a new owner, new user or tenant, different premises, or a new or changed operation without the written approval of the District. If a Non-residential Wastewater Discharge Permit is transferred in violation of this section, the Nonresidential User shall pay a surcharge fee of twenty (20) percent of the aggregate amount discharged in the District's facilities. The District reserves the right to enforce any other penalties authorized under this Ordinance, including terminating service to the Nonresidential User.

Section 5.07.010 APPLICATION TO COUNTY FOR ZONING AMENDMENT. All property owners whose property is zoned agriculture, industrial or commercial within the limits of the District shall notify the District when they file an application for a zoning change, conditional use permit or variance. A property owner or tenant who proposes to change the uses for the property, and for which a permit was issued by the District shall mail a copy of all the documents filed with the County in support of the property owner or tenant's request.

Section 5.07.020 COMMENTS FROM DISTRICT. Prior to the County of Fresno taking any action on the application for a change of zoning, conditional use permit or a variance, the District shall have the opportunity to comment in writing.

Section 5.07.030 PERMIT REQUIRED. Before commencing any work pertaining to the erection, construction, reconstruction, moving, conversion or alteration of any building, or any addition to any building, a permit shall be secured from the District by any owner or his agent for said work, and it shall be unlawful to commence any work until and unless such permit shall have been obtained. Provided, further that no such building shall be occupied or used unless a permit is first obtained from the District.
duty or authority to issue same.

Section 5.07.040 PROCEDURE. Each application for a permit shall be made on a printed form to be obtained from the District and shall be accompanied by accurate information and dimensions as to the size and location of the lot; the size and location of the buildings on the lot; the dimensions of all yards and open spaces; and such other information as may be necessary for the enforcement of those regulations. Where complete and accurate information is not readily available from existing records, the District may require the application to furnish a survey of the lot prepared by a licensed surveyor. A copy of the original of such application shall be kept in the office of the District.

Each application shall be reviewed for compliance with the requirements of this District. No permit shall be granted unless the proposal meets all the requirements of this Ordinance.

Before a permit shall be issued, all required on-site (outside the District right-of-way) and off-site (within the District right-of-way) improvements shall have either been completed or, if not completed, the permittee shall have entered into an agreement with the District to complete said work within six (6) months from the date of the issuance of the permit. The District may extend the completion date for one additional six (6) month period upon written request of the permittee upon a showing of good cause therefor.

SECTION 3: This ordinance shall be posted in three public places within the District within 10 days after adoption, there being no newspaper of general circulation printed; published and distributed in the District and this Ordinance shall take effect immediately.

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I hereby certify that the foregoing is full, true and a correct copy of an ordinance duly passed and adopted by the Board of Directors of the Malaga County Water District, Fresno County, California at a meeting held on the 14th day of May, 1997, by the following vote:

AYES: DIRECTORS: Garabedian Jr., Arriaga, Leyva, Luna, Murrieta

NOES: DIRECTORS: None

ABSENT: DIRECTORS: None

Henry F. Murrieta
Chairman
MALAGA COUNTY WATER DISTRICT

ATTEST:

Gerald Forde
Secretary/Manager

ORDINANCE NO. 7-28-98

AN ORDINANCE OF THE MALAGA COUNTY WATER DISTRICT REGARDING PENALTIES FOR VIOLATION OF ANY SECTION OF TITLE 1 AND 2 OF THE MALAGA COUNTY WATER DISTRICT ORDINANCE CODE

WHEREAS, the Malaga County Water District Ordinance Code has several sections that impose penalties or liability on persons who violate Title 1 or Title 2 of the Malaga County Water District Ordinance Code dealing with water and sewer regulations; and

WHEREAS, the Board of Directors desire to adopt an Ordinance that provides a universal section that applies for any violation of Title 1 or Title 2 of the Ordinance Code.

BE IT ORDAINED by the Board of Directors of the Malaga County Water District that the following sections be hereby added to the Malaga County Water District Ordinance Code:

SECTION 1. Sections 1.5.06 and 2.6.02 are hereby rescinded and amended to read as follows:

1.5.06 SEPARATE SEWER.

No two adjacent lots fronting on the same street shall be permitted to join in the use of the same side sewer. Except as hereinafter provided, every residential structure, commercial building or industrial facility must be separately connected with a public sewer if such public sewer exists within 200 feet of the closest point of the property and will be installed in the street upon which the property abuts or in an easement which will serve such property. Exceptions may be made by approval of the Board where conditions are determined to meet criteria as for a variance under the zoning ordinances of the County of Fresno. Any property owner violating this section shall be served by the District or other authorized person with written notice of the violation as set forth in Section 1.9.01 of this Ordinance Code. The property owner shall, within the period of time stated in such notice, permanently cease all violations, or enter into an agreement with the District to remedy the violations. The property owner shall pay all administrative costs the District incurs in entering into the agreement, reviewing the plans, and inspecting the work required to cease all violations. Administrative costs include, but are not limited to, staff time, engineering services and attorney fees. Any charges not paid within sixty (60) days of being levied under this section shall be a lien on the property pursuant to Health and Safety Code

section 5473.11. Nothing in this section shall relieve the property owner of paying all charges and fees required by the District for the second connection.

2.6.02 SEPARATE WATER.

No two adjacent lots fronting on the same street shall be permitted to join in the use of the same side water connection to serve the affected property. Except as hereinafter provided, every residential structure, commercial building or industrial facility must be separately connected with a public water if such public water exists within 200 feet of the closest point of the property and will be installed in the street upon which the property abuts or in an easement which will serve such property. Exceptions may be made by approval of the Board where conditions are determined to meet criteria as for a variance under the zoning ordinances of the County of Fresno. Any property owner violating this section shall be served by the District or other authorized person with written notice of the violation as set forth in Section 1.9.01 of this Ordinance Code. The property owner shall, within the period of time stated in such notice, permanently cease all violations, or enter into an agreement with the District to remedy the violations. The property owner shall pay all administrative costs the District incurs in entering into the agreement, reviewing the plans, and inspecting the work required to cease all violations. Administrative costs include, but are not limited to, staff time, engineering services and attorney fees. Any charges not paid within sixty (60) days of being levied under this section shall be a lien on the property pursuant to Health and Safety Code section 5473.11. Nothing in this section shall relieve the property owner of paying all charges and fees required by the District for the second connection.

SECTION 2. PENALTIES. Section 1.9.06 is hereby repealed and added as follows:

Any property who violates any section of Titles 1 or 2 of the Code shall be charged $50 per calendar day for each day the violation continues up to a maximum of ten (10) days or $500 for residential customers and up to a maximum of thirty (30) days or $1,500 for commercial or industrial customers. The District shall impose the charge if the District, in its sole discretion, determines that the person is in violation of the section and is not diligently pursuing the work required in an agreement with the District, and will not meet the conditions of the agreement.

The District may disconnect from the water or sewer system any person for being in violation of Title 1 or Title 2. In the event such disconnection should create a public hazard or nuisance, the Manager or his representatives may enter upon the premises for the purpose of doing such things as may be reasonably necessary to alleviate or remove such hazard or menace. The owner of such premises shall have a duty to reimburse the District for all expenses incurred by District in disconnecting any such

premises, or in doing other things authorized by this section, and no reconnection shall be made until all such charges are paid.

The penalty provided by this Section shall be applicable to every section of this Title 1 and Title 2 the same as though it were a part of each and every separate section, unless otherwise specifically provided in this District Code. Any person convicted of a violation of any section of this District Code where any duty is prescribed or obligation imposed, or where any act which is of a continuing nature or declared to be unlawful, shall be deemed guilty of a misdemeanor. A separate offense shall be deemed committed upon each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this District Code.

SECTION 3. Savings Clause. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The Board of Directors hereby declare that it would have adopted the ordinance, and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses, phrases or portions are declared invalid or unconstitutional.

SECTION 4. This Ordinance shall be posted in three public places within the District within 10 days after adoption, there being no newspaper of general circulation printed, published and distributed in the District and this Ordinance shall take effect immediately.

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I hereby certify that the foregoing is full, true and a correct copy of an ordinance duly passed and adopted by the Board of Directors of the Malaga County Water District, Fresno County, California at a meeting held on the 28th day of July 1998, by the following vote:

AYES: DIRECTORS: Leyva, Murrieta, Garabedian Jr., Garabedian Sr., Luna

NOES: DIRECTORS: None

ABSENT: DIRECTORS: None

Chairman of the Malaga County Water District

ATTEST:

Gerald Forde, Secretary/Manager

ORDINANCE NO. 11-14-95

BEFORE THE BOARD OF DIRECTORS
OF THE MALAGA COUNTY WATER DISTRICT
COUNTY OF FRESNO, STATE OF CALIFORNIA
AN ORDINANCE AMENDING ORDINANCE 3-14-95
REGULATING THE USE OF THE WASTEWATER
FACILITIES OF THE MALAGA COUNTY WATER DISTRICT

BE IT ORDAINED by the Board of Directors of the Malaga County Water District, Fresno County, California, that Ordinance 3-14-95, an Ordinance regulating the use of the wastewater facilities of the Malaga County Water District is hereby amended as follows:

Section 1: That the definition section of Ordinance 3-14-95 is amended by addition of definition of "Interference", Section 40, as per EXHIBIT "A", attached and becomes part of this ordinance; and

Section 2: That CHAPTER VI, ENFORCEMENT PROCEDURES be amended as per EXHIBIT "A" attached and becomes part of this ordinance; and;

Section 3: That CHAPTER VII, PENALTIES AND COSTS be amended as set forth in EXHIBIT "A", and becomes part of this ordinance; and;

Section 4: That GUIDELINES FOR ADMINISTRATIVE IMPLEMENTATION OF ORDINANCE NO. 3-14-95 be added in its entirety as set forth in EXHIBIT "A" and becomes part of this ordinance.

Section 5: This ordinance shall be posted in the district within 10 days after adoption, there being no newspaper of general circulation printed, published and distributed in the District and that this ordinance shall take effect immediately.

Charles E. Garabedian, Jr., Chairman
MALAGA COUNTY WATER DISTRICT

ATTEST:

Stephen T. Barile
Secretary/Manager

I hereby certify that the foregoing is ful, true and correct copy of an Ordinance duly passed and adopted by the Board of Directors of the Malaga County Water District, Fresno County, California at a meeting held on the 14th day of November, 19 95, by the following vote:

AYES: DIRECTORS: Arriaga, Leyva, Garabedian Jr., Luna, Murrieta

NOES: DIRECTORS: None

ABSENT: DIRECTORS: None

Stephen F. Barile, Secretary/Manager
MALAGA COUNTY WATER DISTRICT

EXHIBIT "A"

SECTION 1

.40 "Interference": shall mean any discharge which, alone or in conjunction with a discharge or discharges from other sources, both, (a) inhibits or disrupts the POTW, its treatment, processes or operations, or its sludge processes, use or disposal; and (b) therefore causes either a violation of the District's waste discharge requirements (including an increase in the magnitude or duration of a violation) or the prevention of sewage sludge use or disposal in compliance with applicable Federal, State or local statutory provisions and regulations or permits issued thereunder.

An industrial User significantly contributes to such a permit violation or prevention of sludge use or disposal in accordance with above-cited authorities whenever such User:

(1) discharges a daily pollutant loading in excess of that allowed by contract with the POTW or by Federal, State or local law;

(2) discharges wastewater which substantially differs in nature or constituents from the User's average Discharge; or

(3) knows or has reason to know that his discharge, alone or in conjunction with discharges from other sources, would result in a POTW permit violation or prevent sewage sludge use or disposal in accordance with the above-cited authorities as they apply to the POTW's selected method of sludge management.

SECTION 2

CHAPTER VI

ENFORCEMENT PROCEDURES

Section 6.01 Purpose and Scope. The Board finds that in order for the District to comply with the laws, regulations, and rules imposed upon it by Regulatory Agencies and to ensure that the District'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 enviroment, specific enforcement provisions must be adopted to govern the discharges to the District's system by industrial discharge permittees.

Section 6.02 Determination of Non-Compliance with Discharge Limits. 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-complaince with mass emission rate limits shall be determined by an analysis of 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. Any sample taken from a sample point is considered to be representative of the discharge to the public sewer.

Section 6.03 Enforcement Procedures and Applicable Fees.

6.03.010 Self-Monitoring Requirements as a Result of Non-compliance.

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

2. A permittee shall perform required self-monitoring or constituents in a frequency, at the specified location, and in a manner directed by the District.

3. All analysis of self-monitoring samples shall be performed by an independent laboratory acceptable to the District and submitted to the District in a form and frequency determined by the District.

4. All analysis of self-monitoring costs hall be borne by the permittee.

5. Nothing in this section shall be deemed to limit the authority of the District to impose self-monitoring as a permit condition.

6.03.020. - The purpose of the con-complaince sampling fee is to compensate the District 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 Chapter VII.

6.03.030 Non-Compliance Sampling Fees for Composite Samples.

1. Each violation or a permittee's permit limit or condition is a violation of this Ordinance.

2. If analysis of any composite sample of a permittee's discharge obtained by the District shows a major violation by the permittee of mass emission rates or concentration limits specified in the permittee's discharge permit or in this ordinance, then the permittee shall pay non-compliance sampling fees to the District pursuant to fee schedules adopted by the District's Board of Directors.

3. If analysis of any composite sample of a permittee's discharge obtained by the District shows a minor violation by the permittee of mass emission rates or concentration limits specified in the permittee's discharge permit or in this Ordinance, then the permittee's discharge permit or in this Ordinance, then the permittee shall pay non-compliance sampling fees to the District pursuant to fee schedules adopted by the District's Board of Directors.

4. The fees specified in section 6.030.030 and 6.30.040 herein shall be imposed for each date on which the District conducts sampling as a result of a violation by a permittee.

6.03.040 Non-Compliance Sampling Fees for Grab Samples and Self-Monitoring Results.

1. If analysis of any grab sample analysis of a permittee's discharge shows non-compliance with any concentration limits as set froth in the user's permit or in this Ordinance, the District may impose non-compliance sampling fees, pursuant to fee schedules adopted by the District's Board of Directors, for sampling conducted by the District 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, the District may impose non-compliance sampling fees, pursuant to fee schedules adopted by the District's Board of Directors, for sampling conducted by the District as a result of a violation by the permittee.

SECTION 3

CHAPTER VII

PENALTIES AND COSTS

Section 7.01 Authority. All users of the District's system and facilities are subject to enforcement actions administratively or judicially by the District, United States Environmental Protection Agency, State of California Regional Water Quality Control Board, or the County of Fresno 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.A. Section 1251 et seq.); (2) California Porter-Cologne Water Quality Control Act (California Water Code Section 13000 et seq.); (3) California Hazardous Waste Control Law (California Health & Safety Code Sections 25100 to 25250); (4) Resource Conservation and Recovery Act of 1976 (42 U.S.C.A. Section 6901 et seq.); and (5) California Government Code, Sections 54739-54740.

Section 7.02 Recovery of Fines and Penalties: In the event the District is subject to the payment of fines or penalties pursuant to the legal authority and actions of other regulatory or enforcement agencies based on a violation of law or regulation or its permits, and said violation can be established by District, as caused byu this discharge of any user of the District's system which is in violation of any provision of the District's Ordinance or the user's permit, District 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 it has been subjected.

Section 7.03 Correction of Violations; Collection of Costs; Injunction. In order to enforce the provisions of this Ordinance, the District may correct any violation thereof, and the cost of such correction (including but not necessarily limited to costs of investigation, analysis, document review, administration, enforcement, treatment or any other associated costs incurred by the District or any fines or other costs imposed on the District by any Federal or State agency or court) may be added to any sewer service charge payable by the person violating this Ordinance or the owner or tenant of the property upon which the violation occurred, and the District shall have such remedies for the collection of such costs as it has for the collection of sewer service charges. The District may also petition the Superior Court of the State of California for the issuance of a preliminary or permanent injunction, or both, as may be appropriate, restraining any person from the continued violation of this Ordinance.

Section 7.04 Civil Penalties

A) Pursuant to the authority of Government Code Sections 54739 - 54740, 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 the District, upon order of the General Manager or the Board of Directors, shall petition the Superior Court to impose, assess, and recover such penalties, or such other penalties as the District may impose, assess, and recover pursuant to Federal and/or State legislative authorization.

B) Pursuant to the authority of California Government Code Section 54740.5 and 54740.6, the District may issue an administrative complaint to any person who violates:

1. any provision or this Ordinance;

2. any permit condition, prohibition, or effluent limit; or

3. any suspension or revocation order.

Civil Penalties may be assessed as follows.

(1) In an amount which shall not exceed two thousand dollars ($2,000) for each day for failing or refusing to furnish technical or monitoring reports.

(2) In an amount which shall not exceed three thousand dollars ($3,000) for each day for failing or refusing to timely comply with any compliance schedule established by the District.

(3) In an amount which shall not exceed five thousand dollars ($5,000) per violation for each day for discharges in violation of any waste discharge limitation, permit condition, or requirement issued, reissued, or adopted by the District.

(4) In an amount which does not exceed ten dollars ($10) per gallon for discharges in violation of any suspension, cease and desist order or other orders, or prohibition issued, reissued, or adopted by the District.

(5) The amount of civil penalties imposed under this section which have remained delinquent for a period of 60 days shall constitute a lien against the real property of the discharger from which the discharge originated resulting in the imposition of the civil penalty. The lien provided herein shall have no force and effect until recorded with the county recorder and when recorded shall force and effect priority of a judgement lien and continue for ten (10) years from the time of recording unless sooner released, and shall be renewable in accordance with the provisions of Sections 683.110 to 683.220, inclusive, of the Code of Civil Procedure.

(6) All monies collected under this section shall be deposited in a special account of the District, and shall be made available for the monitoring, treatment, and control of discharges into the District's wastewater facilities or for other mitigation measures.

(7) The District may, at its option, elect to petition the Superior Court to confirm any other establishing civil penalties and enter judgement in conformity therewith in accordance with the provisions of Sections 1285 to 1287.6, inclusive, or the Code of Civil Procedure.

These sums shall be recoverable by the District in accordance with District billing procedures.

SECTION 4

GUIDELINES FOR ADMINISTRATIVE IMPLEMENTATION OF ORDINANCE NO. 3-14-95

1) **DEFINITIONS**

1a. Unless otherwise defined herein, terms used herein 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 Pollution Control Federation, and in the latest edition of Glossary--Water and Wastewater Control Engineering, published by the American Public Health Associations, the American Society of Civil Engineers, the American Water Works Association, and the Water Pollution Control Federation. Waste constituents and characteristics shall be measured by standard methods unless expressly stated, or as established by Federal or State regulatory agencies. It is intended that these definitions supplement, expand and add to those provided in other District Ordinance, and in the event of conflict, these definitions shall be controlling in the interpretation of Ordinance No. 3-15-95.

1b. ACT shall mean the "Federal Water Pollution Control Act Amendments" of 1972 (PL 92-500) and any amendments thereto including the "Clean Water Act of 1977," as well as any guidelines, limitations, and standards promulgated by the U.S. Environmental Protection Agency pursuant to the Act.

1c. BENEFICIAL USES shall mean uses of the waters of the state that may be protected against quality degradation including, but not necessarily limited to, domestic, municipal, agricultural and industrial supply, power generation, recreation, aesthetic enjoyment, navigation and the preservation and enhancement of fish, wildlife, and other aquatic resources or reserves, and other uses, both tangible or intangible as specified by Federal or State law.

1d. BIOCHEMICAL OXYGEN DEMAND (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C, expressed in terms of concentration (milligrams per liter).

1e. CONTAMINATION shall mean an impairment of the quality of the waters of the state by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. Contamination shall include any equivalent affect resulting from the disposal of wastewater, whether or not waters of the state are affected.

1f. DISCHARGE shall mean to pump, to place, to deposit, to permit, or to cause to flow or to be transported by a flow.

1g. DISTRICT shall mean the Malaga County Water District of the County of Fresno, State of California.

1h. INDUSTRIAL CAPACITY shall mean a rate of flow of five million gallons per day (5.0 MGD) and daily mass loadings rates of sixty-two thousand pounds of Biochemical Oxygen Demand per day (62,000 lbs. B.O.D./day) and twenty-nine thousand pounds of Suspended Solids per day (29,000 lbs. S.S./day).

1i. INDUSTRIAL USER shall mean any user who discharges industrial wastewater into the District's sewerage system.

1j. INDUSTRIAL WASTEWATER shall mean the liquid wastes resulting from the processes employed in industrial, manufacturing, trade, or business establishments, as distinct from domestic wastes. This includes wastewater from a source other than an industrial plant or facility which introduces toxic pollutants, as defined in 40 CFR 233.1(W), into publicly owned treatment works (POTW), including, without limitation:

medical offices; dental offices; hospitals, schools; research, educational and commercial laboratories; warehouses; shopping centers; car washes; print stores; residential, commercial, and public uses of pesticides and fertilizers; gas stations; and septage collection and disposal.

1k. INTERFERENCE shall mean an inhibition or disruption of the POTW, its treatment processes or operations, or its sludge processes, use or disposal which is a cause of or significantly contributes to either a violation of any increase in the magnitude or duration of a violation) or to the prevention of sewage sludge use or disposal by the POTW in accordance with applicable Federal, State and local statutory provisions and regulations or permits issued thereunder.

An Industrial User significantly contributes to such a permit violation or prevention or sludge use or disposal in accordance with above-cited authorities whenever such User:

(1) discharges a daily pollutant in excess of that allowed by contract with the POTW or by Federal, State or local law;

(2) discharges wastewater which substantially differs in nature or constituents from the User's average discharge; or

(3) knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in a POTW permit violation or prevent sewage sludge use or disposal in accordance with the above-cited authorities as they apply to the POTW's selected method of sludge management.

1l. PASS THROUGH shall mean the discharge of pollutants through the POTW into waters of the state in quanities or concentrations which are a cause of or significantly contribute to a violation of any requirement of the POTW's discharge permit, including an increase in the magnitude or duration of such violation. An Industrial User significantly contributes to such permit violation whenever such User:

(1) discharges a daily pollutant loading in excess of that allowed by contract with the POTW or by Federal, State or local law;

(2) discharges wastewater which substantially differs in nature and constituents from the User's average discharge;

(3) knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in POTW permit violations; or

(4) knows or has reason to know that the POTW is, for any reason, violating its final effluent limitations in its permit and that such Industrial User's discharge either alone or in conjunction with discharges from other sources, increases the magnitude or duration of the POTW's violations.

1m. POLLUTION shall mean an alteration of the quality of the waters of the state by waste to a degree which adversely affects such waters for beneficial use or facilities which serve such beneficial uses. Pollution may include contamination.

1n. PUBLICLY OWNED TREATMENT WORKS (POTW) shall mean a treatment works as defined by section 212 of the Federal Water Pollution Control Act, which is owned by a State or municipality (as defined by section 502(4) of the Federal Water Pollution Control Act). 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.

1o. SIGNIFICANT INDUSTRIAL USER shall mean any user discharging industrial wastewater into the District's sewerage system:

(1) whose flow exceeds 50,000 gallons per day;

(2) whose mass discharge of BOD exceeds 105 pounds per day;

(3) whose mass discharge of suspended solids exceeds 129 pounds per day;

(4) whose discharge contains a toxic pollutant in toxic amounts as defined in standards issued under 307(a) of the Federal Water Pollution Control Act and the Toxic Substances Control Act;

(5) who, as found by the District or the Regional Water Quality Control Board of the State Water Resources Control Board, discharges a waste which may cause interference with or which may pass through the POTW; or

(6) who, by determination by the District, is designated as such for the purpose of enforcing Ordinance No. 3-15-95.

Significant Industrial Users in existence at the time of the original adoption of Ordinance No. 3-15-95 and who receive a permit for discharge in accordance with District rules and regulations based on capacity allocation as of said date of adoption of Ordinance No. 3-15-95 receive such allocation without payment of a connection fee or additional connection fee as may be applicable.

1p. SEWERAGE SYSTEM shall mean the facilities for collection, transport, pumping, treatment, and disposal of wastewater.

1q. SUSPENDED SOLIDS (SS) shall mean the total suspended matter that floats on the surface of, is suspended in, or settles from wastewater, or other liquids, and which is removable by laboratory filtering.

1r. TOXIC SUBSTANCES shall mean any toxic substances in amounts exceeding standards promulgated by the Administrator of the United States Environmental Protection Ageny pursuant to Section 307(a) of the Act, and the "Toxic Substances Control Act" (P.L. 94-469), and chemical elements or compounds, phenols or other taste or odor-producing substances, or any other substances which are not susceptible to treatment or which may interfere with the biological processes or efficiency of the treatment system.

1s. USER shall mean any person who discharges, causes or permits the discharge of wastewater into the District's sewerage system.

1t. WATERS OF THE STATE shall mean any water, surface or underground, including saline waters within the boundaries of the State of California.

2) **BASELINE DISCHARGE**

2a. The Baseline Discharge for any Significant Industrial User is either:

(1) each of the monthly flow volume and mass loadings (Biochemical Oxygen Demand and Suspended Solids) as stated in Tables 1 through 12 attached hereto); or

(2) each of the monthly flow volume and mass loading (Biochemical Oxygen Demand and Suspended Solids) for which the Significant Industrial User pays a connection fee subsequent to the operative date of this Ordinance.

2b. The Baseline Discharge for any Significant Industrial User shall increase as a result of payment of connection fees by such Significant Industrial User. See also 3b. herein.

2c. The Baseline Discharge for any Significant Industrial User shall permanently decrease as a result of such User's failure to pay the total annual fixed charge as established by District Ordinance. Such decrease shall be proportional to the unpaid annual fixed charge. See also 3c. herein.

2d. Any Significant Industrial User may: discharge any quantity of flow or mass of BOD or SS; expand its plant size; vary its time of discharge; and vary its methods of operation, without reservation, so long as the resultant discharge is equal to or less than said User's Baseline Discharge and is in compliance with the Malaga CWD sewer Use Ordinance.

2e. A Significant Industrial User shall not lose any of its Baseline Discharge, even though it may discharge less than said Baseline, so long as it pays its annual fixed charge.

2f. The District may assign available Baseline Discharge to any new or existing Significant Industrial User with or without connection fee. Available Baseline Discharge means the numerical differences in the volumes and mass loadings as stated in Table 13 (Aggregate Significant Industrial Users' Plant Capacity) versus 115% of the Industrial Capacity. In the case of a new Significant Industrial User, such assignment shall be made without notice to existing Significant Industrial Users. During

the calendar month of January of each year, existing Significant Industrial Users may request an increase in Baseline Discharge subject to availability as stated above. If such requests exceed the available Baseline Discharge, consideration shall be given according to the requesting user's proporation of existing Baseline Discharge.

2g. A Significant Industrial User that has obtained an increased Baseline Discharge without payment of a connection fee shall use at least a minimum amount of such increase for a one-year (March 1 - February 28) period within the subsequent three-year period beginning on March 1. Such minimum amount to be used is eighty percent (80%) of the increase in Baseline Discharge. The Baseline Discharge for a Significant Industrial User will be reduced to the Baseline Discharge in effect at the time the Significant Industrial User requested the increase if the minimum amount of increased capacity has not been used.

3) <u>AGGREGATE SIGNIFICANT INDUSTRIAL USERS' PLANT CAPACITY</u>

3a. The Aggregate Significant Industrial User's Plant Capacity is the monthly flow volume and mass loadings (Biochemical Oxygen Demand and Suspended Solids) as stated in Table 13 attached hereto.

3b. The Aggregate Significant Industrial User's Plant Capacity shall increase as a result of payment of connection fees by a Significant Industrial User or assignment of Baseline Discharge by the District.

3c. The Aggregate Significant Industrial User's Plant Capacity shall decrease as a result of a Significant Industrial Users' failure to pay the annual fixed charge as established by District Ordinance. Such decrease shall be proportional to the unpaid annual fixed charge. In the case of such failure to pay, said decrease may be assigned by the District to any Significant Industrial User listed on Tables 1 through 12 hereof on a first come first served basis. If such assignment is made to such User, the Aggregate Significant Industrial Users' Plant Capacity shall increase by the amount of said assignment. Capacity made available by said decrease that is not assigned to a Significant Industrial User within ninety (90) days of written notice of the offer by the District shall become available capacity for any user requesting such capacity or any part thereof.

3d. The District may, in District's sole judgement, issue permits for Significant Industrial Users which in total represent an allocation of one hundred fifteen percent (115%) of Industrial Capacity. Such permit issuance recognizes the low probability of actual discharge exceeding said capacity at any given time and the necessity to meet the needs of growth and increased use in an economically sound manner. In the event such actual discharge exceeds said capacity, the District may, in District's sole judgement and without precedent for any subsequent occurrence, require all Significant Industrial Users to decrease their discharge in any or all of the three wastewater parameters of Flow, Biochemical Oxygen Demand and Suspended Solids by 15% until conditions permit removal of the restriction as determined in the sole judgement of the District.

4) <u>FEES FOR EXCESSIVE DISCHARGE</u>

4a. Any Significant Industrial User that discharges in excess of its Baseline Discharge for any month shall not be assessed any connection fee or any surcharge fee so long as the total discharge from all Significant Industrial Users for such month does not exceed the Aggregate Significant Industrial User' Plant Capacity.

4b. If the total discharge from all Significant Industrial Users for any month exceeds the Aggregate Significant Industrial Users' Plant Capacity for such month, those Significant Industrial Users that are discharging in excess of their Baseline Discharge shall pay the applicable portion of the surcharge fee.

4c. Such surcharge fee shall be twenty percent (20%) of the applicable connection fees representing the excess capacity used. Such surcharge fee shall be assessed for each month of such excessive discharge.

4d. Such surcharge fee shall be assessed only on the discharge in excess of the Aggregate Significant Industrial Users' Plant Capacity. The portion assessed to any Significant Industrial User that is discharging in excess of its Baseline Discharge shall be its relative proportion of the total of discharges in excess of Baseline Discharges.

4e. Any surcharge fee payments made by a Significant Industrial User will be credited to payment of connection fees for such User, provided that the connection fes are paid within twelve calendar months of the excessive discharge.

4f. Such connection fees shall be paid at the rate in effect at the time of payment.

4g. Such connection fees shall be proportioned by month and by the wastewater parameters of Flow, Biochemical Oxygen Demand and Suspended Solids.

4h. The component percentages of such connection fees proportioned to Flow, Biochemical Oxygen Demand and Suspended Solids shall be the capital cost allocation to treatment parameters as identified in the revenue program section of the approved District fiscal plan for each fiscal year.

4i. For any Significant Industrial User that is subject to the cities' collection system reserve charge, the calculation of such connection fees shall include said reserve charge which is proportioned 100% to flow.

4j. Acceptance by the District of such payment of connection fees is entirely at the discretion of the District and will be based on the treatment plant capacity available to all categories of users.

4k. Such surcharge and connection fees are in addition to other applicable fees including but not limited to service charge fees, annexation fees and permit fees.

4l. Any Significant Industrial User that is assessed more than five (5) surcharge fees in any consecutive twelve (12) month period shall either:

(1) pay connection fees sufficient to increase its Baseline Discharge to a level at which no further excessive discharge will occur; or

(2) cease such discharge as caused the surcharge fees to be assessed.

4m. Neither discharge by a Significant Industrial User in excess of its Baseline Discharge nor payment of a surcharge fee shall constitute locense or entitlement for continued excessive discharge.

5) <u>BASIS FOR ANNUAL FIXED CHARGE</u>

Each Significant Industrial User shall pay its annual fixed charge, as established by District Ordinance, based on its highest monthly Baseline Discharge or its highest discharge during the previous twelve months ending the last day of February, whichever is higher.

6) PROHIBITION OF TRANSFER OF BASELINE DISCHARGE

No Significant Industrial User shall transfer to, but from, sell to, exchange with, or give any Baseline Discharge, or any sewerage system capacity entitlement which may be established by such Baseline Discharge, to any person, company, corporation, agency or organization other than the District.

7) BASELINE DISCHARGE REASSIGNMENT

In the event that a Significant Industrial User transfers title to real property which has an established Baseline Discharge, such Baseline Discharge shall be reassigned by the District to said real property.

8) NON-SIGNIFICANT INDUSTRIAL USERS

8a. The Baseline Discharge for any Non-Significant Industrial User is each of the monthly flow volume and mass loadings (Biochemical Oxygen Demand and Suspended Solids) as stated on the Permit for Non-Residential Wastewater Discharge as issued by the District.

8b. Any Non-Significant Industrial User that discharges in excess of its Baseline Discharge shall be assessed a surcharge fee for such excessive discharge.

8c. Any Non-Significant Industrial User that is assessed more than five (5) surcharge fees in any consecutive twelve (12) month period shall either:

(1) pay connection fees sufficient to increase its Baseline Discharge to a level at which no further excessive discharge will occur; or

(2) cease such discharge as caused the surcharge fees to be assessed.

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE MALAGA COUNTY WATER DISTRICT SEWER USE ORDINANCE

SAMPLING, MONITORING AND REPORTING

I-B.1

Non-Compliance	Circumstances
Failure to notify of Industrial User known effluent limit violation or slug discharge	Isolated or Infrequent 1 or 2 in 6 months. No pass through, interference, incompatibility, damage or personnel endangerment caused
Range of Response	**Penalties**
Notice of Violation from Sewer Plant Operator	

I-B.2

Non-Compliance	Circumstances
Failure to notify of Industrial User known effluent limit violation or slug discharge	Frequent or continious 3 or more in 6 months - Significant Non-Compliance No pass through, interference, incompatibility, damage or personnel endangerment caused.
Range of Response	**Penalties**
Administrative Hearing before General Manager	If no action resolving Notice of Violation in 45 days - publication in newspaper

I-B.3

Non-Compliance	Circumstances
Failure to notify of Industrial User known effluent limit violation or slug discharge	Resulted in pass through interference, incompatibility, damage or personnel endangerment - first time

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE MALAGA COUNTY WATER DISTRICT SEWER USE ORDINANCE

SAMPLING, MONITORING AND REPORTING

I-B.4

Non-Compliance	Circumstances
Failure to notify of Industrial User known effluent limit violation or slug discharge	Resulted in pass through, interference, incompatability, damage or personnel endangerment - first time Industrial User not satisfied with results of Administrative Hearing or if General Manager recommends fine
Range of Response	**Penalties**
Case brought before District Board	Fine of 5% of the total of the prior 12 months flow portion of the sewer service charges or $1,000. whichever is greater

I-B.5

Non-Compliance	Circumstances
Failure to notify of Industrial User known effluent limit violation or slug discharge	Resulted in pass through, interference, incompatibility, damage or personnel endangerment - second time
Range of Response	**Penalties**
Administrative Hearing before General Manager	Recoup regulatory agency fines, damage and operating costs plus possible recommendation for fine

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE MALAGA COUNTY WATER DISTRICT SEWER USE ORDINANCE

SAMPLING, MONITORING AND REPORTING

I-B.6

Non-Compliance	Circumstances
Failure to notify of Industrial User known effluent limit violation of slug discharge	Resulted in pass through, interference, incompatibility, damage or personnel endangerment - second time. Industrial User not satisfied with results of Administrative Hearing or if General Manager recommends fine
Range of Response	**Penalties**
Case brought before District Board	Fine of 10% of the total prior 12 month's flow portion of the sewer service charges or $2,500. whichever is greater

I-B.7

Non-Compliance	Circumstances
Failure to notify of Industrial User known effluent limit violation or slug discharge	Resulted in pass through, interference, incompatibility, damage or personnel endangerment - third time or intentional
Range of Response	**Penalties**
Administrative Hearing before General Manager	Recoup regulatory agency fines, damage and operating costs plus possible recommendation for fine

I-B.8

Non-Compliance	Circumstances
Failure to notify of Industrial User known effluent limit violation or slug discharge	Resulted in pass through. interference, incompatibility, damage or personnel endangerment - third time or intentional. Industrial User not satisfied with results of Administrative Hearing or it General Manager recommends fine
Range of Response	**Penalties**
Case brought before District Board	Fine of 20% or the total prior 12 months's flow portion of the sewer service charges or $5,000. whichever is greater

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE MALAGA COUNTY WATER DISTRICT SEWER USE ORDINANCE

SAMPLING, MONITORING AND REPORTING

I-C.1

Non-Compliance	Circumstances
Failure to make samples available to District staff within 15 minutes	Once in 6 months
Range of Response	**Penalties**
Phone call from Sewer Plant Operator with offer of help or meeting	

I-C.2

Non-Compliance	Circumstances
Failure to make samples available to District staff within 15 minutes	Twice in 6 months
Range of Response	**Penalties**
Phone call from Sewer Plant Operator with offer of help or meeting and follow-up letter	

I-C.3

Non-Compliance	Circumstances
Failure to make samples available to District staff within 15 minutes	Three times or more in 6 months
Range of Response	**Penalties**
Notice of Violation from Sewer Plant Operator	If no action resolving Notice of Violation in 45 days - publication in newspaper

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE MALAGA COUNTY WATER DISTRICT SEWER USE ORDINANCE

SAMPLING, MONITORING AND REPORTING

I-D.1

Non-Compliance	Circumstances
Tampering with District samplers, flow meters or monitoring equipment	First time
Range of Response	**Penalties**
Administrative Hearing before General Manager	Re-assessment of service charges and effluent limit violation in light of tampering

I-D.2

Non-Compliance	Circumstances
Tampering with District samplers, flow meters or monitoring equipment	Second time or first time if Industrial User not satisfied with results of Adminstrative Hearing or if first time General Manager recommends fine
Range of Response	**Penalties**
Case brought before the District Board	Fine of 10% of the total prior 12 month's flow portion of the sewer service charges or $2,500. whichever is greater

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE MALAGA COUNTY WATER DISTRICT SEWER USE ORDINANCE

SAMPLING, MONITORING AND REPORTING

I-E.1

Non-Compliance	Circumstances
Failure to notify of season beginning, shut-downs or cleanup activities as required	Isolated - One season
Range of Response	**Penalties**
Phone call from Sewer Plant Operator with offer of help or meeting	

I-E.2

Non-Compliance	Circumstances
Failure to notify of season beginning, shut-downs or cleanup activities as required	Two seasons
Range of Response	**Penalties**
Notice of Violation from Sewer Plant Operator and Administrative Hearing before General Hanager	If no action resolving Notice of Violation in 45 days - publication in newspaper

SAMPLING, MONITORING AND REPORTING

I-E.3

Non-Compliance	Circumstances
Failure to notify of season beginning, shut-downs or cleanup activities as required	Three seasons or two seasons if Industrial User not satisfied with results of Administrative Hearing or if General Manager recommends fine
Range of Response	**Penalties**
2nd Notice of Violation from General Manager and case brought before the District Board	5% of the total prior 12 month's flow portion of the sewer service charges or $1,000. whichever is greater

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE MALAGA COUNTY WATER DISTRICT SEWER USE ORDINANCE

SAMPLING, MONITORING AND REPORTING

I-F.1

Non-Compliance	Circumstances
Failure to return permit application or permit with required signatures and signatory certification by deadline required	First week
Range of Response	**Penalties**
Phone call from Sewer Plant Operator with offer of help or meeting	

I-F.2

Non-Compliance	Circumstances
Failure to return permit application or permit with required signatures and signatory certification by deadline required	Third week
Range of Response	**Penalties**
Phone call from Sewer Plant Operator with offer of help or meeting and follow-up letter	

I-F.3

Non-Compliance	Circumstances
Failure to return permit application or pernit with required signatures and signatory certification by deadline required	No response to follow-up
Range of Response	**Penalties**
Notice of Violation from Sewer Plant Operator	If no action resolving Notice of Violation in 45 days - publication in newspaper

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE MALAGA COUNTY WATER DISTRICT SEWER USE ORDINANCE

SAMPLING, MONITORING AND REPORTING

I-G.1

Non-Compliance	Circumstances
Failure to sample representatively and/or handle samples properly	Isolated - once or twice in 6 months
Range of Response	**Penalties**
Phone call from Sewer Plant Operator with offer of help or meeting and follow-up letter explaining proper techniques	

I-G.2

Non-Compliance	Circumstances
Failure to sample representatively and/or handle samples properly	Frequent - three times or more in 6 months
Range of Response	**Penalties**
Notice of Violation from Sewer Plant Operator and meeting with industry by Sewer Plant Operator	If no action resolving Notice of Violation in 45 days - publication in newspaper

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE MALAGA COUNTY WATER DISTRICT SEWER USE ORDINANCE

SAMPLING, MONITORING AND REPORTING

I-H.1

Non-Compliance	Circumstances
Ordinance or Permit violation - administrative (non-effluent limit violation)	Isolated - once or twice in 6 months
Range of Response	**Penalties**
Phone call from Sewer Plant Operator with offer of help or meeting and follow-up letter	

I-H.2

Non-Compliance	Circumstances
Ordinance or Permit Violation - administrative (Non-effluent limit violation)	Frequent - three times or more in 6 months
Range of Response	**Penalties**
Notice of Violation from Sewer Plant Operator	If no action resolving Notice of Violation in 45 days - publication in newspaper

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE MALAGA COUNTY WATER DISTRICT SEWER USE ORDINANCE

SAMPLING, MONITORING AND REPORTING

I-I.1

Non-Compliance

Minor sampling, monitoring or reporting deficiencies (computational or typographical errors)

Circumstances

Infrequent - one to two in three months

Range of Response

Phone call from Sewer Plant Operator requiring corrections be made and/or submitted

Penalties

I-I.2

Non-Compliance

Minor sampling, monitoring or reporting deficiencies (computational or typographical errors)

Circumstances

Frequent - 3 or more in three months

Range of Response

Phone call from Sewer Plant Operator with offer of help or meeting and follow-up letter

Penalties

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE MALAGA COUNTY WATER DISTRICT SEWER USE ORDINANCE

SAMPLING, MONITORING AND REPORTING

I-J.1

Non-Compliance	Circumstances
Major or gross sampling, monitoring or reporting deficiencies (missing information, late reports)	Isolated or infrequent - one or two within 3 months
Range of Response	**Penalties**
Phone call from Sewer Plant Operator with offer of help or meeting and follow-up letter	

I-J.2

Non-Compliance	Circumstances
Major or gross sampling, monitoring or reporting deficiencies (missing	Continued. Remains uncorrected 30 days or more - Significant Non-Compliance
Range of Response	**Penalties**
Notice of Violation from Sewer Plant Operator	Publication in newspaper

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE MALAGA COUNTY WATER DISTRICT SEWER USE ORDINANCE

SAMPLING, MONITORING AND REPORTING

I-K.1

Non-Compliance	Circumstances
Reporting false information	Isolated - once in 3 years Significant Non-Compliance
Range of Response	**Penalties**
Notice of Violation from Sewer Plant Operator and Administrative Hearing before General Manager	Publication in Newspaper, plus possible recommendation for fine

I-K.2

Non-Compliance	Circumstance
Reporting false information	More than once in 3 years or once in 3 years if no action resolving Notice of Violation within 45 days or if Industrial User not satisfied with results of Administrative Hearing Significant Non-Compliance or if General Manager recommends fine
Range of Response	**Penalties**
Case brought before the District Board	Fine of 10% of the total prior 12 month's flow portion of the sewer service charges or $2,500. whichever is greater

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE MALAGA COUNTY WATER DISTRICT SEWER USE ORDINANCE

COMPLIANCE SCHEDULES (Construction Phases or Planning)

II-A.1

Non-Compliance	Circumstances
Failure to sumit complaints	Anytime required
Range of Response	**Penalties**
Notice of Violation from Sewer Plant Operator	If no action resolving Notice of Violation in 45 days - Publication in newspaper

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE MALAGA COUNTY WATER DISTRICT SEWER USE ORDINANCE

COMPLIANCE SCHEDULES (Construction Phases or Planning)

II-B.1

Non-Compliance

Missed compliance schedule milestone

Circumstances

Will not cause late final date or other milestone dates

Range of Response

Phone call from Sewer Plant Operator to determine progress, require progress report with explanation

Penalties

II-B.2

Non-Compliance

Missed compliance schedule milestone

Circumstances

Will result in other missed milestones. Violation for good and valid cause.

Range of Response

Phone call from Sewer Plant Operator to determine progress, require progress report with explanation

Penalties

II-B.3

Non-Compliance

Missed compliance schedule milestone

Circumstances

Will result in other missed milestones. No good or valid cause - Significant Non-Compliance. 1st time in one compliance schedule

Range of Response

Notice of Violation from Sewer Plant Operator and meeting with General Manager. Reschedule compliance milestone.

Penalties

If no action resolving Notice of Violation in 45 days - publication in newspaper

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE MALAGA COUNTY WATER DISTRICT SEWER USE ORDINANCE

COMPLIANCE SCHEDULES (Construction Phases or Planning)

II-B.4

Non-Compliance	Circumstances
Missed compliance schedule milestone	Will result in other missed milestones. No good or valid cause - Significant Non-Compliance. Ist time in one compliance schedule
Range of Response	**Penalties**
2nd Notice of Violation from Sewer Plant Operator - Administrative Hearing before General Manager. Reschedule compliance milestones	If no action resolving 2nd Notice of Violation in 45 days - publication in newspaper plus possible recommendation for fine

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II-B.5

Non-Compliance	Circumstances
Missed compliance schedule milestone	Will result in other missed milestones. No good or valid cause - Significant Non-Compliance 3rd time in one compliance schedule or 2nd time if Industrial User not satisfied with results of administrative hearing or if General Manager recommends fine
Range of Response	**Penalties**
Case brought before the District Board	5% of the total prior 12 month's flow portion of the sewer service charges or $1,000. whichever is greater

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE MALAGA COUNTY WATER DISTRICT SEWER USE ORDINANCE

COMPLIANCE SCHEDULES (Construction Phases or Planning)

II-C.1

Non-Compliance	Circumstances
Missed completion date	Violation due to force majeure (strike, act of God, etc.)
Range of Response	**Penalties**
Administrative Hearing before General Manager. Require new completion date as soon as possible. If necessary set new accelerated milestones. Notice of Violation from General Manager	

II-C.2

Non-Compliance	Circumstances
Missed completion date	Up to 30 days outstanding Failure or refusal to comply without good or valid cause
Range of Response	**Penalties**
2nd Notice of Violation from General Manager and case brought before the District Board. Publication in newspaper	5% of the total prior 12 month's sewer service charges of $1,000. whichever is greater.

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE MALAGA COUNTY WATER DISTRICT SEWER USE ORDINANCE

COMPLIANCE SCHEDULES (Construction Phases or Planning)

II-C.3

Non-Compliance	Circumstances
Missed completion date	31 - 60 days outstanding. Failure or refusal to comply without good or valid cause
Range of Response	**Penalties**
Case brought before the District Board	10% of the total prior 12 month's sewer service charges or $2,500. whichever is greater

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II-C.4

Non-Compliance	Circumstances
Missed completion date	61 - 90 days outstanding. Failure or refusal to comply without good or valid cause
Range of Response	**Penalties**
Case brought before the District Board	20% of the total prior 12 month's sewer service charges or $5,000. whichever is greater

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE MALAGA COUNTY WATER DISTRICT SEWER USE ORDINANCE

COMPLIANCE SCHEDULES (Construction Phases or Planning)

II-D.1

Non-Compliance	Circumstances
Failure to install monitoring or pretreatment equipment	Continued - Significant Non-Compliance More than 90 days outstanding - Failure or refusal to comply without good or valid cause.
Range of Response	**Penalties**
Case brought before the District Board	50% of the total prior 12 month's sewer service charges or $10,000. whichever is greater. Suspension of permit until schedule completed.

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE MALAGA COUNTY WATER DISTRICT SEWER USE ORDINANCE

COMPLIANCE SCHEDULES (Construction Phases or Planning)

II-E.1

Non-Compliance	Circumstances
Failure to submit progress or completion reports	Once per compliance schedule
Range of Response	**Penalties**
Phone call from Sewer Plant Operator with offer of help or meeting	

II-E.2

Non-Compliance	Circumstances
Failure to submit progress or completion reports	Infrequent - Twice per compliance schedule
Range of Response	**Penalties**
Phone call from Sewer Plant Operator with offer of help and follow-up letter	

II-E.3

Non-Compliance	Circumstances
Failure to submit progress or completion reports	Three times or more in one compliance schedule
Range of Response	**Penalties**
Notice of Violation from Sewer Plant Operator	If no action resolving Notice of Violation in 30 days - publication in newspaper

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE MALAGA COUNTY WATER DISTRICT SEWER USE ORDINANCE

EFFLUENT LIMITS

III-A.1

Non-Compliance	Circumstances
Ordinance or Permit Violation - discharge pH or EC	Infrequent - (any sample)
Range of Response	**Penalties**
Phone call from Sewer Plant Operator with offer of help or meeting on each incident. Increased monitoring frequency	

III-A.2

Non-Compliance	Circumstances
Ordinance or Permit Violation - discharge pH or EC	Frequent - second sample in any 3-month period
Range of Response	**Penalties**
Notice of Violation from Sewer Plant Operator requiring compliance schedule	If no action resolving Notice of Violation in 45 days - publication in newspaper

III-A.3

Non-Compliance	Circumstances
Ordinance or Permit Violation - discharge pH or EC	Repeated - four samples in any 6-month period
Range of Response	**Penalties**
Second Notice of Violation Notice of Administrative Hearing before General Manager	Possible recommendation for fine

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE MALAGA COUNTY WATER DISTRICT SEWER USE ORDINANCE

EFFLUENT LIMITS

III-B.1

Non-Compliance	Circumstances
Ordinance of Permit Violation - discharge parameters other than pH or EC, including categorical pollutants	Isolated - once or twice in 6 months on same parameter. No immediate threat to Publicly owned Treatment Works
Range of Response	**Penalties**
Notice of Violation from Sewer Plant Operator requiring compliance schedule allowing housekeeping measures Increased monitoring frequency	If no action resolving Notice of Violation in 45 days - publication in newspaper

III-B.2

Non-Compliance	Circumstances
Ordinance of Permit Violation - discharge parameters other then pH or EC, including categorical pollutants	Three times or more in 6 months on same parameter. No immediate threat to Publicly owned Treatment Works
Range of Response	**Penalties**
Notice of Violation from Sewer Plant Operator requiring compliance schedule requiring equipment installation	If no action resolving Notice of Violation in 45 days - publication in newspaper

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE MALAGA COUNTY WATER DISTRICT SEWER USE ORDINANCE

EFFLUENT LIMITS

III-B.3

Non-Compliance	Circumstances
Ordinance or Permit Violation - discharge parameters other than pH or EC, including pH or EC, including categorical limits	Isolated Immediate threat to Publicly Owned Treatment Works.
Range of Response	**Penalties**
Cease and Desist Order from General Manager. Administrative Hearing before General Manager. Increased monitoring frequency	Recoup the costs of damages and alternative. Publicly Owned Treatment Works operation plus possible recommendation for fine

III-B.4

Non-Compliance	Circumstances
Ordinance or Permit Violation - discharge parameters other then pH or EC, including categorical limits	Second time, immediate threat to Publicly Owned Treatment Works or first time if Industrial User not satisfied with results of Administrative Hearing or if General Manager recommends fine.
Range of Response	**Penalties**
Cease and Desist Order from General Manager. Case brought before District Board.	Fine of 10% of the total prior 12 months's flow portion of the sewer service charges or $2,500. whichever is greater. Recoup the costs of damages and alternative Publicly Owned Treatment Works operation.

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE MALAGA COUNTY WATER DISTRICT SEWER USE ORDINANCE

EFFLUENT LIMITS

III-C.1

Non-Compliance	Circumstances
Failure to operate pretreatment equipment	Isolated - once in 6-month period
Range of Response	**Penalties**
Phone call with offer of help or meeting and follow-up letter	

III-C.2

Non-Compliance	Circumstances
Failure to operate pretreatment equipment	Frequent - twice or more in 6-month period
Range of Response	**Penalties**
Notice of Violation from Sewer Plant Operator	If no action resolving Notice of Violation in 45 days - publication in newspaper

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE MALAGA COUNTY WATER DISTRICT SEWER USE ORDINANCE

EFFLUENT LIMITS

III-D.1

Non-Compliance	Circumstances
Discharge of prohibited pollutant or pollutants with no numerical limits	In concentrations with a potential for causing pass-through, interference, incompatibility, damage or personnel endangerment
Range of Response	**Penalties**
Cease and Desist order from General Manager. Administrative Hearing before General Manager	Publication in newspaper plus possible recommendation for fine

III-D.2

Non-Compliance	Circumstances
Discharge of prohibited pollutant or pollutants with no numerical limits	In concentrations causing pass-through, interference, incompatibility, damage or personnel endangerment
Range of Response	**Penalties**
Cease and Desist Order from General Manager. Recoup the costs of regulatory agency fines and damages and alternate Publicly Owned Treatment Works operation. Case brought before the District Board.	10% of the total prior 12-months's flow portion of the sewer service charges or $2,500. whichever is greater

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE MALAGA COUNTY WATER DISTRICT SEWER USE ORDINANCE

EFFLUENT LIMITS

III-D.3

Non-Compliance	Circumstances
Discharge of prohibited pollutant or pollutants with no numerical limits	Continuing discharge in concentrations higher than clarified when first recognized. No immediate threat to Publicly Owned Treatment Works.
Range of Response	**Penalties**
Notice of Violation from Sewer Plant Operator	If no action resolving Notice of Violation in 45 days - publication in newspaper

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE MALAGA COUNTY WATER DISTRICT SEWER USE ORDINANCE

EFFLUENT LIMITS

III-E.1

Non-Compliance	Circumstances
Slug load	Isolated without known damage
Range of Response	**Penalties**
Notice of Violation from Sewer Plant Operater requiring preventive measures to keep from recurring	If no action resolving Notice of Violation in 45 days - publication in newspaper

III-E.2

Non-Compliance	Circumstances
Slug load	Isolated resulting in pass-through, interference, in-compatibility, damage or personnel endangerment - Significant Non-Compliance
Range of Response	**Penalties**
Administrative Hearing before General Manager. Recoup agency fines and alternative Publicly Owned Treatment Works operation. Case brought before District Board.	20% of the total prior 12-month's flow portion of the sewer service charges or $5,000. whichever is greater.

III-E.3

Non-Compliance	Circumstances
Slug load	Recurring - Significant Non-Compliance
Range of Response	**Penalties**
Case brought before the District Board	50% of the total prior 12-month's flow portion of the sewer service charges or $10,000. whichever is greater. Permit suspension

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE MALAGA COUNTY WATER DISTRICT SEWER USE ORDINANCE

EFFLUENT LIMITS

III-F.1

Non-Compliance	Circumstances
Discharge without a permit or approval	One time without known environmental or Publicly Owned Treatment Works damage
Range of Response	**Penalties**
Notice of Violation and Administrative Hearing before General Manager to approve disconnection or gain appropriate approval	If no action resolving Notice of Violation in 45 days - publication in newspaper plus possible recommendation for fine

III-F.2

Non-Compliance	Circumstances
Discharge without a permit or approval	Continuing
Range of Response	**Penalties**
Case brought before the District Board	$1,000 fine; possible physical disconnection. Collection of treatment costs. Criminal charges if illegal connection

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE MALAGA COUNTY WATER DISTRICT SEWER USE ORDINANCE

EFFLUENT LIMITS

III-F.3

Non-Compliance	Circumstances
Discharge without a permit or approval	One time resulting in pass-through, interference, incompatibility, damage or personnel endangerment - Significant Non-Compliance
Range of Response	**Penalties**
Administrative Hearing before General Manager. Recoup costs of regulatory agency fines, damages and alternative Publicly Owned Treatment Works operation. Case brought	$2,500 fine; possible physical disconnection. Collection of treatment costs. Criminal charges if illegal connection. Recoup damages, excess operational costs regulatory agency fines.

III-F.4

Non-Compliance	Circumstances
Discharge without a permit or approval	More than once resulting in pass through, interference, incompatibility, damage or personnel endangerment
Range of Response	**Penalties**
Case brought before the District Board	Minimum $10,000 fine; request for criminal investigation. Disconnection. Recoup damages, excess operational costs and regulatory agency fines.

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE MALAGA COUNTY WATER DISTRICT SEWER USE ORDINANCE

NON-COMPLIANCE DETECTED THROUGH INSPECTIONS OR FIELD INVESTIGATIONS

IV-A.1

Non-Compliance	Circumstances
Failure to maintain sand interceptors	Isolated - any instance
Range of Response	**Penalties**
Immediate notification or Telephone call from Sewer Plant Operator	

IV-A.2

Non-Compliance	Circumstances
Failure to maintain sand interceptors	Frequent - 3 or more instances in one month, or 4 or more instances in any 3 month period
Range of Response	**Penalties**
Notice of Violation by Sewer Plant Operator requiring immediate compliance	

IV-A.3

Non-Compliance	Circumstances
Failure to maintain sand interceptors	Continued - 6 or more instances in any 3 month period
Range of Response	**Penalties**
Notice of Violation Administrative hearing before General Manager	Possible recommendation for fine

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE MALAGA COUNTY WATER DISTRICT SEWER USE ORDINANCE

NON-COMPLIANCE DETECTED THROUGH INSPECTIONS OR FIELD INVESTIGATIONS

IV-B.1

Non-Compliance	Circumstances
Minor violation noted during inspections	Isolated - One or two during single inspection
Range of Response	**Penalties**
Discuss at time of inspections by Sewer Plant Operator and visually reinspect within 1 month	

IV-B.2

Non-Compliance	Circumstances
Minor violation noted during inspections	Three or more during single inspection
Range of Response	**Penalties**
Discuss at time of inspections by Sewer Plant Operator and formal follow-up letter. Re-inspect within 1 month	

IV-B.3

Non-Compliance	Circumstances
Minor violation of permit condition	Evidence of negligence or intent - Significant Non-Compliance
Range of Response	**Penalties**
Notice of Violation by Sewer Plant Operator and Administrative Hearing before General Manager	Publication in newspaper and possible recommendation for fine

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE MALAGA COUNTY WATER DISTRICT SEWER USE ORDINANCE

NON-COMPLIANCE DETECTED THROUGH INSPECTIONS OR FIELD INVESTIGATIONS

IV-C.1

Non-Compliance	Circumstances
Major violation of permit condition	Isolated - One instance during one inspection
Range of Response	**Permits**
Discuss at time of inspection by Sewer Plant Operator. Notice of Violation from Sewer Plant Operator	If no action resolving Notice of Violation in 45 days - publication in newspaper

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IV-C.2

Non-Compliance	Circumstances
Major violation of permit condition	Evidence of negligence or intent or more than once - Significant Non-Compliance
Range of Response	**Permits**
Meeting with General Manager 2nd Notice of Violation from General Manager	Publication in newspaper and possible recommendation for fine

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE MALAGA COUNTY WATER DISTRICT SEWER USE ORDINANCE

ENFORCEMENT ESCALATION

V-A.1

Non-Compliance	Circumstances
No follow-up by user to phone call	Isolated - once or twice in three months
Range of Response	**Penalties**
Phone call from Sewer Plant Operator with offer of help or meeting and follow-up letter	

V-A.2

Non-Compliance	Circumstances
No follow-up by user to phone call	Three or more in three months
Range of Response	**Penalties**
Follow-up letter from Sewer Plant Operator and offer meeting with District staff	

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE MALAGA COUNTY WATER DISTRICT SEWER USE ORDINANCE

ENFORCEMENT ESCALATION

V-B.1

Non-Compliance	Circumstances
No response to follow-up letter or District meeting by deadline specified	One or two in three months
Range of Response	**Penalties**
2nd follow-up letter from Sewer Plant Operator and/or offer of meeting	

V-B.2

Non-Compliance	Circumstances
No response to follow-up letter or District meeting by deadline specified	Three times or more in three months
Range of Response	**Penalties**
Notice of Violation from Sewer Plant Operator and Administrative Hearing before General Manager	If no action resolving Notice of Violation in 45 days - publication in newspaper

V-B.3

Non-Compliance	Circumstances
No response to second follow-up letter within 15 days	Anytime
Range of Response	**Penalties**
Notice of Violation from Sewer Plant Operator and Administrative Hearing before General Manager	If no action resolving Notice of Violation in 45 days - publication in newspaper

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE MALAGA COUNTY WATER DISTRICT SEWER USE ORDINANCE

ENFORCEMENT ESCALATION

V-C.1

Non-Compliance	Circumstances
Failure to respond to Notice of Violation by deadline	Isolated - once in 6 months
Range of Response	**Penalties**
2nd Notice of Violation from Sewer Plant Operator and Administrative Hearing before General Manager	If no action resolving Notice of Violation in 45 days - publication in newspaper

V-C.2

Non-Compliance	Circumstances
Failure to respond to Notice of Violation by deadline	Twice in 6 months
Range of Response	**Penalties**
Case brought before the District Board	5% of the total prior 12-month's flow portion of the sewer service charges of $1,000. whichever is greater

V-C.3

Non-Compliance	Circumstances
Failure to respond to Notice of Violation by deadline	Three times in 6 months (Different Notices of Violation)
Range of Response	**Penalties**
Case brought before the District Board	10% of the total prior 12-month's flow portion of the sewer service charges or $2,500. whichever is greater

ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT OF THE MALAGA COUNTY WATER DISTRICT SEWER USE ORDINANCE

ENFORCEMENT ESCALATION

V-D.1

Non-Compliance	Circumstances
Failure to ~~respond~~ resolve to Notice of Violation by deadline	Up to 30 days outstanding
Range of Response	**Penalties**
2nd Notice of Violation and Administrative Hearing before General Manager. Case brought before the District Board	10% of the total prior 12-month's flow portion of the sewer service charges or $2,500. whichever is greater

V-D.2

Non-Compliance	Circumstances
Failure to resolve Notice of Violation by deadline	31 - 60 days outstanding
Range of Response	**Penalties**
Case brought before the District Board	20% of the total prior 12-month's flow portion of the sewer service charges or $5,000. whichever is greater

V-D.3

Non-Compliance	Circumstances
Failure to resolve Notice of Violation by deadline	61 - 90 days outstanding
Range of Response	**Penalties**
Case brought before the District Board	50% of the total prior 12-month's flow portion of the sewer service charges or $10,000. whichever is greater. Permit suspension

NOTES:

1) For any violation causing damage to the District sewerage system, causing harm to personnel or causing the District to incur excess operational, legal, laboratory, maintenance or administration costs, those costs shall be recoverable from the violator.

2) Violation, during compliance schedule progress of the same para-meter limit covered by the compliance schedule, are not subject to further enforcement action unless they are so extreme as to cause pass through, interference, incompatibility, damage or personnel endangerment.

3) Frequency of non-compliance may be based on the same infraction in multiples or on different occurrences of the same type of violation.

4) Any circumstance warranting more immediate action than stated here to prevent pass through, interference, sludge contamination, structural damage, or worker injury will be dealt with accordingly.

5) Continuing or excessive NOV's may result in the case being brought before the Board for possible permit revocation.

6) Continuing or excessive requirement for phone calls or letters may result in a NOV.

7) All regulatory agency fines or penalties imposed on the District that are shown to be caused in full or in part by a violator shall be recovered from such violator.

MCWD
100.10

Final

ORDINANCE NO. 01-13-2004

AN ORDINANCE RECODIFYING TITLE ONE OF THE MALAGA COUNTY WATER DISTRICT REVISED ORDINANCE CODE - 1992

BE IT ORDAINED by the Board of Directors of the Malaga County Water District of the County of Fresno, State of California, as follows:

Section 1. Title One - Sewer Use Ordinance of the Malaga County Water District Revised Ordinance Code - 1992 (the "Code") is hereby recodified to read as set forth in Exhibit A attached hereto and by reference incorporated herein.

Section 2. Title Four - FEES, CHARGES, COSTS AND ENFORCEMENT is hereby added to the Malaga County Water District Revised Ordinance Code - 1992 to read as set forth in Exhibit B attached hereto and by reference incorporated herein.

Section 3. If any provision, paragraph, word, section, or article of this Sewer Use Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and articles shall not be affected and shall continue in full force and effect.

Section 4. All existing District ordinances or parts of ordinances modified, replaced, inconsistent or conflicting with any part of this Sewer Use Ordinance including, but not limited to, the previous Title One of the Code are hereby repealed to the extent of such inconsistency or conflict.

Section 5. Upon adoption, this Sewer Use Ordinance shall be entered in the minutes of the Board and shall be posted in three (3) public places within the District, at least one (1) week prior to the expiration of thirty (30) days from the date of its passage and adoption, there being no newspaper of general circulation printed and published in the District, and shall take effect and be in force immediately upon the expiration of thirty (30) days from the date of adoption.

* * * * * * *

The foregoing Sewer Use Ordinance was introduced by Director Blancas, who moved its adoption, seconded by Director Landin, and adopted on roll call on January 13, 2004, by the following vote:

AYES: DIRECTORS: Blancas, Landin, Cerrillo, Garabedian Jr., Valdez

NOES: DIRECTORS: None

ABSTAIN: DIRECTORS: None

ABSENT: DIRECTORS: None

President of the Board of Directors

ATTEST:

Secretary to the Board of Directors

EXHIBIT A

TITLE ONE
SEWER USE ORDINANCE

PART ONE: GENERAL PROVISIONS

CHAPTER 1

Section 1.1.01 Short Title. This Ordinance may be cited as the Malaga County Water District Sewer Use Ordinance (herein "Sewer Use Ordinance") of the Revised Ordinance Code (1992) (herein the "Code").

Section 1.1.02 Purpose and Policy.

(A) To provide certain minimum standards, provisions and requirements for design, methods of construction and use of materials in sanitary sewer facilities hereinafter installed, altered or repaired. This Sewer Use Ordinance shall not apply retroactively and, in the event of an alteration or repair hereafter made, it shall apply only to the new materials and methods used therein.

(B) To set uniform requirements for discharges into the Wastewater collection, transport, and treatment system and enables the Malaga County Water District to meet its contractual obligations to comply with the administrative provisions of the Clean Water Grant regulations, the water quality requirements set by the Regional Water Quality Control Board of the State of California and the applicable effluent limitations, national standards of performance, toxic and pretreatment effluent standards, and any other discharge criteria which are required or authorized by State or federal law, and to derive the maximum public benefit by regulating the quality and quantity of wastewater discharge into those systems. This Sewer Use Ordinance provides for the establishment of a surveillance and enforcement procedure to control the discharge of certain Wastewater and the issuance of Non-residential Wastewater Discharge Permits to certain Users, as well as Permits for Users other than Non-residential. Revenues derived from said Non-residential Wastewater Discharge Permits required by this Ordinance shall be used to defray the District's cost of conducting the pretreatment program and Non-residential Wastewater Discharge Permit system.

The following documents were reviewed and used as source materials for complying with the federal and State laws, regulations and guidelines in the writing of this Ordinance:

(1) Model Pretreatment Ordinance EPA 833-B-92-003 June 1992.

(2) 40CFR Part 403 - General Pretreatment Regulations for Existing and New Sources of Pollution, July 1, 1991.

(3) U.S. Environmental Protection Agency; Guidance Manual for POTW Pretreatment Program Development, October 1983.

(4) U.S. Environmental Protection Agency; Guidance Manual on the Development and Implementation of Local Discharge Limitations Under the Pretreatment Program, December 1987.

Section 1.1.03 Definitions. Unless otherwise defined herein, terms used herein 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 Pollution Control Federation, and in the latest edition of Glossary -- Water and Wastewater Control Engineering, published by the American Public Health Association, the American Society of Civil Engineers, the American Water Works Association, and the Water Pollution Control Federation. Waste constituents and characteristics shall be measured by the Guidelines Establishing Test Procedures for the Analysis of Pollutants, found in 40 CFR 136. It is intended that these definitions supplement, expand and add to those provided in other District Ordinances, and in the event of conflict, these definitions shall be controlling in the interpretation of this Ordinance. To the extent not covered by the aforesaid sources and, as applicable, because they are not otherwise defined herein, additional terms shall have the meaning indicated in Chapter 1 of that certain plumbing code entitled "Western Plumbing Officials Uniform Plumbing Code," as revised and adopted by the Western Plumbing Officials Association from time to time, copies of which are on file with the District.

01 "**Act**" shall mean the "Federal Water Pollution Control Act Amendments" of 1972 (PL 92-500) and any amendments thereto including the "Clean Water Act of 1977, the Water Quality Act of 1987, as well as any guidelines, limitations, and standards promulgated by the U.S. Environmental Protection Agency pursuant to the Act.

02 "**Applicant**" shall means the Person making application for a Permit, including Non-residential and all other Users, and shall be the owner of Premises to be served by the Sewer for which a Permit is requested or owner's authorized agent.

03 "**Beneficial Uses**" shall means Uses of the water of the State that may be protected against quality degradation including, but not necessarily limited to, domestic, municipal, agricultural and industrial supply, power generation, recreation, aesthetic enjoyment, navigation and the preservation and enhancement of fish, wildlife, and other aquatic resources or reserves, and other uses, both tangible or intangible as specified by federal or State law.

04 "**Best Available Technology Economically Achievable (BAT or BATEA)**" shall mean, subject to economic and engineering feasibility limitations, incorporation of the top-of-the-line current technology, with a capacity up to and including no discharge of pollutants. Considerations include the age of the equipment and facilities involved; the process used; the engineering aspects of applying various types of control techniques; process changes; the cost of achieving the effluent

reduction resulting from applying the technology; and non-water quality environmental impacts, such as energy use.

05 "**Best Conventional Pollutant Control Technology (BCT)**" shall mean measures and practices for point sources of convenient pollutants, determined with consideration of the reasonableness attainment costs versus effluent reduction benefits, the age of equipment and facilities involved, and energy impacts.

06 "**Best Management Practices (BMPs)**" shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce water pollution. The term also includes treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge of waste disposal, or drainage from raw material storage.

07 "**Best Practicable Technology (BPT or BPCTA)**" shall mean technology based on the average of the best existing performance levels achieved by exemplary plants of various sizes, ages, and unit processes within an industry.

08 "**Biochemical Oxygen Demand (BOD)**" shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C, expressed in terms of concentration (milligrams per liter).

09 "**Blowdown**" shall mean the minimum discharge of recirculating water to discharge materials contained in the process, when the further buildup would cause concentrations or amounts to exceed limits established by best engineering practice.

10 "**Board**" shall mean the Board of Directors of the District.

11 "**Building**" shall mean any structure used for human habitation for a place of business, recreation or other purpose containing Sanitary Facilities.

12 "**Building Drain**" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from drainage piping inside the walls of a Building and which conveys liquid wastes to the Building Sewer intersecting at a point two feet from the Building foundation.

13 "**Building Sewer**" shall mean that portion of any Sewer beginning at the plumbing or drainage outlet of any Building and running to the property line or to a Private Sewer.

14 "**City or Cities**" shall mean any municipal corporation organized under the laws of the State of California whether as a general law city or a charter city, as applicable.

15 "**Combined Sewer**" shall mean a Sewer receiving both surface runoff and Sewage.

16 "**Commercial Establishments**" shall mean any building used for conducting private or public wholesale or retail transactions involving the exchange of services, commodities or financial business. Such facilities normally produce domestic Wastes, but may also contain Industrial Wastes.

17 "**Community Sewer**" shall mean a Sewer owned, operated and/or maintained by the District, a city, or other public agency tributary to the treatment facility operated by the District.

18 "**Compatible Pollutant**" shall mean BOD, suspended solids, pH (within the range of 6.0 - 9.0) and fecal coliform bacteria, and such additional pollutants as are now or may be in the future specified and controlled in this District's California Regional Water Quality Control Board waste discharge permit for its wastewater facilities where said facilities have been designed and used to reduce or remove such pollutants.

19 "**Condominium**" shall mean residence sited in multiple residence unit buildings but usually owned by different individuals. Common areas of the subdivision are owned jointly by all unit owners.

20 "**Contamination**" shall mean an impairment of the quality of the waters of the State by Waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. Contamination shall include any equivalent effect resulting from the disposal of Wastewater, whether or not waters of the State are affected.

21 "**Contractor**" shall mean any contractor licensed by the State of California to enter into contracts for and to perform the work of installing, repairing, replacing or relocating Sewers under District jurisdiction, or the Owner of private property doing Owners own residential Sewer work on Owners private property only.

22 "**Controlled Substance**" shall mean any substance which is a toxic substance or an incompatible pollutant or which may cause pollution or which may interfere with or pass through the POTW, or which is regulated by this Ordinance or a Non-residential Wastewater Discharge Permit.

23 "**Cooling Water**" shall mean the water discharged from any use such as air conditioning, cooling or refrigeration, during which the only pollutant added to the water is heat.

24 "**County**" shall mean the County of Fresno, California.

25 "**Critical User**" shall mean User who is required to obtain a Permit as defined in Section _____.

26 "**Discharge**" shall mean to pump, to place, to deposit, to permit, or to cause to flow or to be transported by a flow.

27 "**District**" shall mean the Malaga County Water District of the County of Fresno, State of California.

28 "**District's Counsel**" shall mean an attorney appointed by the Governing Board to represent the District.

29 "**District Engineer or Engineer**" shall mean the Engineer appointed by and acting for the Board and shall be a Registered Professional of the State of California.

30 "**District Inspector**" shall mean the Inspector acting for the Board and may be a Member of the Board, the District Engineer or an Inspector appointed by the Board.

31 "**Domestic Wastes**" shall mean liquid wastes (a) from the noncommercial preparation, cooking, and handling of food; or containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities, and institutions.

32 "**Equivalent SFR Unit**" shall mean any discharge of wastewaters, expressed in fractions or multiples of the prevailing quantities of daily emissions of gallonage, pounds of BOD and pounds of SS for the average single family residence (SFR) as stated in the currently effective Amendment to Ordinance No. 10-24-78 "An Ordinance Providing For the Establishment of Sewer Service Charges."

33 "**Existing Source**" shall mean any building, structure, facility or installation from which there is or may be a discharge of pollutants, and which is not a New Source, as defined herein.

34 "**Garbage**" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage, and sales of food.

35 "**Governing Board or Board**" shall mean the five-person Board of Directors constituted under the County Water District Act (Water Code Sections 30000 et seq.) empowered as a group acting in public meetings to legislate in all matters related to the District's jurisdiction as established by the laws of the State of California.

36 "**Hazardous Substance**" shall mean any substance which is imminently hazardous to District personnel, the public, or the environment; and includes but is not necessarily limited to: (A) any substance designated pursuant to section 311(D)(2)(A) of the Federal Water Pollution Control Act, (B) any element, compound, mixture, solution or substance designated pursuant to section 102 of the Comprehensive Environmental Response, Compensation and Liability Act, (C) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by Act of Congress), (D) any toxic pollutant listed under section 307(a) of the Federal Water Pollution Control Act, (E) any hazardous air pollutant listed under section 112 of the Clean Air Act, and (F) any imminently hazardous chemical substance or

mixture with respect to which the Administrator has taken action pursuant to section 7 of the Toxic Substances Control Act.

37 "**Holding Tank Waste**" shall mean any waste from holding tanks such as vessels, chemical toilets, industrial process detention tanks, and brine tanks and grease/sand interceptors.

38 "**House Sewer**" shall mean any Sewer or Building Drain beginning at the plumbing or drainage outlets of any buildings and running to the property line.

39 "**Incompatible Pollutant**" shall mean any pollutant which is not a "compatible pollutant" as defined in this section or which may interfere with or pass through the wastewater facilities or which may cause abnormal increase in the operation costs of the wastewater facilities.

40 "**Industrial Establishment (or Industrial User)**" shall mean any building that discharges industrial wastewater or wastewater containing any of the constituents referenced in Chapter I of Title Three of this Ordinance.

41 "**Industrial Wastewater**" shall mean the liquid wastes resulting from the processes employed in industrial, manufacturing, trade, or business establishments, as distinct from Domestic Wastes. This includes Wastewater from a source other than an industrial plant or facility which introduces Hazardous Substances into Publicly Owned Treatment Works, including, without limitation: medical offices; dental offices; hospitals; schools; research, educational and commercial laboratories; warehouses; shopping centers; car washes; print stores; residential, commercial, and public uses of pesticides and fertilizers; gas stations; and septage collection and disposal.

42 "**Infectious Waste**" shall mean wastes which contain pathogenic organisms.

43 "**Institutional Facilities**" shall mean any publicly or privately-owned school, publicly-owned building from which federal, State, County, City or Special District activities are conducted or offered for public use. Such facilities shall include, but is not limited to, schools, hospitals, jails, libraries, offices, equipment yards and maintenance buildings, laboratories, parks, rubbish stations, detention homes and fire stations.

44 "**Interference**" shall mean any discharge which, alone or in conjunction with a discharge or discharges from other sources, both, (a) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and (b) therefore causes either a violation of the District's waste discharge requirements (including and increase in the magnitude or duration of a violation) or the prevention of sewage sludge use or disposal in compliance with applicable federal, State, or local statutory provisions and regulations or permits issued thereunder.

An Industrial User significantly contributes to such a permit violation or prevention of sludge use or disposal in accordance with above-cited authorities whenever such User:

(1) discharges a daily pollutant loading in excess of that allowed by regulation of or contract with the POTW or by Federal, State or Local law;

(2) discharges wastewater which substantially differs in nature or constituents from the User's average discharge; or

(3) its discharge, alone or in conjunction with discharges from other sources, will result in a POTW permit violation or prevent sewage sludge use or disposal in accordance with the above-cited authorities as they apply to the POTW's selected method of sludge management.

Any holder of a permit is deemed to have actual and/or constructive knowledge of the District's ordinances, resolutions, rules and regulations regarding discharge and treatment of wastewater, whether by a POTW or private treatment or pretreatment facility.

45 "**Lateral Sewer**" shall mean that portion of the Building Drain within a public street, which, with the House Sewer, comprises the Side Sewer.

46 "**Main Sewer**" shall mean a Public Sewer designed to accommodate more than one Lateral Sewer.

47 "**Manager**" shall mean the General Manager of the District or the Manager's designated representative(s) acting within the scope of the policy directives of the Governing Board of the District.

48 "**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.

49 "**Mobile Home**" shall mean a residence on wheels or a County or State approved "permanent foundation" which requires a special permit to be moved and usually, but not always, sited in a park or development exclusively zoned for such residences. Frequently, the spaces are rented from the owner-operator of such developments which can offer community facilities such as a recreation building, swimming pools, sauna, etc. Mobile Homes are those mobile residences with 400 square feet or more of floor space.

50 "**Multiple Family Dwellings**" shall mean buildings such as duplexes, triplexes, apartments, etc., under a single owner, usually occupied by renters.

51 "**Natural Outlet**" shall mean a channel, pond, ditch, lake or other body of surface or ground water.

52 "**New Source**" shall mean any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act which will be applicable to such

source if such Standards are thereafter promulgated in accordance with that section, subject to certain conditions specified in 40CFR 403.3(k).

53 "**Non-Residential**" shall mean all uses other than as defined for Residential.

54 "**Nuisance**" shall mean anything which is injurious to health or is indecent or offensive to the senses or an obstruction to the free use of property so as to interfere with the comfort or enjoyment of life or property or which affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

55 "**Ordinance Code**" shall mean the Ordinance Code of the Malaga County Water District adopted _____, 2003.

56 "**Outside Sewer**" shall mean a private sewer beyond the limits of the District, not subject to the control or jurisdiction of the District.

57 "**Pass Through**" shall mean a discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's waste discharge requirements (including an increase in the magnitude or duration of a violation).

58 "**Pathogenic Organisms**" shall mean bacteria, protozoa, viruses, or other life forms which may cause disease.

59 "**Permit**" shall mean any written authorization required pursuant to this or any other rule, regulation or ordinance of the District for the installation of any Sewer Facilities connected to the Sewerage System.

60 "**Permittee**" shall mean the Person to whom the Permit was issued.

61 "**Person**" shall mean any human being, individual, firm, company, partnership, association, and private or public or municipal corporation, the United States of America, the State of California, districts and all political subdivisions, governmental agencies and mandataries thereof.

62 "**P.C.B.**" shall mean polychlorinated biphenols, a group of synthetic organic compounds.

63 "**PH**" shall mean a measure of the hydrogen-ion concentration in a solution, expressed as the logarithm (base ten) of the reciprocal of the hydrogen-ion concentration in gram moles per liter.

64 "**Plumbing System**" shall mean the distributing pipes for the water supply; the fixtures and fixture traps; the soil, waste, and vent pipes; the Building Drain and Building Sewer; and the storm

water drainage pipes; with their devices, appurtenances, and connections within and adjacent to the Building.

65 "**Pollution" or "Pollutants**" shall mean an alteration of the quality of the waters of the State by Waste to a degree which adversely affects such waters for beneficial use or facilities which serve such beneficial uses. Pollution may include contamination. Pollutants constitute the elements causing the adverse effect.

66 "**Premises**" shall mean a parcel of real estate including any improvements thereon which is determined by the District to be a single user for purposes of receiving, using, and paying for service.

67 "**Pretreatment**" shall mean application of physical, chemical, or biological processes to reduce the amount of pollutants in or alter the nature of the pollutant properties in a Wastewater prior to discharging such wastewater into the wastewater facilities.

68 "**Pretreatment Requirement**" shall mean any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard, imposed on a user.

69 "**Pretreatment Standard (or National Pretreatment 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 discharge limits established pursuant to 40CFR 403.5.

70 "**Private Sewer**" shall mean a Sewer which has an independent sewage disposal system not connected with a Public Sewer and which accommodates one or more Premises.

71 "**Publicly Owned Treatment Works (POTW)" or "Sewage Treatment Plant**" shall mean a treatment works as defined by section 212 of the Federal Water Pollution Control Act, which is owned by a State or municipality (as defined by section 502(4) of the Federal Water Pollution Control Act). 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. POTW shall also mean the Sewerage System of the District.

72 "**Public Sewer**" shall mean a Sewer in a public right-of- way or easement owned, permitted or controlled by the District or any other POTW, if applicable, or any Sewer constructed by the District.

73 "**Residence, Residential or Residential Unit**" shall mean a Building for occupancy by one or more persons as a permanent or temporary habitat. Normally used to refer to and known as a Single Family Residence (SFR), physically separate from any other Building, or the equivalent thereof in a Multiple Family Dwelling or other Building.

74 "**Sanitary Facilities**" means such facilities, devices and systems within a Building used for or useful in collection and discharge of Sanitary Wastewater into the Wastewater Facilities or Private Sewer, as applicable.

75 "**Sanitary Wastewater**" shall mean (1) Domestic Wastes with storm and surface water excluded; (2) Wastewater discharged from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, industrial plants, or institutions; and (3) the water supply of a community after it has been used and discharged into a Sewer.

76 "**Secretary**" shall mean that person appointed by the Board to serve as Secretary of the District.

77 "**Sewage**" shall mean a combination of water-carried wastes from buildings connected to the Sewerage System of District or to any Private Sewer.

78 "**Sewer**" shall mean a pipe or conduit for transporting Wastewater.

79 "**Sewerage System**" shall mean the collection, transport, pumping, treatment, and disposal facilities owned, operated, or maintained by the District.

80 "**Side Sewer**" shall mean the part of the horizontal piping beginning at the foundation wall of any Building and terminating in the Sewerage System or Private Sewer and include the Building Sewer and Lateral Sewer.

81 "**Significant Industrial User (SIU)**" shall mean (a) all industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and (b) any other industrial user that, discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater); contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the Manager 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.

82 "**Significant Violation (or Significant Non-Compliance)**" shall mean:

(A) Chronic violations of wastewater discharge limits, defined as those in which sixty-six percent (66%) or more of all of the measurements taken during a six (6)-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

(B) Technical Review Criteria (TRC) violations, defined as those in which thirty-three percent (33%) or more or all of the measurements for each pollutant parameter taken during a six (6)-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by

the applicable TRC (TRC - 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH).

(C) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Manager determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

(D) Any discharge of a Pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under 40CFR403.8(f)(1)(vi)(B) to halt or prevent such a discharge;

(E) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a Permit or Administrative Order for starting construction, completing construction, or attaining final compliance;

(F) Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, ninety (90)-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(G) Failure to accurately report such noncompliance;

(H) Any other violation or group of violations which the Manager determines will adversely affect the operation or implementation of the District's pretreatment program.

83 "**Single-Family Dwelling/Single-Family Residence/SFR**" shall mean premises designed, improved or used as a residence for one family only and for no other purpose, with sanitary and kitchen facilities.

84 "**Special District**" shall mean a local agency as defined in Section 54725 of the Government Code of the State of California.

85 "**Standard Industrial Classification (SIC)**" shall mean the compilation of industries and their discharges of pollutants, which is printed by the U.S. Office of Management and Budget in its Standard Industrial Classification Manual.

86 "**Storm Water**" shall mean any flow occurring during or immediately following any form of natural precipitation and resulting therefrom whether discharged or otherwise entering the Sewerage System or not.

87 "**Street**" shall mean any public highway, road, street, avenue, alley, way, easement or right-of-way.

88 "**Suspended Solids (SS)**" shall mean the total suspended matter that floats on the surface of, is suspended in, or settles from wastewater, or other liquids, and which is removable by laboratory filtering.

89 "**Total Toxic Organics**" shall mean the sum of all quantifiable values greater than 0.01 mg/L for all toxic organics covered by the electroplating point source category and the metal finishing point source category.

90 "**Trailer**" shall mean mobile residence normally set up in a park constructed to provide utility hookups for such dwellings. Trailers are limited to 35 feet in length by the California Motor Vehicle Code and may be towed on the public highway without a special permit. Such residences have less than 400 square feet of floor space.

91 "**Toxic Substances**" shall mean any toxic substances in amounts exceeding standards promulgated by the Administrator of the United States Environmental Protection Agency pursuant to Section 307 (a) of the Act, and the "Toxic Substances Control Act" (P.L. 94-469), and chemical elements or compounds, phenols or other taste or odor-producing substances, or any other substances which are not susceptible to treatment or which may interfere with the biological processes or efficiency of the treatment system.

92 "**Unpolluted Water**" shall mean water not containing any pollutants limited or prohibited by applicable regulations, standards, or limitations and whose discharge will not cause any violation of receiving water quality standards.

93 "**User**" shall mean any Person who discharges, causes, or permits the discharge of Wastewater into the District's Wastewater Facilities.

94 "**User Classification**" shall mean a classification of user based on the 1972 (or subsequent) edition of the Standard Industrial Classification (SIC) Manual prepared by the Office of Management and Budget.

95 "**Waste**" shall mean sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of, disposal.

96 "**Wastewater**" shall mean Waste and water, whether treated or untreated, discharged into or permitted to enter a Community Sewer.

97 "**Wastewater Constituents and Characteristics**" shall mean the individual chemical, physical, biological and radiological parameters, including volume and flow rate and such other parameters that define, classify, or measure the contents, quality, quantity, or strength of Wastewater.

98 "**Wastewater Facilities**" shall mean any devices, facilities, structures, equipment, or works owned, operated or maintained by the District for the purpose of the collection, transmission, storage, treatment, recycling, reclamation and disposal of industrial and domestic waste, or necessary to recycle or reuse water at the most economical cost over the estimated life of the system, including, but not limited to, intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment, and their appurtenances: extension, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

99 "**Watercourse**" shall mean a channel in which a flow of water occurs either continuously or intermittently.

100 "**Waters of the State**" shall mean any water, surface or underground, including saline waters within the boundaries of the State.

Section 1.1.04 Additional Definitions. For the purpose of this Sewer Use Ordinance, additional terms shall have the meaning indicated in Chapter 1 of that certain plumbing code entitled "Western Plumbing Officials Uniform Code," as revised and adopted by the Western Plumbing Officials Association from time to time. A copy of the current edition is on file with the District.

Section 1.1.05 Interpretation.

(A) Unless the context otherwise indicates, words expressed in the singular shall include the plural and vice versa and the use of the neuter, masculine or feminine gender is for convenience only and shall be deemed to include the neuter, masculine or feminine gender, as appropriate.

(B) Headings of articles and sections herein and the table of contents hereof are solely for convenience of reference, do not constitute a part hereof and shall not affect the meaning, construction or effect hereof.

(C) All references herein to "Article," "Section," "Paragraph" and other subdivisions are to the corresponding Article, Section, Paragraph or subdivision of this Ordinance unless otherwise indicated; the words "herein," "hereof," "hereby," "hereunder" and other words of similar import refer to this Ordinance as a whole and not to any particular Article, Section or subdivision hereof.

Section 1.1.06 Violation Unlawful. Following the effective date of this Sewer Use Ordinance, it shall be unlawful for any person to connect to, construct, install or provide, maintain and use any other means of Sewage disposal from any building in said District except by connection to a Public Sewer in the manner as in this Sewer Use Ordinance provided.

Section 1.1.07 Relief on Application. When any person by reason of special circumstances, is of the opinion that any provision of this Sewer Use Ordinance is unjust or inequitable as applied to Owner's Premises, Owner may make written application to the Board, stating the special circumstances, citing the provision complained of and requesting suspension or modification of that provision as applied to Owner's Premises.

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

Section 1.1.08 Relief on Own Motion. The Board may on its own motion find that by reason of special circumstances any provision of this regulation and Sewer Use Ordinance should be suspended or modified as applied to a particular Premise and may, by resolution, order such suspension or modification for such Premises during the period of such special circumstances, or any part thereof.

Section 1.1.09 Permits and Fees. No Public Sewer , Side Sewer, or other Sanitary Facilities shall be installed, altered or repaired within the District until a Permit for the work has been obtained from the District and all fees paid in connection with the requirements of this Sewer Use Ordinance.

Section 1.1.10 Governmental or Public Premises. The provisions of this Sewer Use Ordinance shall apply to governmental or public premises as well as to premises which are not governmental or public premises. As used herein, the terms "governmental" or "public premises" means and includes premises which are owned, controlled or used by (1) the United States Government or any department or agency thereof, (2) the State of California or any department or agency thereof, (3) any city, county, town or city and county or any of their departments or agencies, (4) any school district, and (5) any other governmental or public entity.

This section is merely explanatory and declaratory of the existing provisions of this Sewer Use Ordinance.

CHAPTER 2

USE OF PUBLIC SEWER REQUIRED

Section 1.2.01 Disposal of Waste. It shall be unlawful for any person to place, deposit, or permit to be deposited upon property within the District, any human or animal excrement, garbage, or other objectionable Waste which in the opinion of the Board results in a hazard to public health or safety.

Section 1.2.02 Treatment of Waste Required. It shall be unlawful to discharge to any stream or Watercourse any Sewage, Industrial Wastewater, or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this Sewer Use Ordinance.

Section 1.2.03 Unlawful Disposal. Except as herein provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, seepage pit or other facility intended or used for the disposal of Sewage.

Section 1.2.04 Occupancy Prohibited. No Building, Industrial Establishment or other structure shall be occupied until the Owner of the Premises has complied with all rules and regulations of the District.

Section 1.2.05 Sewer Required. The Owner of any Building situated within the District and abutting on any Street in which there is now located or may in the future be located a Public Sewer of the District or within 200 feet thereof is hereby required at Owner's expense to connect said Building directly with the proper Public Sewer in accordance with the provisions of this Sewer Use Ordinance, within ninety (90) days after date of official notice to do so, when such connection is deemed necessary by the District.

Section 1.2.06 Separate Sewer.

(A) No two adjacent lots fronting on the same street shall be permitted to join in the use of the same side sewer.

(B) Except as hereinafter provided, every Residential structure, commercial Building or Industrial Establishment must be separately connected with a Public Sewer if such Public Sewer exists within 200 feet of the closest point of the property and will be installed in the Street upon which the property abuts or in an easement which will serve such property. Exceptions may be made by approval of the Board where conditions are determined to meet criteria as for a variance under the zoning ordinances of the County of Fresno.

(C) Any Owner violating this Section shall be served by the District or other authorized person with written notice of the violation as set forth in Section 3.1.07 of this Sewer Use Ordinance. The Owner shall, within the period of time stated in such notice, permanently cease all violations, or enter into an agreement with the District to remedy the violations. The Owner shall pay all administrative costs the District incurs in entering into the agreement, reviewing the plans, and inspecting the work required to cease all violations. Administrative costs include, but are not limited to, staff time, engineering services and attorney fees. Any charges not paid within sixty (60) days of being levied under this Section shall be a lien on the property pursuant to Health and Safety Code section 5473.11. Nothing in this Section shall relieve the Owner of paying all charges and fees required by the District for such connection.

PART TWO: BASIC WASTEWATER REGULATIONS

CHAPTER 1

PRIVATE SEWAGE DISPOSAL

Section 2.1.01 Sewer Not Available. Where a Public Sewer is not available under the provisions of Section 1.2.05, the Building Sewer shall be connected to a Private Sewer complying with the rules, regulations and ordinance of the District.

Section 2.1.02 Permit Required. Before commencement of construction of a Private Sewer, the Owner shall first obtain a Permit signed on behalf of the District. The application for such Permit shall be made on a form furnished by the District, which the Applicant shall supplement by any plans, specifications and other information as are deemed necessary by the District. A Permit and inspection fee shall be paid to the District at the time application is filled in accordance with the provisions of this Sewer Use Ordinance.

Section 2.1.03 Inspection Required. A Permit for a Private Sewer shall not become effective until the installation is completed to the satisfaction of the District. The District shall be allowed to inspect the work at any stage of construction and in any event, the Applicant for the Permit shall notify the District when the work is ready for final inspection, and before any underground portions are covered. The notification shall be made at least forty-eight (48) hours, Saturdays, Sundays and Holidays excluded, of the time the Contractor or owner expects the work to be completed and ready for inspection.

Section 2.1.04 Design Requirements. The type, capacities, location and layout of a Private Sewer shall comply with all recommendations of the Department of Public Health of the State of California. No Permit shall be issued for any Private Sewer employing subsurface soil absorption facilities where the area of the lot is determined to be inadequate by the Board of the District. No septic tank or cesspool shall be permitted to discharge to any Public Sewer or any Watercourse.

Section 2.1.05 Abandonment of Facilities. At such time as a Public Sewer becomes available to a property serviced by a Private Sewer as provided in Section 1.2.05 hereof, a direct connection shall be made to the Public Sewer in compliance with this Sewer Use Ordinance and the rules and regulations of the District, and any septic tanks, cesspools, and similar Private Sewer shall be abandoned and filled with suitable material as determined by the District.

Section 2.1.06 Cost of Maintenance by Owner. The Owner shall operate and maintain the Private Sewer in a sanitary manner at all times, at no expense to the District.

Section 2.1.07 Additional Requirements. No statement contained in this Chapter shall be construed to interfere with any additional requirements that may be imposed by any law, ordinance, rule or regulation or by the Health Officer or the County.

CHAPTER 2

BUILDING SEWERS, LATERAL SEWERS AND CONNECTIONS

Section 2.2.01 Lateral Sewers. Will be installed at the locations desired by the Applicant by the District provided the location is reasonable. Installations will be made only to property abutting on Public Streets or abutting on such Sewer as may be constructed in alleys or easements, at the convenience of the District. Lateral Sewers installed in new subdivisions prior to the construction of Streets or in advance of Street improvements must be accepted by the Applicant in the installed location.

Section 2.2.02 Cost of Lateral Sewer. A sum of money as determined by the Manager shall be deposited with the District prior to installation of the Lateral Sewer. The deposit is for the actual cost of the installation plus ten percent (10%). If the cost is greater than the deposit, the Applicant will be billed for the balance. If the cost is less than the deposit, the balance will be refunded.

Section 2.2.03 Permit Required. In accordance with this Sewer Use Ordinance, no Person shall construct a Building Sewer, Lateral Sewer or make a connection with any Public Sewer without first obtaining a Permit from the District and paying all fees and connection charges as required by District ordinances and resolutions.

Section 2.2.04 Construction Requirements. Construction of Building Sewers and Lateral Sewers shall be in accordance with the requirements of the County of Fresno and the requirements of the District. In case of conflict, the more stringent shall apply.

Section 2.2.05 Minimum Size and Slope. The minimum size of a Building Sewer shall be four inches (4") in diameter. A Building Sewer serving a duplex or multiple dwelling shall be not less than six inches (6") in diameter. When more than one Building Sewer shall be connected to a single Side Sewer, the Side Sewer from the point of intersection of one or more Building Sewers to the Public Sewer shall be not less than six inches (6") in diameter. All other requirements as to size and slope of Sewer shall be in accordance with the rules, regulations and ordinances of the District.

Section 2.2.06 Separate Sewer. No two adjacent lots fronting on the same Street shall be permitted to join in the use of the same Side Sewer. Every Building or Industrial Establishment must be separately connected with a Public Sewer if such Public Sewer exists in the Street upon which the property abuts or in an easement which will serve such property. Exceptions may be made by approval of the Board in writing. Exceptions are temporary in nature and issued in the sole discretion and determination of the Board. Exceptions may be terminated on ninety (90) days notice in writing from the District.

Section 2.2.07 Old Building Sewers. Old Building Sewers may be used in connection with reconstruction only when they are found, upon examination and test by the District, to meet all requirements of the District.

Section 2.2.08 Cleanouts. Cleanouts in Building Sewers shall be provided in accordance with the rules, regulations and ordinances of the District.

Section 2.2.09 Sewer Too Low. In all Buildings in which any Building Sewer is too low to permit gravity flow to the Public Sewer, sanitary Wastewater carried by such Building Sewer shall be lifted by artificial means, approved by the District and approved by the Board, and discharged to the Public Sewer at the expense of the Owner.

Section 2.2.10 Connection to Public Sewer. The connection of the Lateral Sewer into the Public Sewer shall be made at the lateral or "Y" branch, if such lateral or "Y" branch is available at a suitable location. Where no properly located "Y" branch is available, a neat hole may be cut into the Public Sewer to receive the Lateral Sewer, with entry in the downstream direction at an angle of about forty-five degrees (45°). A wye saddle shall be used for the connection and in no case shall the pipe protrude inside the main Sewer. The invert of the Lateral Sewer at the point of connection shall be made and the connection made secure and watertight. The connection to the Public Sewer shall be made in the presence of the inspector for the District and under the supervision and direction and in accordance with the rules, regulations and ordinances of the District. Any damage to the Public Sewer shall be repaired at the cost of the Applicant to the satisfaction of the District.

Section 2.2.11 Protection of Excavation. All excavations for a Side Sewer installation shall be adequately guarded with barricades or lights so as to protect the public from hazard. Streets, sidewalks, parkways and other property disturbed in the course of the work shall be restored in a manner satisfactory to the District and the County or any other person having jurisdiction thereover.

Section 2.2.12 Maintenance of a Side Sewer. Side Sewers shall be maintained by the property owner from the building to the property line.

Section 2.2.13 Testing. All Building Sewers and Lateral Sewers shall be tested in the presence of the inspector for the District by filling the line with water and inspecting for leakage. Fittings, plugs, water and labor for testing shall be furnished by the person constructing the Sewer. All lines showing leakage shall be repaired or replaced at the expense of the person doing the work and shall be done at the direction and to the satisfaction of the inspector for the District.

Section 2.2.14 Application, Contents. In the application for a Permit to construct a Lateral Sewer, or make a connection to any Sewer, the Owner of the property or Owner's representative shall describe, and shall show by a plat or diagram, the work proposed to be done, the exact location of the Lateral Sewer and the connection to the main Sewer, and shall state the day upon which the proposed work will be commenced.

Section 2.2.15 Permit, Departure. When approved by the issuance of the Permit, such location shall not be departed from without written permission of the Board or its authorized representative.

Section 2.2.16 Joints. Joint material used shall be as specified in the construction requirements or as approved by the inspector for the District.

Section 2.2.17 Maintenance of Lateral Sewer. Lateral Sewers shall be maintained by the District, subject to compliance with Section 2.1.06. If extreme negligence by Owner is indicated, repairs shall be at the expense of the Owner.

CHAPTER 3

PUBLIC SEWER CONSTRUCTION

Section 2.3.01 Permit Required. In accordance with Chapter 5 of Part Two of this Ordinance, no person shall construct, extend or connect to any Public Sewer without first obtaining a Permit from the District and paying all fees and connection charges and furnishing bonds as required. The provisions of the section requiring Permits shall not be construed to apply to Contractors constructing Sewer and appurtenances under contract awarded and entered into by the District.

Section 2.3.02 Plans, Profiles and Specifications Required. The application for a Permit for Public Sewer construction shall be accompanied by complete plans, profiles and specifications, complying with all applicable ordinances, rules and regulations of District, prepared by a Registered Civil Engineer showing all details of the proposed work based on an accurate survey of the ground. The application, together with the plans, profiles and specifications shall be submitted to the District at least twenty (20) days prior to a regular meeting of the Board. The District may require them to be modified as it deems necessary for proper installation. When the Board is satisfied that the proposed work is proper and the plans, profiles and specifications are sufficient and correct, it shall order the issuance of a Permit predicated upon the payment of all connection charges, fees and furnishing bonds as required by the District. The Permit shall prescribe such terms and conditions as the Board finds necessary in the public interest.

Section 2.3.03 Subdivisions. The requirements of Sections 2.3.01 and 2.3.02 of this Ordinance shall be fully complied with before any final subdivision map consent by County shall be approved by the Board. The final subdivision map shall provide for dedication for public use of all Streets, easements or rights of way in which Public Sewer lines are to be constructed. If a final subdivision map of a tract is recorded and the work of constructing Sewers to serve the tract is not completed within the time allowed in the Permit, the Board may extend the time limit or may complete the work and take appropriate steps to enforce the provisions of the bond furnished by the subdivider.

Section 2.3.04 Easements or Rights of Way. In the event that an easement is required for the extension of the Public Sewer or the making of connections, the Applicant shall procure and have

accepted by the Board a proper easement or grant of right of way having a minimum width of ten (10) feet sufficient in law to allow the laying and maintenance of such extension or connection.

Section 2.3.05 Persons Authorized to Perform Work. Only properly licensed Contractors shall be authorized to perform the work of Public Sewer construction within the District. All terms and conditions of the Permit issued by the District to the Applicant shall be binding on the Contractor. The requirements of this Section shall apply to Side Sewers installed concurrently with Public Sewer construction.

Section 2.3.06 Grade Stakes. Grade and line stakes shall be set by a Registered Civil Engineer prior to the start of work on any Public Sewer construction. The Contractor shall be responsible for accurately transferring grades to grade bars and sewer invert.

Section 2.3.07 Compliance With Local Regulations. Any person constructing a Sewer within a Street shall comply with all State or County laws, ordinances, rules and regulations pertaining to the cutting of pavement, opening, barricading, lighting and protecting of trenches, backfilling and repaving thereof and shall obtain all permits and pay all fees required by the department having jurisdiction prior to the issuance of a permit by the District.

Section 2.3.08 Protection of Excavation. The Applicant shall maintain such barriers, lights and signs as are necessary to give warning to the public at all times that a Sewer is under construction and of each dangerous condition to be encountered as a result thereof. He shall also likewise protect the public in the use of the sidewalk against any such conditions in connection with the construction of the Sewer. Streets, sidewalks, parkways, and other property disturbed in the course of the work shall be reinstalled in a manner satisfactory to the District and the County, or any other person having jurisdiction thereover.

Section 2.3.09 Design and Construction Standards. Minimum standards for the design and construction of Sewers within the District shall be in accordance with the applicable provisions of the ordinances, rules, regulations and with the SPECIFICATIONS FOR SEWER CONSTRUCTION heretofore or hereafter adopted by the District, copies of which are on file in the District office. The District may permit modifications or may require higher standards where unusual conditions are encountered. Said SPECIFICATIONS FOR SEWER CONSTRUCTION shall be and they are hereby approved and adopted. "As-built" drawings showing the actual location of all mains, structures, "y's," laterals and cleanouts shall be filed with the District before final acceptance of the work.

Section 2.3.10 Completion of Sewer Required. Before any acceptance of any Sewer by the District and prior to the admission of any Wastewater into the system, the Sewer shall be tested and shall be complete in full compliance with all requirements of the SPECIFICATIONS FOR SEWER CONSTRUCTION and to the satisfaction of the District Engineer.

CHAPTER 4

USE OF PUBLIC SEWERS

Section 2.4.01 Introduction. This chapter is applicable to areas within the boundaries of the Malaga County Water District and to all other areas and entities which by contract are bound to comply with the ordinances, resolutions, rules and regulations of the District.

Section 2.4.02 Prohibitions on Wastewater Discharges. No Person shall discharge or deposit or cause or allow to be discharged or deposited into the Wastewater Facilities any Wastewater which may cause interference or pass through or which contains the following:

(A) Oils and Grease.

(1) Oil and grease concentrations or mass emission rates in violation of applicable federal pretreatment standards.

(2) Wax, grease or oil of animal, vegetable, mineral or petroleum origin (including emulsified forms) in any concentration or quantity which may cause or significantly contribute to flow obstruction, pass through or interference, or otherwise be incompatible with the Wastewater Facilities.

(3) Oil and grease limitations are established at 100 mg/l.

(B) Explosive Mixtures. Liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the Wastewater Facilities or to the operation of such Wastewater Facilities. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toulene, xylene, ethers, alcohols, ketones, aldehydes and any other liquids having a closed-cup flashpoint of less than 140 F, peroxides, chlorates, perchlorates, bromates, carbides, formaldehyde, hydrides, and sulfides.

At no time shall the reading on a combustible gas meter at the point of discharge, or at any point in the Wastewater Facilities exceed five percent (5%) of the lower explosive limit (LEL) of the meter.

(C) Noxious Material. Noxious or malodorous solids, liquids or bases, which either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, may cause acute worker health and safety problems, or are or may be sufficient to prevent entry into a Sewer for its maintenance and repair.

(D) Improperly Shredded Garbage. Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the public sewers, with no particle greater than three eights (3/8) inch in any dimension.

(E) Radioactive Wastes. Radioactive wastes or isotopes of such half-life or concentration that they do not comply with regulations or orders issued by the appropriate authority having control over their use and which will or may cause damage or hazards to the Wastewater Facilities or personnel operating the Wastewater Facilities.

(F) Solid or Viscous Waste. Solid or viscous Waste which will or may cause obstruction to the flow in a Sewer, or otherwise interfere with the proper operation of the Wastewater Facilities. Prohibited materials include, but are not limited to, any incompatible pollutant greater than 3/8 inch in any dimension, grease, uncomminuted garbage, animal guts or tissues, paunch manure, bones, hair, hies or flashings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, polishing compounds, resin beads, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, and similar substances.

(G) Excessive Discharge Rate (Slug Loads).

(1) Hydraulic: that rate of flow which shall result from the averaging of the flow rates over a period of fifteen (15) consecutive minutes and which shall be greater than five (5) times the twenty-four (24) hour total volume expressed in million gallons per day (MGD), of a monthly flow volume greater than that specified by connection permit shall be considered excessive.

(2) Loadings: those concentrations of Pollutants such as toxics, grease and oil, and other constituents, which in a grab sample are greater by a factor of five (5) than the average 24-hour concentration allowed in the Non-residential Permit or a mass emission greater than that specified by connection permit shall be considered excessive.

(3) B.O.D. and S.S.: those concentrations of Biochemical Oxygen Demand and Suspended Solids which, in a composite sample taken at intervals of fifteen (15) minutes over a period of four (4) hours , are greater by a factor of five (5) than the average 24-hour concentration allowed in the Non-residential Permit or a mass emission greater than that specified by Non-residential Permit shall be considered excessive.

(4) Any Pollutants, including oxygen demanding Pollutants (B.O.D., etc.) released in a discharge at a flow rate and/or concentration which may cause interference or pass through.

(H) Toxic or Hazardous Substances.

(1) Any Toxic or Hazardous Substance in a manner or quantity which is in violation of any federal, State or district regulation, standard or limitation;

(2) Any Hazardous Substance by truck, by rail, or by dedicated pipeline;

(3) Any chemical element or compound, including taste or odor producing substances, which are not susceptible to treatment or which may interfere with the biological processes or efficiency of the Wastewater Facilities.

(I) Unpolluted Waters. Any unpolluted water including, but not limited to, water from cooling systems or of Storm Water origin, which will increase the hydraulic load on the Wastewater Facilities.

(J) Discolored Materials. Wastes with objectionable color not removable by the treatment process. Such color shall be objectionable if it causes the plant effluent to fail to meet State or EPA standards for turbidity or light transmittance, or if it causes pollution to Waters of the State.

(K) Corrosive Wastes. Any Waste which will cause corrosion or deterioration detrimental to the design life expectancy of the Wastewater Facilities. All Wastes discharged to the Public Sewer must have a pH value in the range of six (6.0) to nine (9.0) standard units. Materials which may be prohibited under this Section include, but are not limited to, acids, caustic, sulfides, concentrated chloride and flouride compounds, and substances which will react with water to form acidic products.

(L) Interference With Reclamation or Reuse. Any Waste which will cause, threaten to cause, or is capable of causing either alone or by interaction with other substances in the District's effluent or any other product of the treatment process, residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process.

(M) Nuisance. Any Waste which will cause, threaten to cause, or is capable of causing either alone or by interaction with other substances a detrimental environmental impact or a nuisance in the Waters of the State or a condition unacceptable to the District or to any public agency having regulatory jurisdiction over the District.

(N) Incompatible Pollutants. Any Waste which is not a "compatible pollutant" as defined in this Sewer Use Ordinance or which may interfere with or may pass through the Sewerage System or which may cause abnormal increase in the operation costs of the Wastewater Facilities.

Section 2.4.03 Limitations on Wastewater Discharges. The following table specifies the maximum concentrations of pollutants allowable in Wastewater discharges to the Wastewater Facilities.

Table 1

pH -- acceptable range 6.0-9.0 pH units

Temperature -- not to exceed temperatures that will cause interference or that will cause the influent at the treatment plant to exceed 104°F, but in no case to exceed 150°F.

Radioactivity -- not to exceed limits specified in Sections 30285 and 30287 of the California Code of Regulations.

Electrical Conductivity -- not to exceed 1000 umho/cm. A User which has a flow volume less than 3,000 gallons per day or less than 45,000 gallons per month shall have a maximum concentration limit for Electrical Conductivity of 7,000 umhos/cm except that such discharge shall not be an incompatible Pollutant nor shall it pass through the POTW or interfere with the POTW.

Limitations for other incompatible Pollutants have not been established for general application. The Manager will determine and implement such limits for such constituents as he may find necessary to ensure compliance with the District's California Regional Water Quality Control Board permit requirements and with more restrictive pretreatment standards for new sources as prescribed by the Environmental Protection Agency (EPA).

General guidelines for various characteristics are summarized as follows:

Iron	1ppm	Lead	5ppm	Silver	5ppm
Arsenic	5ppm	Benene	0.02 ppm	Phenols	1ppm
Cadmium	0.1 ppm	Zinc	5ppm	Chromium	5ppm
Copper	5ppm	Aluminum	5ppm	Mercury	0.2 ppm
Barium	10ppm	Nickel	5ppm	Selenium	1ppm
Boron	8ppm				

Limitations and prohibitions on Wastewater strength contained in this Sewer Use Ordinance, including those of Table 1, may be supplemented with more stringent limitations and prohibitions. The District may provide the more stringent limitations and prohibitions as follows:

(1) If the District determines that the limitations and prohibitions in this Sewer Use Ordinance may not be sufficient to protect the operation of the District's Wastewater Facilities, or

(2) If the District determines that the limitations and prohibitions in this Sewer Use Ordinance may not be sufficient to enable the District's Wastewater Facilities to comply with water quality standards or effluent limitations specified in the District's California Regional Water Quality Control Board permit requirements.

Section 2.4.04 Federal Limitations. Any User who does not comply with the Pretreatment Standard as required by the Act and any applicable regulations thereunder, whether promulgated prior to or subsequent to the effective date of this Sewer Use Ordinance, violates this Sewer Use Ordinance. Said regulations include standards cited in 40 CFR Chapter 1, Subchapter N, parts 401-471. The more stringent of the standards will apply whenever local, State and federal standards overlap. Violation and prosecution under this Sewer Use Ordinance does not preclude violation and prosecution by other affected federal, State or local agencies in accordance with applicable law.

Section 2.4.05 Dilution. The dilution of any Wastewater for the purpose of satisfying discharge limitations is prohibited.

Section 2.4.06 Limitations on Point of Discharge. No Person shall discharge any substances directly into a manhole or other opening in the Sewerage System other than through an approved Building Sewer unless, upon written application by the User and payment of the applicable User charges and fees, the District issues a Permit for such direct discharges.

Section 2.4.07 Trucked or Hauled Waste. The discharge of trucked or hauled Waste is prohibited, except as authorized by the District in accordance with the terms and conditions of a permit for septic pumpage discharge and the District's regulations and procedures for septic pumpage dischargers.

All materials removed from pretreatment devices or facilities and prohibited by this Sewer Use Ordinance, including but not necessarily limited to Holding Tax Wastes, shall be stored, transported, treated and disposed of in accordance with applicable federal, State and local regulations.

Section 2.4.08 Medical Facility Wastes.

(A) Infectious Wastes from hospitals, clinics, and mortuaries may be disposed of to the Sewerage System subject to the following limitations and requirements:

(1) Pathologic specimens may not be disposed of to the Sewerage System.

(2) The material shall be ground by an approved grinder so that the material shall pass a 3/8" screen opening.

(3) The materials must not violate any other requirements of these rules and regulations or applicable State and/or federal statutes, laws, and rules and regulations.

(B) Ground organic kitchen waste from hospital food preparation and disposal facilities excluding all paper and plastic items may be discharged into the Sewerage System.

(C) The following shall not be discharged to the Sewerage System by any means:

(1) Disposable hypodermic needles, syringes, and associated articles following their use in hospitals, out-patient clinics, medical and dental offices, etc.

(2) Solid Wastes generated by patients suspected or diagnosed as having a communicable disease.

(3) Portions of the human anatomy.

(4) Wastes excluded by other provisions of this Sewer Use Ordinance except as specifically permitted in this Section.

(D) Nothing in this Section shall be construed to limit the authority of the Health Officer of the County to define Wastes as being infectious.

Section 2.4.09 Control Manholes. When required by the District, the owner of any property served by a Side Sewer carrying Industrial Wastewater shall install a suitable control manhole in the Side Sewer to facilitate observation, sampling and measurement of Waste. Such manhole shall be constructed in accordance with plans approved by the District Engineer. The manhole shall be installed by the Owner at Owner's expense, and shall be maintained by Owner so as to be safe and accessible at all times.

Section 2.4.10 Measurements and Tests. All measurements, tests and analyses of the characteristics of Wastewater and Waste to which reference is made in Sections 2.4.02 and 2.4.08 shall be determined in accordance with standard methods and shall be determined at the control manhole provided for in Section 2.4.09, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the Public Sewer to the point at which the Side Sewer is connected.

Section 2.4.11 Special Agreements. No statement contained in this Chapter shall be construed as preventing any special agreement or arrangement between the District and any industrial concern whereby an Industrial Wastewater of unusual strength or character in excess of Section 2.4.08 of this Sewer Use Ordinance may be accepted by the District for treatment, subject to payment therefor by the Industrial User and subject to such terms and conditions as might be required by the District.

Section 2.4.12 Swimming Pools. It shall be unlawful for any person to discharge the contents of a swimming pool into a Sewer except in the manner specified herein. The size of pipe carrying discharge water shall not be larger than two inches (2") and shall not be under a head to exceed twenty feet (20'). If the water is discharged by pumping, the rate of flow shall not exceed one hundred (100) gallons per minute. Each swimming pool discharging to a Sewer shall be equipped with an approved separator to preclude any possibility of a backflow of Wastewater into the swimming pool or piping system.

Section 2.4.13 Use of Storm Sewers Required. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the District. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the District, to a storm sewer, combined sewer or natural outlet.

Section 2.4.14 Non-Industrial Users. Hospitals, clinics, schools, commercial facilities, public agency facilities, and any other class of discharger may require treatment as an Industrial User for

purposes of applying this Sewer Use Ordinance. The applicability may be extended to residential Users at the sole discretion of the District in special instances.

CHAPTER 5

CONTROL OF PROHIBITED WASTES

Section 2.5.01 Regulatory Actions. If Wastewaters containing any substance described in Chapter 1 of Part Three of this Sewer Use Ordinance are or may be discharged or proposed to discharged into the Sewerage System of the District or to any Sewer tributary thereto, the Manager and/or the District's counsel may take any action necessary to,

(A) Prohibit the discharge of such Industrial Wastewater into the collection system and treatment works.

(B) Require pretreatment of any Industrial Wastewater which the District determines is necessary in order to meet standards established by the federal or State of California or other regulatory agencies or which the District determines is necessary in order to protect its Wastewater Facilities or the proper and efficient operation thereof or the health or safety of its employees or the environment.

(C) Require the Person proposing, making, causing, or allowing the discharge to pay to the District for excess costs to the District for supplementary treatment, Wastewater Facilities, operations or maintenance needed as a result of allowing the discharge into the Sewerage System of such Industrial Wastewater.

(D) Take such other remedial action as may be deemed by the Manager to be desirable or necessary to achieve the purpose of this Ordinance.

Section 2.5.02 Submission of Plans. Where Pretreatment or equalization of Wastewater flows prior to discharge into any part of the Wastewater Facilities is required, plans, specifications, and other pertinent data or information relating to such Pretreatment or flow-control facilities shall first be submitted to the District for review and approval in writing. Such written approval shall not exempt the discharge or such facilities from compliance with any applicable code, ordinance, rule, regulation, or order of any governmental authority. Any subsequent alterations or additions to such Pretreatment or flow-control facilities may be required by the Manager and shall not be made without due notice to and prior approval of the Manager.

Section 2.5.03 Pretreatment.

(A) General. Users shall make Wastewater acceptable under the limitations established herein before discharging to the Sewerage System. Any facilities required to pretreat Wastewater to a level

acceptable to the District shall be provided and maintained at the User's expense. Detailed plans showing the Pretreatment facilities and operating procedures shall be submitted to the District for review, and shall be acceptable to, and approved by, the District in writing before construction of the facility. The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the District under the provisions of this Sewer Use Ordinance. Any subsequent changes in the Pretreatment facilities or method of operation shall be reported to, and be approved in writing by, the District.

(B) **Interceptors**. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Manager, they are necessary for the proper handling of the liquid Wastes containing grease in excessive amounts, or any flammable Wastes, sand, and other harmful ingredients. All interceptors shall be of a capacity sufficient to provide the appropriate quality of effluent, and shall be in an easily accessible location for purposes of cleaning and inspection.

(C) **Commercial Garbage Grinders**. No owner of a commercial garbage grinder shall maintain or operate or permit to be maintained or operated any such grinder which may discharge any waters, wastes, or other substances into the District Sewerage System without first providing, at such person's expense, such preliminary treatment as may be necessary to reduce the suspended solids, daily flow, or objectionable characteristics or constituents to within the maximum limits contained in Chapter 1.

(D) **Water Softening Units**. In order to minimize salts discharged into the Sewerage System, water softening units must be well operated and maintained in strict accordance with manufacturer's instructions and applicable provisions of the California Health and Safety Code.

Section 2.5.04 Pretreatment Facilities Operations. If Pretreatment or control of Waste flows is required, such facilities shall be maintained in good working order and shall be operated so as to ensure continuous compliance with District ordinances, resolutions, rules and regulations and any applicable permits by the User at the User's own cost and expense. Pretreatment facilities are at all times subject to the requirements of these rules and regulations and all other applicable codes, ordinances and laws. Intermittent operation of Pretreatment facilities, except as approved in writing by the Manager, during discharge to District's Wastewater System is prohibited.

Section 2.5.05 Admission to Property. Whenever it shall be necessary for the purposes of these rules and regulations, the Manager, upon the presentation of credentials, may enter upon any property or premises at reasonable time for the purpose of (1) reviewing and copying any records required to be kept under the provisions of this Sewer Use Ordinance, (2) inspecting any monitoring equipment or Pretreatment facility or discharge-producing process, or (3) sampling any discharge of Wastewater to the Wastewater Facilities. The Manager may enter upon the property at any hour under emergency circumstances. In the event of such emergency entry, the Manager shall make every effort to immediately notify the User's designated agent. Consent to admission to property is given by the use of the District's Wastewater Facilities.

Section 2.5.06 Protection From Accidental Discharge. Each Industrial User shall provide protection from accidental discharge of prohibited materials or other Wastes regulated by this Sewer Use Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the Industrial User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the District for review, and shall be approved in writing by the Manager before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify his facility as necessary to meet the requirements of this Sewer Use Ordinance.

Section 2.5.07 Reporting of Accidental Discharge. If, for any reason, a User does not comply with or will be unable to comply with any prohibition or limitation in this Sewer Use Ordinance, the User responsible for such discharge shall immediately notify the District so that corrective action may be taken to protect the Wastewater Facilities. In addition, a written report addressed to the Manager detailing the characteristics of the discharge and corrective action taken to prevent future violative discharges, shall be filed by the responsible Industrial User within five (5) days of the occurrence of the noncomplying discharge.

Such notification will not relieve the User of liability for any expense, loss, or damage to the Sewerage System or for any fines imposed on the District on account thereof under Section 13350 of the California Water Code.

Section 2.5.08 Preventive Measures. The Manager may require any User to implement best management practices (BMP) for the purposes of preventing pollution and/or minimizing waste discharge. These may include, but are not limited to, elimination or labeling of drains, connections or other entry points so as to prevent discharge of Waste in violation of this Sewer Use Ordinance. BMP may also include, but is not limited to, product substitution in order to prevent discharge of Wastes in violation of this Sewer Use Ordinance.

CHAPTER 6

INDUSTRIAL WASTEWATER MONITORING AND REPORTING

Section 2.6.01 Reporting Requirements.

(A) The Manager may require any User to monitor its Wastewater and to submit monitoring reports to the Manager, at a frequency specified by the Manager.

(B) Monitoring reports shall include, at the discretion of the Manager, nature of process, volume, rates of flow, mass emission rates, production quantities, hours of discharge, concentrations of controlled pollutants, and other information relating to Wastewater. Such reports may also include the chemical constituents and quantity of liquid materials stored on site even though they are not normally discharged. In addition to monitoring reports, the Manager may require information in the

form of Non-Residential Wastewater Discharge Permit Applications and other reports as stipulated in 40 CFR 400.12, which include:

1. Baseline reports (403.12b).
2. Compliance schedules (403.12c).
3. Report on compliance with categorical pretreatment standard deadline (403.12d).
4. Periodic reports on continued compliance (403.12e).
5. Notice of potential problems, including slug loading (403.12f).
6. Monitoring and analysis to demonstrate continued compliance (403.12g).
7. Reporting requirements for industrial users not subject to categorical Pretreatment standards (403.12h).
8. Notification of changed discharge or new discharge (403.12J).
9. Notification of hazardous Waste discharge (403.12p).

(C) Any report required by the Act, whether such requirement be prior to or subsequent to the effective date of this Sewer Use Ordinance, shall be signed and certified by a responsible corporate officer, proprietor, general partner, or representative for whom written authorization has been received by the POTW from one of the aforementioned persons. Said certification shall consist of the following 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 of persons who manage the system, or those persons directly responsible for gathering the information, the information submitted 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."

(D) If sampling performed by an Industrial User indicates a violation, the User shall notify the 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 repeated analysis to the Manager within thirty (30) days after becoming aware of the violation.

Section 2.6.02 Records and Monitoring.

(A) All Industrial Users who discharge or propose to discharge Wastewaters to the Wastewater Facilities shall maintain such records of production and related factors, effluent flows, and pollutant amounts or concentrations as are necessary to demonstrate compliance with the requirements of this Sewer Use Ordinance and any applicable state or federal pretreatment standards or requirements, and shall notify the Manager of any new or changed discharge.

(B) Such records shall be kept for a minimum of three (3) years, made available upon request by the Manager. All such records relating to compliance with Pretreatment standards shall be made available to officials of the U.S. Environmental Protection Agency upon demand. A summary of such data indicating the Industrial User's compliance with this Sewer Use Ordinance shall be prepared upon request by the Manager.

(C) The owner or operator of any Premises or facility discharging Industrial Wastewater into the Wastewater Facilities shall install, operate and maintain at his own cost and expense suitable monitoring equipment on each connection discharging Industrial Wastewater to facilitate the accurate observation, sampling, and measurement of Wastes. Such equipment shall be maintained in proper working order and kept safe and accessible at all times.

(D) The monitoring equipment shall be located and maintained on the Industrial User's premises outside of the Building. When such a location would be impractical or cause undue hardship on the User, the Manager may allow such facility to be constructed in the public street or sidewalk area, with the approval of the public agency having jurisdiction over such street or sidewalk, and located so that it will not be obstructed by public utilities, landscaping, or parked vehicles.

(E) When more than one User can discharge into a common Sewer, the Manager may require installation of separate monitoring equipment for each User. When there is a significant difference in Wastewater constituents and characteristics produced by different operations of a single User, the Manager may require that separate monitoring facilities be installed for each separate discharge.

(F) Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with District requirements and all applicable construction standards and specifications.

(G) If the monitoring facility is inside the User's fence, there shall be accommodations to allow access for District personnel, such as a gate secured with a District lock. There shall be ample room in or near such sampling manhole to allow accurate sampling and compositing of samples for analysis. The manhole, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User.

Section 2.6.03 Confidential Information. All information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agencies. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the District as confidential in accordance with the provisions of 40 CFR Part 2 entitled, "Confidentiality of Business Information," shall not be transmitted to the general public by the District until and unless prior and adequate notification is given to the User of the POTW, provided, however, that confidential information shall be available to the State, any State agency, U.S. Environmental Protection Agency or any federal agency with jurisdiction.

Section 2.6.04 Inspection, Sampling, and Analysis-General. The District may inspect the facilities of any User to ascertain whether the purpose of this Sewer Use Ordinance is being met and all requirements are being complied with. Persons or occupants of Premises where Wastewater is created or discharged shall allow the District or its representative ready access at all reasonable times to all parts of the Premises for the purpose of inspection or sampling or in the performance of any of their duties. The District shall have the right to set up on the User's property such devices as are necessary to conduct sampling or metering operations, and every effort will be made so that such devices and operations do not interfere with the normal business operations of the User. Where a User has security measures in force which would require proper identification and clearance before entry into their premises, the User shall make necessary arrangements with their security guards so that, upon presentation of suitable identification, personnel from the District will be permitted to enter without delay for the purposes of performing their specific responsibilities.

(A) **Compliance Determination**. Compliance determinations with respect to Part Three, Chapter 1 prohibitions and limitations may be made on the basis of either instantaneous grab samples or composite samples of Wastewater. Composite samples may be taken over a twenty-four (24) hour period, or over a longer or shorter time span, as determined necessary by the Manager to meet the needs of specific circumstances.

(B) **Analysis of Industrial Wastewaters**: Laboratory analysis of Industrial Wastewater samples shall be performed in accordance with the approved test procedures listed in 40 CFR 136.

(C) **Sampling Frequency**. Sampling of Industrial Wastewater for the purpose of compliance determination with respect to Part Three, Chapter 1 prohibitions and limitations will be done at random intervals as the Manager may determine necessary to the pretreatment program goals.

CHAPTER 7

PERMITS

Section 2.7.01 Permit Required. No unauthorized Person shall uncover, make any connections with or opening into, use, alter, or disturb any Public Sewer or appurtenance or perform any work on any Sewer or draining system without first obtaining a written permit from the District.

Section 2.7.02 Application for Permit. Any Person, legally entitled to apply for and receive a Permit shall make such application on forms provided by the District for that purpose. The Applicant shall give a description of the character of the work proposed to be done and the location, ownership, occupancy and use of the Premises in connection therewith. The District will require plans and specifications, drawings and other such information as may be deemed necessary. Prior to issuing connection Permits and the commencement of development, the plans and specifications, and other information as deemed necessary, will be reviewed and approved by the District Engineer and Manager.

If the District determines that the plans, specifications, drawings, descriptions or information furnished by the Applicant is in compliance with the ordinances, rules and regulations of the District, the District shall issue the Permit applied for upon payment of the required fees as hereinafter fixed.

Section 2.7.03 Compliance With Permit. After approval of the application, evidenced by the issuance of a Permit, no change shall be made in the location of the Sewer, the grade materials or other details from those described in the Permit or as shown on the plans and specifications for which the Permit was issued except with written permission from the District.

Section 2.7.04 Agreement. The Applicant's signature on an application for any permit as set forth in Section 2.5.02 hereof shall constitute an agreement to comply with all of the provisions, terms and requirements of the ordinances, rules and regulations of the District, and with the plans and specifications Applicant has filed with Applicant's application, if any, together with such corrections or modifications as may be made or permitted by the District, if any. Such agreement shall be binding and may only be modified upon the written request for the alteration from the Applicant.

Section 2.7.05 Classes of Permits. There shall be five (5) classes of Permits, as follows:

(A) Residential Building Sewer Permit,

(B) Non-residential Wastewater Discharge Permit,

(C) Force main Sewer connection Permit.

(D) Public Sewer construction Permit.

(E) Private Wastewater disposal Permit.

Section 2.6.06 Persons Authorized to Perform Work. Permits shall be issued only to Contractors as said Contractors are defined herein. Applicants for Permits shall provide any plans, specifications or other information considered pertinent in the judgment of the Engineer of the District.

CHAPTER 8

NON-RESIDENTIAL WASTEWATER DISCHARGE PERMIT SYSTEM

Section 2.8.01 Non-residential Wastewater Discharge Permits Required. The District has implemented a Non-Residential Wastewater Discharge Permit system in order to regulate the discharge of Industrial Wastewater pursuant to Section 3.3.01. All Significant Industrial Users proposing to connect to or discharge into any part of the Wastewater Facilities must first obtain a Non-Residential Wastewater Discharge Permit therefor. All existing Significant Industrial Users connected to or discharging to any part of the Wastewater Facilities must obtain a Non-Residential

Wastewater Discharge Permit within one hundred twenty (120) days after the effective date of this Sewer Use Ordinance.

Non-residential Wastewater Discharge Permits shall be classified as follows:

Class I : Significant Industrial Users

Class II : All Others

Any User discharging Industrial Wastewater may be required to apply for a Non-Residential Wastewater Discharge Permit. The Manager may issue a Non-Residential Wastewater Discharge Permit to any User, upon application, subject to the terms and conditions specified therein.

Section 2.8.02 Permit Application. Users seeking a Non-Residential Wastewater Discharge Permit shall complete and file with the District an application on the form prescribed by the Manager, and accompanied by the applicable fee. In support of this application, the User shall submit the following information:

(A) Name, address, and SIC number of applicant.

(B) Volume of Wastewater to be discharged.

(C) Wastewater constituents and characteristics including, but not limited to, those set forth in Part Three, Chapter 1 of this Sewer Use Ordinance as determined by a State-approved analytical laboratory.

(D) Time and duration of discharge.

(E) Average and thirty (30) minute peak Wastewater flow rates, including daily, monthly, and seasonal variations, if any.

(F) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location, and elevation.

(G) Description of activities, facilities, and plant processes on the Premises including all materials and types of materials which are, or could be, discharged.

(H) Each product produced by type, amount, and rate of production.

(I) Number and type of employees, and hours of work.

(J) Listing of or copies of, all environmental control permits.

(K) Any other information as may be deemed by the Manager to be necessary to evaluate the permit application.

The Manager will evaluate the data furnished by the User and may require additional information. After evaluation and acceptance of the data furnished, the Manager may issue a Non-Residential Wastewater Discharge Permit subject to terms and conditions provided therein.

Section 2.8.03 Permit Fees. Applications for issuance or renewal of Non-Residential Wastewater Discharge Permits shall include the required fee, as specified below:

Classification	Initial Permit	Renewal Permit
Class I	$225	$150
Class II	$175	$150

The cost of excessive laboratory analysis required to establish User's compliance with this Sewer Use Ordinance shall be billed to the Industrial Establishment sampled.

Section 2.8.04 Permit Conditions. Non-Residential Wastewater Discharge Permits shall be expressly subject to all provisions of this Sewer Use Ordinance, including Section 3.4.08, and all other regulations, User charges, and fees established by the District. The conditions of Non-Residential Wastewater Discharge Permits shall be enforced in accordance with this Sewer Use Ordinance, and applicable State and federal regulations. The following general permit conditions shall be applicable to all Non-Residential Wastewater Discharge Permits:

(1) To comply with all of the provisions, terms and requirements of the ordinances, rules and regulations of the District.

(2) To furnish any information on Non-Residential Wastewater discharge as required by the District.

(3) To pay all fees required by District ordinance including but not limited to connection fees, annexation fees, bond debt service charges, fixed charges, operation, and maintenance charges, and industrial pretreatment chemical charges.

(4) To pay any additional cost or expense incurred by the District for handling and treating excess loads imposed on the Wastewater Facilities.

(5) To pay any cost or expense incurred by the District in the enforcement of the provisions of its ordinances and the correction of violations thereof.

(6) To make Wastewater acceptable under the limitations of this Sewer Use Ordinance before discharge to the Sewerage System.

(7) To operate and maintain any required Wastewater Pretreatment devices in a satisfactory manner approved by the District.

(8) To provide immediate access to authorized District personnel to any facility directly or indirectly connected to the Sewerage System under emergency conditions and at all other reasonable times.

(9) To cooperate at all times with authorized District personnel in the inspection, sampling and study of the Permittee's facilities and Wastewater.

(10) To divert rainwater and one-pass cooling water for disposal other than to the Sewerage System.

(11) To apply for a revised Non-Residential Wastewater Discharge Permit if there is any change in the location, grade, materials, construction of configuration of the physical Sewer connection or if there is any change in the Permittee's processes or operations which affect the quantity or quality of the Wastewater.

(12) To immediately notify the District (phone 559-485-7353, 24 hours a day) of any Wastewater which is not in compliance with this Sewer Use Ordinance or which exceeds limitations specified in its permit or which might be reasonably judged to constitute a hazard to District personnel, treatment plant or Sewerage System.

(13) To operate only one Non-Residential Wastewater discharge point to the Sewerage System under the authority granted by the permit.

Any or all of the following specific Permit conditions may be included in Non-residential Wastewater Discharge Permits,

(14) To install, operate and maintain at Permittee's cost and expense an automatic, permanent Wastewater flow monitoring system approved by the District which provides a primary flow measuring device, indication, recording and totalizing of flow and a signal generating device that can be used to activate the District's and other automatic samplers.

(15) To install, operate and maintain at Permittee's cost and expense an automatic Wastewater sampling system approved by the District which provides a flow proportional composite sample, a sample volume of not less than two liters, refrigerated storage and self-purging capability.

(16) To install operate and maintain at Permittee's cost and expense an automatic pH recording system approved by the District which provides a pH recording instrument and a pH probe located downstream of all Pretreatment operations and just before discharge to the Sewerage System.

(17) To install, operate and maintain at Permittee's cost and expense a batch pH neutralization system approved by the District which provides a storage facility for Wastewater of pH less than 6.0 or greater than 9.0, a pH measuring device, neutralizing agent and a permanently bound record of pH neutralization before discharge to the Sewerage System.

(18) To install, operate and maintain at Permittee's cost and expense an automatic pH recording and control system approved by the District which provides a pH recording instrument, a pH probe located downstream of all Pretreatment operations and just before discharge into the Sewerage System, storage for a neutralizing agent, a neutralization chamber, a continuous neutralizing agent injection system activated by pH level and adequate agitation.

(19) To implement a spill prevention, control and countermeasure plan approved by the District which provides protection from accidental discharge of Wastes prohibited or regulated by this Sewer Use Ordinance and which provides for the construction, operation and maintenance, at Permittee's cost and expense, of facilities necessary to implement said plan.

(20) To implement an illicit discharge prevention plan approved by the District which provides information to Permittee's employees regarding regulation and limitations of Wastewater to the Sewerage System and which includes permanently posting in a conspicuous place a notice furnished by the District advising employees whom to call in case of discharge in violation of this Sewer Use Ordinance.

(21) To install, operate and maintain at Permittee's cost and expense a grease interceptor approved by the District which (a) prevents excessive grease and oil from entering the Sewerage System (b) provides at least 1250 gallons storage capacity, at least two compartments, baffles to retain floatable greases and oils and a sampling port and (c) excludes any Sanitary Wastewater from entering the interceptor.

(22) To install, operate and maintain at Permittee's cost and expense a sand interceptor approved by the District which (a) prevents sand and settleable grit from entering the Sewerage System (b) provides a 30-minute detention time based on peak Wastewater rate, a minimum capacity of 500 gallons, at least two compartments, baffles to reduce Wastewater velocity sufficiently to settle sand and grit and (c) excludes any Sanitary Wastewater from entering the interceptor.

(23) To operate and maintain any Garbage grinders in a manner which prevents discharge of Wastewater in violation of this Sewer Use Ordinance.

(24) To operate and maintain any water softening units in strict accordance with manufacturer's instructions and in a manner to minimize salts discharge into the Sewerage System.

(25) To maintain a District-approved prohibited substances inventory accounting system which includes a bound log book containing permanent entries that account, either by mass or by volume, for the disposition of substances prohibited by this Sewer Use Ordinance or by its Permit.

(26) To keep waste hauler reports on file for a period of three years using forms provided by the District.

Other Permit conditions, including but not necessarily limited to the following, may be included in Non-Residential Wastewater Discharge Permits:

A. The unit charge or schedule of User charges and fees for the Wastewater to be discharged to the system;

B. The average and maximum Wastewater constituents and characteristics (specific limitations);

C. Limits on rate and time of discharge or requirements for flow regulation and equalization;

D. Monitoring and reporting requirements;

E. Compliance schedules;

F. Requirements to install best available technology (BAT), best conventional pollutant control technology (BCT), or best practicable technology (BPT);

G. Requirements to implement best management practices (BMP) to prevent pollution or minimize Waste discharge;

H. Any other conditions as may be deemed necessary by the Manager.

Section 2.8.05 Notices to Employees. In order that employees of Users be informed of District requirements, Users shall make available to their employees copies of this Sewer Use Ordinance together with such other Wastewater information and notices which may be furnished by the District from time to time directed toward more effective water pollution control. A notice shall be furnished

and permanently posted on the User's bulletin board advising employees whom to call in case of an accidental discharge in violation of this Sewer Use Ordinance.

Section 2.8.06 Duration of Permits. Permits shall be issued for a specified time period, not to exceed five (5) years. A Permit may be issued for a period of less than five years, or may be stated to expire on a specific date. If the User is not notified by the District thirty (30) days prior to the expiration of the Permit, the Permit shall automatically be extended for three (3) months. The terms and conditions of the Permit may be subject to modification and change by the District during the life of the Permit, as limitations or requirements as identified in Chapter 1 of Part Three are modified and changed. The User shall be informed of any proposed changes in User's Permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the Permit shall include a reasonable time schedule for compliance. Failure of the District to act upon a valid Permit application or renewal application shall allow for automatic extension of operations under existing Permit conditions.

Section 2.8.07 Transfer of a Permit. A Non-Residential Wastewater Discharge Permit is issued to a specific User for a specific operation. The Permit shall not be reassigned or transferred or sold to a new owner, new User, different premises, or a new or changed operation. If a Non-Residential Wastewater Discharge Permit is transferred in violation of this section, the Non-Residential User shall pay a surcharge fee of twenty percent (20%) of the aggregate amount discharged in the District's facilities. The District reserves the right to enforce any other penalties authorized under this Sewer Use Ordinance, including terminating service to the Non-Residential User.

Section 2.8.08 Application to County for Zoning Amendment. All property owners whose property is zoned agriculture, industrial or commercial within the limits of the District shall notify the District when they file an application for a zoning change, conditional use permit or variance. A property owner or tenant who proposes to change the uses for the property, and for which a permit was issued by the District shall mail a copy of all the documents filed with the County in support of the property owner or tenant's request.

Section 2.8.09 Permit Required. Before commencing any work pertaining to the erection, construction, reconstruction, moving, conversion or alteration of any Building, or any addition to any Building, a Permit shall be secured from the District by any owner or his agent for said work, and it shall be unlawful to commence any work until and unless such Permit shall have been obtained. Provided, further that no such Building shall be occupied or used unless a Permit is first obtained from the District.

Section 2.8.10 Procedure. Each application for a Permit shall be made on a printed form to be obtained from the District and shall be accompanied by accurate information and dimensions as to the size and location of the lot; the size and location of the buildings on the lot; the dimensions of all yards and open spaces; and such other information as may be necessary for the enforcement of those regulations. Where complete and accurate information is not readily available from existing

records, the District may require the application to furnish a survey of the lot prepared by a licensed surveyor. A copy of the original of such application shall be kept in the office of the District.

Each application shall be reviewed for compliance with the requirements of the District. No Permit shall be granted unless the proposal meets all the requirements of this Sewer Use Ordinance.

Before a Permit shall be issued, all required on-site (outside of District right of way) and off-site (within District right of way) improvements shall have either been completed or, if not completed, the permittee shall have entered into an agreement with the District to complete said work within six (6) months from the date of the issuance of the Permit. The District may extend the completion date for one additional six (6) month period upon written request of the permittee upon a showing of good cause therefore.

Section 2.8.11 Revocation of a Permit. Any User who violates the following conditions of User's Permit or of this Sewer Use Ordinance, or applicable State or federal regulations, is subject to having the permit revoked. Violations subjecting a User to possible revocation of the Permit include, but are not limited to, the following:

(A) Failure of a User to accurately report the Wastewater constituents and characteristics of User's discharge.

(B) Failure of the User to report significant changes in operations, or Wastewater constituents and characteristics.

(C) Refusal of reasonable access to the User's Premises for the purpose of inspection or monitoring.

(D) Violation of conditions of the Permit.

PART THREE: ENFORCEMENT

CHAPTER 1

Section 3.1.01 Purpose and Scope. The Board finds that in order for the District to comply with the laws, regulations, and rules imposed upon it by State and federal regulatory agencies an to ensure that the District's Wastewater 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 the District's system by Residential and Non-residential Users.

Section 3.1.02 Filing Application/Obtaining Permit.

(A) All Residential Users shall complete and file an Application for a Residential Building Sewer Permit (Section 2.6.05(A) hereof).

(B) All Non-residential Users shall complete and file an application on the form prescribed by the Manager, accompanied by the application fee. Prior to discharging any Wastewater into the District's Facilities, the Non-residential User shall obtain a Non-residential Wastewater Discharge Permit. Non-residential Users who are discharging into the District's Wastewater Facilities on the effective date of this Sewer Use Ordinance and have not applied for a Non-residential Wastewater Discharge Permit as required under Section ___, shall have fifteen (15) days from the effective date of notification to complete and file with the District the application required by Section 2.6.01, et seq.

Section 3.1.03 Determination of Non-compliance With Discharge Limits. Non-compliance with mass emission rate limits, concentration limits, Permit discharge conditions, or any discharge provision of this Sewer Use 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 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. Any sample taken from a sample point is considered to be representative of the discharge to the Public Sewer.

Section 3.1.04 Enforcement Procedures and Applicable Fees.

(A) Self-monitoring Requirements as a Result of Non-compliance.

(1) If an analysis of any sample obtained by the District or by a Permittee shows non-compliance with the applicable Wastewater discharge limits set forth in the Sewer Use

Ordinance or in the Permittee's discharge Permit, the District may impose self-monitoring requirements on the Permittee.

(2) A Permittee shall perform required self-monitoring or constituents in a frequency, at the specified location, and in a manner directed by the District.

(3) All analysis of self-monitoring samples shall be performed by an independent laboratory acceptable to the District and submitted to the District in a form and frequency determined by the District.

(4) All analysis of self-monitoring costs shall be borne by the Permittee (the "Non-compliance Sampling Fee"). The purpose of the Non-compliance Sampling Fee is to compensate the District 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 Chapter 2 of this Part Three of this Sewer Use Ordinance.

(5) Nothing in this Section shall be deemed to limited the authority of the District to impose self-monitoring as a Permit condition.

Section 3.1.05 Non-compliance Sampling Fees for Composite Samples.

(1) Each violation of a Permittee's Permit limit or condition is a separate violation of this Sewer Use Ordinance.

(2) If any analysis of any composite sample of a Permittee's discharge obtained by the District shows a major violation by the Permittee of mass emission rates or concentration limits specified in the Permittee's discharge permit or in this Sewer Use Ordinance, then the Permittee shall pay Non-compliance Sampling Fees to the District pursuant to fee schedules adopted by the District's Board of Directors.

(3) If analysis of any composite sample of a Permittee's discharge obtained by the District shows a minor violation by the Permittee of mass emission rates or concentration limits specified in the Permittee's discharge Permit or in this Sewer Use Ordinance, then the Permittee shall pay Non-compliance Sampling Fees to the District pursuant to fee schedules adopted by the District's Board of Directors.

(4) The fees specified in Sections 3.1.05 and 3.1.06 herein shall be imposed for each date on which the District conducts sampling as a result of a violation by a Permittee.

Section 3.1.06 Non-compliance Sampling Fees for Grab Samples and Self-monitoring Results.

(1) If analysis of any grab sample analysis of a Permittee's discharge shows non-compliance with any concentration limits as set forth in the User's Permit or in this Sewer Use Ordinance, the District may impose Non-compliance Sampling Fees, pursuant to fee schedules adopted by the District's Board of Directors, for sampling conducted by the District 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 Sewer Use Ordinance, the District may impose Non-compliance Sampling Fees, pursuant to fee schedules adopted by the District's Board of Directors, for sampling conducted by the District as a result of a violation by the Permittee.

Section 3.1.07 Violation. Any Person found to be violating any provision of this or any other ordinance, rule or regulation of the District, except Section 4.1.01 hereof, shall be served by the District or other authorized person with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. Said time limit shall not be less than two (2) nor more than seven (7) working days. The offender shall, within the period of time stated in such notice, permanently cease all violations. All Persons shall be held strictly responsible for any and all acts of agents or employees done under the provisions of this or any other ordinance, rule or regulation of the District. Upon being notified by the District of any defect arising in any Sewer or of any violation of the ordinances, rules and regulations of the District, the person or persons having charge of said work shall immediately correct the same.

If a non-residential User fails to complete and file with the District an Application on the form prescribed by the Manager within fifteen (15) days from the effective date of notification, the non-residential User shall be subject to a fine of $150.00 per calendar day for each day that the non-residential User fails to comply with Section 3.1.02 of this Sewer Use Ordinance.

Section 3.1.08 Public Nuisance. Continued habitation of any Building or continued operation of any Non-residential facility in violation of the provisions of this or any other ordinance, rule or regulation of the District is hereby declared to be a public nuisance. The District may cause proceedings to be brought for the abatement of the occupancy of the Building or Non-residential use during the period of such violation.

Section 3.1.09 Disconnection. As an alternative method of enforcing the provisions of this or any other ordinance, rule or regulation of the District, the District shall have the power to disconnect the User or Sewer from the Sewerage System of the District. Upon disconnection, the District shall estimate the cost of disconnection from and reconnection to the Sewerage System, and such User shall deposit the cost as estimated, of disconnection and reconnection, before such User is reconnected to the Sewerage System. The District shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection.

Section 3.1.10 Public Nuisance - Abatement. During the period of such disconnection, habitation of such Premises by human beings shall constitute a public nuisance, whereupon the District shall cause proceedings to be brought for the abatement for the occupancy of said Premises by human beings during the period of such disconnection. In such event, and as a condition of reconnection, there is to be paid to the District a reasonable attorney's fee and cost of suit arising in said action.

Section 3.1.11 Means of Enforcement Only. The District hereby declares that the foregoing procedures are established as a means of enforcement of the terms and conditions of its ordinances, rules and regulations, and not as a penalty.

CHAPTER 2

PENALTIES AND COSTS

Section 3.2.01 Authority. All Users of the District's system and facilities are subject to enforcement actions administratively or judicially by the District, United States Environmental Protection Agency, State of California Regional Water Quality Control Board, or the County of Fresno 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.A. Section 1251, et seq.); (2) California Porter-Cologne Water Quality Control Act (California Water Code Section 13000, et seq.); (3) California Hazardous Waste Control Law (California Health & Safety Code Sections 25100 to 25250); (4) Resource Conservation and Recovery Act of 1976 (42 U.S.C.A. Section 6901, et seq.); and (5) California Government Code, Sections 54739-54740.6.

Section 3.2.02 Recovery of Fines and Penalties. In the event the District is subject to the payment of fines or penalties pursuant to the legal authority and actions of other regulatory or enforcement agencies based on a violation of law or regulation or its Permits, and said violation can be established by District, as caused by the discharge of any User of the District's system which is in violation of any provision of the District's Sewer Use Ordinance or the User's Permit, District 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 it has been subjected.

Section 3.1.03 Correction of Violations; Collection of Costs; Injunction. In order to enforce the provisions of this Sewer Use Ordinance, the District may correct any violation thereof; and the cost of such correction (including but not necessarily limited to costs of investigation, analysis, document review, administration, enforcement, treatment or any other associated costs incurred by the District or any fines or other costs imposed on the District by any federal or State agency or court) may be added to any charge payable by the person violating this Sewer Use Ordinance or the Owner or tenant of the property upon which the violation occurred and the District shall have such remedies for the collection of such costs as it has for the collection of rates, fees and charges for Sewer service. The District may also petition the Superior Court of the State of California for the issuance of a

preliminary or permanent injunction, or both, as may be appropriate, restraining any Person from the continued violation of this Sewer Use Ordinance.

Section 3.1.04 Civil Penalties.

(A) Pursuant to the authority of Government Code Sections 54739 - 54740.6, any person who violates any provision of this Sewer Use Ordinance; any Permit condition, prohibition or effluent limit, or any suspension or revocation order shall be liable civilly for a sum not to exceed $5,000.00 to $25,000.00 per violation for each day in which such violation occurs, depending on the nature and type of violation. 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 Sewer Use Ordinance, or any Permit condition, prohibition, or effluent limit shall be liable civilly for a sum of $5,000.00 to a maximum of $25,000.00 per violation for each day in which such violation occurs, depending on the nature and type of violation. The General Counsel of the District, upon order of the Manager or the Board of Directors, shall petition the Superior Court to impose, assess, and recover such penalties, or such other penalties as the District may impose, assess, and recover pursuant to federal and/or State legislative authorization.

(B) Pursuant to the authority of California Government Code sections 54740.5 and 54740.6, the District may issue an administrative complaint to any person who violates:

(1) any provision of this Sewer Use Ordinance;

(2) any Permit condition, prohibition, or effluent limit; or

(3) any suspension or revocation order.

Civil Penalties may be assessed as follows:

(1) In an amount which shall not exceed Two Thousand Dollars ($2,000.00) for each day for failing or refusing to furnish technical or monitoring reports.

(2) 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 scheduled established by the District.

(3) In an amount which shall not exceed Five Thousand Dollars ($5,000.00) per violation for each day of discharges in violation of any Wastewater violation of any Waste discharge limitation, Permit condition, or requirement issued, reissued, or adopted by the District.

(4) In an amount which does not exceed Ten Dollars ($10.00) per gallon for discharges in violation of any suspension, cease and desist order or other orders, or prohibition issued, reissued, or adopted by the District.

(5) The amount of civil penalties imposed under this Section which have remained delinquent for a period of sixty (60) days shall constitute a lien against the real property of the discharger from which the discharge originated resulting in the imposition of the civil penalty. The lien provided herein shall have no force and effect until recorded with the County Recorder of Fresno County and when recorded shall force and effect priority of a judgment lien and continue for ten (10) years from the time of recording unless sooner released, and shall be renewable in accordance with the provisions of Sections 683.110 to 683.220, inclusive, of the Code of Civil Procedure.

(6) All monies collected under this Section shall be deposited in a special account o the District, and shall be made available for the monitoring, treatment, and control of discharges into the District's Wastewater Facilities or for other mitigation measures.

(7) This District may, at its option, elect to petition the Superior Court to confirm any other establishing civil penalties and enter judgment in conformity therewith in accordance with the provisions of Sections 1285 to 1287.6, inclusive, or the Code of Civil Procedure.

These sums shall be recoverable by the District in accordance with District billing procedures.

Section 3.2.05 Liability for Violation. Any Person violating any of the provisions of the ordinances, rules or regulations of the District shall become liable to the District for any expense, loss or damage occasioned by the District by reason of such violation.

PART FOUR: MISCELLANEOUS PROVISIONS

CHAPTER 1

DAMAGE AND INSPECTION

Section 4.1.01 Protection From Damage. No unauthorized Person shall maliciously, wilfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the District's Sewerage System. Any Person violating this provision shall be subject to the penalties provided by law.

Section 4.1.02 Powers and Authorities of Inspectors. The officers, inspectors and any duly authorized employee of the District shall wear or carry an official badge of office or other evidence establishing their position as such and upon exhibiting the proper credentials and identification shall be permitted to enter in and upon any and all Buildings, Non-residential Premises and properties for the purposes of inspection, re-inspection, observation, measurement, sampling, testing or otherwise performing such duties as may be necessary in the enforcement of the provisions of the ordinances, rules and regulations of the District.

CHAPTER 2

CHARGES FOR SEWER SERVICE

Section 4.2.01 Purpose. The purpose of the service charge to Users of the Sewerage System (herein "Sewer Service Charge") is to raise revenue for the cost of acquisition, construction, reconstruction, maintenance and operation of the Sewerage System, to repay principal and interest on bonds issued for the construction or reconstruction of such Sewerage System and such other purposes provided for in Division 5, part 3, Chapter 6, Article 4 (commencing with Section 5470) of the Health and Safety Code of the State of California. Fee, user and other charges are set forth in Title Four of the Code.

Section 4.2.02 Basis of Charge. The basis of the Sewer Service Charge is the establishment of a unit cost, hereinafter referred to as a "Service Unit," computed to reflect costs in the collection, treatment and disposal of Wastewater from an average single-family dwelling.

Customers using the Sewerage System are divided into Residential and Non-Residential classifications. Sewer Service Charges for Residential Users will be computed on the basis of Equivalent SFR Units, fractions or multiples thereof and in the case of Non-Residential Users on a formula utilizing the Equivalent SFR Units and also variances in quantity and quality of discharge.

Section 4.2.03 Equivalent SFR Unit Rate. The charge per Equivalent SFR Unit shall be for each month of service. Users outside the District boundary will be charged one and one-half (1 1/2) the Equivalent SFR Unit for such service within the District.

Section 4.2.04 Residential Customer Charge. Charges for Equivalent SFR Unit and other associated fees and charges are as set forth in Title IV of the Code.

Section 4.2.05 Non-residential User Charges. Customers in the Non-Residential category shall pay a rate based on Equivalent SFR Units as set forth in Title IV of the Code.

Section 4.2.06 Non-residential - Additional Provisions. The following are additional provisions applicable to the computation of the Sewer Service Charge for Non-Residential Users:

(A) Billing for services may be paid in advance for a period mutually agreed upon, not exceeding twelve (12) months, where it can be demonstrated that a uniform flow and Sewage characteristic exists.

(B) The District or the User may require the installation of District-approved recording and sampling devices, or Sewage meters, on the Premises for use by the District. Installation shall be at the User's expense. Such devices or meters shall be available for inspection at any reasonable time. Recording devices shall be capable or recording instantaneous and accumulated flows and sampling devices shall be automatic and capable of twenty-four (24) hour storage and maintenance of temperature between 35° and 40° fahrenheit and have a five (5) gallon capacity. In the event of installation as described above at the request of the User, said User shall be responsible for the maintenance, repair and replacement of all sampling or recording devices and equipment. User shall in all events be responsible for any damage or expense in repair or replacement for which User or User's agent, officers or employees are responsible.

Section 4.2.07 Power to Inspect Premises. In order to effect the powers of this Ordinance and pursuant to Section 4766 of the Health and Safety Code of the State of California, the District's Manager and the Manager's authorized representatives are hereby given the power and authority to enter upon private property for the purpose of inspection and maintenance of the Plumbing System including, but not limited to, ascertaining the nature of such Premises, the type of activities carried on therein, the number of plumbing fixtures, situated therein, and any other facts or information reasonably necessary to ascertain the applicability of any Sewer Service Charges to such Premises, or the amount of such charges. In particular, readings of water meters may be taken where the Sewer Service Charge is based upon the amount of water consumed or used by said Premises.

Section 4.2.08 Vacancy. No credit, adjustment or refund will be made to any User because the Premises or any part thereof are vacant unless said Premises are disconnected from the Sewerage System.

Section 4.2.09 Refunds. When any refund becomes due and owing by virtue of action of the Board or by virtue of any error made in ascertaining the charge applicable to any customer, the Manager is authorized to make payable such monies from the specific fund established for the deposit of Sewer Service Charges.

Section 4.2.10 Adjustments. It is the intent of the provisions of this Chapter 2 of Part 4 of the Sewer Use Ordinance, in providing for different Sewer Service Charges for different categories of Users, to reflect the benefit from such service to each User so that those who receive greater benefits or those who impose heavier burden upon the Sewerage System because of higher flow, or the quality of the discharge, pay a higher charge. If, in respect to any User, the Board should find that the Sewer Service Charge is inequitable, or unfair because of unusual circumstances, it may establish a special Sewer Service Charge for such User, differing from those otherwise established which will bear a closer relationship to the benefit received from use of the Sewerage System. Such special Sewer Service Charge may be established by resolution or agreement, but may be revoked at any time by the Board whenever it finds that continuation thereof would be inequitable or unfair under the circumstances then prevailing.

The Owner or occupants of the Premises who by reason of special circumstances finds that the applicable rates are unjust or inequitable as applied to the Premises, may make written application to the Board stating the circumstances and requesting a different basis of charges for such premises. If such application be approved, the Board may by resolution fix and establish fair and equitable rates for such Premises to be effective as of the date of such application and continuing during the period of such special circumstances.

CHAPTER 3

SEWER ALTERATION - PERMITS

Section 4.3.01 Permit Required. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any Public Sewer or appurtenance thereof without first obtaining a Permit from the District and paying all fees and connection charges of the District.

Section 4.3.02 Persons Authorized to Perform Work. Permits shall be issued only to Contractors as said Contractors are defined herein. Applicants for Permits shall provide any plans, specifications or other information considered pertinent in the judgment of the Engineer of the District. "Contractor" shall mean any contractor licensed by the State of California to enter into contracts for and to perform the work of installing, repairing, replacing or relocating Sewers under District jurisdiction, or the owner of private property doing his own Building Sewer work on his private property only. Fees and connection charges shall be determined in accordance with Title 4 of the Code under the Master Schedule of Fees, Charges and Recovered Costs.

Section 4.3.03 All Costs Paid by Owner. All costs and expenses incident to the installation and connection of the Building Sewer shall be borne by the Owner. The acceptance of any Permit shall constitute an agreement to comply with all the provisions, terms and requirements of this Code and other ordinances, rules and regulations of the District, and with any plans and specifications filed with District. Such agreement shall be binding upon the Applicant and may be altered only by the District. The Owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the installation of the Building Sewer.