

**ORDINANCE NO. 21-94**

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE GOLETA WEST SANITARY DISTRICT REGULATING THE DISCHARGE OF INDUSTRIAL WASTE AND THE PRETREATMENT OF INDUSTRIAL WASTE**

**WHEREAS**, Goleta Sanitary District (GSD) administers the federally-mandated pre-treatment program applicable to Goleta West Sanitary District which is designed to prevent the introduction of pollutants into the Publicly-Owned Treatment Works (POTW) or receiving waters; and

**WHEREAS**, such program requires the development, implementation and enforcement of technically based local limits, which the GSD recently revised when it adopted Ordinance No. 92 on December 7, 2020; and

**WHEREAS**, pursuant to an agreement with GSD, the Goleta West Sanitary District must adopt sewer requirements that are at least as stringent as those in GSD Ordinance No. 92, including the local limits found therein.

**NOW THEREFORE**, the Governing Board of the Goleta West Sanitary District, Santa Barbara County, California, does hereby ordain as follows:

**Section 1.** The recitals above are true and correct.

**Section 2.** Ordinance No. 13-84 is hereby repealed and replaced in its entirety as follows:

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## **ARTICLE I – GENERAL PROVISIONS**

### **1.1 Purpose and Policy**

This ordinance sets forth uniform requirements for Users of the Sanitary Sewer System of the Goleta West Sanitary District (District) and the Wastewater Treatment Plant (WWTP) of the Goleta Sanitary District and enables the District to comply with all applicable Federal and State laws, including the Clean Water Act (33 United States Code §1251 et seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations [40 CFR] Part 403).

The objectives of this ordinance are:

- (1) To prevent the introduction of pollutants into the sanitary sewer system and wastewater treatment plant that will interfere with its operation;
- (2) To prevent the introduction of pollutants into the sanitary sewer system and wastewater treatment plant that will pass through the wastewater treatment plant, inadequately treated, into receiving waters, or are otherwise incompatible with the wastewater treatment plant;
- (3) To protect sanitary sewer system and/or wastewater treatment plant personnel who may be affected by wastewater and biosolids in the course of their employment, as well as the general public;
- (4) To promote reuse and recycling of industrial wastewater and biosolids from the wastewater treatment plant; and
- (5) To enable the District to comply with its contractual agreement with the Goleta Sanitary District and conform with any other Federal or State laws to which the District is subject.

This ordinance (i) shall apply to all Users of the sanitary sewer system and the wastewater treatment plant; (ii) authorizes issuance of individual wastewater discharge permits; (iii) provides for monitoring, compliance, and enforcement activities; (iv) establishes administrative review procedures; and (v) requires User reporting. The enforcement mechanisms set forth in this ordinance apply only to violations of this ordinance.

### **1.2 Administration**

Except as otherwise provided herein, the District General Manager shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the District General Manager may be delegated to other duly authorized District employees.

### **1.3 Abbreviations**

The following abbreviations, when used in this ordinance, shall have the designated meanings:

BOD – Biochemical Oxygen Demand  
 BMP – Best Management Practice  
 BMR – Baseline Monitoring Report  
 CFR – Code of Federal Regulations  
 CIU – Categorical Industrial User  
 COD – Chemical Oxygen Demand  
 EPA – United States Environmental Protection Agency  
 ERP – Enforcement Response Plan  
 ERU – Equivalent Residential Unit  
 FOG – Fats, Oils, and Grease  
 FSE – Food Service Establishment  
 gpd – gallons per day  
 IU – Industrial User  
 MAHL – Maximum Allowable Headworks Loading  
 mg/L – milligrams per liter  
 mgd – million gallons per day  
 NOV – Notice of Violation  
 NPDES – National Pollutant Discharge Elimination System  
 POTW – Publicly Owned Treatment Works  
 RCRA – Resource Conservation and Recovery Act  
 SIC – Standard Industrial Classification  
 SIU – Significant Industrial User  
 SNC – Significant Noncompliance  
 TDS – Total Dissolved Solids  
 TRC – Technical Review Criteria  
 TSS – Total Suspended Solids  
 ug/L – Micrograms per liter  
 USC – United States Code

#### **1.4 Definitions**

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this ordinance, District permits, and/or reports shall have the meanings hereinafter designated.

- (1) Act or “the Act.” The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 United States Code §1251 et. seq.
- (2) Approval Authority. The California Regional Water Quality Control Board, Central Coast Region (Regional Water Board).
- (3) Authorized or Duly Authorized Representative of the User.
  - (a) If the User is a corporation:
    - (i) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or
    - (ii) The manager of one or more manufacturing, production, or operating facilities, provided that all of the following

conditions are met: (1) the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; (2) the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and (3) authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- (b) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
  - (c) If the User is a Federal, State, or local government facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
  - (d) The individual described in paragraphs (a) through (c) above, may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or the individual or position having overall responsibility for environmental matters for the company or facility, and the written authorization is submitted to the District.
- (4) Best Management Practices (BMPs). Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the provisions listed in Article II of this ordinance [40 CFR Part 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.
- (5) Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20°C, usually expressed as a concentration (milligrams per liter [mg/L]).
- (6) Board of Directors (Board). Board of Directors of the District.
- (7) Building. Any structure used for human habitation or a place of business, recreation, or other purpose containing sanitary facilities.
- (8) Building Sewer. That portion of the side sewer (in cases where there is a lateral sewer) between the lateral sewer or property line and the point of connection at the building drain off the structure.

- (9) California State Water Resources Control Board (State Water Board). The California regulatory agency that is charged with the protection of water quality and allocation of water rights.
- (10) Categorical Industrial User (CIU). An Industrial User subject to a Categorical Pretreatment Standard or Categorical Standard.
- (11) Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits applying to a specific category of Industrial Users which is promulgated by the EPA in accordance with 40 CFR, Chapter 1, Subpart N, Parts 401-471 and specifically, in accordance with §307(b) and (c) of the Act (33 USC §1349).
- (12) Chemical Oxygen Demand (COD). A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.
- (13) Code of Federal Regulations (CFR). A document of the United States Government presenting Federal Agency rules, regulations, and guidelines.
- (14) Commercial Establishments. Any buildings 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 some industrial wastes.
- (15) Control Authority. The Goleta West Sanitary District.
- (16) County. County of Santa Barbara.
- (17) Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.
- (18) Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed as units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
- (19) Discharge. To pump, place, deposit, permit, or cause to flow.
- (20) District. The Goleta West Sanitary District in the County of Santa Barbara, State of California.
- (21) District Inspector. The Inspector acting for the Board who may be the District Manager, the District Engineer, or Inspector appointed by the District Manager.
- (22) District Manager or Manager. The General Manager or designee authorized by the General Manager, employed by the District.
- (23) Domestic Wastes. Liquid wastes (a) from the non-commercial preparation, cooking, and handling of food; or (b) containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities, and institutions.
- (24) Enforcement Response Plan (ERP). A plan including detailed procedures indicating how the District will investigate and respond to instances of Industrial User noncompliance.



- (25) Environmental Protection Agency (EPA). The United States Environmental Protection Agency, or where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.
- (26) Equivalent Residential Unit (ERU). The amount of wastewater flow equal to that of a typical single family residence per year.
- (27) Existing Source. Any source of discharge that is not a new source.
- (28) Fats, Oil, & Grease (FOG). Organic polar compounds derived from vegetable/plant or animal sources that are composed of long chain triglycerides.
- (29) GWSD. The Goleta West Sanitary District in the County of Santa Barbara, State of California
- (30) Grab Sample. A sample that is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.
- (31) Indirect Discharge or Discharge. The introduction of pollutants into the sanitary sewer system or wastewater treatment plant from any non-domestic sources regulated under §307(b), (c), or (d) of the Act.
- (32) Industrial User (IU). Any non-domestic source of indirect discharge including, but not limited to, industrial establishments or buildings that discharge, in addition to domestic wastes, wastewater containing any of the constituents referenced in Article II of this ordinance.
- (33) Industrial Wastewater. Liquid waste resulting from the process 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 that introduces toxic pollutants, as defined in 40 CFR Part 233.1(w), into the sanitary sewer system or wastewater treatment plant, including, without limitation: food service establishments, and restaurants; medical offices; dental offices; hospitals; schools, research, education, and commercial laboratories; warehouses; shopping centers; car washes; print stores; residential, commercial, and public uses of pesticides and fertilizers; gas stations; septage collection and disposal.
- (34) Infectious Waste. Waste, which contains pathogenic organisms that can invade the tissues of the body and cause disease.
- (35) Instantaneous Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- (36) Interference. Any discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the sanitary sewer system, the wastewater treatment plant, its treatment processes, or operations or its biosolids processes, use or disposal, and therefore is a cause of a violation of the Goleta Sanitary District NPDES permit or of the prevention of biosolids use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations such as §405

of the Act; the Solid Waste Disposal Act, including Title II, commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State biosolids management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxics Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

- (37) Lateral Sewer. That portion of the side sewer within a public road right-of-way typically beginning at the property line or building sewer and terminating in the main sewer.
- (38) Local Limit. Specific discharge limits developed and enforced by the District upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR Part 403.5(a)(1) and (b). Local limits, which are technically-based maximum concentrations, are determined by the Goleta Sanitary District.
- (39) Medical Waste. Isolation waste, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- (40) Monthly Average. The sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
- (41) Monthly Average Limit. The highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
- (42) National Pollutant Discharge Elimination System (NPDES). The program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into navigable waters, the contiguous zone, and the oceans pursuant to §402 of the Act.
- (43) National Pollutant Discharge Elimination System Permit. The regulatory agency document issued by the State of California as authorized by EPA that controls all discharges of pollutants from point sources into waters of the United States. NPDES permits regulate discharges into navigable waters from all point sources of pollution including industries, municipal treatment plants, large agricultural feed lots, and return irrigation flows. An NPDES permit may be issued to a POTW pursuant to §402 of the Act.
- (44) New Source.
  - (a) 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 §307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
    - (i) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

- (ii) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at the existing source; or
  - (iii) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- (b) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (a) (ii) or (iii) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (c) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
  - (i) Begun, or caused to begun, as part of a continuous on-site construction program any placement, assembly, or installation of facilities or equipment; or significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
  - (ii) Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
- (45) Noncontact Cooling Water. Water used for cooling that does not come into direct contact with any raw materials, intermediate product, waste product, or finished product.
- (46) Nuisance. Anything which is injurious to health or is indecent or offensive to the senses or is an obstruction to the free use of property so as to interfere with the comfort or enjoyment of life or property which affects 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.
- (47) Pass Through. Any discharge which exits the wastewater treatment plant into waters of the United States in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Goleta Sanitary District

- NDPES permit (including an increase in the magnitude or duration of a violation).
- (48) Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local government entities.
  - (49) Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, municipal, agricultural, and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
  - (50) Pollution. An alteration of the quality of waters of the United States by waste to a degree which unreasonably affects such waters for beneficial use or facilities which serve such beneficial uses. Pollution may include contamination.
  - (51) pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.
  - (52) Premises. 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.
  - (53) Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the sanitary sewer system or wastewater treatment plant. The reduction or alteration can be obtained by physical, chemical, or biological processes; process changes; or by other means, except diluting the concentration of the pollutants unless allowed by the applicable Pretreatment Standard.
  - (54) Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an Industrial User.
  - (55) Pretreatment Standards or Standards. Any prohibited discharge standards, categorical pretreatment standards, local limits, as well as any regulation containing pollutant discharge limits promulgated by EPA in accordance with §307(b) and (c), et seq. of the Act which applies to Industrial Users. These include categorical pretreatment standards, which establish specific concentration limits for certain pollutants and total prohibitions of other pollutants as specified in 40 CFR Part 403 et seq., as well as local limits adopted by the District, including, but not limited to, those discharge limitations adopted by the Goleta Sanitary District, as they may be amended from time to time.
  - (56) Public Sewer. A sewer in a public right-of-way or easement held by the District or any sewer constructed by or owned by the District.
  - (57) Publicly-Owned Treatment Works (POTW). A treatment works, defined by §212 of the 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 wastewater treatment plant.

- (58) Residential Users. Users only contributing domestic wastewater to the sanitary sewer system.
- (59) Sanitary Sewer System. All facilities owned by the District for collection, pumping, and conveyance of sewage to the Wastewater Treatment Plant.
- (60) Sanitary Wastewater. (a) Domestic wastewater with storm and surface water excluded; (b) wastewater discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, industrial facilities, or institutions; and (c) the water supply of a community after it has been used and discharged into a sewer.
- (61) Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- (62) Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).
- (63) Sewer. A pipe or conduit, which carries sewage and/or industrial wastes.
- (64) Side Sewer. A privately-owned and maintained sewer line which links the sanitary or waste plumbing of a building with the main sewer. The side sewer begins at its point of connection to the sewer main and terminates at its point of connection to the building.
- (65) Significant Industrial User (SIU). Except as provided in paragraphs (c) and (d) below, a Significant Industrial User is:
  - (a) An Industrial User subject to categorical pretreatment standards; or
  - (b) An Industrial User that:
    - (i) Discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the sanitary sewer system (excluding sanitary, non-contact cooling, and boiler blowdown wastewater);
    - (ii) Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the wastewater treatment plant; or
    - (iii) Is designated as such by the District on the basis that it has reasonable potential for adversely affecting the sanitary sewer system or wastewater treatment plant operation or for violating any pretreatment standard or requirement.
  - (c) Upon a finding that a User meeting the criteria of (b) above has no reasonable potential for adversely affecting the sanitary sewer system or wastewater treatment plant operation or for violating any pretreatment standard or requirement, the District may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR Part 403.8(f) (6), determine that such User shall not be considered an SIU.

- (66) Slug Load or Slug Discharge. Any discharge at a flow rate or concentration that could cause a violation of the prohibited discharge standards in Article II of this ordinance. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or NPDES Permit conditions.
- (67) Standard Industrial Classification (SIC). A compilation of industrial groups and their economic activities that is printed by the United States Office of Management and Budget in its Standard Industrial Classification Manual.
- (68) Storm Water. Any flow occurring during or immediately following any form of natural precipitation and resulting from such precipitation, including snowmelt.
- (69) Total Suspended Solids (TSS). The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids and which is removable by laboratory filtration.
- (70) Toxic Pollutant. Pollutants or combination of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism either directly from the environment or indirectly by ingestion through the food chain, will, on the basis of information available to the Administrator of the EPA, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, or malfunctions in reproduction or physical deformations in such organisms or their offspring. Such pollutants that have been identified as toxic are listed in 40 CFR Part 122, Appendix D.
- (71) Twenty-five Percent (25%) Rule. Requirement for grease interceptors to be maintained such that the combined FOG and solids accumulation does not exceed 25% of the design hydraulic depth of the grease interceptor. This is to ensure that the minimum hydraulic retention time and required available hydraulic volume is maintained to effectively intercept and retain FOG so it is not discharged into the sanitary sewer system.
- (72) Unpolluted Water. Water not containing any pollutants limited or prohibited by the effluent standards in effect, or water whose discharge will not cause any violation of receiving water quality standards.
- (73) User. Any person who discharges, causes, or permits the discharge of wastewater into the sanitary sewer system.
- (74) User Classification. A classification of a User based on the SIC Manual prepared by the United States Office of Management and Budget.
- (75) Waste. Sewage and any and all other water 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 the purpose of, disposal.
- (76) Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing

facilities, and institutions, whether treated or untreated, which enter the sanitary sewer system.

- (77) Wastewater Treatment Plant (WWTP). Consists of any devices, facilities, structures, equipment, or works owned by the Goleta Sanitary District for the purpose of the transmission, storage, treatment, recycling and reclamation of industrial and domestic wastes, or necessary to recycle or reuse water at the most economical cost over the estimated life of the plant, including intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment, and their appurtenances; extensions, 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 the land, and land to be acquired, that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.
- (78) Waters of the State. Any water, surface or underground, including saline waters within the boundaries of the State.

## **ARTICLE II – GENERAL SEWER USE REQUIREMENTS**

### **2.1 *Prohibited Discharge Standards***

- (1) General Prohibitions. No User shall introduce or cause to be introduced into the sanitary sewer system any pollutant or wastewater which causes pass through or interference. These prohibitions apply to all Users of the sanitary sewer system whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.
- (2) Specific Prohibitions. No User shall discharge or cause to be introduced into the sanitary sewer system or wastewater treatment plant the following pollutants, substances, or wastewater:
  - (a) 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 to be injurious in any other way to the sanitary sewer system or the wastewater treatment plant or to the operation of the sanitary sewer system or wastewater treatment plant, in accordance with 40 CFR Part 403.5 (b) (1). Pollutants that create a fire or explosion hazard in the sanitary sewer system or wastewater treatment plant, including, but not limited to, waste streams with a closed cup flash-point of less than 140°F (60°C) using the test methods specified in 40 CFR Part 261.21. Prohibited materials include, but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ether, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides or any other substances that the District, the State, or EPA has notified the User is a fire hazard or a hazard to the system.

- (b) Corrosive Wastes. Wastewater having a pH less than 6.0 or more than 11.0 standard units, or otherwise causing corrosive structural damage to the sanitary sewer system, wastewater treatment plant, or equipment. Prohibited materials include, but are not limited to, acids, caustics, sulfides, concentrated chloride and fluoride compounds, and substances that will react with water to form acidic products.
- (c) Solid or Viscous Wastes. Solid or viscous wastes that will or may cause obstruction to the flow in the sanitary sewer, or otherwise interfere with the proper operation of the wastewater treatment plant, and in no case solids greater than one-half (1/2) inch in any dimension. Prohibited materials include, but are not limited to, grease, uncomminuted garbage, live or dead animals, animal guts or tissue, paunch manure, bones, hair, hides or fleshings, 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.
- (d) Excessive Discharge Rate.
  - (i) Hydraulic. A rate of flow which results from the averaging of the flow rates over a period of fifteen (15) consecutive minutes and which is greater than five (5) times the twenty-four (24) hour total volume expressed in million gallons per day (MGD) shall be considered excessive.
  - (ii) Loadings. Those concentrations of pollutants such as toxics, BOD, suspended solids, oil and grease, and other constituents, which in a grab sample are greater by a factor of five (5) than the average twenty-four (24) hour concentration allowed in the individual wastewater discharge permit or that concentration permitted in the effluent of the wastewater treatment plant to the receiving water. Any greater concentration will be considered excessive.
  - (iii) Interference. Under no condition shall any pollutant, including oxygen-demanding pollutants (BOD, etc.) be released in a discharge at a flow rate and/or pollutant concentration that, either singly or by interaction with other pollutants, causes interference with the wastewater treatment plant.
  - (iv) 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 at the wastewater treatment plant, is considered excessive.
- (e) Heat. Wastewater having a temperature greater than 104°F (40°C); wastewater which will inhibit biological activity at the



wastewater treatment plant resulting in interference; or heat in wastewater quantities which causes the temperature at the introduction into the wastewater treatment plant to exceed 104°F (40°C).

- (f) Fats, Oils, and Grease (FOG).
  - (i) FOG concentrations in amounts that violate Federal pretreatment standards or local limits, whichever is more stringent.
  - (ii) Wastewater containing floatable fats, wax, grease, or oils.
  - (iii) Wax, grease, non-biodegradable cutting oil, or oil in concentration of mineral or petroleum origin (non-living sources) of more than 100 mg/L whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 32° and 150°F (0° and 65°C) at the point of discharge into the sanitary sewer system or in amounts that will cause interference or pass through.
  - (iv) Total fat, wax, grease, or oil concentration of animal or vegetable origin (living sources of more than 100 mg/L whether emulsified or not), or containing substances which may solidify or become viscous at temperatures between 32° and 150°F (0° and 65°C) at the point of discharge into the system or in amounts that will cause interference or pass through.
  - (v) Pretreatment interceptors shall be maintained per the manufactures specifications to ensure that the minimum hydraulic residence time and required available hydraulic volume is maintained to effectively intercept and retain FOG so that it is not discharged into the sanitary sewer system.
- (g) Emulsifying Agents. No additives may be introduced into a wastewater system for the purpose of emulsifying FOG or biologically/chemically treating FOG for remediation or as a supplement to interceptor maintenance, unless specific written authorization from the District is obtained.
- (h) Toxic Substances. Any toxic substances in amounts exceeding standards promulgated by the Administrator of the EPA pursuant to §307(a) of the Act, 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 wastewater treatment plant or which will pass through the system or which may cause abnormal increase in the operational costs of the sanitary sewer system or wastewater treatment plant. Any pollutants which result in the presence of toxic gases, vapors, or fumes within the sanitary sewer system or wastewater treatment plant that may cause acute worker health and safety problems.

- (i) Trucked or Hauled Pollutants. Any trucked or hauled pollutants are prohibited, except at discharge points designated by the District.
- (j) Noxious Material. Noxious or malodorous solids, liquids, or gases, which either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or which may prevent entry by a person into a sewer for its maintenance or repair.
- (k) Discolored Materials. Wastewater which imparts color which cannot be removed by the treatment process such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently cause the wastewater treatment plant effluent to fail to meet applicable Federal or State standards for turbidity or light transmittance, cause aesthetically undesirable discoloration of the ocean surface, and/or causes or threatens to cause a violation of the Goleta Sanitary District NPDES permit.
- (l) 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 one-half (1/2) inch in any dimension.
- (m) 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 that will or may cause damage or hazards to the sanitary sewer system, wastewater treatment plant, or personnel operating these systems. Any wastewater containing radioactive wastes or isotopes must comply with the applicable Federal and State regulations.
- (n) Suspended Solids. Sludges, screenings, or other residues from the pretreatment of industrial wastes.
- (o) Medical Wastes. Medical wastes, except as specifically authorized by the District Manager in an individual wastewater discharge permit.
- (p) Toxicity. Wastewater causing, alone or in conjunction with other sources, the wastewater treatment plant effluent to fail toxicity testing.
- (q) Foaming. Detergents, surface-active agents, or other substances which might cause excessive foaming at the wastewater treatment plant.
- (r) Nuisance. Any wastewater that will cause, threaten to cause, or is capable of causing, alone or in conjunction with other substances, a detrimental environmental impact or a nuisance in waters of the United States or the State or a condition unacceptable to any public agency having regulatory jurisdiction over the District.
- (s) Perchloroethylene. Perchloroethylene and its derivatives and like compounds (collectively, "PCE"), including, but not limited to, chemicals and/or solvents used in the dry cleaning process, by

automobile and mechanical repair facilities, and other industries, where such chemicals and/or solvents contain PCE. Any discharge containing PCE shall be subject to the same concentration limitations that apply to drinking water within the jurisdiction where the User is located, or the applicable local limit, whichever is more stringent.

- (t) Volatile Organic Compounds. Volatile organic compounds found in petroleum derivatives such as gasoline and diesel fuel including, but not limited to, benzene, toluene, ethylbenzene, and xylenes (collectively "VOCs" or "BTEX"). Any discharge containing VOCs shall be subject to the same concentration limitations that apply to drinking water within the jurisdiction where the User is located or the applicable local limit, whichever is more stringent.
- (u) Storage of Prohibited Waste. Pollutants, substances, or wastewater prohibited by Article II shall not be processed or stored in such a manner that they could be discharged into the sanitary sewer system or wastewater treatment plant.
- (v) Prohibition on Hydrolysate. No person shall discharge hydrolysate wastes or wastewater resulting from alkaline hydrolysis / resomation either directly or indirectly to the sanitary sewer except as specifically authorized by the District Manager in an individual wastewater discharge permit .

## **2.2 National Categorical Pretreatment Standards**

Users must comply with the Categorical Pretreatment Standards found in 40 CFR Chapter I, Subchapter N, Parts 405-471. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the combined waste stream formula shall be used to calculate an alternate or adjusted categorical limit in accordance with 40 CFR Part 403.6(e).

## **2.3 State Pretreatment Standards**

EPA has delegated the responsibility to oversee Federal pretreatment programs to the State Water Board and Regional Water Board. The State and Regional Water Boards are responsible for the review and approval of the District's pretreatment program. Users must comply with California pretreatment requirements as set forth in the Goleta Sanitary District NPDES permit.

## **2.4 Local Limits**

- (1) The District is authorized to establish local limits pursuant to 40 CFR Part 403.5(c). Because the District's sanitary sewer system conveys wastewater to the Goleta Sanitary District wastewater treatment plant for treatment and disposal, the local limits developed by the Goleta Sanitary District are enforced by the District. As such, no User shall discharge wastewater containing in excess of the current local limits adopted by the

Goleta Sanitary District, as they may be amended from time to time. The District shall notify all Users of any change to the local limits adopted by the Goleta Sanitary District.

- (2) The pollutant limits are established to protect against Pass Through and Interference. No person shall discharge wastewater containing in excess of the Maximum Limits; provided, however, that where more restrictive limitations are imposed by Permit or Federal Pretreatment Standards, the more restrictive standards shall apply.
- (3) Limitations apply at the point where the wastewater is discharged into the sanitary sewer system, also known as the end-of-pipe. All concentrations for metallic substances are for total metal unless indicated otherwise. The District may impose mass limitations in addition to concentration-based limitations.
- (4) The District Manager may develop BMPs by ordinance or in individual wastewater discharge permits to implement local limits and the requirements of Section 4.4 of this ordinance.

## **2.5 District's Right of Revision**

The District reserves the right to establish, by ordinance or in individual wastewater discharge permits, more stringent standards or requirements on discharges to the sanitary sewer system consistent with the purpose of this ordinance.

## **2.6 Dilution**

No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by the applicable pretreatment standard or requirement. The District may impose mass limitations on Users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

## **2.7 Bypass**

- (1) For the purpose of this section:
  - (a) Bypass means the intentional diversion of waste streams from any portion of the User's treatment facility.
  - (b) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to be inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- (2) Bypass is prohibited, and the District Manager may take enforcement action against a User for a bypass, unless all of the following conditions are met:

- (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.
  - (b) There were not feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance.
  - (c) The User shall submit notices as required under Section 2.7(4) of this ordinance.
- (3) A User may allow bypass to occur which does not cause violations of pretreatment standards or requirements, an individual wastewater discharge permit, or the District's contractual agreement with the Goleta Sanitary District, and is essential for maintenance to assure efficient operation. The District Manager may approve a planned bypass after considering its potential adverse effects.
- (4) Bypass Notification
- (a) If a User plans for a bypass, the User must submit prior notice to the District Manager at least ten (10) days before the date of the bypass.
  - (b) A User shall submit a verbal notice of an unanticipated bypass that exceeds applicable pretreatment standards or wastewater discharge permit limitations to the District within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain (i) a description of the bypass and its cause, (ii) duration of the bypass, including exact dates and times, and (iii) the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The District Manager may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

## **ARTICLE III – PRETREATMENT OF WASTEWATER**

### **3.1 *Pretreatment Facilities***

Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Article II of this ordinance within the time limitations specified by EPA, the State, or the District, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the District for review and must be approved by the District Manager before such facilities are constructed. The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying such facilities as

necessary to produce a discharge acceptable to the District under the provisions of this ordinance. Any subsequent changes in the facilities or operating procedures shall be reported to and must be approved by the District.

### **3.2 Additional Pretreatment Measures**

- (1) Whenever deemed necessary, the District Manager may require Users to restrict their discharges during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams, and such other actions as may be necessary to protect the sanitary sewer system and wastewater treatment plant and determine the User's compliance with the requirements of this ordinance.
- (2) The District Manager may require any User discharging into the sanitary sewer system and wastewater treatment plant to install and maintain, on their property and at their expense, a suitable storage and flow control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.
- (3) Oil, grease, and sand interceptors shall be provided when, in the opinion of the District Manager, they are necessary for the proper handling of wastewater containing excessive amounts of oil and grease or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the District. Interceptors shall comply with District ordinances and standard specifications and be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired in accordance with District requirements by the User at their expense.
- (4) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
- (5) The District Manager may require any User discharging into the sanitary sewer system to install and maintain, on their property and at their expense, a flow meter capable of totalizing a minimum of ten million (10,000,000) gallons to authenticate the amount of discharge for District billing purposes.

### **3.3 Accidental Discharge/Slug Discharge Control Plans**

The District Manager shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control slug discharges. The District Manager may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges. Alternatively, the District Manager may develop such a plan for any User. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- (1) Description of discharge practices, including non-routine batch discharges.
- (2) Description of stored chemicals.

- (3) Procedures for immediately notifying the District Manager of any accidental or slug discharge, as required by Section 6.6 of this ordinance.
- (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

### **3.4 Pollution Prevention, Waste Minimization, Recycling, and Treatment**

All Users must implement a program of waste minimization to reduce the generation of hazardous wastes in accordance with Federal, State, and local regulations. This program, at a minimum, shall include adequate housekeeping measures and product substitution to less hazardous raw materials as economically feasible and recycling of all waste streams as technically feasible.

Waste minimization must be demonstrated wherever feasible, in the following order of priority, as determined by EPA policy derived from the Pollution Prevention Act of 1990:

- (1) Source Reduction: Substitution to less hazardous materials, spill prevention and control measures, proper storage and handling of chemicals and raw materials, or any methods that accomplish source reduction.
- (2) Recycling, Recovery, and/or Reuse: Practice recovery, recycling, and reuse of such waste streams as solvents, oils, ethylene glycol, silver, and concentrated bath or spent solutions or other process waste streams.
- (3) Treatment: Treatment techniques designed to render hazardous wastes harmless or suitable for proper disposal.
- (4) Disposal: Destruction of hazardous wastes must take precedence over landfill disposal, but in any case, all disposal must be in compliance with Federal, State, and local hazardous waste disposal regulations.

## **ARTICLE IV – INDIVIDUAL WASTEWATER DISCHARGE PERMITS**

### **4.1 Requirements for Individual Wastewater Discharge Permit**

All SIUs proposing to connect to or discharge into any part of the sanitary sewer system must first obtain an individual wastewater discharge permit. Other Users may be required to obtain an individual wastewater discharge permit as determined by the District. Individual wastewater discharge permits shall be classified as follows:

- (1) Class I: No Hazard – This class includes Industrial Users that do not handle, store, or dispose of toxic wastes on the premises and that do not discharge toxic wastes into the sanitary sewer system. These Users

- include those with discharges that contain non-toxic pollutants, which may cause interference with the operation of the wastewater treatment plant.
- (2) Class II: Low Hazard – This group of Industrial Users handles or stores toxic wastes on their premises, but does not discharge these wastes to the sanitary sewer system. Such Users have all toxic wastes hauled off-site, but have floor drains or other plumbing fixtures through which toxic waste can be conveyed to the sanitary sewer system during normal washdown operations or spillage.
  - (3) Class III: Hazardous – This classification is for Industrial Users that are not classified as SIUs or CIUs, but have intermittent or continuous discharges to the sanitary sewer system that contain toxic pollutants.
  - (4) Class IIIR: Groundwater Remediation – This classification is for Industrial Users pumping contaminated groundwater through treatment and then discharging it to the sanitary sewer system.
  - (5) Class IV: Serious Hazard – This classification is for SIUs that are regulated under categorical pretreatment standards or Users that have continuous discharge to the sanitary sewer system that contain toxic pollutants.

#### **4.2 Discretionary Permit**

The District Manager may require any non-residential User to apply for an individual wastewater discharge permit. The District Manager may issue an individual wastewater discharge permit to any User, upon application in accordance with the terms of this ordinance, for the following:

- (1) Any User who requires user charges and fees to be based on an estimation of wastewater flow.
- (2) Any User whose wastewater strength is greater than that of the normal range for the user classification to which the User is assigned because of pretreatment, process changes, or other reasons.

#### **4.3 Individual Wastewater Discharge Permitting: Existing Connections**

Any User required to obtain an individual wastewater discharge permit who was discharging wastewater into the sanitary sewer system prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within ten (10) days after said date, apply to the District Manager for an individual wastewater discharge permit in accordance with Section 4.5 of this ordinance, and shall not cause or allow discharges into the sanitary sewer system to continue after thirty (30) days of the effective date of this ordinance except in accordance with the individual wastewater discharge permit issued by the District Manager.



#### **4.4 Individual Wastewater Discharge Permitting: New Connections**

Any User required to obtain an individual wastewater discharge permit who does not hold an active wastewater discharge permit must obtain such permit prior to discharging into the sanitary sewer system.

#### **4.5 Individual Wastewater Discharge Permit Application Contents**

Users seeking an individual wastewater discharge permit shall complete and file with the District an application on a form provided by the District. Applicable fees for the individual wastewater discharge permit will be determined after review of the application. In support of this application, the User shall submit all information requested by the District including, but not limited to, the following:

- (1) Identifying Information.
  - (a) Name and address of the facility, including the name of the owner and operator.
  - (b) Contact information, description of activities, facilities, and plant production processes on the premises.
- (2) Environmental Permits.
  - (a) A list of any environmental control permits held by or for the facility.
- (3) Description of Operations.
  - (a) A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and the SIC code(s) of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the sanitary sewer system from the regulated processes.
  - (b) Types of waste generated, and a list of all raw materials and chemicals used or stored at the facility that are, or could accidentally or intentionally be, discharged into the sanitary sewer system.
  - (c) Number and type of employees, hours of operation, and proposed or actual hours of operation.
  - (d) Type and amount of raw materials processed (average and maximum per day).
  - (e) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.
- (4) Time and duration of discharges.
- (5) The location for monitoring of all wastes covered by the individual wastewater discharge permit.
- (6) Flow Measurement.
  - (a) Information showing the measured average daily and maximum daily flow, in gallons per day, into the sanitary sewer system from regulated process streams and other streams, as necessary, to

allow use of the combined waste stream formula set out in 40 CFR Part 403.6(e).

- (7) Measurement of pollutants.
  - (a) The categorical pretreatment standards applicable to each regulated process and any new categorically-regulated processes for existing sources.
  - (b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the District, of regulated pollutants in the discharge from each regulated process.
  - (c) Instantaneous, daily maximum, or long-term average concentrations, or mass, where required shall be reported.
  - (d) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 6.10 of this ordinance. Where the standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the District Manager or the applicable standards to determine compliance with the standard.
  - (e) Sampling must be performed in accordance with procedures set out in Section 6.11 of this ordinance.
- (8) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 6.4(2).
- (9) Any other information as may be deemed necessary by the District Manager to evaluate the permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

#### **4.6 Application Signatories and Certifications**

- (1) All individual wastewater discharge permit applications, User reports, and certification statements must be signed by an authorized representative of the User and contain the certification statement in Section 6.14(1) of this ordinance.
- (2) If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the facility, a new written authorization satisfying the requirements of Section 1.4(3) must be submitted to the District Manager prior to or together with any reports to be signed by an authorized representative.

#### **4.7 Individual Wastewater Discharge Permit Decisions**

The District Manager will evaluate the data and information furnished by the User and may require additional information. Within twenty (20) days of receipt of a complete permit application, the District Manager will determine whether to issue an individual

wastewater discharge permit. The District Manager may deny an individual wastewater discharge permit on any reasonable basis.

## **ARTICLE V – INDIVIDUAL WASTEWATER DISCHARGE PERMIT ISSUANCE**

### **5.1 Individual Wastewater Discharge Permit Duration**

Any individual wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An individual wastewater discharge permit may be issued for a period of less than five (5) years at the discretion of the District Manager. Each individual wastewater discharge permit will indicate a specific date upon which it will expire.

### **5.2 Individual Wastewater Discharge Permit Contents**

An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the District Manager to prevent pass through or interference at the wastewater treatment plant, protect the quality of the of the water body receiving the wastewater treatment plant effluent, protect worker health and safety, facilitate biosolids management and disposal, protect the reclamation/reuse of treated effluent, and protect against damage to the sanitary sewer system and wastewater treatment plant.

- (1) Individual wastewater discharge permits must contain:
  - (a) A statement that indicates the wastewater discharge permit issuance date, expiration date, and effective date.
  - (b) A statement that the wastewater discharge permit is non-transferrable without prior notification to the District in accordance with Section 5.4 of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.
  - (c) Effluent limits, including BMPs, based on applicable pretreatment standards.
  - (d) Self-monitoring, sampling, reporting, notification, recordkeeping requirements. These requirements shall include an identification of pollutants (or BMPs) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.
  - (e) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge in accordance with Section 6.4(2).
  - (f) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
  - (g) Requirements to control slug discharge, if determined by the District Manager to be necessary.

- (h) If the District Manager has granted a monitoring waiver (Section 6.4(2)) the grant of waiver must be included as a condition in the User's permit.
- (2) Individual wastewater discharge permits may contain, but need not be limited to, the following conditions:
  - (a) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.
  - (b) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the sanitary sewer system.
  - (c) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges.
  - (d) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged into the sanitary sewer system.
  - (e) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices.
  - (f) A statement that compliance with the individual wastewater discharge permit does not relieve the User of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the individual wastewater discharge permit.
  - (g) Other conditions as deemed appropriate by the District Manager to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

### **5.3 Permit Modification**

The District Manager may modify an individual wastewater discharge permit for good cause including, but not limited to, the following reasons:

- (1) To incorporate any new or revised Federal, State, or local pretreatment standards or requirements.
- (2) To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance.
- (3) A change in the sanitary sewer system or wastewater treatment plant that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- (4) Information indicating that the permitted discharge poses a threat to the sanitary sewer system, wastewater treatment plant, worker health and safety, the wastewater treatment plant's beneficial biosolids and/or reclaimed water use, or the receiving waters.

- (5) Violation of any terms or conditions of the individual wastewater discharge permit.
- (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting.
- (7) To correct typographical or other errors in the individual wastewater discharge permit.
- (8) To reflect a transfer of facility ownership or operation to a new owner or operator where requested in accordance with Section 5.4 of this ordinance.

#### **5.4 Individual Wastewater Discharge Permit Transfer**

Individual wastewater discharge permits may be transferred to a new owner or operator only if: (a) the User gives at least thirty (30) days advance notice to the District Manager; (b) provides a copy of the current permit to the new owner and/or operator at least thirty (30) days prior to the transfer; and (c) the District Manager approves the transfer. The notice to the District Manager must include a written certification by the new owner or operator which includes all of the following:

- (1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes.
- (2) Identifies the specific date on which the transfer is to occur.
- (3) Acknowledges full responsibility for complying with the existing individual wastewater discharge permit.

Failure to provide advance notice of a transfer renders the individual wastewater discharge permit void as of the date of facility transfer.

#### **5.5 Individual Wastewater Discharge Permit Revocation**

The District may revoke the individual wastewater discharge permit for good cause including, but not limited to the following reasons:

- (1) Failure to notify the District of significant changes to the wastewater prior to the changed discharge.
- (2) Failure to provide prior notification to the District of changed conditions pursuant to Section 6.5 of this ordinance.
- (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application.
- (4) Falsifying self-monitoring reports and certification statements.
- (5) Tampering with monitoring equipment.
- (6) Refusing to allow District staff timely access to the facility premises and records.
- (7) Failure to meet effluent limits.
- (8) Failure to pay fines.
- (9) Failure to pay sewer charges and/or any required fees.
- (10) Failure to meet compliance schedules.

- (11) Failure to complete a wastewater survey or the wastewater discharge permit application.
- (12) Failure to provide advance notice of transfer of business ownership of a permitted facility.
- (13) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance.

Individual wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits issued to a User are void upon the issuance of a new individual wastewater discharge permit to that User.

### **5.6 Individual Wastewater Discharge Permit Reissuance**

A User with an expiring individual wastewater discharge permit shall apply for individual wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 4.5 of this ordinance, a minimum of thirty (30) days prior to the expiration of the User's existing individual wastewater discharge permit.

## **ARTICLE VI – REPORTING REQUIREMENTS**

### **6.1 Baseline Monitoring Reports**

- (1) Existing Sources. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR Part 403.6(a)(4), whichever is later, existing CIUs currently discharging to or scheduled to discharge into the sanitary sewer system shall submit to the District Manager a report which contains the information listed in Section 6.1(3), below.
- (2) New Sources. At least ninety (90) days prior to commencement of their discharge, new sources and sources that become CIUs subsequent to promulgation of an applicable categorical standard, shall submit to the District Manager a report which contains the information listed in Section 6.1(3), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- (3) Users described in Sections 6.1(1) and 6.1(2) above shall submit the information set forth below:
  - (a) All information required in Sections 4.5(1)(a), 4.5(2), 4.5(3)(a), and 4.5(6) of this ordinance.
  - (b) Measurement of pollutants
    - (i) The User shall provide the information required in Section 4.5(7)(a) through (d) of this ordinance.

- (ii) The User shall take a minimum of one (1) representative sample to compile that data necessary to comply with the requirements of this paragraph.
  - (iii) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined waste stream formula in 40 CFR Part 403.6(e) to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR Part 403.6(e) this adjusted limit along with supporting data shall be submitted to the District.
  - (iv) Sampling and analysis shall be performed in accordance with 6.10 of this ordinance.
  - (v) The District Manager may allow the submission of a Baseline Monitoring Report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.
  - (vi) The baseline monitoring report shall indicate the time, date, and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges into the sanitary sewer system.
- (c) Compliance Certification
- (i) A statement, reviewed by the User's authorized representative as defined in Section 1.4(3) of this ordinance and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
- (d) Compliance Schedule
- (i) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 6.2 of this ordinance.
- (e) Signature and Report Certification
- (i) All baseline monitoring reports must be certified in accordance with Section 6.14(1) of this ordinance and

signed by an authorized representative as defined in Section 1.4(3) of this ordinance.

## **6.2 Compliance Schedule Progress Reports**

The following conditions shall apply to the compliance schedule required by Section 6.1(2)(d) of this ordinance:

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

## **6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline**

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the sanitary sewer system, any User subject to such pretreatment standards and requirements shall submit to the District Manager a report containing the information described in Sections 4.5(6) and (7) and 6.1(3)(b) of this ordinance. All compliance reports must be signed and certified in accordance with Section 6.14(1) of this ordinance. All sampling will be done in conformance with Section 6.10 of this ordinance.

## **6.4 Periodic Compliance Reports**

- (1) All SIUs must, at a frequency determined by the District, submit no less than twice per year (June and December) reports specifying the nature and concentration of pollutants in the discharge which are limited by pretreatment standards, as well as the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a BMP or pollution prevention alternative, the User must submit documentation required by



- the District or the pretreatment standard necessary to determine the compliance status of the User.
- (2) The District may authorize a User subject to local limits to forego sampling of a pollutant if the User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the User. This authorization is subject to the following conditions:
    - (a) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than five (5) years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. (See Section 4.5(8).)
    - (b) In making a demonstration that a pollutant is not present, the User must provide data from at least one sampling of the facility's discharge.
    - (c) The request for a monitoring waiver must be signed in accordance with Section 1.4(3), and include the certification statement in Section 6.14(1).
    - (d) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA-approved method provided in 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.
    - (e) Any grant of the monitoring waiver by the District Manager must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the District Manager for three (3) years after the expiration of the waiver.
    - (f) Upon approval of the monitoring waiver and revision of the User's permit by the District Manager, the User must certify on each report with the statement in Section 6.14(2), that there has been no increase in the pollutant in its waste stream due to activities of the User.
    - (g) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately comply with the monitoring requirements of Section 6.4(1), or other more frequent monitoring requirements imposed by the District Manager, and notify the District Manager.
  - (3) All periodic compliance reports must be signed and certified in accordance with Section 6.14(1) of this ordinance.
  - (4) All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order

shall not be grounds for the User to claim sample results are unrepresentative of its discharge.

- (5) If a User, subject to the reporting requirement in this Section, monitors any regulated pollutant at the appropriate sampling location more frequently than required by the District Manager using the procedures prescribed in Section 6.11 of this ordinance, the results of this monitoring shall be included in the report.

### **6.5 Reports of Changed Conditions**

Each User must notify the District of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least ten (10) days before the change.

- (1) The District may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4.5 of this ordinance.
- (2) The District may re-issue an individual wastewater discharge permit under Section 5.6 of this ordinance or modify an existing wastewater discharge permit under Section 5.3 of this ordinance in response to changed conditions or anticipated changed conditions.

### **6.6 Reports of Potential Problems**

- (1) In the case of any discharge including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a slug discharge, or slug load, that might cause potential problems for the sanitary sewer system or wastewater treatment plant, the User shall immediately notify the District Manager of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.
- (2) Within five (5) days following such discharge, the User shall, unless waived by the District Manager, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the sanitary sewer system or wastewater treatment plant, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant of this ordinance.
- (3) A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in Section 6.6(1), above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

- (4) SIUs are required to notify the District Manager immediately of any changes at its facility affecting the potential for a slug discharge.

### **6.7 Reports from Unpermitted Users**

All Users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the District as the District Manager requires.

### **6.8 Notice of Violation/Repeat Sampling and Reporting**

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

### **6.9 Discharge of Hazardous Waste**

Discharge of hazardous wastes, except as specified in this ordinance, is prohibited.

### **6.10 Analytical Requirements**

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that 40 CFR Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods of any other applicable sampling and analytical procedures, including procedures suggested by the District Manager or other parties approved by EPA. The User is responsible for the costs of all laboratory analytical analyses.

### **6.11 Sample Collection**

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period. Samples shall be collected by a qualified person familiar with sample collection and preservation techniques. A chain-of-custody form is required to be submitted with all monitoring data.

- (1) Except as indicated in Sections 6.11(2) and (3) below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the District Manager. Where time-proportional composite sampling or grab sampling is authorized by the District Manager, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the District, as appropriate. In addition, grab samples may be required to determine compliance with instantaneous limits.
- (2) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- (3) For sampling required in support of baseline monitoring and 90-day compliance reports required in Sections 6.1 and 6.3, respectively, of this ordinance [40 CFR Part 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the District Manager may authorize a lower minimum sample requirement. For reports required by Section 6.4 of this ordinance [40 CFR Parts 403.12(e) and 403.12(h)], the User is required to collect the number of grab samples necessary to assess and assure compliance with the applicable pretreatment standards and requirements.

### **6.12 Date of Receipt of Reports**

Written reports will be deemed to have been submitted on the date postmarked. Hand-delivered reports shall be deemed submitted on the date of receipt at the District office. Reports that are submitted electronically shall be deemed submitted on the date sent. Reports requiring a wet signature may be submitted electronically with a hard copy mailed via United States Postal Service/courier or hand delivered.

### **6.13 Recordkeeping**

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with BMPs established under Section 2.4(3) of this ordinance. Records shall include the date, exact place, method, and time

of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the District, or where the User has been specifically notified of a longer retention period by the District Manager.

#### **6.14 Certification Statements**

- (1) Certification of Permit Applications, User Reports, and Initial Monitoring Waiver.

The following certification statement is required to be signed and submitted by Users submitting wastewater discharge permit applications in accordance with Section 4.5 of this ordinance, Users submitting baseline monitoring reports under Section 6.1 of this ordinance, Users submitting reports on compliance with the categorical pretreatment standard deadlines under Section 6.3 of this ordinance, and Users submitting periodic compliance reports required by Section 6.4 of this ordinance. The following certification statement must be signed by an authorized representative as defined in Section 1.4(3) of this ordinance:

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 gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

- (2) Certification of Pollutants Not Present.

Users that have an approved monitoring waiver based on Section 6.4(2) must certify on each report with the following statement that there has been no increase in the pollutant in its waste stream due to activities of the User.

Based on my inquiry of the person or persons directly responsible for managing compliance with the local limits, I certify that to the best of my knowledge and belief, there has been no increase in the level of \_\_\_\_\_ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 6.4(1).

## **ARTICLE VII – COMPLIANCE MONITORING**

### **7.1 *Right of Entry: Inspection and Sampling***

The District shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this ordinance and any individual wastewater discharge permit or order issued hereunder. Users shall allow the District ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- (1) Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security personnel so that, upon presentation of suitable identification, the District shall be permitted to enter without delay for the purposes of performing specific responsibilities.
- (2) The District shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
- (3) The District may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated according to manufacturer's specifications to ensure their accuracy.
- (4) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the District and shall not be replaced. The costs of clearing such access shall be borne by the User.
- (5) Unreasonable delays in allowing the District access to the User's premises shall be a violation of this ordinance.
- (6) The monitoring area shall:
  - (a) Provide ample room to allow accurate sampling and preparation of samples and analysis.
  - (b) Comply with all District requirements.
  - (c) Comply with all applicable local construction standards and specifications.
  - (d) Be constructed and maintained in such manner as to enable the District to perform independent monitoring activities.

### **7.2 *Inspection Warrants***

If the District has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the District designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect overall public health, safety, and welfare of the community, the District may seek issuance of an

inspection warrant from the Santa Barbara Superior Court pursuant to California Code of Civil Procedure §1822.50 et seq.

## **ARTICLE VIII – CONFIDENTIAL INFORMATION**

Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, and monitoring programs, and from the District's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the District, that (a) the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law, and (b) such information is exempt from disclosure under the California Public Records Act (California Government Code §6250 et seq.). Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined in 40 CFR Part 2.302, shall not be recognized as confidential information and shall be available to the public without restriction.

## **ARTICLE IX – PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE**

The District shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the sanitary sewer system, a list of Users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall be applicable to all SIUs (or any other Industrial User that violates paragraphs (3), (4), or (8) of this section and shall mean any of the following:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including the instantaneous limits as defined in Article II of this ordinance.
- (2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined in Article II of this ordinance, multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH).
- (3) Any other violation of a pretreatment standard or requirement as defined by Article II of this ordinance (daily maximum, long-term average,

instantaneous limit, or narrative standard) that the District determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of District personnel or the general public.

- (4) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the District's exercise of its emergency authority to halt or prevent such a discharge.
- (5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining full compliance.
- (6) Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules.
- (7) Failure to accurately report noncompliance.
- (8) Any other violation(s), including a violation of BMPs, which the District determines will adversely affect the operation or implementation of the local pretreatment program.

## **ARTICLE X – ADMINISTRATIVE ENFORCEMENT REMEDIES**

### ***10.1 Notification of Violation***

When the District Manager finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, order issued hereunder, or any other Pretreatment Standard or Requirement, the District Manager may serve upon that User a written Notice of Violation. Within thirty (30) days of receipt of such Notice of Violation, the User shall submit to the District Manager an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the District Manager to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

### ***10.2 Consent Orders***

The District may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as administrative orders issued pursuant to Sections 10.4 and 10.5 of this ordinance and shall be judicially enforceable.



### **10.3 Show Cause Hearing**

The District Manager may order a User which has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, order issued hereunder, or any other pretreatment standard or requirement, to appear before the District Manager and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least thirty (30) days prior to the hearing. Such notice may be served on any authorized representative of the User as defined in Section 1.4(3) of this ordinance. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

### **10.4 Compliance Orders**

When the District Manager finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, order issued hereunder, or any other pretreatment standard or requirement, the District Manager may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sanitary sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance Orders may also contain other requirements to address noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged into the sanitary sewer system. A Compliance Order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a Compliance Order relieve the User of liability for any violation, including any continuing violation. Issuance of a Compliance Order shall not be a bar against, or a prerequisite for, taking any other action against the User.

### **10.5 Cease and Desist Orders**

When the District Manager finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, order issued hereunder, or any other pretreatment standard or requirement, or that the User's past violations are likely to recur, the District Manager may issue an order to the User directing it to cease and desist all such violations and directing the User to:

- (1) Immediately comply with all requirements.
- (2) Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a Cease and Desist Order shall not be a bar against, or a prerequisite for, taking any other action against a user.

### **10.6 Administrative Penalties**

- (1) If the District seeks to impose an administrative penalty, the District shall issue an Administrative Complaint to any User who violates any requirement adopted or ordered by the District pursuant to this ordinance. The Administrative Complaint shall allege the act or failure to act that constitutes a violation of the District's requirements, the provisions of law authorizing civil liability to be imposed, and the proposed penalty.
- (2) The Administrative Complaint shall be served by personal delivery or certified mail (return receipt requested) on the User subject to the District's discharge requirements, and shall inform the person served that a hearing shall be conducted within sixty (60) days after the User has been served. The hearing shall be before a hearing officer designated by the District Board. The User who has been issued an administrative complaint may waive the right to a hearing, in which case the District shall not conduct a hearing. A User dissatisfied with the decision of the hearing officer may appeal to the District Board within thirty (30) days of notice of the hearing officer's decision.
- (3) If after the hearing, or appeal if any, it is found that the User has violated reporting or discharge requirements, the hearing officer or District Board may assess a civil penalty against that User. In determining the amount of civil penalty, the hearing officer or District Board may take into consideration all relevant circumstances including, but not limited to, the extent of the harm caused by the violation, the economic benefit derived through any noncompliance, the nature and persistence of the violation, the length of time over which the violation occurs, and corrective action, if any, attempted or taken by the User.
- (4) Administrative penalties shall not exceed the limits set forth in the California Government Code §54740.5(d) (1). No administrative penalties shall be recoverable under this section for any violation for which the District has recovered civil penalties through a judicial proceeding filed pursuant to California Government Code §54740.
- (5) Collection of Fines and Penalties
  - (a) The remedies for collecting and enforcing fines and penalties for violations of this ordinance set forth in this article are cumulative and any and all may be used alternatively, and none of the remedies are exclusive.
  - (b) Fines and penalties imposed for violation of any ordinance may be added to and become part of the charges fixed by the District for services furnished to the property where the violation occurred if the property is owned, controlled, or in possession of the same person who owned, controlled, or was in possession of it during the time the violation occurred. Fines and penalties may be collected

in the same manner, by the same persons, and at the same time together with fees and charges levied by the District.

- (c) Fines and penalties added to a service charge are a lien on land.
- (d) Fines and penalties may be collected by an action in any court of competent jurisdiction against a person or persons who owned controlled, or were in possession of the property where the violation occurred during the time the violation occurred.

### **10.7 Emergency Suspension**

The District Manager may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The District Manager may also immediately suspend a User's discharge, after informal notice to the User, that threatens to interfere with the operation of the sanitary sewer system or wastewater treatment plant, or which presents, or may present, an endangerment to the environment.

- (1) Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the District Manager may take such steps as deemed necessary, including immediate severance of the sewer connection to prevent or minimize damage to the sanitary sewer system or wastewater treatment plant, its receiving water, or endangerment to any persons. The District Manager may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the District Manager that the period of endangerment has passed, unless the termination proceedings in Section 10.8 of this ordinance are initiated against the User.
- (2) A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the District Manager prior to the date of any show cause or termination hearing under Sections 10.3 and 10.8, respectively, of this ordinance.

The District shall notify the Health Department upon termination of service. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension. After suspension has occurred, the User may request a hearing to show cause under Section 10.3 of this ordinance why such suspension by the District was in error and why the User should be allowed to immediately recommence its discharge.

### **10.8 Termination of Discharge**

In addition to the provision in Section 5.5 of this ordinance, any User who commits any of the following violations is subject to discharge termination:

- (1) Violation of individual wastewater discharge permit conditions.
- (2) Failure to accurately report the wastewater constituents and characteristics of its discharge.
- (3) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge.
- (4) Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling.
- (5) Violation of the pretreatment standards in Article II of this ordinance.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.3 of this ordinance why the proposed action should not be taken. Exercise of this option by the District Manager shall not be a bar to, or a prerequisite for, taking any other action against the User.

### **10.9 Appeals**

- (1) Any User, individual wastewater discharge permit application/holder, or other person affected by a decision, action, or determination made, taken, or issued by the District implementing the provisions of this ordinance may file with the District Manager a written request for reconsideration within fifteen (15) days of such decision, action, determination, or issuance, setting forth in detail the facts supporting the request for reconsideration. If the ruling by the District Manager on the request for reconsideration is unsatisfactory to the person requesting such reconsideration, the person may, within fifteen (15) days after notification of the District Manager's ruling, file a written appeal with the District Board. The appeal shall be considered by the District Board at a regular meeting within thirty (30) days after the appeal is filed. At least ten (10) days notice of such meeting shall be given to the person filing the appeal.
- (2) The District Board shall make a final ruling upon the appeal within fifteen (15) days of the close of the meeting at which the appeal is considered and shall thereafter promptly notify the person filing the appeal of such ruling. The District Manager's decision, action, determination, or issuance shall remain in effect pending the final ruling by the District Board.

## **ARTICLE XI – JUDICIAL ENFORCEMENT REMEDIES**

### **11.1 Injunctive Relief**

When the District Manager finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, order issued hereunder, or any other pretreatment standard or requirement, the District Manager may petition the Santa Barbara County Superior Court through the District's General Counsel for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, order, or other requirement imposed by this ordinance on the activities of the User. The District Manager may also seek such other action as is appropriate for legal

and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

### **11.2 Civil Penalties**

- (1) Pursuant of California Government Code §54739 and §54740 and the Act, a User who has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, order issued hereunder, or any other pretreatment standard or requirement may be civilly liable in a sum of not to exceed twenty-five thousand dollars (\$25,000) per violation, per day.
- (2) The District may petition the Santa Barbara County Superior Court to impose, assess, and recover the sums provided for in Section 11.2(1) of this ordinance. In determining the amount, the court shall take into consideration all relevant circumstances including, but not limited to, the extent of harm caused by the violation, the economic benefit derived through any noncompliance, the nature and persistence of the violation, the length of time over which the violation occurs, and corrective action, if any, attempted or taken by the User.
- (3) Notwithstanding any other provision of law, all civil penalties imposed by the Santa Barbara County Superior Court for a violation of this ordinance shall be distributed to the District.
- (4) Remedies under Section 11.2 are in addition to and do not supersede any and all other remedies, civil or criminal, except no liability shall be recoverable under Section 11.2 for any violation for which administrative penalties are recovered under California Government Code §54740.5.

### **11.3 Criminal Prosecution**

- (1) A User who willfully or negligently discharges pollutants, except in compliance with waste discharge requirements, or who willfully or negligently violates any order, prohibition, waste discharge requirement, effluent standard, water quality-related effluent standard, Federal standard or performance, pretreatment or toxicity standard or requirement, or who refuses to comply with the requirements adopted to control the disposal of pollutants into wells, or who fails to comply with the conditions of their individual wastewater discharge permit, compliance schedule or any standard, condition or requirement set forth in this ordinance, shall be punished by a fine of not more than one thousand dollars (\$1,000) per violation, per day, or by imprisonment for not more than thirty (30) days, or both.
- (2) A User who knowingly makes any false statement, representation, record, report, plan or other documentation filed, or required to be maintained, pursuant of this ordinance, individual wastewater discharge permit, order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance

shall, upon conviction, be punished by a fine of not more than ten thousand dollars (\$10,000) per violation, per day, or by imprisonment for not more than six (6) months, or both.

- (3) If the District believes a criminal offense has been committed hereunder, it may refer the matter to the District Attorney for prosecution.

#### **11.4 Remedies Nonexclusive**

The remedies provided for in this ordinance are not exclusive. The District Manager may take any, all, or any combination of these actions, or any other actions permitted by law, against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the District's Enforcement Response Plan. However, the District Manager may take other action against any User when the circumstances warrant. Further, the District Manager is empowered to take more than one enforcement action against any noncompliant User.

### **ARTICLE XII – SUPPLEMENTAL ENFORCEMENT ACTION**

#### **12.1 Payment of Outstanding Fees and Penalties**

The District Manager may decline to issue or reissue an individual wastewater discharge permit to any user who has failed to pay any outstanding fees, fines, or penalties incurred as a result of any provision of this ordinance, a previous individual wastewater discharge permit, or order issued hereunder.

#### **12.2 Public Nuisances**

A violation of any provision of this ordinance, an individual wastewater discharge permit, order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the District Manager. Any person(s) creating a public nuisance shall be subject to the provisions of California law governing such nuisances.

### **ARTICLE XIII – AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS**

A User shall have such affirmative defenses to an enforcement action brought against it for noncompliance with this ordinance as may be provided by Federal and State law.

### **ARTICLE XIV – MISCELLANEOUS PROVISIONS**

#### **14.1 Pretreatment Charges and Fees**

The District may adopt reasonable fees for reimbursement of costs of setting up and operating the District's Pretreatment Program, which may include:

- (1) Fees for wastewater discharge permit applications including the cost of processing such applications.

- (2) Fees for monitoring, inspection, and surveillance procedures, including, but not limited to, the cost of collecting samples of and analyzing a User's discharge and reviewing monitoring reports and certification statements submitted by Users.
- (3) Fees for reviewing and responding to accidental discharge procedures and construction.
- (4) Fees for filing appeals.
- (5) Fees to recover administrative and legal costs associated with the enforcement activity taken by the District Manager to address User noncompliance.
- (6) Other fees as the District may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the District.

## **14.2 Severability**

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or of the State of California, such decision shall not affect the validity of the remaining portions of this ordinance. The District Board hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California."

**Section 3.** Upon adoption, this Ordinance shall be entered in the minutes of the District Board and either posted for one week in three public places in the District or published as required by law, and shall take effect upon expiration of the week of such publication or posting. If published, the District Manager shall prepare a summary of the ordinance for publication. The summary shall include the names of those District Board members voting for and against the Ordinance.

**Section 4.** The Board finds that this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), 15321(b) (an action by a regulatory agency to enforce a law, general rule, standard, or objective administered or adopted by the regulatory agency), and 15060(c)(3) (this activity is not a project as defined in section 15378).

PASSED and ADOPTED by the Board of Directors of the Goleta West Sanitary District on this \_\_\_\_\_ day of \_\_\_\_\_ by the following vote:

AYES:  
NOES:  
ABSTENTIONS:  
ABSENT:

ATTEST:

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Craig Geyer, President

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Mark Nation, Secretary

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