

ORDINANCE NO. 7

ORDINANCE AND ORDER
OF THE GOVERNING BOARD
OF CARPINTERIA SANITARY DISTRICT
ADOPTING A GENERAL REGULATION
PROVIDING

RULES AND REGULATIONS FOR THE QUALITY OF WASTEWATER DISCHARGED TO DISTRICT FACILITIES; FOR THE ISSUANCE OF SOURCE CONTROL PERMITS; AUTHORIZATION FOR MONITORING, INSPECTION, COMPLIANCE, AND ENFORCEMENT ACTIVITIES; FOR INDUSTRIAL USER REPORTING; PROCEDURES FOR VARIANCES AND APPEALS; AND FOR THE REPEAL OF INCONSISTENT ORDINANCES

Be it Ordained By the Governing Board
of Carpinteria Sanitary District
As Follows:

ARTICLE I
General Provisions

Section 1. Enabling Authority. This Ordinance, Order, and General Regulation (hereinafter called "Ordinance") is established and adopted under authorization of the Sanitary District Act of 1923, being Part 1 of Division 6 of the Health and Safety Code commencing at Section 6400, and Chapter 6.5, Part 1 of Division 2 of the Health and Safety Code commencing at Section 54725.

Section 2. Delegation of Authority. Whenever this Ordinance grants an authority or imposes a duty upon a public officer, the authority may be exercised or the duty may be performed by a person authorized by the officer.

Section 3. Application. This Ordinance shall apply to any person or persons connected or directed by the District to connect to the Carpinteria Sanitary District sewage system.

Section 4. Severability. If any portion of this Ordinance or the application thereof is held to be unconstitutional or for any reason invalid, the validity of all remaining portions and application shall be unaffected, and they shall remain in force.

Section 5. Effect of Repeal or Amendment. The repeal or amendment of this Ordinance does not release or extinguish any penalty, forfeiture or liability incurred or right accruing or accrued under the provision repealed or amended unless the repealing or amending act expressly so provides. The provision shall be treated as remaining in force for the purpose of an action or prosecution for the enforcement of the right, penalty, forfeiture or liability.

Section 6. Purpose and Policy. This Ordinance sets uniform requirements for discharges into the District's wastewater treatment system and enables the District to comply with the provisions of the Federal Clean Water Act, and regulations promulgated thereto; any applicable

Clean Water Act grant regulations; the water quality requirements set by the California Regional Water Quality Control Board; and the applicable effluent limitations, national standards of performance, toxic and pretreatment effluent standards, and any other discharge criteria which are required or authorized by State or Federal law; and to derive the maximum public benefit by regulating the quality and quantity of wastewater discharged into the District's system.

This Ordinance also provides for the establishment of a surveillance and enforcement procedure to control the discharge of certain wastes. It provides for the issuance of permits to certain users for the purposes of industrial wastewater discharge. This Ordinance authorizes monitoring, compliance, and enforcement activities; establishes administrative review procedures; and requires industrial user reporting.

Section 7. Wastewater Discharge Policy. Domestic and non-domestic wastewater originating within the District or any other areas and entities which are served by contract will be accepted into the District's sewerage system if there is capacity in the system and the wastewater characteristics are not prohibited or damaging to the District's system.

Septage shall only be discharged in a manner approved by the District.

Section 8. Emergency Action. This Ordinance is not intended to prevent a person from protecting property and public health in the event of disaster or danger. However, a person who performs work in this event shall report to District and obtain proper inspection and clearance at the earliest opportunity.

Section 9. Special Agreements. This Ordinance does not prevent a special agreement, contract or arrangement by the District's Governing Board of Directors when the Board finds that it is necessary and of benefit to the District. Nothing in this Ordinance shall be construed as preventing any special agreement or arrangement between the District and any user of the wastewater treatment system whereby wastewater of unusual strength or character is accepted into the system and specially treated subject to any payments or user charges as may be applicable. However, no special agreement between the District and any user shall be allowed to contravene State or Federal standards.

Section 10. Effect of Headings. Article and section headings do not affect the scope, meaning or intent of this Ordinance.

Section 11. Tense. The present tense includes the past and future tenses. The future tense includes the present tense.

Section 12. Number. The singular number includes the plural, and the plural number includes the singular.

Section 13. Shall and May. Shall is mandatory and may is permissive.

Section 14. Construction of Words and Phrases. Words and phrases shall be construed according to their rules of grammar and according to their common and approved uses. Technical words and phrases and those words and phrases which have acquired peculiar and appropriate

meaning shall be construed according to the peculiar and appropriate meaning.

ARTICLE II **Definitions**

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

Section 2. Biochemical Oxygen Demand (BOD). BOD means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° Celsius, expressed in terms of weight and concentration (milligrams per liter).

Section 3. Beneficial Uses. Beneficial uses are uses of the waters of the State that may be protected against quality degradation including, but not limited to, domestic, municipal, agricultural and industrial supply, power generation, recreation, athletic enjoyment, navigation and the preservation and enhancement of fish, wildlife and other aquatic resources or reserves and other uses, both tangible or intangible, as specified by Federal or State law.

Section 4. Categorical. A Categorical industry is an industrial user which is subject to National Categorical Pretreatment Standards and is listed in 40 CFR Part 403, Appendix C (as amended).

Section 5. Code of Federal Regulations (CFR). The CFR is a document of the United States Government presenting Federal agency rules, regulations and guidelines.

Section 6. Commercial Establishments. Commercial establishments are 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.

Section 7. Compatible Pollutant. Compatible Pollutant means BOD, suspended solids, pH and fecal coliform bacteria, and such additional pollutants as are now or may be in the future specified and controlled in the POTW's NPDES permit for its wastewater treatment works where said works have been designed and used to reduce or remove such pollutants.

Section 8. Contamination. Contamination is an impairment of the quality of the waters of the State by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. Contamination shall include any equivalent effect resulting from the disposal of wastewater, whether or not waters of the State are affected.

Section 9. Cooling Water. Cooling water is the water discharged from any use such as air conditioning, cooling or refrigeration, during which the only pollutant added to the water is heat.

Section 10. County. County of Santa Barbara.

Section 11. Definitions. Terms not otherwise defined herein shall be construed in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation. Waste constituents and characteristics shall be measured by standard methods unless expressly stated, or as established by Federal or State regulatory agencies.

Section 12. Discharge. Discharge means to pump, to place, to deposit, to permit or to cause to flow.

Section 13. District. District is the Carpinteria Sanitary District of the County of Santa Barbara, State of California.

Section 14. District Counsel. District counsel is an attorney appointed by the Governing Board to represent the District.

Section 15. District Inspector. District Inspector is the inspector acting for the Board and may be the Manager, Engineer or Inspector appointed by the Manager.

Section 16. Domestic Wastes. Domestic wastes are liquid wastes (a) from the noncommercial 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.

Section 17. Engineer. The Engineer is appointed by and acting for the Board and shall be a Registered Civil Engineer.

Section 18. EPA. EPA is the United States Environmental Protection Agency.

Section 19. Garbage. Garbage is solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of food.

Section 20. General Manager. General Manager is the Manager employed by and acting under the direction and at the pleasure of the District Board.

Section 21. Governing Board or Board. Governing Board or Board means the five person District Board of Directors elected at large from within the District boundaries and empowered as a group acting in public meetings to legislate in all matters related to the District's jurisdiction established by the laws of the State of California.

Section 22. Industrial User. Industrial user is 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 III and IV** of this Ordinance.

Section 23. Industrial Wastewater. Industrial wastewater is the 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 which introduces toxic pollutants, as defined in 40 CFR 233.1(w), into publicly owned treatment works, including, without limitation: medical offices; dental offices; hospitals; schools; restaurants; research, education and commercial laboratories; warehouses; shopping centers; car washes; print stores; residential, commercial and public users of pesticides and fertilizers; gas stations; and septage collection and disposal.

Section 24. Infectious Waste. Infectious waste is waste which contains pathogenic organisms that can invade the tissues of the body and cause disease.

Section 25. Institutional Facilities. Institutional facilities are any publicly or privately owned school, and any publicly owned or leased building from which Federal, State, County, City or Special District activities are conducted or offered for public consumption. Such facilities shall include schools, hospitals, jails, libraries, offices, equipment yards and maintenance buildings, laboratories, parks, rubbish stations, detention homes and fire stations.

Section 26. Interference. Interference means any discharge which, alone or in conjunction with a discharge or discharges from other sources, both: 1) Inhibits, disrupts, or damages the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and 2) Is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA) [including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA)]; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

Section 27. Mass Emission Rate. Mass emission rate is the weight of material discharged to the sewer system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of a particular constituent or combination of constituents.

Section 28. National Categorical Pretreatment Standard. National Categorical Pretreatment Standard is any regulation containing pollutant discharge limits applying to a specific category of Industrial Users which is promulgated by the Environmental Protection Agency in accordance with 40 CFR, Chapter 1, Subchapter N, Parts 401-471 and, specifically, in accordance with Sections 307 (b) and (c) of the Act (33 U.S.C. 1349).

Section 29. National Pollutant Discharge Elimination System (NPDES). NPDES is the program for issuing, conditioning and denying permits for the discharge of pollutants from point sources into the navigable waters, the contiguous zone and the oceans pursuant to Section 402 of the Act.

Section 30. New Source. New source is any building, structure, facility or installation from

which there is a discharge of pollutants, the construction of which is commenced after the publication of pretreatment standards adopted by the Governing Board or after publication of proposed Pretreatment Standards under Section 307(c) of the Act and as further defined in 40 CFR 403.3(k)(1).

Section 31. Non-Compatible Pollutant. Non-compatible pollutant is any pollutant which is not a compatible pollutant as defined in this Article.

Section 32. NPDES Permit. An NPDES Permit is the regulatory agency document designed to control all discharges of pollutants from point sources into U.S. waterways. 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. A NPDES permit may be issued to a POTW pursuant to Section 402 of the Act.

Section 33. Nuisance. Nuisance is anything which is injurious to health or is indecent or offensive to the senses or an obstruction to the free use of property so as to interfere with the comfort or enjoyment of life or property or which affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

Section 34. Pass Through. Pass through is any discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

Section 35. Pathogenic Organisms. Pathogenic organisms are bacteria and viruses which cause disease and which may be contained in specimens.

Section 36. Permit. Permit is any written authorization required pursuant to this or any other rule, regulation or Ordinance of the District for the installation of any sewage facilities.

Section 37. Person. Person is any individual, firm, company, partnership, association, and private, public or municipal corporations, the United States of America, the State of California, and all political subdivisions, district and governmental agencies thereof.

Section 38. pH. pH is the logarithm of the reciprocal of the concentration of hydrogen ions per liter of solution.

Section 39. Point Source. Point source is any discernible, confined or discrete conveyance from which pollutants are or may be discharged, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft.

Section 40. Pollution. Pollution is an alteration of the quality of the waters of the State by waste to a degree which unreasonably affects such waters for beneficial use or facilities which serve such beneficial uses. Pollution may include contamination.

Section 41. Polychlorinated Biphenyls (PCB). PCB is a group of synthetic organic compounds.

Section 42. Premises. Premises is 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.

Section 43. Pretreatment. Pretreatment is the reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the District's sewerage system. The reduction or alteration can be obtained by physical, chemical or biological processes, or by process changes, except as prohibited by 40 CFR 403.6(d).

Section 44. Pretreatment Requirements. Pretreatment requirements are any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard, imposed on an industrial discharger.

Section 45. Pretreatment Standard. Pretreatment standard is any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) et. seq. of the Act which applies to Industrial Users. These include categorical standards which establish specific concentration limits for certain pollutants and total prohibition of other pollutants as specified in 40 CFR 403 et. seq., as well as local limits adopted by the Carpinteria Sanitary District including, but not limited to, those discharge limitations contained in **Table A** of this Ordinance.

Section 46. Public Sewer. Public sewer is a sewer in a public right-of-way or easement held by the District or any sewer construction by or owned by the District.

Section 47. Publicly Owned Treatment Works (POTW). A POTW as defined by Section 212 of the Act, which is owned by a State or Municipality (as defined in Section 502(4) 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 POTW Treatment Plant. The term also means the municipality as defined in Section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

Section 48. POTW Treatment Plant. POTW treatment plant means that portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste. This term shall also be construed to mean District's treatment plant.

Section 49. Sanitary Wastewater. Sanitary wastewater is: 1) Domestic wastewater with storm and surface water excluded; 2) Wastewater discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), commercial buildings, industrial facilities or institutions; and 3) The water supply of a community after it has been used and discharged into a sewer.

Section 50. Septage. Septage is sludge produced in individual on-site wastewater disposal systems such as septic tanks and cesspools.

Section 51. Sewage. Sewage is a combination of water-carried wastes from buildings and industrial establishments connected to the sewage system of District or from any private sewer.

Section 52. Sewage System or Sewerage System. Sewage system or sewerage system are all District facilities for the collection, pumping, treating and disposing of sewage.

Section 53. Sewer. Sewer is a pipe or conduit which transports wastewater, into which storm, surface, and ground waters are not intentionally admitted.

Section 54. Significant Industrial User. Significant industrial user is any industrial user of the District's sewerage system: (a) who discharges an average of 25,000 gallons or more per day of process wastewater; or (b) who contributes a process wastestream which makes up five percent or more of the average daily dry weather capacity of the POTW; or (c) which is determined to be classified as a categorical industry as regulated under Federal Categorical Pretreatment Standards; or (d) whose flow, as found by the District, the Regional Water Quality Control Board or the State Water Resources Control Board has reasonable potential for adversely affecting, either singly or in combination with other contributing industries, the operation of the District's treatment plant or the quality of the effluent from the POTW, which may cause the District to violate its NPDES permit or any pretreatment standard or requirement.

Section 55. Standard Industrial Classification (SIC). SIC is the compilation of industrial groups and their economic activities which is printed by the U.S. Office of Management and Budget in its Standard Industrial Classification Manual.

Section 56. Storm Water. Storm water is any flow occurring during or immediately following any form of natural precipitation and resulting therefrom.

Section 57. Street. Street is any public highway, road, street, avenue, alley way, easement or right-of-way.

Section 58. Suspended Solids. Suspended solids is 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 filtering.

Section 59. Total Identifiable Chlorinated Hydrocarbons (TICH). TICH are those organic compounds listed under 40 CFR 401.15 which include certain organochlorine pesticides and Polychlorinated Biphenyls (PCB's).

Section 60. Toxic Substances. Toxic substances are any toxic substances in amounts exceeding standards promulgated by the Administrator of the United States Environmental Protection Agency pursuant to Section 307(a) of the Act, and the "Toxic Substances Control Act" (P.L. 94-469) and chemical elements or compounds, phenols or other taste or odor producing

substances, or any other substances which are not susceptible to treatment of which may interfere with the biological processes of, the efficiency of, or that will pass through the POTW.

Section 61. Unpolluted Water. Unpolluted water is 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.

Section 62. User. User is any person who discharges, causes or permits the discharge of wastewater into the District's sewage system. The term "discharger" as used herein shall be construed to mean a user.

Section 63. User Classification. User classification is a classification of user based on the 1987 (or subsequent) edition of the Standard Industrial Classification Manual (SIC) prepared by the Office of Management and Budget.

Section 64. Waste. Waste includes sewage and any and all other water substances, liquid, solid, gaseous or radioactive substances 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 purpose of, disposal.

Section 65. Wastewater. Wastewater is waste and water, whether treated or untreated, discharged into or permitted to enter the District's sewer system.

Section 66. Wastewater Constituents and Characteristics. Wastewater constituents and characteristics are the individual chemical, physical, bacteriological and radiological parameters including volume and flow rate and such other parameters that serve to define, classify or measure the contents, quality, quantity and strength of wastewater.

Section 67. Wastewater Treatment System. Wastewater treatment system consists of any devices, facilities, structures, equipment or works owned or used by the District for the purpose of the transmission, collection, 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 system, 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 site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

Section 68. Watercourse. Watercourse is a channel in which a flow of water occurs either continuously or intermittently.

Section 69. Waters of the State. Waters of the State is any water, surface or underground, including saline waters within the boundaries of the State.

ARTICLE III

Prohibitions on Wastewater Discharges to Public Sewers

Section 1. Introduction. These prohibitions apply to all users of the District's sewage system whether or not the user is subject to other standards or requirements by other public agencies. A user shall not directly or indirectly contribute or cause or allow to be discharged or deposited into the District's sewage system, any item specified in 40 CFR 403.5(b), and including but not limited to items specified in this **Article III**.

Section 2. Fire Hazards and Explosive Mixtures. Liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion, or be injurious in any other way to the sewage system, the operation of the system, or its personnel, pursuant to 40 CFR 403.5(b)(1). 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 which the District, the State or EPA has identified as a fire hazard or a hazard to the sewage system.

Section 3. Toxic Pollutants. Any wastewater containing toxic substances in sufficient quantity, either singularly or by interaction with other substances, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW or exceed the limitations set forth in categorical pretreatment standards or **Article IV, Section 5** of this Ordinance. A toxic pollutant shall include but not be limited to any pollutant identified in Section 307(a) of the Federal Clean Water Act.

Section 4. Solid or Viscous Wastes. Solid or viscous wastes which will or may cause obstruction to the flow in a sewer, or otherwise interfere with the proper operation of the District's wastewater treatment system. Prohibited materials include, but are not limited to, grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood and/or components, feathers, ashes, cinders, sand, spent lime, stone or marble, dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud and glass grinding or polishing wastes.

Section 5. Uncontaminated Water. Rain, storm or ground water, street drainage, sub-surface drainage, seepage, roof or yard drainage, water from yard fountains, ponds or lawn sprays or other uncontaminated water or water added for the purpose of diluting wastes which exceed maximum concentration limitations.

The contents of a swimming pool (including filter backwash from swimming pools and/or spas) may not be discharged into the sewer system without first applying for and receiving written permission from the General Manager.

Section 6. Cooling Water. Water from cooling systems, deionized water, steam underwaste or distilled water in excess of laboratory usage, single pass cooling water, blow-down or bleed water from cooling towers or other evaporative coolers exceeding 1/3 of the make-up

water. Quantities in excess of 1/3 of the make-up water may be discharged into the sewerage system during off-peak hours with written authorization from the District.

Section 7. Noxious Material. Noxious or malodorous solids, liquids or gases, which either singularly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into a sewer for its maintenance and repair.

Section 8. Color. Wastewater with objectionable color not removable by the treatment process, including but not limited to; inks, dyes and tannin solutions.

Section 9. Temperature. Any wastewater having a temperature which will inhibit biological activity in the POTW resulting in interference, but in no case wastewater with heat in such quantities that the temperature exceeds 150° Fahrenheit (66° Celsius) at the point of discharge or 104° Fahrenheit (40° Celsius) at the POTW headworks.

Section 10. Corrosive Wastes. Any waste which will cause corrosion or deterioration of the sewerage system or POTW. All wastes discharged to the public sewer system must have a pH value in the range of six (6) to nine (9) standard units. Prohibited materials include, but are not limited to, acids, caustics, sulfides, concentrated chloride and fluoride compounds, and substances which will react with water to form acidic products.

Section 11. Impairment to Reclamation or Reuse. Any wastewater which is capable of causing either alone or by interaction with other substances, the POTW effluent or any other product of the treatment process, residues, biosolids or scum to be unsuitable for reclamation or reuse or to interfere with the reclamation process.

Section 12. Trucked or Hauled Pollutants. Any trucked or hauled pollutants except at discharge points designated by the District.

Section 13. Infectious Wastes. Infectious wastes from hospitals, clinics, out-patient clinics, medical and dental offices, mortuaries, etc.; pathologic specimens; disposable hypodermic needles, syringes and associated articles (whether ground or not); recognizable portions of the human anatomy; solid wastes generated in the rooms of patients who are isolated because of a suspected or diagnosed communicable disease; wastes excluded by other provisions of this Ordinance except as specifically permitted for; or any other waste defined by the Health Office of Santa Barbara County as being infectious.

Section 14. Radioactive Waste. Wastewater containing any radioactive wastes or isotopes is prohibited.

Section 15. Tetrachloroethylene. Any quantity of Tetrachloroethylene (aka PCE or "perc"). Any water which has come in contact with PCE, directly or indirectly, including boiler blow-down, cooling water, condensate or water from a PCE-water separator.

Section 16. Dilution of Discharge. Except where expressly authorized, no user shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a

partial or complete substitute for adequate treatment to achieve compliance with specific discharge limitations or requirements. The District may impose mass limitations on users which are using dilution to meet applicable discharge limitations or regulations or in other cases where the imposition of mass limitations is appropriate.

ARTICLE IV **Limitations on Wastewater Discharges**

Section 1. Maximum Concentrations. Maximum concentrations of pollutants allowable in wastewater discharges to the wastewater treatment system are established by the Manager and adopted by the Board of Directors by Resolution or Ordinance.

Section 2. Limitations and Prohibitions. Limitations and prohibitions on wastewater strength are contained in this Ordinance and may be supplemented with more stringent limitations and prohibitions as deemed necessary by the District.

- a. If the District determines that the limitations and prohibitions in this Ordinance or other District Ordinances or Resolutions may not be sufficient to protect the operation of the POTW, or
- b. If the District determines that the limitations and prohibitions in this Ordinance or other District Ordinances or Resolutions, may not be sufficient to enable the POTW to comply with water quality standards or effluent limitations specified in the POTW's NPDES permit; then
- c. Concentration limitations shall be imposed by the General Manager upon adoption by the Board of Directors as may be found necessary to insure compliance with the POTW's NPDES requirements or more restrictive pretreatment standards prescribed by the California Regional Water Quality Control Board or the EPA.

Section 3. Oils and Grease. Oils and greases may be from living or non-living sources or contain substances that may solidify or become viscous at temperatures between 32° and 150° Fahrenheit at the point of discharge into the system or in amounts that will cause interference or pass through. Oils and grease in excess of 150 mg/L, whether emulsified or not, may not be discharged into the public sewer system.

Section 4. Improperly Shredded Garbage. Discharges containing improperly shredded garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under normal flow conditions in the public sewers or with any particle greater than one-half inch in any dimension are not allowed.

Acceptable discharges from garbage grinders are as follows:

- a. Wastes generated in preparation of food in a residence.
- b. Where a non-residential user has an existing garbage grinder or a proposed new grinder and has approval for that specific use from the District. Such grinders must

be kept in proper working order.

Prohibited discharges from garbage grinders are as follows:

- a. Garbage grinders shall not be used for grinding plastic, paper products, inert materials, garden refuse or waste products resulting from the handling, storage and sale of fruits and vegetables in wholesale and retail produce establishments and wastes from entities engaged in the preparation, processing or preserving of food not intended primarily for immediate consumption.

The District reserves the right to prohibit the use of garbage grinders in commercial applications if this waste creates excessive problems in the sewerage system.

Section 5. Specific Discharge Limitations. The maximum concentrations of pollutants allowable in wastewater discharges to the Carpinteria Sanitary District sewerage system by any user are found in **Table A** of this Ordinance, incorporated by reference herein. Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered a violation of this Ordinance. Any exceedence of these limitations is a violation of this Ordinance subject to enforcement action as set forth in this Ordinance. These limits will be reviewed periodically and revised as needed.

Any user who does not comply with Federal Pretreatment Standards as required under Sections 307(b) and (c) of the Act, and any regulations promulgated thereunder, including those regulations contained in 40 CFR 403.12, violates this Ordinance.

Section 6. Acceptability. In determining the acceptability of specific wastewater under this Ordinance, the General Manager shall consider, in addition to those items already mentioned, the adequacy and nature of the collection, treatment and disposal system available to accept the wastewater and the District policy embodied in this Ordinance. Upon such consideration, the General Manager may establish terms and conditions appropriate to specific dischargers as provided in this Ordinance.

Section 7. Standards. In the event of overlap or conflict between federal, state and local standards, the most stringent standard shall apply.

Section 8. Pretreatment Standards. Upon the promulgation of a District pretreatment standard or a categorical pretreatment standard for a particular industrial category, the more stringent limitation shall immediately supersede the less stringent limitation.

Section 9. Notification. All affected users shall be notified of any new standards and any applicable reporting requirements under 40 CFR 403.12 and these rules and regulations.

ARTICLE V **Control of Wastewater Discharges**

Section 1. Regulatory Actions. If wastewater containing any substance referred to in

Article III and IV of this Ordinance is discharged or proposed to be discharged into the sewer system, the General Manager, District Counsel, and the Board of Directors may take any action necessary to:

- a. Prohibit the discharge of the wastewater.
- b. Require the discharger to demonstrate that in-plant modifications would reduce or eliminate the discharge in conformance with prohibitions, limitations and requirements of this Ordinance.
- c. Require pretreatment to reduce or eliminate the objectionable or harmful nature of the pollutants prior to their discharge to the sewer system.
- d. Require the discharger to pay any additional costs incurred by the District for handling and treating the excess loads imposed on the treatment system as a result of allowing such wastewater to enter the system.
- e. Take any other remedial action as may be deemed necessary to achieve the purpose and requirements of this Ordinance.

Section 2. Pretreatment Facilities. Users shall ensure that all wastewater discharged to the sewer system is in compliance with the limitations of this Ordinance. District in its discretion may require users, at their own cost, to install a wastewater pretreatment device or system to pretreat wastewater flows to a level acceptable to District and the limits set forth in **Article III and IV** of this Ordinance, before discharge of such wastewater to the District's sewer system.

Pretreatment facilities shall be constructed and maintained in good working order, and operated as efficiently as possible, at the expense of the discharger and are subject to the requirements of this Ordinance and all other applicable codes and laws.

Section 3. Review and Approval of Facility Plans. Where pretreatment or monitoring facilities are required prior to discharging wastewater to the sewerage system, detailed plans showing the pretreatment facility and operating procedures shall be submitted to the District for review and shall be approved by the District before construction of the facility. All such plans and construction shall be done at the discharger's expense. The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the District under the provisions of this Ordinance, and the user shall remain responsible for compliance with all applicable ordinance, codes, regulations and orders of any governmental authority. Any subsequent proposed changes in the pretreatment facilities or methods of operation shall be reported to and be approved by the District prior to user's implementation of the changes. Permits for facility construction are required as set forth in District **Ordinance No. 2**.

Section 4. Sampling Station. When required by the District, a sampling station of a design and location approved by the District shall be furnished and installed by the user, at the user's expense, to facilitate inspection, sampling and flow measurements. User shall provide the District with unrestricted access to the sampling station at all times.

Section 5. Correction of Defects. When a defect results from improper installation, or

installation of sewer facilities with materials not meeting District standards, the person responsible for the defect shall correct it at their sole expense.

Section 6. Pretreatment Standards. All applicable Federal pretreatment standards which specify quantities or concentrations of pollutants that may be discharged by a specific industrial category will be enforced by the District as required by Section 309(e) and (f) et. seq. of the Federal Clean Water Act.

Section 7. Isolation of Wastestreams. In the construction of new facilities, all domestic wastewater shall be kept separate from industrial wastewater until the industrial wastewater has passed through any required pretreatment and/or monitoring system. In the case of an existing facility or in the event these wastestreams cannot reasonably be isolated, a variance may be issued in District's discretion.

Section 8. Grease Interceptors and Gravity Separating Devices. Grease, oil, and sand interceptors and gravity separating devices shall be provided at user's expense when, in the opinion of the General Manager, they are necessary for the proper handling of the liquid wastes containing grease or any flammable wastes, sand or other harmful ingredients. All interceptors shall be sized using the Uniform Plumbing Code, current edition, as a guide. Interceptors must be of a capacity sufficient to provide the appropriate quality of effluent as per District standards and shall be in an easily accessible location for the purposes of cleaning and inspection. A sample box or tee is required on all interceptors and separators. All interceptors and separators are required to be properly maintained to ensure compliance with District requirements.

- a. Restaurants or similar establishments shall install an approved grease interceptor or grease trap or implement other grease reducing practices. The method to be employed shall be approved by the District. Guidelines for determining the required method shall be established by the General Manager. Requirements for the installation of a grease interceptor or trap shall be determined on a case-by-case basis by the District using the UPC as a guide.
- b. All car washes, vehicle service stations and garages shall be required to install a gravity separating device designed to prevent the discharge of sand, silt, oil and grease to the sewerage system. Requirements for the installation of a gravity separating device shall be determined on a case-by-case basis by the District using the UPC as a guide.
- c. If the District finds that a grease interceptor or gravity separating device installed prior to the effective date of this Ordinance is incapable of adequately retaining the grease, sand or oil in the wastewater flow, the District shall notify the user, in writing, that an adequate interceptor or gravity separating device be installed within a specific, reasonable time period.
- d. Installation of a grease interceptor or gravity separating device shall not relieve the user of responsibility for keeping prohibited substances or substances above the limitations of this Ordinance out of the sewerage system. If the interceptor, gravity separating device or other pretreatment facility is not adequate under the conditions

of use, one shall be constructed, at user's expense, which is effective in accomplishing the intended purpose.

Section 9. Commercial Garbage Grinders. No owner of a commercial garbage grinder may operate any such grinder that discharges any waters, wastes or other substances into the District's sewer system without first providing, at owner's expense, the appropriate treatment as may be necessary to reduce the suspended solids, daily flow or objectionable characteristics or constituents to within the limits contained in **Article IV** of this Ordinance.

Section 10. Water Softening Units. In order to minimize salts discharging into the system, water softening units must be well maintained and efficient.

Section 11. Protection from Accidental Discharge. Each industrial user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the District for review and shall be approved by the General Manager before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify his facility as necessary to meet the requirements of this Ordinance or of any other applicable rule, regulation, order or ordinance of a governmental authority.

Section 12. Reporting of Accidental Discharge. All industrial users shall notify the District immediately of all discharges that could cause problems to the POTW, including any slug loadings or accidental discharges. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of an accidental discharge. Users shall ensure that all employees who may cause such an accidental discharge are advised of the emergency notification procedure.

Any person that causes an accidental discharge or discovers an uncontrolled discharge that does not comply with any prohibition or limitation in this Ordinance, shall immediately notify the District so that corrective action may be taken to protect the treatment system.

The user responsible for the discharge shall file a written report with the District detailing the date, time and cause of the accidental discharge, the quantity and characteristics of the discharge and corrective action taken to prevent future discharges. The report shall be filed with the District by the responsible industrial user within five calendar days of the occurrence of the discharge (40 CFR 403.12(f)).

Such notification will not relieve users of liability for any expense, loss or damage to the sewer system, treatment plant or treatment process, or for any fines imposed on the District on account thereof under Section 13350 of the California Water Code or for violations of Section 5650 of the California Fish and Game Code, or any other applicable state or federal statute or regulation.

Section 13. Preventative Measures. Any direct or indirect connection to the user's plumbing or drainage system that allows the discharge of wastes in violation of this Ordinance to the public sewer system shall be eliminated. Where such action is impractical or unreasonable, as

determined by the District, the user shall appropriately label such entry points to warn against discharge of such wastes.

Section 14. Excessive Sewer Maintenance/Damage to Facilities. Any person(s) who discharges or causes to be discharged into the District's sewerage facilities either directly or indirectly, any waste or wastewater which is prohibited, creates a blockage, breakage, permanent reduction to sewer capacity, causes excessive maintenance expenses, creates detrimental effects to the POTW, causes the violation of a discharge requirement or regulation imposed by a regulatory agency or any other damage to District facilities shall be liable for all damages and costs occasioned thereby, including any penalty assessed by a regulatory agency. The damages, costs or penalty assessed shall be deemed a debt to the District and shall be charged to the user.

ARTICLE VI **Permits, Recordkeeping, and Monitoring**

Section 1. Source Control Permits. All Significant Industrial Users proposing to connect to or discharge into any part of the sewerage system must first obtain a Source Control Permit. Other industrial users may be required to obtain a Source Control Permit if, in the opinion of the General Manager, they have a discharge that may adversely impact District facilities. Application for Source Control Permits shall be made on a form provided by the District. After evaluation and acceptance of the information provided by the user, the General Manager may issue a permit subject to the terms and conditions provided herein.

Section 2. Source Control User Classifications.

- a. **Significant Industrial User (Class 1).** This includes Significant Industrial Users as defined by 40 CFR 403.3(t)(i)(ii).
- b. **Continuous or Intermittent Discharge (Class 2).** This includes facilities that continuously or intermittently discharge wastewater that contains hazardous constituents that could adversely impact the sewerage system, including the POTW.
- c. **No Discharge (Class 3).** This includes facilities that handle or store hazardous wastes on their premises but do not discharge these wastes to the sewer system. These facilities have all hazardous waste hauled off site, but have floor drains or other plumbing fixtures through which hazardous wastes can be conveyed to the sewer during normal washdown operations or spillage.
- d. **Non-Toxic Pollutants (Class 4).** This includes facilities who do not handle, store or dispose of hazardous waste on the premises and who do not discharge hazardous wastes to the sewer. These facilities have a discharge that contains non-toxic pollutants which may cause interference with the operation of the treatment plant or collection system.

Section 3. Terms and Conditions of Permit. The Source Control Permit shall set forth the performance specifications to which each user must conform in order to discharge regulated

processes to the District's sewerage system. Source Control Permits shall be subject to all provisions of this Ordinance, Federal pretreatment standards and regulations pursuant to Section 307 et. seq. of the Clean Water Act and all other regulations, user charges and fees established by the District. The conditions of the permit shall be uniformly enforced in accordance with this Ordinance and applicable State and Federal regulations.

The terms and conditions of the permit may be subject to modification and change by the District during the life of the permit, as limitations or requirements as set forth in **Articles III and IV** are modified or as a result of pretreatment standards and/or requirements promulgated pursuant to Section 307 et. seq. of the Clean Water Act.

The user shall be informed of any proposed changes in its permit at least thirty calendar days prior to the effective date of the change.

Permit holders shall file periodic discharge reports at such intervals and containing such information as designated in the Source Control Permit.

The user is required to notify the District of any changes in the user's operation that may affect its discharge rate, peak flow rate, wastewater constituents or characteristics (40 CFR 403.12(i)).

The District shall include a reasonable compliance schedule for any changes or new conditions in the permit. The user may submit an alternative compliance schedule for approval by the General Manager to allow the user additional time to modify the industrial process sufficiently to comply with the new permit changes.

Section 4. Duration of Permits. Permits shall be issued for a specific time period, not to exceed three years. A permit may be issued for a period of less than three years or may expire on a specific date.

If the user is not notified by the District thirty calendar days prior to the expiration date of the permit, the permit shall automatically be extended for one month increments pending District review and action on the permit.

Section 5. Transfer of Permit. Source Control Permits are issued to a specific user for a specific operation. A permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation.

Section 6. Violation of Permit. When it is determined that a specific condition and/or discharge is in violation of this Ordinance or any permit condition, or limit imposed, enforcement actions shall be initiated as provided in **Article VII**.

Any user who violates the conditions of its permit or this Ordinance is subject to having its permit revoked.

Section 7. Discharge Violations. Discharge violations include but are not limited to:

- a. Unlawful discharge of wastewater and compounds prohibited in **Article III**.
- b. Discharges violating permit conditions or limitations.
- c. Discharges in violation of this Ordinance.
- d. Discharges endangering the environment or the public's health, safety and/or welfare.
- e. Discharges endangering the District's sewerage system, and/or District personnel.

Section 8. Non-Discharge Violations. Non-discharge violations constitute noncompliance with the District's rules and regulations and may also create a nuisance or have severe impact on the District's ability to serve the public. This includes non-compliance with District design standards and plan specifications.

Section 9. Maintenance and Availability of Records. All users discharging wastewater to the District's sewerage system shall maintain records, as required by the Source Control Permit, of its raw materials and usage, processes, effluent flows, pollutant concentrations and related factors. Any user subject to the reporting requirements of this Ordinance shall be required to retain for a minimum of three years any records (including books, documents, reports, memoranda, correspondence, and chemical analyses) of monitoring activities and results. This period of retention shall be extended during the course of any unresolved litigation regarding the user and District or when requested by the General Manager or other applicable regulatory agencies.

All records relating to compliance with the standards set forth in this Ordinance shall be made available for inspection and copying at the user's facility by regulatory officials in accordance with 40 CFR 403.12(o)(2)(3).

Section 10. Confidential Information. All information and data on a user obtained from reports, questionnaires, permit application, permits and monitoring programs and from inspections shall be available to the public or other governmental agencies; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. Any information provided to the District (not determined as confidential) regarding industrial user effluent data shall be available to the public without restriction.

Information accepted by the District as confidential in accordance with the provisions of 40 CFR Part 2 entitled, "Confidentiality of Business Information," shall not be transmitted to the general public by the District until and unless prior and adequate notification is given to the user. Governmental agencies such as the EPA and State shall have immediate access to all information collected by the District under its source control program.

Section 11. Right to Inspect and Monitor. The General Manager, through a program of inspection and sampling shall ensure compliance with the provisions of this Ordinance, the user's

Source Control Permit and all applicable Federal and State laws and regulations. The District may inspect the facilities of any person to ascertain whether the purpose of this Ordinance is being met and all prohibitions, limitations and requirements are being complied with. Upon presentation of proper identification, persons or occupants of premises where waste or wastewater is created or discharged shall allow the District ready access, at all reasonable times, to all parts of the premises for the purposes of inspection, sampling, records examination, evidence gathering or in the performance of any of its other duties. In addition, the District may enter a user's property at any hour under emergency circumstances involving the District's sewerage system. The District shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations.

Section 12. Security and Safety. During the inspection and compliance monitoring activities, the District shall observe all reasonable security, safety and sanitation measures. In addition, the District shall observe reasonable precautionary measures specified by the user. Where a user has security measures in force which would require proper identification and clearance before entry onto the user's premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the District will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

Section 13. Inspection Reports. A copy of all inspection reports shall be provided to the user. Any deficiencies and/or violations found during the inspection shall be dealt with as set forth in the District's Enforcement Response Plan.

Section 14. Monitoring Equipment. The user of any facility discharging industrial wastewater into the District's sewerage system shall install at their own expense, suitable monitoring equipment as may be required by this Ordinance to facilitate the accurate observation, sampling, and measurement of regulated constituents. Prior to installation of the monitoring equipment, the user shall obtain a permit as provided in **Ordinance No. 2**. Such equipment shall be maintained in proper working order and be accessible to the District at all times.

If the District requires or the user chooses to install monitoring equipment, the equipment shall be calibrated, as recommended by the manufacturer and approved by the District. This must be done by qualified personnel. A photocopy of the calibration results and/or certificate shall be sent to the District.

Section 15. Sampling and Analysis. All users required to sample and analyze their wastewater shall follow the requirements set forth in their Source Control Permit.

Grab or composite samples, as needed to obtain samples representative of the wastewater being tested, shall be taken to determine compliance with the requirements of a user's permit. If routine sampling reveals non-compliance by the discharger with the discharge limits or conditions specified in the user's permit, then the user shall be assessed all other costs incurred during the subsequent evaluation period for sampling and analysis, including labor, equipment, materials and overhead.

All analyses shall be performed in accordance with procedures established pursuant to Section

304(h) et. seq., of the Federal Clean Water Act and contained in 40 CFR 136 as amended (40 CFR 403.12 (g)(4)).

Section 16. Monitoring Reports. All categorical and significant industrial users shall, at a minimum, submit semi-annual self-monitoring reports as required in their Source Control Permit. The frequency of self-monitoring and reporting for those industrial users not regulated by Federal pretreatment regulations will be set forth in the user's permit and be based on the following factors:

- The quantity, nature, and type of the wastewater discharged.
- The effect of the wastewater on the District's sewerage system.
- The extent to which the discharge could contribute to violation of the District's NPDES permit.

Section 17. Signatory Requirements. All reports submitted by the user shall contain the following certification statement: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons 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." and shall be signed by a responsible official as stipulated in 40 CFR 403.12 (l).

Section 18. False Statements. Self-monitoring reports for Federally regulated significant industrial users, shall be subject to the provision of 18 U.S.C. Section 1001 relating to false statements and fraud and the provisions of Section 309(c) (2) of the Federal Clean Water Act governing false statements. Any person who knowingly makes false statements, representations or certifies in any application, record, report, plans or other document filed or required to be maintained, pursuant to this Ordinance or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Ordinance, is considered in violation thereof and shall upon conviction, be punished in accordance with provisions contained within this Ordinance.

ARTICLE VII **Enforcement Procedures**

Section 1. Administration and Enforcement. The General Manager shall administer, implement and enforce the provisions of this Ordinance. Any ministerial authorities granted to or duties imposed upon the General Manager may be delegated by him to person(s) acting in the employ of or under contract to the District.

Section 2. Authority. The District Board will promulgate and the General Manager shall administer, implement and enforce policies and standards reasonably necessary to protect the District's facilities, to comply with all applicable Federal and State laws required by the Clean Water Act of 1977, the Federal Pretreatment Regulations (40 CFR 403) and the California Porter-

Cologne Water Quality Control Act, as amended to control and regulate the proper use of the sewer system, to prevent overflow, and to provide for the issuance, suspension or revocation of Source Control Permits and/or sewer service. Administrative practices and standards shall be consistent with the provisions of this Ordinance and formulated to result in the uniform control of the total sewerage system within the District. The District Board will promulgate and the General Manager shall administer, implement and enforce reasonable policies and standards relating to the rate of flow and the quality and quantity of wastewater discharges to the sewerage system of the District which shall be consistent with and implement the purposes of this Ordinance. District may undertake all actions authorized pursuant to California Government Code actions 54739, 54740, 54740.5, and 54740.6, whether or not explicitly set forth herein.

Section 3. Notice of Violation. Whenever it is found that any person is in violation of this Ordinance, the General Manager may serve upon such person a Notice of Violation. The notice shall state the nature of the violation, provide a reasonable time for the satisfactory correction thereof and require an explanation of the circumstances giving rise to the violation. The Notice of Violation may set forth a compliance schedule with specific actions the User shall take in order to prevent or correct the violation. In addition, the Notice of Violation may require inspections or sampling and may impose other requirements deemed necessary. The Notice of Violation may also contain a statement that additional enforcement action may be pursued if corrective actions are not accomplished as scheduled.

Section 4. Administrative Compliance Order. In lieu of issuing a Notice of Violation, or if a person does not take appropriate corrective action in response to a Notice of Violation, the General Manager may issue an Administrative Order requiring immediate compliance with the terms of this Ordinance, or setting forth a compliance schedule with specific actions the User shall take in order to prevent or correct the violation. In addition, the Administrative Order may require inspections or sampling and may impose other requirements deemed necessary. Prior to issuing such an Administrative Order, the General Manager may, but shall not be required to, issue an Order to Show Cause. Said Order to Show Cause shall present the User with the facts demonstrating non-compliance and shall ask that the User show cause why the District should not initiate formal enforcement action or discontinue sewer service.

Section 5. Cease and Desist Order. When the General Manager finds that a discharge of wastewater is taking place in violation of prohibitions or limits of this Ordinance the General Manager may issue an order to Cease and Desist such discharge and direct that those persons not complying with such prohibitions, limits, requirements, or provisions 1) immediately comply, 2) comply in accordance with a time schedule set by the General Manager, or 3) in the event of a threatened violation, take appropriate remedial or preventative action.

Section 6. Administrative Complaint. The District Board may issue an administrative complaint to any user in accordance with the provisions of California Government Code Section 54740.5 and undertake all proceedings consistent therewith.

Section 7. Termination of Service. The District Board may revoke any connection permit or any Source Control Permit, or cause wastewater disposal service to be terminated to any premises if a violation of any provision of the user's source control permit or this Ordinance is found to exist, or if a discharge of wastewater causes or threatens to cause a condition of

contamination, pollution or nuisance as defined in this Ordinance, or for any condition which presents an imminent danger to the environment or the health or welfare of persons, or which threatens to interfere with the operation of the POTW, or which violates applicable federal or state regulations. This provision is in addition to other statutes, rules or regulations authorizing termination of service for delinquency in payment.

Section 8. Recovery of Costs. When a discharge of wastes causes an obstruction, damage or any other impairment to the facilities owned or used by the District, the District may assess a charge against the responsible person for the work required to clean or repair the facility. Such a charge may be collected in any manner authorized herein or by law.

Section 9. Civil Penalties. Civil penalties may be imposed by the Board of Directors pursuant to the Administrative Complaint procedures of **Section 6** herein, as follows:

- a. **Technical and Monitoring Reports.** In an amount which shall not exceed two thousand dollars (\$2,000.00) for each day for failing or refusing to furnish technical or monitoring reports.
- b. **Compliance Schedule.** In an amount which shall not exceed three thousand dollars (\$3,000.00) for each day for failing or refusing to comply, in a timely manner, with any compliance schedules established by the District.
- c. **Daily Charge.** In an amount which shall not exceed five thousand dollars (\$5,000.00) per violation for each day of discharge in violation of any wastewater discharge limit, permit condition, or requirement issued, reissued, or adopted by the District.
- d. **Gallonage Charges.** In any amount which does not exceed ten dollars (\$10.00) per gallon for discharges in violation of any Cease and Desist Order, or other Orders, or prohibition issued, reissued, or adopted by the District.

Section 10. Correction of Violation. In order to enforce the provisions of this Ordinance, the District may correct any violation hereof. The cost of such correction (including, but not limited to, any fines or other costs imposed on the District by any federal or state agency or court) shall be payable by the person violating this Ordinance or by the owner or tenant of the property upon which the violation occurred, and such cost may be added to any sewer service charge payable in connection with the property. The District shall have such remedies for the collection of such costs as it has for the collection of sewer charges, in addition to any other remedies provided for herein or by law.

Section 11. Enforcement Remedies Cumulative. Each of the enforcement remedies available to the District as specified herein shall be non-exclusive and may be asserted cumulatively and in addition to, or in lieu of, any other remedy available to the District under law.

Section 12. Criminal Penalties. Any person who willfully or negligently discharges wastewater in violation of this Ordinance; applicable state and federal wastewater discharge requirements or standards; any Order issued by the General Manager or the Board; or conditions

of the user's source control permit is guilty of a misdemeanor punishable by imprisonment in the County Jail not to exceed 30 days or by a fine not to exceed One Thousand Dollars (\$1,000), or by both.

Section 13. Civil Penalties. Any person who intentionally or negligently violates any order issued by the District or this Ordinance, may be liable civilly for a sum not to exceed twenty-five thousand dollars (\$25,000) per day for each violation. The District Counsel, upon request of the Board, shall petition the Superior Court to impose, assess and recover such sums; pursuant to Government Code Section 54740.

Section 14. Injunction. Whenever a discharge of wastewater is in violation of this Ordinance, causes or threatens to cause a condition of contamination, pollution or nuisance or, in the case of non-discharge violations or other such non-compliance with the rules and regulations set forth herein, District Counsel, upon request of the Board, may petition the Superior Court for the issuance of a restraining order or a preliminary or permanent injunction, or any or all of these, as may be appropriate.

Section 15. Nuisance. Any discharge in violation of this Ordinance, or in violation of an order of the Governing Board of the District, shall be considered a public nuisance. Any person creating a public nuisance is guilty of a misdemeanor. In the event of a public nuisance, the Governing Board may direct the District Counsel to commence an action for appropriate legal and/or equitable relief in the Superior Court, or may refer the matter to the District Attorney for prosecution.

Section 16. Published Notices of Non-Compliance. Public notification will be made at least annually in the largest daily local newspaper, listing all persons who, during the previous twelve (12) months were significantly violating applicable Federal Pretreatment Standards or other pretreatment requirements. For the purposes of this provision, a significant violation is a violation which remained uncorrected forty-five (45) calendar days after notification of the violation, which was part of a pattern of non-compliance over a twelve (12) month period, which involved a failure to accurately report non-compliance or which resulted in the District exercising its emergency authority.

Section 17. Variance Procedure. Any user may file with the General Manager a written request for variance from District rules and regulations. This request shall set forth in detail the facts supporting the request. The user shall be notified of the General Manager's ruling within fifteen (15) calendar days after its receipt of the request for variance. Within fifteen (15) calendar days after receiving the ruling by the General Manager, the user may file a written appeal with the District's Governing Board. The appeal shall be considered by the Governing Board as set forth in **Article VII, Section 19.**

Section 18. Variance Consideration. Granting of a variance shall be determined on a case by case basis. The General Manager shall consider the following factors when making this determination:

- a. The applicant's ability to meet the existing limitation, standard and/or requirement.

- b. The applicant's wastewater discharge volume.
- c. The applicant's current wastewater constituent concentrations.
- d. The impact the variance would have on the District's sewerage systems, the wastewater treatment plant's processes, effluent and/or sludge quality.
- e. The impact the variance would have on the wastewater treatment plant's NPDES permit requirements.
- f. Any other factor the General Manager deems applicable.

Section 19. Appeals. Any user, permit applicant, permit holder or other person affected by a decision, action or determination, taken or issued by the General Manager interpreting or implementing the provisions of this Ordinance or any permit issued hereunder, may file with the General Manager a written request for reconsideration within fifteen (15) calendar days of such decision, action, determination or issuance, setting forth in detail the facts supporting the request for reconsideration. The General Manager shall issue a ruling on such request within fifteen (15) calendar days of receipt of the request. If the ruling made by the General Manager on the request is unsatisfactory to the person requesting such reconsideration, the person may, within fifteen (15) calendar days after notification of the General Manager's ruling, file a written appeal with the District's Governing Board. The appeal shall be considered by the Governing Board at a regular or special meeting within thirty (30) calendar days after the appeal is filed and at least ten (10) calendar days notice of such meeting shall be given to the person filing the appeal. The governing Board shall make a final ruling upon the appeal within fifteen (15) calendar 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 General Manager's decision, action or determination, and any Notice of Violation or Order issued by the General Manager, shall remain in effect pending the final ruling by the Governing Board.

Section 20. Hearing. Prior to seeking a civil penalty pursuant to **Section 13**, terminating service pursuant to **Section 7**, seeking a temporary restraining order or injunction pursuant to **Section 14**, or referring a violation for criminal prosecution pursuant to **Section 12**, the Governing Board shall conduct a hearing to consider the proposed action. The person or persons affected by the proposed action shall be given at least ten (10) calendar days notice of the hearing and shall be given the opportunity to provide evidence and testimony relating to the matter. The Governing Board shall issue its decision within fifteen (15) calendar days after the hearing is concluded. Such affected person or persons shall also be notified of the decision made by the Governing Board and such decision shall be final.

Section 21. Method of Notice. Whenever in this Ordinance notice is required to be given and the manner of giving notice is not otherwise specified, the notice shall be in writing and served either personally or by first class mail in a sealed envelope with postage prepaid, addressed to the user at its last known mailing address and deposited in a facility maintained by the United States Post Office. Service shall be deemed complete at the time such notice is deposited in the mail, or upon personal delivery to the user.

ARTICLE VIII
Repeal of Inconsistent Ordinances

The provisions of any existing District Ordinances, including Ordinance No. 2, which are inconsistent with the provisions of this Ordinance are hereby repealed. All provisions of Ordinance No. 2 consistent with this Ordinance shall remain in full force and effect.

ARTICLE IX
Publication and Adoption

The Secretary of the District is hereby directed to cause this Ordinance to be published once in the Carpinteria Herald, a newspaper of general circulation published in the District. This Ordinance shall take effect upon expiration of the week of publication pursuant to Health and Safety Code Section 6490.

PASSED AND ADOPTED this _____ day of _____, 1994, by the following vote:

AYES:

NAYS:

ABSENT:

CARPINTERIA SANITARY DISTRICT

By: _____
Douglas R. Treloar, President
Board of Directors

(SEAL)

By: _____
Michael Damron, Secretary
Board of Directors

Table A

SPECIFIC DISCHARGE LIMITATIONS

The following are the maximum concentrations of pollutants allowable in wastewater discharges to the Carpinteria Sanitary District sewerage system. Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered a violation of this Ordinance.

<u>Constituent</u>	<u>Concentration (mg/L)</u>	<u>Recommended EPA Method*</u>
Ammonia	50	350.2
BOD-5 day	1000	405.1
Suspended Solids	1000	160.2
Arsenic	0.05	206
Beryllium	0.2	210
Cadmium	0.1	213
Chromium (Total)	1.3	218
Copper	1.0	220
Lead	0.9	239
Mercury	0.01	245
Molybdenum	Reserved	246
Nickel	1.5	249
Selenium	0.05	270.2
Silver	0.5	272
Sulfide (Dissolved)	0.1	376
Zinc	6.7	289
Cyanide (Total)	0.2	335
Phenolic Compounds	0.5	420, 604
Total Toxic Organics (TTO)	1.8	608, 624,

625

Any exceedence of these limitations is subject to enforcement action as set forth in this Ordinance. These limits will be reviewed periodically and revised as needed.

* Any request for variation from the recommended EPA Method must have approval before analysis is performed.