ORDINANCE NO. 410

AN ORDINANCE OF THE EAST VALLEY WATER DISTRICT RESCINDING ORDINANCE 407 ENTITLED "AN ORDINANCE REGULATING THE USE OF PUBLIC SEWERS, THE INSTALLATION AND CONNECTION OF BUILDING AND LATERAL SEWERS, PUBLIC SEWER MAIN EXTENSIONS, ESTABLISHING A SEWER DEPARTMENT, PROVIDING PERMITS FOR THE INSTALLATION AND CONNECTION OF SANITARY SEWERS, PROVIDING SEWERS FOR ANNEXED AREAS AND SUBDIVISIONS, REGULATING THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, PROVIDING RELIEF FOR THE VIOLATION OF THE PROVISIONS THEREOF AND PROVIDING PROCEDURES FOR ENFORCEMENT".

Be it ordained by the Board of Directors of the East Valley Water District, as follows, that Ordinance No. 407 is hereby rescinded, and this Ordinance 410 is enacted as follows:

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SECTION 2. GENERAL PROVISIONS

2.01 **Short Title** - This Ordinance may be cited as "East Valley Water District Sewer Regulations and Service Charge Ordinance".

2.02 **Purpose** - This Ordinance is intended to provide rules and regulations for the construction, repair and use of District sewerage facilities, to establish the rates and charges for such facilities and provide for their enforcement by providing penalties for the introduction of pollutant into the District's publicly owned treatment works (POTW) that will pass through the POTW, inadequately treated, into groundwaters, atmosphere, or otherwise be incompatible with the system, resulting in adverse operations and/or violations of the District's Permits. Specific pollutants and pretreatment considerations include addressing:

- Fats, oils, and grease (FOG) in quantities that contribute to or cause sanitary sewer overflows (SSOs) through the development and implementation of a FOG Pretreatment Program.
- Mercury-containing amalgams through the implementation of best management practices (BMPs) for amalgam separators.
- General BMPs for reducing the amount of pollutants entering the District's sewer system. The District shall seek the cooperation of the users of the collection system to ensure compliance with this Ordinance. Reasonable approaches shall be utilized to correct non-compliance when applying applicable regulations without compromising the intent, purpose and policies of this Ordinance;

The District shall implement its most recent approved Sewer System Management Plan, to control and reduce the occurrence and impact of SSOs.

The District shall adopt more stringent quality requirements on wastewater discharges regulated by 40 CFR, Chapter I, Subchapter N, Parts 405-471, if more stringent quality requirements are necessary to protect beneficial use of reclaimed water and municipal sludge or to meet other waste discharge requirements and/or Waste Discharge Requirements Limits.

The District shall encourage conservation and pollution prevention through source control strategies, which reduce the amount of pollutants entering the environment, prior to recycling, pretreatment, or disposal.

The District shall use the revenues derived from the application of this Ordinance to defray the cost of regulating sewer usage to include, but not be limited to, administration, monitoring, permitting, reporting, and enforcement.

All fees associated with the implementation of this Ordinance and provisions of the Pretreatment Program shall be in amounts adopted by Resolution of the District's Board of Directors, and any amendments thereto; The District shall adopt an Enforcement Response Plan (ERP) that utilizes progressive responses that escalate the level of enforcement for chronic and more severe violations of this Ordinance. The enforcement remedies provided in Section 15 herein represent the types of enforcement actions that may be taken in response to violations. A Resolution of the District's Board shall be used to adopt the ERP; and Except as otherwise provided, the District's General Manager, or his designee, shall administer, implement and enforce the provisions of this Ordinance. Any powers granted to, or imposed upon, the General Manager may be delegated by the General Manager to other persons or authorized agents acting in beneficial interest of or in the employ of the District.

2.03 **Enabling Statutes** - This Ordinance is adopted pursuant to the Article 2, Chapter 6, Part 1, Division 2, Title 5 of the Government Code and pursuant to Division 12 of the Water Code and pursuant to Article 4, Chapter 6, Part 3, Division 5 of the Health and Safety Code, California Government Code, Sections 54739-54740, et seq., The Clean Water Act (33 USC §§ et seq.) and the General Pretreatment Regulations (40 CFR 403). All permits and plans will be prepared pursuant to Section 13263.3 of the Water Code.

The District's authority includes, but is not limited to, the right to establish limitations, conditions, and prohibitions; to establish flow rates or prohibit flows discharged to the District sewerage facilities; to require the development of compliance schedules for the installation of equipment, systems, and materials by all users; and to take all actions necessary to enforce its authority, whether within or outside the District boundaries, including those users that are tributary to the District or within areas which the District has been contracted to provide sewerage services.

To achieve these objectives, this Ordinance provides for regulation through issuance of Wastewater Discharge Permits to Industrial Users; authorizes inspection, monitoring and enforcement activities; provides for User reporting; and provides for the setting of fees for the equitable distribution of costs for implementing the various provisions of this Ordinance.

2.04 **Application** - This Ordinance shall apply to all sewer facilities constructed, maintained, and operated by the District.

2.05 **Enterprise** - District will furnish and/or make available, a system, plant, works, and undertaking used for and useful in, the collection, treatment and disposal of sanitary sewage and industrial waste for the District's service area, including all annexations thereto, and lands, easements, rights in land, contract rights, and franchise.

2.06 **Separability** - If any section, subsection, sentence, clause, or phrase of this Ordinance or the application thereof to any person or circumstances are for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the application of such provision to other persons or circumstances. The governing body hereby declares that it would have passed this Ordinance or any section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more section, subsection, sentences, clauses or phrases be declared to be unconstitutional.

2.07 **Words and Phrases** - For the purpose of this Ordinance all words used herein in the present tense shall include the future; all words in the plural number shall include the singular number and all words in the singular number shall include the plural number.

2.08 **Posting** - Upon adoption, this Ordinance shall be entered in the minutes of the governing body and certified copies hereof shall be posted in three (3) public places and/or a newspaper of general circulation in the District service area within ten (10) days following its passage.

2.09 **Means of Enforcement** - The District hereby declares that the procedures contained herein are established as a means of enforcement of the terms and conditions of its ordinances, rules, and regulations and not as a penalty.

2.10 **Notices** - Whenever a notice is required to be given under this Ordinance, unless different provisions are specifically made herein, such notice may be made, either by personal delivery thereof to the person to be notified or by deposit in the U.S. Mail in a sealed envelope, postage prepaid, addressed to such person at his last known business or residence address as the name appears in public records or other records pertaining to the matter to which the notice is directed. Service by mail shall be deemed to have been completed at the time of deposit in the post office.

Proof of giving any notice may be made by the certificate of any officer or employee of the District or by affidavit of any person over the age of eighteen years, which shows service in conformity with this Ordinance or other provisions of law applicable to the subject matter concerned.

2.11 **Effect of Heading** - The title, division or section headings contained in this Ordinance shall not be deemed to govern, limit, or modify in any manner the scope, meaning or intent of any section or subsection of this Ordinance.

SECTION 3. DEFINITIONS

3.01 **Additional Definitions** - For the purposes of this Ordinance, the following words and phrases are defined and shall be construed as hereinafter set out unless it shall be apparent from the context that they have a different meaning. Terms related to water quality shall be as adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public

Health Association, the American Water Works Association, and the Water Environment Federation. The testing procedures for waste constituents and characteristics shall be as provided in 40 CFR 136 (Code of Federal Regulations; Title 40; Protection of Environment; Chapter I, Environmental Protection Agency; Part 136, Test Procedures for the Analyses of Pollutants), or as specified. Other terms used in this Ordinance shall be as defined in the latest edition of the International Association of Plumbing and Mechanical Officials, Uniform Plumbing Code or the International Conference of Building Officials, Uniform Building Code, except as specifically modified herein, or if inconsistent with the definitions contained herein or with the context thereof, or omitted there from, the following definitions shall prevail. Words used in this Ordinance in the singular may include the plural and the plural the singular. Use of masculine shall mean feminine and use of feminine shall mean masculine.

3.02 **Amalgam Process Wastewater** - Shall mean any wastewater generated and discharged by a dental discharger through the practice of dentistry that may contain amalgam.

3.03 **Amalgam Separator** - Shall mean a collection device designed to capture and remove dental amalgam from the amalgam process wastewater of a dental facility.

3.04 **Applicant** - Shall mean the person making application hereunder who must be either (a) the owner of the subject premises, (b) the agent or customer authorized in writing to make application hereunder on behalf of the owner of the subject premises or, (c) a licensed plumber or contractor authorized in writing to make application hereunder for the subject premises.

3.05 **Approved Analytical Methods** - Shall mean the sampling referred to in 40 CFR Part 403, Appendix E and analysis of these samples performed in accordance with the techniques prescribed in 40 CFR Part 136 and 40 CFR 403.12(g) and amendments thereto. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the U.S. Environmental Protection Agency (EPA) determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed using other applicable sampling and analytical procedures approved by the District and the EPA.

3.06 **Authorized Representative of Industrial User** - Shall mean:

a. A responsible corporate officer, if the User submitting required reports is a corporation, of the level of president, secretary, treasurer, or vice president in charge of a principal business function, or any other person, if the authority to sign documents has been assigned or delegated in accordance with corporate procedures;
b. A general partner or proprietor if the User submitting the required reports is a partnership or sole proprietorship respectively;
c. The responsible person in charge, if the User is a governmental agency;
d. An individual with the same authority as stated in a, b, and c if the individual is responsible for the overall operation of the facility from which the discharge originates and such authorization is confirmed in writing to the General Manager or designee by the individual described in a, b, and c.

If authorization under item a of this section 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 company, a new authorization satisfying the requirements of item d of this definition must be submitted to the District prior to or together with any reports to be signed by an authorized representative.

3.07 **Bathroom** - Shall mean a room containing a toilet.

3.08 **Best Management Practices (BMPs)** - Shall mean the schedule of activities, prohibition of practices, maintenance procedures, and other management practices to prevent or reduce SSOs and the introduction of FOG to the sewer system and those which implement the prohibitions listed in 40 CFR 403.5 (a) (1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage of raw materials storage.

3.09 **Biochemical Oxygen Demand (BOD)** - Shall mean the quantity of dissolved oxygen required to biochemically oxidize the organic matter in a wastewater sample in five (5) days at 20°C expressed in terms of milligrams per liter (mg/l) and analyzed in accordance with Approved Analytical Methods.

3.10 **Board** - Shall mean the Board of Directors of the East Valley Water District.

3.11 **Building** - Shall mean any structure used for human habitation or a place of business, recreation, or other purpose.

3.12 **Building Sewer** - Shall mean that portion of any sewer beginning at the plumbing or drainage outlet of any building, industrial facility, or preliminary treatment facility, and running to the property line.

3.13 **Categorical Industrial User** - Shall mean an Industrial User who is subject to Categorical Standards.

3.14 **Categorical Standards** - Shall mean the Federal Categorical Pretreatment Standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced into the POTW by existing or new Industrial Users in specific industrial categories established as separate regulations under the appropriate subpart of 40 CFR Chapter I, Subchapter N, Parts 405-471, and as it may be amended.

3.15 **Class I User** - Shall mean an Industrial User subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; or an Industrial User classified as a Significant Industrial User as specified in 40 CFR 403.3(t)(ii).

3.16 **Class II User** - Shall mean a Non-Significant Categorical Industrial User with an average discharge between ten thousand (10,000) and twenty-four thousand nine hundred ninety-nine (24,999) gallons per day of industrial wastewater to the POTW.

3.17 **Class III User** - Shall mean a Non-Significant Industrial User with an average discharge between one (1) and nine thousand nine hundred ninety-nine (9,999) gallons per day of industrial wastewater to the POTW and pretreatment is required to reduce the potential for adversely affecting the operation of the POTW or violating any pretreatment standard, prohibition, or requirement of Section 9.

3.18 **Class IV User** - Shall mean a Temporary Industrial User that has a temporary need, less than 180 days, to discharge wastewater to the POTW.

3.19 **Class V User** - Shall mean an Industrial User that performs operations regulated by Federal Categorical Standards with no industrial wastewater discharged to the POTW from the Categorical process(es) (Dry Categorical).

3.20 **Class VI User** - Shall mean a discharger of trucked or hauled wastewater to the POTW Treatment Plant.

3.21 **Collection System** - Shall mean all pipes, sewers and conveyance systems carrying wastewater to the Water Reclamation Plant, owned and maintained by the District and/or by tributary Service Areas contracting with the District for sewer service, excluding lateral line connections.

3.22 **Commercial** - Shall be any discharge not covered by the residential description. This shall include, but not limited to, schools, stores and businesses and others not covered by the residential description.

3.23 **Composite Sample** - Shall mean a collection of individual samples obtained at selected time or flow-based increments from a wastewater discharge. A composite sample may be collected using automatic continuous or discrete sampling equipment, or by manually collecting a minimum of four grab samples. Where specified by the General Manager, composite samples shall be collected in a manner that is proportional to the flow rate of the discharge.

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

3.25 **Conventional Pollutant** - Shall mean any pollutant or combination of pollutants listed as conventional in 40 CFR 401.16.

3.26 **County** - Shall mean the County of San Bernardino, California.

3.27 **Customer** - Any person (as defined) supplied with or entitled to be supplied with sewer service by the EVWD.

3.28 **Dental Discharger** - Shall mean a facility where the practice of dentistry is performed, including, but not limited to, institutions, permanent or temporary offices, clinics, home offices, and facilities owned and operated by Federal, state or local governments, that discharges wastewater to a POTW.

3.29 **Dilution** - Shall mean the increase in use of water, wastewater, or any other means to dilute a Waste stream as a partial or complete substitute for adequate treatment to achieve discharge requirements.

3.30 **Discharger** - Shall mean any person who causes or contributes a discharge into the POTW as defined in 40 CFR 403.3(i).

3.31 **District** - Shall mean the East Valley Water District, San Bernardino County, California.

3.32 **Director of Engineering and Operations** - Shall be a Registered Civil Engineer of the State of California.

3.33 **Dwelling Unit** - Shall mean any residence, apartment, habitation, or other structure designed to be occupied by a person or family and requiring sewage disposal service.

3.34 **Electrical Conductivity** - Shall mean the ability of an aqueous solution to carry an electrical current, expressed in terms of micromhos per centimeter (μmhos/cm) at 25°C, and analyzed in accordance with Approved Analytical Methods.

3.35 **Engineering Services** - Engineering services provided by the District includes technical and procedural guidance, professional consultant services, project coordination, and plan checking.

3.36 **Equivalent Dwelling Unit (EDU)** - Shall mean the standard measurement of flow based upon the average single-family residence.

3.37 **Exchange-Type Water Conditioning Device** - Shall mean a water conditioning device that is removed to a commercial regeneration facility for regeneration from the premises at which it is normally operated.

3.38 **Fats, Oils, and Grease (FOG)** - Shall mean fats, oils, and grease. Any substance such as a vegetable oil or animal product that is in, or is a byproduct of, cooking or food preparation processes, and that turns or may turn viscous or solidifies with a change in temperature or other condition is included in this definition.

3.39 **Financial Officer** - Shall be the Treasurer appointed by the Board of Directors.

3.40 **Fixture** - Shall mean any sink, tub, shower, water closet or other facility connected by drain to the sewer.

3.41 **Food Service Establishment (FSE)** - Shall mean any commercial, industrial, institutional, or food processing facility discharging kitchen or food preparation wastewaters including, but not limited to, restaurants, commercial kitchens, caterers, motels, hotels, cafeterias, correctional facilities, prisons or jails, care institutions, hospitals, schools, bars, churches, commissaries, and mobile food units. Any establishment engaged in preparing, serving or otherwise making food available for consumption by the public shall be included. Such establishments use one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling, boiling, blanching, roasting, toasting, or poaching. Also included are infrared heating, searing, barbequing, and other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing.

3.42 **Garbage** - Shall mean solid wastes from the preparation, cooking, dispensing of food and from the handling, storage, and sale of produce.

3.43 **General Manager** - Shall mean the General Manager/Chief Executive Officer of the District.

3.44 **Governing Body** - Shall mean the Board of Directors of the East Valley Water District.

3.45 **Grab Sample** - Shall mean a sample which is collected from a wastewater discharge over a period of time not exceeding fifteen (15) minutes.

3.46 **Gravity Grease Interceptor (GGI)** - Shall mean a plumbing appurtenance or appliance that is installed in a sanitary drainage system to intercept non-petroleum fats, oils, and grease (FOG) from a wastewater discharge and is identified by volume, baffle(s), not less than two compartments, and gravity separation. Gravity grease interceptors are installed outdoors. Approved designs shall be certified to the nationally recognized product standard IAPMO / ANSI Z1001 in accordance with the California Plumbing Code.

3.47 **Grease Control Device (GCD)** - Shall mean a device designed to remove FOG from wastewater discharges which include gravity grease interceptors, grease removal devices, and hydromechanical grease interceptors.

3.48 **Grease Removal Device (GRD)** - Shall mean a hydromechanical grease interceptor that automatically, mechanically removes non-petroleum FOG from the interceptor, the control of which are automatically initiated. Approved designs shall be certified to one of the nationally recognized product standards ASME A112.14.4 or CSA B481.5 in accordance with the California Plumbing Code.

3.49 **Hydromechanical Grease Interceptor (HGI)** - Shall mean a plumbing appurtenance or appliance that is installed in a sanitary drainage system to intercept nonpetroleum FOG from a wastewater discharge and is identified by flow rate, and separation and retention efficiency. Typical designs incorporate air entrainment, hydromechanical separation, interior baffling, and/or barriers in combination or separately, and one of the following:

a. External flow control, with air intake (vent): directly connected.
b. External flow control, without air intake (vent): directly connected.
c. Without external flow control, directly connected.
d. Without external flow control, indirectly connected.

Approved designs shall be certified to one of the nationally recognized product standards ASME A112.14.3, CSA B481.1, or PDI G101 in accordance with the California Plumbing Code.

3.50 **Inspector** - Shall mean the person who shall perform the work of inspecting sewerage facilities under the jurisdiction or control of the District.

3.51 **Individual Sewage Disposal System** - Shall mean a septic tank and on-site disposal system designed for a building to dispose of wastewater generated on the property.

3.52 **Hazardous Substance (Hazardous Material)** - Shall mean any substance which is toxic, explosive, corrosive, flammable or an irritant, or which generates pressure through heat or decomposition including, but not limited to, any substance determined to be a toxic or hazardous substance pursuant to Section 307 and 311(b)(2) of the Clean Water Act, 33 USC, Section 1251, et. seq., or its implementing regulations at 40 CFR Section 307 and 311 or any substance classified as a hazardous substance pursuant to California Water Code Section 13050(p) and any imminently hazardous chemical substance subject to regulation under the Toxic Substances Control Act, 15 USC, Section 2601, et seq.

3.53 **Hazardous Waste** - Shall mean any hazardous substance that is either the resultant and/or intermediate or final by-product of any process.

3.54 **Industrial User (IU)** - Shall mean any User, whether permitted or not, who discharges nondomestic wastewater into the POTW. Households and Private residences shall not be considered as Industrial Users.

3.55 **Industrial Wastewater** - Shall mean all liquid or water borne waste from industrial or commercial processes of whatever nature, except domestic sewage.

3.56 **Interference** - Shall mean a discharge which alone or in conjunction with discharge(s) from other sources, both: Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and causes a violation of any requirement of the POTW's Waste Discharge Requirements 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 use or disposal in compliance with the following statutory provisions and regulations or permits issued there under (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, 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.

3.57 **Lateral Sewer Connection** - Shall mean the pipes and appurtenance necessary to convey wastewater from a customer's building to the District's main sewer located within public right-of-way or easement.

3.58 **Main Sewer** - Shall mean publicly owned sewage collection and conveyance facilities designed to transport wastewater away from customer parcels to water reclamation facilities.

3.59 **Manager of Water Reclamation** - The Manager, or his authorized Representative, or any District officer who subsequently is empowered to assume or succeed to the duties of the Manager of the Publicly owned treatment works.

3.60 **Mass Emission Rate** - Shall mean the mass of material discharged to the POTW during a given time interval. Unless otherwise specified, the mass emission rate shall be expressed in pounds per day of a particular constituent or a combination of constituents.

3.61 **National Prohibitive Discharge Standard or Prohibitive Discharge Standard** - Shall mean any regulation developed under the authority of Section 307(b) of the Act and 40 CFR 403.5.

3.62 **Nondomestic Wastewater** - Shall mean all wastewater except domestic wastewater and unpolluted water as defined herein. Nondomestic wastewater shall include, but not be limited to, wastewater resulting from industrial, commercial, producing, manufacturing, processing, institutional, governmental, and agricultural operations, and brine wastewater resulting from the regeneration of water conditioning devices. All liquid wastewater hauled by truck, rail, or another means shall also be considered as nondomestic wastewater, regardless of the original source of the wastes. Hauled domestic wastewater is included in the category of nondomestic wastewater.

3.63 **Nondomestic Wastewater Discharge Permit** - Shall mean the regulatory procedure established and enforced by the General Manager, to control the flow and quality of wastes discharged into the POTW.

3.64 **Non-Significant Categorical Industrial User** - Shall mean an Industrial User who would be subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, subchapter N but discharges less than 100 gallons per day of total categorical wastewater and meets other required conditions as contained in 40 CFR 403.3(v)(2) and (v)(3).

3.65 **Non-Significant Industrial User** - Shall mean any Industrial User which is not a Significant Industrial User.

3.66 **Oil/Sand Separator** - Shall mean a trap, interceptor, or other device designed, constructed, and intended to remove, hold, or otherwise prevent the passage of petroleum products, sand, sediment, sludge, grease, or similar substances in the wastewater discharged to the sanitary sewer.

3.67 **Pass-Through** - Shall mean any discharge which passes through the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with other discharges, causes a violation of any requirement of the POTW's Waste Discharge Requirements permit (including an increase in the magnitude or duration of a violation).

3.68 **Permit** - Shall mean any written authorization required pursuant to this or any other regulation of the District.

3.69 **Permittee** - Shall mean any User who is issued a Nondomestic Wastewater Discharge Permit pursuant to Section 10 herein.

3.70 **Person** - Shall mean any human being, individual, firm, company, partnership, association and private or public or municipal corporation, the United States of America, the State of California, a district and any political subdivision or governmental agency.

3.71 **Pollutant** - Shall mean any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.

3.72 **POTW Treatment Plant** - Shall mean the Sterling Natural Resource Center (SNRC), which is the portion of the POTW designed to provide treatment to wastewater.

3.73 **Premises** - Shall mean a lot or parcel of real property under one ownership, except where there are well defined boundaries or partitions such as fences, hedges or other restrictions preventing the common use of the property by several tenants, in which case each portion shall be deemed separate premises. Apartment houses and office buildings may be classified as single premises.

3.74 **Pretreatment or Treatment** - Shall mean the reduction of the amount of pollutants, 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 POTW. The reduction or alteration may be obtained by physical, chemical, or biological processes, process changes, or other means, except as prohibited by 40 CFR 403.6 (d).

3.75 **Pretreatment Requirement** - Shall mean any substantive or procedural requirement related to pretreatment, other than a Pretreatment Standard, imposed by an Industrial User.

3.76 **Pretreatment Standard** - Shall mean any regulation containing pollutant discharge limits or prohibitions promulgated by EPA or the District, applicable to Industrial Users, including promulgated Categorical Standards, National Prohibitive Discharge Standards, General Discharge Prohibitions contained in Section 9.02 and 9.03 herein, and specific local discharge limitations contained in or pursuant to Section 10 herein.

3.77 **Pretreatment Wastes** - Shall mean all wastes, liquid or solid, removed from nondomestic wastewater by physical, chemical, or biological means.

3.78 **Publicly Owned Treatment Works (POTW)** - Shall mean the District's treatment works. This definition includes any devices or systems owned and operated by the District, which are used in the storage, treatment, recycling and reclamation of municipal sewage (i.e., the Sterling Natural Resource Center). It also includes the District's Interceptors, Tributary Sewerage Systems, and any other sewers, pipes, lift stations, and other conveyances which convey wastewater to the wastewater treatment facilities.

3.79 **Public Sewer** - Shall mean a sewer lying within a public right-of-way or easement which is controlled by or under, the jurisdiction of the District.

3.80 **Regulatory Agencies** - Shall mean those public agencies legally constituted in the State of California to protect the public health and water quality, such as the U.S. Environmental Protection Agency, the California Environmental Protection Agency, the California Department of Health Services, the State Water Resources Control Board, the California Regional Water Quality Control Board, Santa Ana Region, and the County Department of Environmental Health Services.

3.81 **Residential** - Any service with a building that serves as a single-family home, duplex or triplex, apartments, co-operatives, or townhouses.

3.82 **Responsible Corporate Officer** - Shall mean: a president, secretary, treasurer, or 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 the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

3.83 **Sample Location** - Shall mean a location approved by the General Manager where a representative sample of non-domestic wastewater is collected from an industrial user.

3.84 **Sanitary Sewer** - Shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

3.85 **Sanitary Sewer Overflow (SSO)** - Shall mean any overflow, spill, release, discharge or diversion of untreated or partially treated wastewater from a sanitary sewer system. SSOs include: 1) Overflows or releases of untreated or partially treated wastewater that reaches waters of the United States; 2)

Overflows or releases of untreated or partially treated wastewater that does not reach waters of the United States; and 3) Wastewater backups into buildings and on private property that are caused by blockages or flow conditions within the publicly owned portion of the sanitary sewer system.

3.86 **Secretary** - Shall be the Secretary to the Governing Body.

3.87 **Separate Sewer Connection** - A sewer connection shall not be used by any adjoining property or property across the street, alley, or easement. Each sewer lateral shall serve only one property or individual parcel.

3.88 **Sewage** - Shall mean refuse liquids or a combination of water-carried wastes from residences, business buildings, public buildings, institutions, and industrial establishments.

3.89 **Sewer** - Shall mean a pipe or conduit for carrying sewage.

3.90 **Sewer System Management Plan (SSMP)** - Shall mean an approved plan adopted by the District's Board of Directors to control and reduce the occurrence and impact of sanitary sewer overflows.

3.91 **Side Sewer** - Shall mean the sewer line beginning three feet outside the foundation wall of any building and terminating at the main sewer and include the building sewer and lateral sewer together.

3.92 **Significant Industrial User (SIU)** - Shall mean any Industrial User of the POTW who: 1) is subject to Categorical Standards; 2) has an average daily discharge of 25,000 gallons or more of process wastewater; 3) has a discharge which makes up five percent (5%) or more of the average dry-weather hydraulic or organic capacity of the Wastewater Treatment Facilities receiving the wastewater; or 4) is designated by the General Manager to have a reasonable potential for adversely affecting the POTW's operation or violating any applicable pretreatment standard or requirement.

3.93 **Significant Noncompliance (SNC)** - Shall mean any Significant Industrial User violation(s), which meet any of the criteria below, or any Industrial User violation that violates numbers 3., 4., or 8. below.

1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements for each pollutant taken during a consecutive six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement including instantaneous limits;
2. Technical review criteria violations, defined as those in which thirty-three percent or more of all of the measurements taken for the same pollutant during a consecutive six-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);
3. Any other violation of a Pretreatment effluent limit (daily maximum or 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 POTW or District personnel or the general public);
4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare 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 after the scheduled date, a compliance schedule milestone contained in a local control mechanism or enforcement order, for starting construction, completing construction, or attaining final compliance;
6. Failure to provide, within forty-five (45) days of the due date, any required reports such as baseline monitoring reports, 90-day compliance reports, periodic self- monitoring reports, and reports on compliance with compliance schedules;
7. Failure to report accurately non-compliance; or
8. Any other violations or group of violations, which may include a violation of Best Management Practices, which the District believes will adversely affect the operation and implementation of the District's pretreatment program or the District's Sewer System.

3.94 **Slug Discharge** - Shall mean any discharge to the sanitary sewer of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.

3.95 **Slug Discharge Control Plan** - Shall mean a plan submitted to the District by a User which specifies to the General Manager's satisfaction the potential pollutants used and/or stored at the User's facility; potential pathways of entry of said potential pollutants into the POTW; and facilities and procedures for preventing or controlling the occurrence of slug loading.

3.96 **Slug Loading** - Shall mean the discharge of any pollutant including oxygen demanding pollutants (BOD, etc.) that are released at a flow rate and/or pollutant concentration that causes interference with the POTW.

3.97 **Specific Compliance Plan** - Shall mean a plan submitted to the District by an Industrial User pursuant to Section 14 herein, which specifies to the General Manager's satisfaction the cause of noncompliance, the corrective actions which will be taken to prevent recurrence of said noncompliance, and, if required by the General Manager, a proposed Compliance Time Schedule.

3.98 **Specific Local Discharge Limitations (Local Limits)** - Shall mean limitations adopted from time-to-time by resolution of the Board restricting quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced into the POTW by permitted Industrial Users.

3.99 **"Standard Methods"** - Shall mean "Standard Methods for the Examination of Water and Wastewater", latest edition, prepared and published by the American Public Health Association, American Water Works Association, and Water Environment Federation, which specifies accepted procedures used to assess the quality of water and wastewater.

3.100 **Surcharge** - Shall mean an assessment, in addition to the service charge, which may be levied on those Users whose wastes are greater in strength than surcharge threshold concentration values established by the General Manager.

3.101 **Toxic Amount** - Shall mean concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism which will cause adverse effects, such as cancer, genetic mutations and physiological manifestations, as defined in standards issued pursuant to Section 307(a) of Public Law 92-500.

3.102 **Toxic Pollutant** - Shall mean any pollutant or combination of pollutants listed as toxic in 40 CFR 401.15 or 40 CFR 403, Appendix B.

3.103 **User** - Shall mean any person who contributes, causes, or permits the contribution of wastewater into the POTW, including, without limitations, Households, Private Residences, Industrial Users and Nonresidential Users.

3.104 **Water Reclamation Plant** - Shall mean the wastewater treatment plant that further treats secondary or tertiary effluent, or both, for the purpose of meeting the uniform statewide recycling criteria established pursuant to Section 13521 for the use of recycled water. The POTW Treatment Plant, is the Sterling Natural Resource Center (SNRC).

3.105 **Wastewater Department** - Shall mean the Board of Directors of the District performing functions related to the District's sewer service, together with the General Manager, the Financial Officer, the Director of Engineering and Operations, and any other duly authorized representatives.

3.106 **Waste Discharge Requirements Permit (WDR Permit)** - Shall mean the permit issued to the POTW by the California Regional Water Quality Control Board, Santa Ana Region.

3.107 **Wastewater System** - Shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

3.108 **Wastewater Treatment Plant** - Shall mean the POTW Treatment Plant, the Sterling Natural Resource Center (SNRC).

3.109 **Water Conditioning Device** - Shall mean any device used to soften or otherwise condition water, including zeolite or resinous anion or cation exchange softeners, demineralizers, and any other like device.

SECTION 4. SEWER DEPARTMENT

4.01 **Creation** - A Sewer Department is hereby created comprised of the Directors, the General Manager, the Financial Officer, the Director of Engineering and Operations, and other employees and assistants as may be hired therefor.

4.02 **General Manager** - The General Manager, as provided for in the Water Code, shall have full charge and control of the maintenance, operation, and construction of the Wastewater System of the District.

4.03 **Director of Engineering and Operations** -. The Director of Engineering and Operations shall regularly inspect all physical facilities related to the District Wastewater System, to see that they are in good repair and proper working order, and to note and report violations of any ordinances or sewer regulations.

4.04 **Violation, Repairs** - The Director of Engineering and Operations shall promptly report any violation or disrepair to the General Manager. If the work required is in the nature of an emergency, he shall take whatever steps are necessary to maintain service to consumers pending action by the General Manager.

4.05 **Supervision** - The Director of Engineering and Operations shall supervise all repair or construction work authorized by the Board or the General Manager, and perform any other duties prescribed by the Board or the General Manager.

4.06 **Performance of Duties** - The foregoing duties of the Director of Engineering and Operations may be performed by the General Manager or by an additional employee or employees, as designated by the Director of Engineering and Operations or General Manager.

4.07 **Financial Officer** - The Financial Officer shall install and maintain a system of auditing and accounting that shall completely and at all times, show the financial condition of the District. Furthermore, the Financial Officer shall compute, prepare, and mail bills as hereinafter prescribed, make and deposit collections, maintain proper books of accounts, collect, account for, and do whatever else is necessary or directed by the General Manager to set up and maintain an efficient and economical accounting system, and perform any other duties now and hereinafter prescribed by the Board of Directors.

SECTION 5. GENERAL RULES

5.01 **Standards** - The Uniform Plumbing Code, 2024 Edition, as compiled by International Association of Plumbing and Mechanical Officials ("UPC"), together with all subsequent amendments thereto relating to sewers, and the following rules and regulations respecting sewer construction and disposal of sewage and drainage of buildings, and connection to the Wastewater System of the District are hereby adopted, and all work in respect thereto shall be performed as herein required and not otherwise. The Governing Body may, from time to time, adopt standard requirements for the design, construction, repair and maintenance, or connection to the District Wastewater System.

5.02 **Violation Unlawful** - Following the effective date of this Ordinance, it shall be unlawful for any person to connect to, construct, install, provide, maintain or use any other means of sewage disposal from any building in the area served with sewers by said District except by connection to a Public Sewer in the manner as provided for in this Ordinance. Any violation of this Ordinance will be subject to the provisions of this section at the discretion of the General Manager, Financial Officer, or Director of Engineering and Operations.

5.03 **Notice** - Wherever, or whenever, practicable under the particular circumstances of the situation and pursuant to the discretion of the General Manager, Financial Officer, or Director of Engineering and Operations, any person found to be violating any provisions of this or any other ordinance, resolution, rule or regulation of the District shall be served by the Inspector or other authorized person with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. Said time limit shall be not less than two, nor more than seven working days. The offender shall, within the period of time stated in such notice, permanently cease all violations. All persons shall be held strictly responsible for any and all acts of agents or employees done under the provisions of this or any other ordinance, rule or regulation of the District of any defect

arising in any sewer or of any violation of this ordinance, the person or persons having charge of said work shall immediately correct the same.

5.04 **Protection from Damage** - No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the District's sewerage works. Any person violating this provision shall be subject to the penalties provided by law.

5.05 **Investigation Powers** - The officers, inspectors, managers, employees and any duly authorized agents of the District shall carry evidence establishing his/her position as an authorized representative of the District and, upon exhibiting the proper credentials and identification, shall be permitted to enter in and upon any and all buildings, industrial facilities and properties to which the District is furnishing sewer service, or has been requested to furnish sewer service, for the purpose of inspection, re-inspection, observation, measurement, sampling, testing or otherwise performing such duties as may be necessary in the enforcement of the provisions of the ordinances, rules and regulations of the District, pursuant to the authorization contained in the required application for sewer service.

5.06 **Public Nuisance** - Continued habitation of any buildings or continued operation of any industrial facility in violation of the provisions of this or any other ordinance, rule or regulation of the District is hereby declared to be a public nuisance. The District may cause proceedings to be brought for the abatement of the occupancy of the building or industrial facility during the period of such violation.

5.07 **Disconnection** - As an alternative method of enforcing the provisions of this or any other ordinance, rule or regulation of the District, the District shall have the power to disconnect the user or subdivision sewer system from the sewer mains of the District.

5.08 **Abatement** - During the period of such disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon the District shall cause proceedings to be brought for the abatement of the occupancy of said premises by human beings during the period of such disconnection. In such event, and as a condition of reconnection, there is to be paid to the District, a reasonable attorney's fee and cost of suit arising in said action.

5.09 **Water Cut-Off** - As an alternative remedy for such violations, the District may cause District water service to said premises to be discontinued during the period of violation.

5.10 **Unconnected and Unoccupied Buildings** - In the event that owners of any buildings or facilities have failed to connect to the Public Sewer after receipt of official notice to do so, the District will be unable to bring abatement actions if such buildings are unoccupied. To prevent the sale of such buildings to persons with no knowledge of such, the District will record such notices with the County Recorder of San Bernardino County. The District Secretary is authorized and directed to cause a Notice of Necessity of Connection to Public Sewer to be prepared with reference to those unoccupied properties and buildings within the sewer District which have not been connected to the District Public Sewer within thirty days after the giving of Official Notice to so connect; to sign such Notices; to acknowledge such Notices; and to record the same with the County Recorder of San Bernardino.

5.11 **Damage to Wastewater System Facilities** - The customer shall be liable for any damage to the service facilities when such damage is from causes originating on the premises by an act of the customer or his tenants, agents, employees, contractors, licensees or permittees. The District shall be promptly reimbursed by the customer for any such damage upon presentation of a bill.

5.12 **Means of Enforcement Only** - The District hereby declares that the foregoing procedures are established as a means of enforcement of the terms and conditions of its ordinances, rules and regulations, and not as a penalty.

5.13 **Liability for Violation** - Any person violating any of the provisions of the ordinances, rules or regulations of the District shall become liable to the District for any expense, loss, or damage occasioned by the District by reason of such violation.

5.14 **Relief on Application** - When any person, by reason of special circumstances, is of the opinion that any provision of the ordinances, rules or regulations of the District is unjust or inequitable as applied to him/her, or his/her premises, he/she may make written application to the Governing Body stating the special circumstances, citing the provision complained of, and requesting suspension or

modification of that provision as applied to him/her, or his/her premises. If such application be approved, the Governing Body may, by resolution, suspend or modify the provision complained of, as applied to such person or premises, to be effective as of the date of the application and continuing during the period of the special circumstances.

5.15 **Relief on Own Motion** - The Governing Body may, on its own motion, find that by reason of special circumstances, any provision of its ordinances, rules or regulations should be suspended or modified as applied to a particular person or premises and may, by resolution, order such suspension or modification for such person or premises during the period of such special circumstances or any part thereof.

5.16 **Permits Required** - No person shall construct, extend or connect to any Public Sewer without first obtaining a written permit from the District and paying all fees and connection charges and furnishing bonds as required. The provision of this Section requiring permits shall not be construed to apply to contractors constructing sewers and appurtenances under contracts awarded and entered into by the District.

SECTION 6. REQUIRED USE OF PUBLIC SEWERS

6.01 **Required Treatment of Wastes** - Except as herein provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, seepage pit or other facility intended or used for the disposal of sewage within the District where District sewer facilities are available and hereinafter described for such disposal purposes.

6.02 **Sewer Required** - The owner of any building or structure occupied by humans, situated within the District and abutting on any street or easement in which there is a Public Sewer of the District, is hereby required at their expense to connect said building directly with the sewers of the District, in accordance with the provisions of this Ordinance, within thirty (30) days after the date of official notice to do so, provided that said Public Sewer is within two hundred (200) feet of the nearest point of the property on which the building or structure is located. This requirement shall also be applicable to any commercial, industrial, and public buildings or institutions, to connect to said sewer system upon notice as herein provided.

6.03 **Construction Requirements** - Construction of building sewers and lateral sewers shall be in accordance with the requirements hereof.

6.04 **Separate Sewers** - Every building or industrial facility must be separately connected with a Public Sewer if such Public Sewer exists in the street upon which the property abuts or in an easement which will serve said property. However, one or more buildings located on a lot or parcel of land belonging to the same owner may be served with the same side sewer during the period of ownership. Upon the subsequent subdivision of said lot and sale of a portion thereof, the portion not directly connected with such Public Sewer shall be separately connected with a Public Sewer, and it shall be unlawful for the owner thereof to continue to use or maintain such indirect connection.

6.05 **Old Building Sewers** - Old building side sewers may be used in connection with new buildings only when they are found, upon examination and test by the Inspector, to meet all requirements of the District.

6.06 **Cleanouts** - Cleanouts in building sewers shall be provided where the building sewer joins the building outlet and in accordance with the Uniform Plumbing Code. All cleanouts shall be maintained watertight.

6.07 **Plumbing too Low** - In all buildings in which the plumbing system is too low to permit gravity flow to the Public Sewer, sanitary sewage carried by the building sewer shall, upon authorization of the General Manager or Director of Engineering and Operations, be lifted by artificial means and discharged to the Public Sewer at the expense of the owner.

6.08 **Connection to Public Sewer** - The construction of the lateral sewer and the connection thereof into the Public Sewer, shall be made by a licensed plumber or contractor. Said connection shall be connected at the lateral or "Y" branch, if such lateral or "Y" branch is available at the suitable location. Where no properly located "Y" branch is available, a connection with the Public Sewer may be made

to receive the lateral sewer. The invert of the building or lateral sewer at the point of connection shall be at a higher elevation than the invert of the Public Sewer. A smooth neat joint shall be made, and the connection made secure and watertight by encasement in accordance with District standards. The connection to the Public Sewer shall be made in the presence of the District Inspector and shall be subject to their approval. Any damage to the Public Sewer shall be repaired at the cost of the applicant, to the satisfaction of the Inspector.

6.09 **Protection of Excavation** - All excavations for a lateral sewer installation shall be adequately guarded with barricades or lights to protect the public from hazard. Streets, sidewalks, parkways, and other property disturbed in the course of the work shall be restored in a manner satisfactory to the District and any other person having jurisdiction thereover at the sole expense of the person responsible for such installation.

6.10 **Maintenance of Side Sewer** - Side sewers shall be maintained by the owner of the property served.

6.11 **Indemnification** - The owner of the property and the person making the connection shall be obligated to hold the District, its officers, agents, and employees harmless of and from all loss or liability which shall occur or arise by reason of the installation of the lateral sewer and the opening of the easement and the backfill and restoration of the pavement.

SECTION 7. USE OF PUBLIC SEWERS

7.01 **Requirements** - All applicable requirements of the East Valley Water District regarding the use of public sewers are hereby incorporated herein.

7.02 **Sewer Permit Required** - No person shall uncover, make any connection with or opening into, use, cap, alter or disturb any Public Sewer or appurtenances without first obtaining a written sewer permit from the District.

7.03 **Application for Sewer Permit** - Any person seeking a sewer permit shall make such application to the District for that purpose. He/she shall give a description of the character of the work proposed to be done, the location, ownership, occupancy, and use of the premises to be served and the name and address of the person who shall make the connection. The Director of Engineering and Operations may require plans, specifications, or drawings and such other information as he may deem necessary or Permittee shall comply with specifications of the District.
If the District determines that the plans, specifications, drawings, descriptions, or information furnished by the applicant is in compliance with the ordinances, rules, and regulations of the District, it shall issue the sewer permit applied for upon payment of the required fees therefore.

7.04 **Compliance with Sewer Permit** - After approval of the application evidenced by the issuance of a sewer permit, no change shall be made in the location of the sewer, the grade, materials, or other details from those described in the permit or as shown on the plans and specifications for which the sewer permit was issued except with written permission from the District, the Director of Engineering and Operations or other authorized representatives.

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

7.06 **All Work to be Inspected** - All sewer connection work over which the District has jurisdiction shall be inspected by the District to ensure compliance with all requirements of the District. No such sewer connection work shall be covered at any point until it has been inspected and passed for acceptance. No sewer shall be connected to the District's Public Sewer until the work has been completed, inspected, and approved by the District.

7.07 **Notification** - It shall be the duty of the person doing the work authorized by the sewer permit to notify the District Office that said work is ready for inspection. Such notification shall be given not less than forty-eight (48) hours before the work is to be inspected, excluding weekends and holidays.

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

7.09 **Liability for Costs** - Both the owner and the person making the connection shall be liable to the District for all fees, costs, and expenses incident to the work for which a sewer permit shall be issued. The owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the work.

7.10 **Outside Sewers** - Permission shall not be granted to connect any lot or parcel of land outside the District to any Public Sewer in, or under, the jurisdiction of the District unless a sewer permit therefore is obtained. Applicants shall first enter into a contract in writing whereby they shall bind themselves, their heirs and successors and assigns to abide by all ordinances, rules, and regulations in regard to the manner in which such sewer shall be used, the manner of connecting therewith, and the plumbing and drainage in connection therewith, and also shall agree to pay all fees required for securing the sewer permit and a monthly fee in the amount set by the District for the privilege of using such sewer.

7.11 **Sewer Permit Optional** - The granting of such permission for an outside sewer in any event shall be optional with the Governing Body.

7.12 **Special Outside Agreements** - Where special conditions exist relating to an outside sewer, they shall be the subject of a special contract between the applicant and the District.

7.13 **Street Excavation Permit** - A separate permit must be secured from the City, the County or any other person having jurisdiction therefor by the owners or contractors intending to excavate in a public street for the purpose of installing sewers or making sewer connections.

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

7.15 **Time Limit on Sewer Permits** - If work under a sewer permit is not started within twelve (12) months from the date of issuance, or if after partial completion the work is discontinued for a period of one (1) year, the sewer permit shall thereupon become void, and no further work shall be done until a new sewer permit has been secured. A new fee shall be paid upon the issuance of said new sewer permit.

7.16 **Backwater Valve Required** - The District may require the installation of an approved backwater valve as specified in the Uniform Plumbing Code or as deemed necessary by the District to protect the Owner's Property.

SECTION 8. APPLICATION FOR SEWER SERVICE

8.01 **Application** - A property owner or his/her agent, designated in writing, shall make application for regular sewer service by personally signing a Service Agreement provided by the District, and paying the required fees. The property owner will remain the primary account holder, or Customer of Record, with respect to District services for as long as they own the property.

8.02 **Sewer Service to Customers Other than Property Owners** - Sewer service to other than property owners shall be made as follows:

8.02.01 **Additional Customer of Record** - If the property owner rents the premises to a tenant, the tenant may have sewer and other services instituted in their name by completing an Owner Authorized Billing Agreement. The tenant and owner must both sign the agreement and the District must be provided with a copy of an active rental agreement. In any event, the tenant must provide the District with the property owner's name, mailing address, and telephone number.

8.02.02 **Owner Responsibility** - Whether or not a property owner signs the Owner Authorized Billing Agreement, the property owner is not relieved of his or her responsibility for unpaid sewer charges for the subject property as provided in this Ordinance and pursuant to California Water Code Section 31701.5.

8.03 **Payment of Delinquent Charges** - As a precondition to receiving sewer service from the District, the applicant for service shall pay all unpaid charges that have accrued on any closed accounts previously held by the applicant with the District, as well as pay any and all delinquent charges that have accrued on any open accounts currently held by the applicant with the District.

8.04 **Security Deposit** - A security deposit for each residential, commercial, or retail unit shall be deposited at the time application for service is made. The District may, at its sole election, include the required security deposit on the customer's first billing invoice.

8.04.01 **Single-Family Residential** - A security deposit for a single-family residential unit may not be required if the person requesting service is a new residential applicant who is determined by the District to be creditworthy. The determination of an applicant's credit worthiness shall be based solely upon criteria developed by the District and may be appealed in the manner set forth in Section 18 herein. However, during the life of the account, the District may, in its sole discretion, require any customer, regardless of whether he or she was previously found to be creditworthy, to post a full security deposit with the District any time there are three (3) delinquencies within any consecutive six (6) month period or as a precondition to reinstatement of service any time after being locked off for non-payment.

8.04.02 **Security Deposit Refund** - Refunds of security deposits will be performed in the manner set forth below. Such refunds will be credited to any account held by the customer with the District in lieu of a refund check. Interest on the security deposits shall remain the sole property of the District and will not be included in any refund.

8.04.02.01 **Residential** - The District shall refund each security deposit to a residential customer as follows:

a. Upon customer request, where single-family residential funds have been on deposit for one year in the customer's account and there have been no delinquency payments on any of the customer's accounts with the District during that year. However, the District may, at its sole option, require any customer to post a full security deposit with the District any time there are three (3) delinquencies within any consecutive six (6) month period, or as a precondition to reinstatement of service any time after being locked off for non-payment.

b. Upon customer request, where multi-family residential customer funds have been on deposit for one year in a customer's account and there has been no delinquency payment on any of the customer's accounts with the District during that year, one-half of the deposit will be refunded to the customer by means of a credit on the account. However, if the customer is delinquent on any payment thereafter, the District may, at its sole option, charge back the credited amount. Within thirty (30) days after the applicant provides written notice to terminate sewer services, or when a new property owner tenders a full deposit for the same property, in which case the refunded deposit shall first be applied toward the unpaid balances in any account held by the customer with the District before the remaining sum, if any, is refunded to the customer.

8.04.02.02 **Non-Residential** - The District shall refund the security deposit for commercial and industrial connections as follows:

a. Where funds have been on deposit for one year in a customer's account and there have been no delinquencies on any of the customer's accounts with the District during that year and upon the customer's request, one-half of the deposit will be refunded to the customer by means of a credit on the account.

However, if the customer is delinquent on any payment thereafter, the District may, at its sole option, charge back the credited amount.

b. Within thirty (30) days after the applicant provides written notice to terminate sewer services, or when a new property owner tenders a full deposit for the same property, in which case the refunded deposit shall first be applied toward the unpaid balances in any account held by the customer with the District before the remaining sum is refunded to the customer.

8.05 **Changes in Customer's Equipment** - Customers making any material change in the size, character of, extent of the equipment or operations utilizing sewer service, or whose change in operations results in a significant increase in the quantity or quality of sewage, shall immediately give the District written notice of the nature of the change and, if necessary, amend their applications and discharge permits if applicable.

8.06 **Domestic, Commercial, and Industrial Service Connections** - It shall be unlawful to maintain a sewer connection except in conformity with the following:

8.06.01 **Multiple Buildings** - Multiple houses or buildings under one ownership and on the same lot or parcel of land may be supplied through the same sewer connection, provided that the service connection shall be of such size to adequately serve said houses or buildings.

8.06.02 **Separate Sewer Connection** - A sewer connection shall not be used by an adjoining property or property across the street, alley, or easement. Each sewer lateral shall serve only one lot or individual parcel.

8.06.03 **Divided Property** - When property provided with a sewer connection is divided, each service connection shall be considered as belonging to the lot or parcel of land which it directly enters.

8.06.04 **Industrial Users Plan Check Requirements** - All Industrial Users who request authorization to connect to the POTW and all existing industrial users who propose tenant improvements shall be required to submit detailed site plans, including plumbing plans which describe the proposed project, facility expansion, or process modifications, in addition to any other information as requested by the General Manager.

8.07 **Main Extension Required** - All main extensions shall be made in accordance with the policies of the District upon application for service and payment of required charges.

8.07.01 **Application** - Any owner of one or more lots or parcels or subdivider of a tract of land, desiring the extension of one or more mains to serve such property shall make a written application to the District. Said application shall contain the legal description of the property to be served and tract number thereof, and any additional information which may be required by the District, and be accompanied by a map showing the location of the proposed connection. Main extensions will normally be constructed by owner or sub-divider.

8.07.02 **Investigation** - Upon receipt of an application requesting the District to install facilities, the District shall make an investigation and survey of the proposed extension and estimate the cost thereof.

8.07.03 **District Lines** - All sewer main extensions shall be in accordance with the rules, regulations, specifications, and ordinances of the District and shall be the property of the District.

8.07.04 **Specifications and Construction** - The size, type and quality of materials and location of the sewer lines shall be to District specifications as adopted. For sewer lines not installed by the District, the sub-divider shall be responsible for employing a licensed contractor to install the required sewers. All work shall be inspected and approved by the District.

8.07.05 **Property of District** - Upon completion of such installation, the facilities shall be dedicated to and become the property of the District.

8.07.06 **Offer of Dedication** - Forms for offer of dedication shall be provided by the District. Sewer plans shall be signed by a Registered Civil Engineer and returned to the District. Sewer plans will not be filed or approved until compliance has been met herewith.

8.07.07 **Form of Offer of Dedication** - Offers of sewer dedication shall be on District forms in accordance with the latest "Standard Specification for the Furnishing of Materials and the Construction of Water and Sewer Facilities".

8.07.08 **Engineering Services** - Engineering services provided by the District shall include technical and procedural guidance, professional consultant services, project coordination, and plan checking.

8.07.09 **Construction Permit** - Applicant or his/her authorized agent shall make application for a Construction Permit in accordance with the latest "Standard Specification for the Furnishing of Materials and the Construction of Water and Sewer Facilities" of the District.

8.08 **Dry Sewers Required** - Any division of land or development involving five (5) or more units within the jurisdiction of the East Valley Water District which is greater than 500 feet from an existing sewage collection facility, may be allowed to use individual sewage disposal systems, provided:

8.08.01 A "dry" sewer collection line is installed in the public right-of-way to the specifications of the Director of Engineering and Operations with the capacity for all sewage generated by the subdivision;

8.08.02 The "dry" sewer includes lateral lines to within five (5) feet of the septic tank to be installed on each lot; and

8.08.03 Plugs and seals are placed on the "dry" sewers to prevent unauthorized connection.

8.09 **Payment of Capacity Fees and Abatement Fees** - The Developer shall pay to the District the appropriate capacity fees and connection fees, plus a fee established from time to time by the Board of Directors which shall be used for the proper abandonment of the individual sewage disposal system.

8.10 **Dedication of Dry Sewers to District** - The Developer shall agree that the facilities installed in the public right-of-way be dedicated to the District as provided in Section 8.07.06 herein and after inspection by the Director of Engineering and Operations.

8.11 **Dedication of Right of Access** - The Developer shall grant to the District a right of access to the individual sewage disposal system on each lot and have this right of access recorded as part of the final tract map or other instrument, and provide written notification to the purchaser of each unit of the development.

8.12 **Connection to Sewage Collection Facilities** - When sewer collection facilities are available to the development, the District shall have the right to declare the use of the individual sewage disposal system a public nuisance and enter onto the property for the purpose of connecting the premises to the sewer collection system and properly abandoning the individual sewage disposal system without additional cost to the owner of the premises. Provided, however, that the District shall not be obligated to remove, reconstruct, relocate, or otherwise modify any structure, tree, bush, or appurtenance of any kind whatsoever in making the connection and properly abandoning the individual sewage disposal system.

8.13 **Sewer Permit to Connect** - The District shall require the owner or occupant of the building to be connected, to obtain a sewer permit from the District for such connection. No fees shall be charged for such sewer permit if they have been paid pursuant to Section 8.09 herein. The applicant for the sewer permit shall specify in writing that they will indemnify and hold the District harmless in making the connection to the sewage collection facility and abandoning the individual sewage system.

8.14 **Minimum Individual Sewage Systems Required** - Whenever the use of individual sewage disposal systems are installed in connection with "dry" sewers, the District will not agree that any such system be installed which is less than the minimum requirements for the type of system which is designed for use on this development.

SECTION 9. GENERAL AND SPECIFIC PROHIBITIONS

9.01 **New or Increased Pollutant Discharges** - Use of the Sewer System of the District shall be a privilege subject to the Rules and Regulations of the District, and the privilege may be revoked for non-compliance with this Ordinance and the Rules and Regulations. No right, title, or interest to continue to use the Sewer System shall exist or accrue by reason of existing discharge, permit or authorization of the District.

9.02 **General Discharge Prohibitions** - No person shall discharge or cause to be discharged any pollutant or wastewater to the District's wastewater system if it appears likely in the opinion of the General Manager or Director of Engineering and Operations that such wastes may cause or contribute to pass-through or interference.

9.03 **Specific Prohibitions** - No person shall introduce or cause to be introduced into the District's sewer system the following:

9.03.01 Pollutants which create a fire or explosive hazard in the District's sewer system, including but not limited to, waste streams with a closed cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21 or which result in conditions where two successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system), are more than 5%, or any single reading is over 5%, of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naptha, benzene, toluene, xylenes, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides; as discharged in such quantities as to potentially result in any of the hazards noted above;

9.03.02 Any solid, semi-solid or viscous substances which may obstruct the flow of sewage, cause clogging of or adversely affect sewage pumping equipment, or sewage sludge pumping equipment, or the community sewer system, or interfere with the operation of the POTW, such as, but not limited to, high strength organics, grease, garbage with particles greater than 3/8" in any dimension, dead animals, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, excessive quantities of whole blood, feathers, ashes, cinders, earth, sand, mud, gravel, rocks, plaster, concrete, spent lime, stone or marble dust, metal, metal filings or shavings, wood, wood shavings, straw, grass clippings, spent grains, spent hops, waste paper, paper containers or other paper products, rags, plastics, tar, asphalt, asphalt residues, residues from refining or processing of fuel or lubricating oil, glass, or glass grinding or polishing wastes;

9.03.03 Any recognizable portion of human or animal anatomy;

9.03.04 Any discharge which may, alone or in combination with other waste substances, result in the presence of solids, liquids, gases, vapors, or fumes in the POTW in such quantities that would create a hazard, public nuisance, or acute worker health and safety problems;

9.03.05 Any unpolluted water, including but not limited to, storm water, rainwater, ground water, street drainage, subsurface drainage, roof drainage, yard drainage, water from yard fountains, ponds, lawn sprays or any other type of surface water, or single pass, non-contact cooling or heating water. The General Manager may approve, on a temporary basis, the discharge of such waters to the POTW when no reasonable alternative method of disposal is available, subject to the payment of all applicable User charges and fees by the Discharger;

9.03.06 Corrosive wastewater having a pH less than 5.0 or more than 11.0, or which will cause the pH of the influent to the POTW to drop below 6.5 or rise above 8.0, or otherwise causing corrosive structural damage to the District's wastewater treatment plant, collection system or equipment;

9.03.07 The discharge of any substance, which, if otherwise disposed of, would be classified as a hazardous waste pursuant to 40 CFR 261 or as a toxic waste as defined Title 22 of the California Code of Regulations, Section 66261.24;

9.03.08 Any noxious or malodorous liquids, gases, or solids that either singly or by interaction with other wastes are sufficient to create a public nuisance or are sufficient to impair personnel access to the POTW for maintenance and repair;

9.03.09 Any substance which may cause the POTW's treatment and or effluent, or any other product of the POTW, such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or which will interfere with any of the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to violate the provisions of Title 22 of the California Code of Regulations pertaining to Groundwater Replenishment Reuse Projects (GRRP). In no case shall a substance discharged to the POTW cause the POTW to violate applicable sludge use or disposal regulations established under the Federal Clean Water Act, 33 USCA, Section 1251 et. Seq., or 40 CFR 503 or any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act (CAA), Toxic Substances Control Act (TSCA), the Resource Conservation and Recovery Act (RCRA), the Marine Protection, Research and Sanctuaries Act (MPRSA), or pursuant to the provisions of the California Code of Regulations, all as they may now exist or hereafter may be amended;

9.03.10 Any slug loads from raw material, spent solutions, or sludges generated from processing tanks or vessels, unless no reasonable alternative is available to prevent severe loss of life or to protect the environment. These shall include, but are not limited to, wash tanks, chemical conversion tanks, acid and alkali tanks, lubricating tanks, condensate from dry cleaning processes, fruit and vegetable wash tanks, brine wastewater from soft water regeneration processes above permitted limits, and any other tank or vessel containing a material which would exceed permitted discharge limits.

9.03.11 Any wastewater with objectionable color not removed in the treatment process such as, but not limited to, dye wastes and vegetable tanning solutions, and any substance that will cause discoloration of the POTW effluent;

9.03.12 Any trucked or hauled pollutants or wastewater, except at such place and in such manner as prescribed by the General Manager;

9.03.13 Any overflow from a septic tank, facility wastewater holding tank, cesspool or seepage pit, or any liquid or sludge pumped from a septic tank, facility wastewater holding tank, cesspool or sewage pit, except as may be permitted by the General Manager.

9.03.14 Any discharge from any wastewater holding tank of a recreational vehicle, trailer, bus and other vehicle, except as may be permitted by the General Manager.

9.03.15 Pesticides, Herbicides, Algaecides, or Fertilizers in excess of the local or national categorical discharge standards, including any quantity of DDT (both isomers), DDD, DDE, Aldrin, Chlordane, Dieldrin, Endosulfan (alpha, beta, and sulfate), Endrin, Endrin Aldehyde, Heptachlor, Heptachlor Epoxide, Lindane, Disulfoton, Phorate, and/or Toxaphene;

9.03.16 Any material or quantity of material(s) which will cause abnormal sulfide generation;

9.03.17 Any petroleum oil, refined petroleum products, or products of mineral oil origin in excess of local or national discharge limits in amounts which could cause Interference or Pass-Through;

9.03.18 Any radiator fluid or coolant, water-based solvent, or non-biodegradable soluble cutting oils in excess of local or national discharge limits;

9.03.19 Any liquid or other waste containing fats, wax, grease, or oils, which may solidify or become viscous at temperatures between 32°F (0°C) and 150°F (65°C);

9.03.20 Any liquid or other dental amalgam waste defined in and regulated by 40 CFR Part 441 - Dental Office Point Source Category;

9.03.21 Any silver-containing photo processing waste from developing or fixing solutions or rinse waters that are not in compliance with the District's discharge limits;

9.03.22 Any Toxic Organics in amounts which are determined to be toxic to the maintenance or operation of the POTW. The District may require the submittal of a Toxic Organic Management Plan (TOMP) from any user determined to discharge Toxic Organics above detection limits;

9.03.23 Any wastewater having a temperature which will inhibit biological activity at the POTW Treatment Plant resulting in Interference, but in no case wastewater with a temperature higher than 100°F (60°C) or which causes the temperature at the POTW Treatment Plant to exceed 104°F (40°C);

9.03.24 Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration in excess of federal, state, or county regulations, as may cause Interference, Pass-Through, or violation of applicable State or Federal regulations;

9.03.25 Waste recovered from pretreatment equipment, systems, or devices;

9.03.26 Any PCBs and Dioxins, including, but not limited to, the following compounds: Arochlors 1221, 1228, 1232, 1242, 1254, 1260, 1262, and TCDD equivalents;

9.03.27 Any pollutant, including, but not limited to, oxygen demanding pollutants (BOD, COD, etc.) released in a Discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW;

9.03.28 Any pollutant(s), material, or quantity of material which will cause: 1) damage to any part of the POTW; 2) abnormal maintenance of the POTW; 3) an increase in the operational costs of the POTW; 4) a nuisance or menace to public health; 5) interference or pass-through in the POTW, its treatment processes, operations, sludge processes, use or disposal. This applies to each user introducing pollutants into the POTW whether or not the user is subject to other National Pretreatment Standards or any Federal, State, or local pretreatment requirements; or 6) A violation of the EVWD Waste Discharge Requirements permit; and

9.03.29 Any wastewater that has been intentionally diverted (bypassed) from any portion of the Industrial User's treatment equipment unless the bypass meets the following provisions: 1) bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; 2) there were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, 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; and 3) the Industrial User notifies the District prior to bypassing the treatment equipment.

9.04 **Discharging Pollutants to the Environment** - No person shall circumvent the intent or purpose of this Ordinance by discharging, or by causing to be discharged, into any storm drain, channel, natural water course or public street, or onto the ground, or into a well, or into any sump or pit that is not impermeable, material or waste prohibited or restricted as to its discharge into a sewer system.

9.05 **Point of Discharge Prohibition** - No person, except authorized District personnel involved in maintenance functions of sanitary sewer facilities, shall discharge or cause to be discharged any solid or liquid substance directly into a manhole or other opening of the POTW other than through an approved building sewer connection, unless the User first obtains a Class IV Permit and the discharge otherwise complies with this Ordinance. This provision shall not apply to authorized EVWD or contract District personnel involved with the maintenance, cleaning, repair, or inspection of the collection system.

9.06 **Prohibition Against Dilution** - No person shall increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with Categorical Standards.

9.07 **Interference with District Equipment or Facilities** - No person shall enter, break, damage, destroy, uncover, deface, or tamper with any temporary or permanent structure, equipment or appurtenance which is part of the District's collection system or POTW without prior written approval by the General Manager.

SECTION 10. SPECIFIC POLLUTANT LIMITATIONS

10.01 **Specific Local Discharge Limitations (Local Limits)** - No permitted Industrial User shall, except as hereinafter provided, discharge or cause to be discharged to the Sewer System any wastewater unless it conforms to the requirements of this Ordinance and all applicable Local Limits as may, from time to time, be established by resolution of the Board of Directors.

10.02 **Categorical Standards** - Categorical Standards, as they now exist or may hereafter be amended, are hereby incorporated into this Ordinance. In the event new or amended Categorical Standards include limitations more stringent than limitations incorporated into this Ordinance, the more stringent limitation shall automatically be incorporated herein by this reference.

10.03 **Limitations of Water Softeners**

10.03.01 **Industrial User Water Softener Policy** - No Industrial User shall install, replace, enlarge, or use any Water Conditioning Device for softening all or any part of the water supply to any premises when such apparatus is an ion-exchange softener or demineralizer of the type that is regenerated at the site of use with the regeneration wastes being discharged to the ground, storm drain or the POTW unless the Water Conditioning Device is in compliance with the following conditions:

10.03.01.01 The brine solutions generated during the backwash cycles of the Water Conditioning Device shall be segregated from the freshwater rinses for disposal to a legal brine disposal site;

10.03.01.02 The backwash equipment shall be equipped with an electrical conductivity-controlled discharge valve that controls the wastewater discharged to the POTW. The electrical conductivity valve shall be calibrated at a minimum annually or as often as necessary to control and prevent any wastewater from being discharged to the POTW that exceeds the maximum electrical conductivity, total dissolved solids, or associated sodium and chloride concentrations established in the local discharge limitations; and

10.03.01.03 The Industrial User shall maintain the electrical conductivity-controlled discharge valve in proper operating condition at all times. The industrial user shall notify the General Manager within twenty-four (24) hours in the event of a valve failure and immediately cease the discharge of all wastewater to the POTW associated with the soft water regenerating processes. A written report documenting the cause of the failure and the corrective actions taken shall be submitted to the District, within five calendar days after discovery of the electrical conductivity valve failure.

10.03.02 **Residential User Water Softener Policy** - Pursuant to California Health and Safety Code Sections 116775-116795 and amendments thereto, no residential water softening or conditioning appliance shall be installed except in either of the following circumstances:

10.03.02.01 The regeneration of the appliance is performed at a nonresidential facility separate from the location of the residence where such appliance is used.

10.03.02.02 The regeneration of the appliance discharges to the waste disposal system of the residence where such appliance is used and the following conditions are met:

10.03.02.02.1 The appliance activates regeneration by demand control.

10.03.02.02.2 An appliance installed on or after January 1, 2000, shall be certified by a third-party rating organization using industry standards to have a salt efficiency rating of no less than three thousand three hundred fifty grains of hardness removed per pound of salt used in generation. An appliance installed on or after January 1, 2002, shall be certified by a third-party rating organization using industry standards to have a salt efficiency

rating of no less than four thousand grains of hardness removed per pound of salt used in generation.

10.03.02.02.3 The installation of the appliance is accompanied by the simultaneous installation of the following softened or conditioned water conservation devices on all fixtures using softened or conditioned water, unless such devices are already in place or are prohibited by local and state plumbing and building standards or unless such devices will adversely restrict the normal operation of such fixtures:

1. Faucet flow restrictors.
2. Shower head restrictors.
3. Toilet reservoir dams.
4. A piping system installed so that untreated (unsoftened or unconditioned) supply water is carried to hose bibs and sill cocks which serve water to the outside of the house, except that bypass valves may be installed on homes with slab foundations constructed prior to the date of installation; or condominiums constructed prior to the date of installation; or otherwise where a piping system is physically inhibited.

10.03.02.03 The certification required under Subsection 10.03.02.02 of this Section shall be provided by the new user of the appliance and shall be completed by a contractor having a valid Class C-55 water conditioning contractor's license or Class C-36 plumbing contractor's license and filed with the City Building Division. The certification form shall contain all the following information:

1. Name and address of homeowner;
2. Manufacturer of the water softening or conditioning appliance, model number of the appliance, pounds of salt used per regeneration, and salt efficiency rating at the time of certification.
3. Manufacturer of the water-saving devices installed, model number, and number installed; and
4. Name, address, and the specialty contractor's license number of the C-55 and C-36 licensee making the certification.

10.04 **Swimming Pool Policy** - Discharges from non-saltwater swimming pools, wading pools, spas, whirlpools, and therapeutic pools may be permitted to the Public Sewer on a case-by-case basis as determined by the General Manager. The discharge of saltwater pools to the Sewer System is specifically prohibited. Each person who desires to drain a swimming pool, wading pool, spa, whirlpool, or therapeutic pool shall first obtain permission from the General Manager to discharge any of these waters. Permission may be granted by the General Manager if the discharge will:

1. Not cause hydraulic overload conditions in any of the District's sewer lines;
2. Meets all applicable specific limitations for wastewater quality as established by the District, including but not limited to pH, TDS, chloride, sodium, BOD, and TSS;
3. Commence at a time of day and rate of flow that minimizes the impact of the wastewater system; and
4. Limit discharges to the hours of 8:00 pm to 6:00 am.

10.05 **Medical Waste Disposal**

10.05.01 No user shall discharge medical waste to the POTW without first complying with all requirements of the California Medical Waste Management Act (California Health and Safety Code Sections 117600 - 118360) and obtaining written permission from the General Manager. The request shall be submitted to the General Manager and shall include:

1. The source and volume of the medical waste;

2. The procedures and equipment used for disinfection of the medical waste; and
3. Employee training procedures for the legal disposal of the medical waste.

10.05.02 If the General Manager believes that the waste would not be adequately disinfected, the General Manager shall issue a written denial to the user and state the reasons for the denial. This denial shall be issued within thirty days from receipt of the written request.

10.05.03 If the General Manager believes that adequate disinfection of the waste can be achieved prior to discharge of the waste to the collection system, then conditional approval may be granted for the disposal of the waste.

10.05.04 If the user is granted permission for disposal of the medical waste, the user:

1. Shall adequately disinfect the medical waste prior to discharge to the POTW;
2. Shall not dispose of solid medical waste to the POTW, including hypodermic needles, syringes, instruments, utensils or other paper and plastic items of a disposable nature, or recognizable portions of human or animal anatomy; and
3. Shall be subject to periodic inspections to verify that all disinfection methods, procedures, and practices are being performed.

10.05.05 As authorized by the General Manager, wastewater generated from medically required life-saving operations, including but not limited to dialysis facilities, may be approved for disposal to the POTW.

10.06 **Limitation on Wastewater Strength** - No user shall discharge industrial wastewater to the POTW unless the wastewater conforms to the limitations and requirements of this Ordinance. Discharge limitations shall be revised as needed to ensure no interference with the treatment process and compliance of the Water Reclamation Plant effluent and bio-solids reuse in compliance with the District Waste Discharge Requirements Permit. For Categorical Users, the District may exercise one or more of the following options:

1. Where a categorical pretreatment standard is expressed in terms of either mass or concentration of a pollutant, the General Manager may impose equivalent concentration or mass limits;
2. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the General Manager shall impose an alternate limit using the combined waste stream formula; and
3. A variance from a categorical pretreatment standard may be issued if the user can prove that factors relating to its discharge are fundamentally different from the factors considered by the EPA when developing the categorical pretreatment standard.

SECTION 11. INDUSTRIAL WASTEWATER DISCHARGE PERMITS

11.01 **Application** - Any person desiring to discharge industrial wastewater into the Public Sewer shall be required to submit an application to the General Manager presenting information as to the characteristics and amount of industrial wastewater to be so discharged. No industrial wastewater shall be discharged into the Public Sewer which will cause the effluent discharged from the sewage treatment facilities to violate any discharge requirement set by the California Regional Water Quality Control Board. All Significant Industrial Users, and all haulers of wastewater, shall apply for an Industrial Wastewater Discharge Permit (Permit) by completing and submitting to the District a Wastewater Discharge Permit Application, on a form provided by the District. Non-Significant Industrial Users shall, at the discretion of the District's General Manager, apply for an Industrial Wastewater Discharge Permit. The District will determine which type of permit, either individual control mechanism or group (general) permit, is best suited to control the discharge. The District will also determine the appropriate Permit Classification as listed in Section 11.

11.02 Permit Classifications

Industrial Users shall apply for, and obtain, the appropriate class of Permit as indicated below:

Permit Class	Industrial Users
I	Significant Industrial Users as defined herein
II	Non-Significant Category
III	Non-Significant Industrial Users as defined herein
IV	Temporary Industrial Users as defined herein
V	Dry Categorical as defined herein
VI	Trucked or hauled wastewater as defined herein

11.02.01 When to Apply:

- Significant Industrial Users, who propose to connect or discharge to the POTW in the future shall apply for a Permit at least 90 days prior to commencing discharge;
- Non-Significant Industrial Users, required to obtain a Permit, who propose to connect or discharge to the POTW in the future shall apply for a Permit at least 60 days prior to commencing discharge;
- Temporary Industrial Users, required to obtain a Permit, who propose to connect or discharge to the POTW in the future shall apply for a Permit at least 30 days prior to commencing discharge;
- Any Industrial User who is required to have a Permit but whose discharge commenced prior to the date of adoption of this Ordinance shall apply for a Permit within 60 days after adoption of this Ordinance; or
- Applications for re-issuance of Permits shall be submitted at least 90 days prior to the expiration of the Permit.

11.03 Contents of Permit Application - Permit applications shall, at a minimum, contain the following information:

- Name and address of applicant and location of place of discharge;
- SIC number according to the Standard Industrial Classification Manual, U.S. Office of Management and Budget, 1987, as amended or NAICS number;
- A list of wastewater discharge constituents and characteristics, as determined by a State certified analytical laboratory using Analytical Methods as defined herein and sampling procedures, including but not limited to, those subject to Specific Local Discharge Limitations and Categorical Standards;
- Time and duration of discharge(s);
- Average daily, peak daily, and 15-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
- Site plans, floor plans, mechanical and plumbing plans, including details showing all sewers, sewer connections, treatment facilities and appurtenances by the size, location and elevation;
- An 8-1/2" X 11" process flow schematic diagram;
- Descriptions of activities, facilities and plant processes on the premises;
- Descriptions of all solid and liquid substances used or stored on the premises that are or could be discharged to the POTW;
- Number and type of employees and hours of plant operation, and proposed or actual hours of pretreatment system operation;
- A time schedule for compliance with any provisions of the Ordinance or Categorical Standard for which immediate compliance is not possible;

- A list of any environmental control permits held by or for the User's facility, and a copy of the County "Business Emergency Plan" which addresses the location, type and quantity of hazardous materials handled by the User;
- All applicable Best Management Practices;
- Initial applications for a Class I Permit (Categorical Industrial User) shall include a Baseline Monitoring Report as described in Section 13;
- Signature and certification in accordance with Section 13; and
- Any other information necessary to evaluate the permit application.

11.04 Permit Evaluation

11.04.01 The General Manager will evaluate the data furnished by the User and may require additional information, such as critical parameter reporting. After evaluation of the data furnished, the General Manager may issue a wastewater discharge permit subject to the terms and conditions provided herein.

11.04.02 If the General Manager determines that the proposed discharge will not be acceptable, he shall disapprove the application and shall notify the applicant in writing, specifying the reason(s) for denial and the applicable appeals process. The applicant may submit a revised permit application for the evaluation of the General Manager.

11.05 Permit Contents - Permits, whether individual (site specific) or general (group), shall contain at least the following:

- Statement of permit duration.
- Statement of permit non-transferability.
- Statement of prohibited discharges and other applicable effluent limitations including Best Management Practices.
- Statement of applicable administrative, civil, and criminal penalties for violation of Pretreatment Standards and Requirements.
- A schedule of Pretreatment Program fees and charges.
- Limitations on the average and/or maximum wastewater constituents and characteristics.
- Specifications for self-monitoring, which may include: pollutants to be monitored; sampling location(s); frequency of sampling; sample type(s); number, types, and standards for tests; and reporting schedule; and may include total Toxic Organic monitoring.
- Compliance Time Schedule(s) where required.
- Depending on the specific nature of the permitted facility and discharge, a permit may also contain the following:
  1. Limitations on average and/or maximum flow rates.
  2. Requirements for installation and maintenance of inspection and sampling facilities.
  3. Requirements for installation and maintenance of spill containment systems.
  4. Requirements for submission of technical or discharge reports.
  5. Requirements for maintaining and retaining plant records relating to the wastewater discharge.
  6. Requirements for notification of slug or accidental discharges, and/or discharges of hazardous waste.
  7. Requirements for submittal of slug discharge control plans and/or solvent management plans.
     - Other conditions as deemed appropriate by the District to ensure compliance with this Ordinance.

11.06 Permit Modifications

11.06.01 General - The limitations or requirements of the permit shall be deemed automatically modified if limitations or requirements are modified by operation of law or just cause exists. The User shall be informed of any such modifications and shall be given a reasonable time schedule for compliance.

11.06.02 Promulgation of Categorical Standards:

11.06.02.01 Affected Users shall apply for modification of their Permits upon promulgation of a new or revised Categorical Standard and shall comply with such Standard within the time frame prescribed therein. Within 180 days after the promulgation of new or revised Categorical Standard, they shall submit to the District a time schedule for compliance with the Categorical Standard.

11.06.02.02 Where an affected User has not previously submitted an application for a permit as required by Section 11, the User shall submit a completed application to the District within 180 days after the promulgation of the applicable Categorical Standard.

11.06.02.03 Changes in Operation: Industrial Users shall apply for and obtain necessary and appropriate Permit modifications prior to initiating any changes in the User's operation that may cause a change in quantity or quality of the User's discharge. For the purposes of this section, "changes" shall mean the following: An increase of 25% or more in the quantity of industrial wastes discharged, the addition of new waste-generating processes, the addition of different waste-generating equipment, or the addition of process equipment that results in an increase in production capacity.

11.07 **Permit Transferability** - Nondomestic Wastewater Discharge Permits are issued to specific Users for specific operations. A Nondomestic Wastewater Discharge Permit shall not be transferred, either from one location to another or from one User to another. Concurrently with a change in ownership, the new owner shall apply for a new Nondomestic Wastewater Discharge Permit.

11.08 **Duration of Permit** - Permits shall be issued for a term not to exceed three (3) years.

11.09 **Permit Suspension or Revocation** - The General Manager may suspend or revoke any permit if the user is in violation of any provision of this Ordinance or user permit. These violations include, but are not limited to: falsification of any required information; denial of the District's right to entry; failure to re-apply for a permit or request a required permit modification; failure to pay required permit fees or charges; or any discharges in violation of this Ordinance. The General Manager may suspend or revoke the permit upon a minimum notice of fifteen calendar days when the General Manager finds the user violated any provision of this Ordinance or user permit. The permit suspension or revocation will result in the immediate suspension of all discharge rights and privileges as specified in this Ordinance. All costs associated with the permit suspension or revocation, and any reissuance of the permit, shall be paid by the user.

11.10 **On Site Accessibility** - The permitted Industrial User shall maintain a copy of the current Permit readily accessible at the site of nondomestic wastewater discharge at all times.

11.11 **Authority** - Permits shall be expressly subject to all provisions of this Ordinance and all other applicable regulations, charges and fees established by District resolution or ordinance. The General Manager may include some or all of the following as conditions in any Industrial Waste Permit:

11.11.01 **Pretreatment of Industrial Waste** - The General Manager may require pretreatment of the industrial waste to an acceptable condition prior to discharge to the Public Sewer. The design and installation of any pretreatment plants and equipment shall be subject to the review and approval of the General Manager and the requirements of all applicable codes, ordinances, laws, and regulations.

11.11.02 **Quantities and Rates** - The permit will require that the Owner exercise specific control over the quantities and rates of discharge. The District may require, the Owner to install an approved flume and automatic recording device for the purpose of measuring flow and flow rates.

11.11.03 **Gravity Separation Interceptors** - The Owner may be required to install, maintain and use Grease and/or Sand Gravity Separation Interceptor as specified in the Uniform Plumbing Code, or as specified, modified or superseded by the District Ordinances, Rules and Regulations.

11.11.04 **Costs For Additional Treatment** - If in the opinion of the General Manager, the Industrial Waste will require additional handling and treatment by the District, the Industrial Waste Permit shall include a special agreement or arrangement between the District and the Permittee whereby an industrial waste may be accepted by the District for treatment, subject to payment of the added cost for this handling and treatment as established by the Board.

11.11.05 **Control Manholes** - When required by the General Manager, the Owner of any property served by the Building Sewer carrying industrial wastes shall install a suitable control manhole in the Building Sewer to facilitate observation, sampling and measurement of waste. Such manhole shall be installed by the owner at his expense and shall be maintained to be safe and accessible at all times.

11.11.06 **Measurements and Tests** - All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with the latest edition of "Standard Methods" and shall be determined at said Control Manhole. In the event that no Control Manhole has been required, the Control Manhole shall be considered to be the nearest downstream manhole in the Public Sewer to the point at which the Building Sewer is connected.

11.11.07 **Maintenance of Equipment** - All pre-treatment system, flow measuring equipment, flow equalization device, grease or sand interceptor or separator, or other equipment or device required by the Industrial Waste Permit shall be continuously maintained in satisfactory and effective operation at the Owner's expense.

SECTION 12. PRETREATMENT FACILITY REQUIREMENTS

12.01 **Pretreatment of Nondomestic Wastewaters** - Users shall provide, at their sole cost and expense, all wastewater pretreatment needed to comply with this Ordinance and all applicable Categorical Standards within the time limitations specified therein.

Detailed plans showing the pretreatment facilities and operating procedures shall be submitted, reviewed and approved by the District before construction of the facilities. The District's approval of such plans and operating procedures shall not relieve the User from the responsibility of modifying the facilities as necessary to produce an effluent which complies with all provisions of this Ordinance, applicable Categorical Standards and State and Federal laws, rules, and regulations.

12.02 **Monitoring Facilities** - The District may require, at the User's expense, the installation and operation of monitoring facilities to allow inspection and sampling of discharges to the sewerage system. The monitoring facilities shall include a suitably designed control structure and other such sampling, monitoring, and flow-metering equipment as are necessary to facilitate safe inspection and sampling and accurate monitoring. The control structure shall be watertight, structurally sound, and durable. The monitoring facilities, including sampling, monitoring, and flow measuring equipment, shall be always maintained in a safe and proper operating condition at the expense of the User.

Monitoring facilities shall normally be situated on the User's premises, but when such a location would be impractical or cause undue hardship on the User, the District may permit the facilities to be located within a District-owned or controlled right-of-way.

If the control structure is inside the discharger's fence or other secure location, there shall be accommodations to allow access for District personnel, such as a gate secured with a lock, with key provided to the District.

There shall be ample room and a 120 V power outlet in or near monitoring facility to allow installation of portable sampling and monitoring equipment by District personnel.

Whether located on public or private property, the sampling and monitoring facilities shall be constructed in accordance with the District's requirements and all applicable local construction standards and specifications. Construction Drawings for proposed monitoring facilities shall be

approved by the District prior to construction. Construction shall be completed within 90 days following written approval by the District, unless the District grants a time extension.

12.02.01 **Monitoring Requirements** - Industrial Users may be required by the District to collect representative samples and have them analyzed for the purpose of determining compliance with established wastewater discharge limitations. Permits will contain specified times for said monitoring.

12.02.02 **Automatic Re-Sampling Requirement** - In the event that sample data indicates non-compliance with any District standard or limitation, said user will be required to resample for those pollutant parameters that indicate non-compliance and submit new analytical results within 30-days of receiving the initial sample results which indicated non-compliance.

12.02.03 **Additional Monitoring** - If the Industrial User monitors at the approved sample point(s) more often than required by the District, using approved sample collection methods and analytical procedures, then the results must be reported to the District within 30-days of receiving the results. The automatic re-sampling requirement also applies to any additional sampling that indicates non-compliance.

12.03 **Flow Monitoring Equipment** - A Significant Industrial User with an average daily discharge flow of more than 10,000 gallons per day shall install and operate a continuous monitoring flow meter capable of measuring the User's discharge to the District's sewerage system as part of its Monitoring Facilities. The flow measuring device shall be of a type appropriate to the quantity and characteristics of the discharge and shall be equipped with a flow indicator reading in gallons per minute (gpm) and a flow totalizer reading in gallons. If installation of a wastewater discharge flow meter is not practical, the General Manager may permit the User to install an approved water meter on the water line or lines supplying the process(es) that generate(s) the discharge.

12.04 **Pretreatment of Fats, Oils, and Grease**

12.04.01 **General** - This section sets forth the requirements of the District's FOG Discharge Control Program. The requirements of this section shall apply to all food service establishments (FSE) as defined in Section 3.

1. **New Construction of FSEs** - All new construction projects shall comply with these regulations immediately upon adoption by the Board of Directors of the East Valley Water District.
2. **Existing FSEs** - All existing FSEs that own and operate a GCD shall not be required to install a new GCD unless any of the following should occur:
   a. The FSE is determined to be the cause of a sanitary sewer overflow related to the discharge of FOG to the sewer system;
   b. The FSE is determined to be bypassing FOG to the sewer system; or
   c. The FSE experiences a change in any of the following:
      1. Changes in menu;
      2. Changes in operating hours;
      3. Changes in the maximum seating capacity;
      4. Changes in the maximum meals served per peak hour; or
      5. Changes in the equipment used.

12.04.02 **Legal Authority** - The District's FOG Discharge Control Program is supported by this Ordinance, which gives the District the legal authority to prohibit discharges into the sewer system, authority to require installation of pretreatment (i.e. grease removal devices), authority to inspect grease producing facilities and authority to enforce these provisions.

12.04.03 **Prohibited Discharges** - It shall be deemed a violation of this ordinance for any FSE to discharge or allow to be discharged to the sanitary sewer any of the following:

1. Fats, Oil and Grease (FOG), including any liquid or other wastes containing FOG;
2. Grease Control Device (GCD) contents;
3. Waste Oil Container contents;

4. Drippings or spills from Outdoor Refuse Management and Containment Areas; and
5. Refuse, liquids and other waste from indoor and outdoor storage and wash areas and public or employee areas associated with a Food Facility.

12.04.04 **Disposal of FOG** - Plan and Schedule for Disposal of FOG within the Service Area. The District does not own or operate any FOG disposal facilities. The FSEs must, at a minimum, collect waste FOG and prevent its discharge into the collection system by implementing BMPs in accordance with Section 12.04.10 to reduce the amount of FOG requiring disposal.

For waste FOG that is generated, it must be collected and stored properly in recycling barrels or drums in accordance with EVWD requirements. FSEs must use a licensed hauler or recycling facility to dispose of this waste. FSEs must save receipts for the proper disposal, which are reviewed during an FSE inspection conducted by Pretreatment Inspectors and Assistants.

12.04.05 **Grease Control Device (GCD) Required** - Unless otherwise approved by the District, FSEs shall install and maintain a GCD in accordance with this ordinance and the requirements set forth in the East Valley Water District Regulations for the Installation and Sizing of Grease Control Devices.

12.04.06 **Waiver of Requirement to Install GCD** - District may elect to issue a Conditional Waiver or require an under sink GCD as approved by the County of San Bernardino Department of Environmental Health Services, if it is determined that the FSE does not have the reasonable potential to cause an adverse effect on the POTW. However, the District may revoke the Conditional Waiver for the following reasons:

1. Changes in menu;
2. Falsification of information in the Food Service Establishment Permit Application;
3. Changes in operating hours;
4. Changes in the maximum seating capacity;
5. Changes in the maximum meals served per peak hour;
6. Changes in the equipment used;
7. Changes in the quantity or quality of the wastewater discharged; or
8. Increased sewer line maintenance or sanitary sewer overflows (SSOs) which are attributed to the FSE's wastewater discharge.

12.04.07 **Food Service Establishment (FSE) Permit Required** - All FSEs, are required to submit a Food Service Establishment Permit Application to the District before discharging any wastewater to the sewer system.

12.04.08 **GCD Installation and Sizing Requirements** - GCDs shall be installed and sized in accordance with the requirements set forth in the East Valley Water District Regulations for the Installation and Sizing of Grease Control Devices.

12.04.09 **GCD Maintenance Requirements** - Any person, property owner, or FSE that owns, operates, or maintains a GCD shall maintain it properly.

1. The GCD shall be cleaned as often as necessary but not less than once every 90 days to ensure that sediment and floating materials do not accumulate to impair the efficiency of the GCD and odors do not cause a public nuisance. A GCD is considered to be in violation under the following conditions:
2. Odors generated from the GCD cause a public nuisance.
3. The GCD is not in good working condition and appears to be malfunctioning or bypassing.
4. The GCD contains FOG and solids accumulation exceeding its rated capacity as documented by the manufacturer through third party test reports, or in the absence of that, twenty-five percent (25%) of the design hydraulic depth of the GCD.
5. The wastewater discharged from the FSE is determined to contain more than 250 mg/L of oil and grease.

6. When a GCD is cleaned, it must be pumped out completely and the removed sediment, liquid, and floating material shall be lawfully disposed of at a facility legally approved to accept such waste.
7. The user shall maintain a manifest for the removed GCD waste for a minimum of three years. The manifest shall include at a minimum: the name and address of the facility where the waste is removed, the disposal site for the GCD waste, the volume removed, and the date and time of removal. Failure to maintain and provide the required information may require the user to document the required information on an EVWD issued grease hauler manifest form.
8. The removed pretreatment waste shall not be reintroduced into the GCD or discharged into another GCD, or at another location which has not been approved by the District to accept such waste.
9. The use of chemicals to dissolve grease in a GCD is specifically prohibited. The owner, lessee, or sub-lessee, of any facility required to install an interceptor, and any proprietor, operator or superintendent of such facility are individually and severally liable for any failure of proper maintenance of such interceptor. Failure to maintain a GCD is a violation of this Ordinance and subjects the User to progressive enforcement actions in accordance with the approved Enforcement Response Plan.

12.04.10 Best Management Practices for FSEs:

1. All FSEs are required to implement BMPs to control the discharge of FOG to the sewer system and prevent SSOs. The BMPs are subject to approval by the District and at a minimum must include the following elements:
   a. Dispose food waste directly into approved disposal containers and not in sinks.
   b. Install drain screens on all drainage pipes. periodically clean the screens and dispose screened solids into trash or garbage cans.
   c. "Dry wipe" pots, pans, dishware and work areas prior to washing. Use rubber scrapers or paper towels to remove FOGs from cookware, utensils, and serving ware.
   d. Collect waste cooking oil and store properly in recycling barrels or drums. Use a licensed hauler or recycling facility to dispose of this waste.
   e. Use absorbent products to clean under fryer baskets and other locations where FOGs may be spilled or dripped.
   f. Train kitchen staff and other employees to follow BMPs.
   g. Post all applicable BMPs in the food preparation and/or dishwashing area.
   h. Observe proper GCD cleaning and maintenance procedures to ensure the device is properly operating.
   i. Comply with all other BMPs deemed appropriate by the District.

2. In the event an industrial user fails to comply with the requirements of this Ordinance, the District may take immediate enforcement action to reduce the risk of FOG entering the collection system by applying one or more appropriate enforcement action(s). The enforcement actions available to the District are outlined in Enforcement Response Plan (ERP), and an individual ERP may be developed for the non-compliant FSE.

12.04.11 FSE Inspection Requirements - This Ordinance provides the authority to carry out all inspection, surveillance, and monitoring procedures necessary to make a determination on compliance or noncompliance by FSEs with pretreatment standards and requirements, independent of information supplied by FSEs.

This Ordinance specifies that whenever it is necessary to make an inspection to enforce any of the provisions of, or perform any duty imposed by this or other applicable law, or whenever the District has reasonable cause to believe that there exists upon any premises any possible violation of the provisions of this section or other applicable law, or any condition which makes such premises hazardous, unsafe, or dangerous, the District or

his/her designate is authorized to enter such property at any reasonable time and to inspect the same and perform any duty imposed upon the District or his/her designate by this section or other applicable law. To that end, FSEs shall comply with the following inspection requirements:

1. The District shall inspect the facilities of any user to ascertain whether all requirements of this Ordinance are being met. Persons on the premises shall allow the District ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, and records examination.
2. The user shall ensure that there is always a person on site, during normal business hours, knowledgeable of the user's processes and activities, to accompany the District during the inspection.
3. The user shall provide immediate access when an emergency exists.
4. All pretreatment equipment shall be immediately accessible at all times for the purpose of inspection. At no time shall any material, debris, obstacles, or obstructions be placed in such a manner that will prevent immediate access to the pretreatment equipment.
5. No user shall interfere, with delay, resist or refuse entrance to the District when attempting to inspect any facility which discharges wastewater to the POTW.
6. Where a user has security measures in force which would require proper identification and clearance before entry into the premises, the user shall make all necessary arrangements so that, upon presentation of identification, the District will be permitted to enter, without delay.
7. The user shall make available for copying by the District, all records required to be kept under the provisions of This Ordinance.

12.05 Pretreatment for Vehicle and Equipment Servicing and Washing Facilities:

1. Any facility maintained for the servicing, washing, cleaning, or repair of vehicles, roadway machinery, construction equipment, industrial transportation or power equipment, and which discharges nondomestic wastewater to the public sewer, shall install and maintain a sand/oil separator. Oil/Sand Separators shall comply with the installation and sizing requirements of the California Plumbing Code.
2. Oil/Sand Separators shall be maintained properly. Accumulated sediment, petroleum oils, flammable liquids, or any other accumulations shall be periodically removed by a licensed hauler and disposed of at a licensed disposal site. Maintenance shall be performed not less than once per year.
3. The District will conduct routine inspections of facilities with Oil/Sand Separators to ensure they are being properly maintained in compliance with these requirements as required by this ordinance. Determinations of non-compliance shall subject facilities to the enforcement actions included in this ordinance.

12.06 Pretreatment of Dental Amalgam:

1. All owners and operators of dental facilities that remove or place amalgam fillings shall comply with the following BMPs:
   a. No person shall rinse chair-side traps, vacuum screens, or amalgam separator equipment in a sink or other connection to the sanitary sewer system.
   b. Owners and operators of dental facilities shall ensure that all staff members who handle amalgam waste are trained in the proper handling, management, and disposal of mercury-containing material and fixer-containing solutions. Training records shall be maintained and made available for inspection as described in Record Keeping and Reporting Section of this Ordinance.
   c. Amalgam waste shall be stored and managed in accordance with the instructions of the recycler or hauler of such materials.
   d. Bleach and other chlorine-containing disinfectants shall not be used to disinfect the vacuum line system.
   e. The use of bulk mercury is prohibited. Only pre-capsulated dental amalgam is permitted.

2. All homeowners and operators of dental vacuum suction systems shall comply with the following:
   a. An ISO 11143 certified amalgam separator device shall be installed for each dental vacuum suction system. The installed device must be ISO 11143 certified as capable of removing a minimum of 95% of amalgam. The amalgam separator system shall be certified at flow rates comparable to the flow rate of the actual vacuum suction system operation. Neither the separator device nor the rated plumbing shall include an automatic flow bypass. For facilities that require an amalgam separator that exceeds the practical capacity or ISO 11143 test methodology, a non-certified acceptor will be accepted, provided that smaller units from the same manufacturer and of the same technology are ISO-certified.
   b. Amalgam separators shall be maintained in accordance with manufacturer recommendations. Installation, certification, and maintenance records shall be maintained and made available for inspection as described in Section 13.

3. The following types of dental practices are exempt from this Section, provided that removal or placement of amalgam fillings occurs at the facility no more than three days per year:
   a. Orthodontics;
   b. Periodontics;
   c. Oral and maxillofacial surgery;
   d. Radiology;
   e. Oral pathology or oral medicine;
   f. Endodontistry; and
   g. Prosthodontistry.

4. All owners and operators of dental facilities shall submit an annual report for each facility to the superintendent on or before February 1st of each calendar year. The annual report shall contain information on the dental facility's amalgam separator and its maintenance and shall require the dental facility to certify that it is in full compliance with this section. The annual report shall be on a form provided by the District.
5. The District will determine the maximum allowable copper limit for dental facilities in sewer permits issued to these facilities. If no limit is set in the permit, the maximum allowable limit for copper for dental facilities shall be 2.0 mg/liter.

12.07 **Silver Recovery Pretreatment Systems** - All industrial users who discharge wastewater to the POTW which is generated from the development of photographic film, film negatives, x-rays, or plate negatives shall install silver recovery pretreatment equipment, as required by the General Manager.

The silver recovery equipment shall be capable of sufficiently removing silver from the fixer solution and any silver laden rinse water to meet the required local discharge limits specified herein.

The photo developing solution shall be required to be separated, reclaimed, hauled by a licensed waste hauler to an approved disposal site and shall not be discharged to the silver recovery equipment.

As required by the General Manager, the user shall install an approved sample collection device at the discharge end of the silver recovery equipment to facilitate the collection of representative wastewater samples.

12.08 **Spill Containment Systems** - A spill containment system is a system of dikes, walls, barriers, berms, secondary vessels, or other devices designed to contain spillage of the liquid contents of containers, in order to prevent such liquids from entering the Sewer System. Any person who uses or stores such liquids, other than pure water, in the vicinity of a floor drain or other opening to the Sewer System, such that spilled liquids might enter the Sewer System, shall install a spill containment system.

Spill containment systems shall be constructed of impermeable and non-reactive materials with respect to the liquids being contained. Spill containment systems shall be designed to prevent the hazardous mixture of incompatible liquids in the event of failure of one or more containers. Spill containment systems shall conform to all State and County regulations and policies as to percent containment, container type, and size. The spill containment systems shall be sufficient to prevent the

discharge of any bulk chemicals, raw materials, finished product, etc. to the POTW. Spill containment requirements include but are not limited to the following:

1. Spill containment systems for tanks, carboys, and vats shall consist of a system of dikes, walls, barriers, berms, or other devices approved by the General Manager which are designed to contain a minimum of 110% of the liquid contents of the largest container stored in the containment device.
2. Spill containment systems for drums and barrels may consist of individual spill containment skids, pallets, or other devices approved by the General Manager which are designed to contain a minimum of 110% of the entire contents of all containers stored in the containment device.
3. Spill containment systems shall be constructed of materials that are impermeable and non-reactive to the liquids being contained.
4. Outdoor spill containment systems shall be constructed with adequate covering to prevent the accumulation of water from inclement weather or irrigation within the spill containment device.
5. Spill containment systems shall not allow incompatible substances to mix and cause a hazardous situation in the event of a failure of one or more containers.
6. At no time shall a user use a spill containment system for the storage of waste other than from a spill generated from a contained liquid.
7. Liquid contained within the spill containment system shall be removed as soon as possible or as instructed by the General Manager to restore the capacity of the spill containment system to the original volume.

12.09 Industrial User Compliance Plans

12.09.01 Solvent Management Plans - Each permitted Industrial User who uses or stores significant quantities of chlorinated organic solvents onsite, and each Industrial User subject to promulgated Categorical Standards which include a Total Toxic Organic limitation, shall file a Solvent Management Plan with the District. A Solvent Management Plan shall demonstrate proper containment and disposal of solvents in order to assure compliance with the provisions of this Ordinance and applicable Categorical Standards.

12.09.02 Slug Discharge Control Plans - Each permitted Industrial User who stores significant quantities of liquids in the vicinity of floor drains or other openings to the Sewer System such that spillage of stored liquids could result in Slug Loading (as defined herein) or in any violation of the provisions of this Ordinance shall file a Slug Discharge Control Plan with the District. All Significant Industrial Users shall be evaluated for the need to develop a Slug Discharge Control Plan. The Plan shall contain at a minimum, the following elements:

1. Description of discharge practices, including non-routine batch discharges;
2. Description of stored chemicals;
3. Procedures for immediately notifying the POTW of slug discharges, and procedures for follow-up written notification to the District within 24 hours;
4. Procedures to prevent adverse impacts from Slug Discharges, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response; and
5. If requested by the General Manager, follow-up practices to limit the damage suffered by the POTW Treatment Plant or the environment by Slug Discharges.

SECTION 13. RECORD KEEPING AND REPORTING REQUIREMENTS

13.01 Industrial User Record Keeping - All Industrial Users shall keep records of waste hauling, reclamation activities, monitoring, pH and flow measuring device calibration reports, sample analysis data, flow and pH meter chart recordings, records of pretreatment equipment maintenance, best management practices including but not limited to interceptor and clarifier maintenance and cleaning, correspondence with the District, and such other records as the District may reasonably require, on the site of wastewater discharge. All such records shall be available for inspection and copying by

District personnel. All records must be kept for a minimum of three years or longer in the event a criminal or civil action is commenced.

13.02 **Industrial User Reporting Requirements** - Industrial Users are required to submit the following types of reports:

13.02.01 **Report of Potential Problems** - If, for any reason, pollutants are discharged at a flow rate or concentration that might cause Interference or Pass-Through, as defined herein, or which might result in a violation of Waste Discharge Requirements Permit requirements or requirements of this Ordinance, or create a hazard to District personnel, the Sewer System and/or the Public, the Industrial User shall orally notify the District immediately. The oral report shall be followed by a written report submitted to the District within five days. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the District within 30 days.

13.02.02 **Notification of Changed Discharge** - Each Industrial User shall promptly notify the District in advance of their termination of discharge, or of any increase in the volume of their discharge beyond flow limits specified in their permit, or of any significant change in the character of pollutants in their discharge. Significant Industrial Users shall immediately notify the District of any changes at its facility that affect the potential for a slug discharge.

13.02.03 **Notification of Hazardous Waste Discharge** - Discharge of hazardous wastes is prohibited. However, should any discharge of hazardous wastes occur, the discharger shall observe the following notification procedures:

1. All Industrial Users shall notify the District, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be classified a hazardous waste pursuant to 40 CFR Part 261.
2. Such notification shall include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other).
3. The notification shall also contain the following information to the extent such information is known and readily available to the Industrial User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, an estimation of the mass of such constituents in the waste stream expected to be discharged during the following 12 months, and a compliance plan with time schedule for ceasing discharge of all hazardous constituents.
4. The Industrial User shall provide the above-required notifications to the District no later than five days, and to the other agencies specified no later than 180 days, after the discharge of the hazardous waste.
5. In the case of new Federal regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the Industrial User shall notify the District, the EPA Regional Waste Management Division Director, and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.
6. In the case of any notification made under these requirements, the Industrial User shall certify that it has a program in place to eliminate all hazardous waste discharge.
7. Dischargers of hazardous waste shall also comply with the reporting requirements specified in Division 20, Chapter 6.95 of the California Health and Safety Code.

Self-Monitoring Reports - Significant Industrial Users are required to submit Self-Monitoring Reports at least once every six months, which shall contain a description of the nature, concentration, and flow of pollutants required to be reported by the District, and the time, date, and place of sampling and methods of analysis. Sampling for Self-Monitoring Reports shall be performed during the period covered by the report. Significant Industrial Users are required to report all monitoring results. All required

analyses shall be performed by a State Certified Laboratory using Approved Analytical Methods as defined herein.

13.02.04 **Other Reports** - Any other reports required by California State Law or by the General Manager.

13.03 **Categorical Industrial User Reporting Requirements** - Categorical Industrial Users shall comply with the reporting requirements set forth in Section 12 and shall also submit Initial Baseline Monitoring Reports (BMRs) and Periodic Compliance Reports, and, if necessary for compliance with the provisions of the applicable Categorical Standard, Schedule Compliance Reports, and Final Compliance Reports.

13.03.01 **Baseline Monitoring Report (BMR)** - A Baseline Monitoring Report shall be submitted as part of any initial application for a Class I Permit to facilitate evaluation of initial compliance status with respect to Categorical Standards, and any modifications or conditions necessary to achieve full compliance with Categorical Standards. A Class I Permit Application and BMR shall constitute a Baseline Report.

1. Each Class I Permit Application and BMR submitted by a facility in operation prior to the effective date of this Ordinance shall include analysis reports of samples collected to demonstrate compliance with applicable Categorical Standards. The application shall also include a statement, signed by an authorized representative of the Industrial User, and certified as to accuracy by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the Industrial User to meet the Pretreatment Standards and requirements.
2. If immediate compliance with applicable Categorical Standards is not possible and additional pretreatment or operation and maintenance is necessary, the Class I Permit Application and BMR shall include a time schedule specifying the shortest time necessary to achieve full compliance. The full compliance date shall not be later than that specified in the applicable Categorical Standard. The time schedule shall contain dates for pretreatment equipment design completion, building permit submittal date, construction commencement date, construction updates, construction completion date, employee training completion date, and date of achieving full compliance. In no case shall the period between compliance milestones in the Compliance Time Schedule exceed nine months. New Sources (as defined herein) shall achieve compliance with all applicable Pretreatment Standards within 90 days of commencing discharge.

13.03.02 **Schedule Compliance Reports** - When the Class I Permit Application and BMR included a time schedule for achieving full compliance with Categorical Standards by a certain date, the applicant shall periodically submit Schedule Compliance Reports to demonstrate compliance with milestone dates specified in the time schedule.

1. Schedule Compliance Reports shall include, where applicable, analysis reports of samples collected to demonstrate compliance.
2. Schedule Compliance Reports shall be submitted at the completion of all major events necessary to achieve full compliance with Categorical Standards, but not less frequently than every 30 days.
3. Schedule Compliance Reports must be submitted within 14 days of a milestone date.

13.03.03 **Final Compliance Report** - The applicant shall submit a Final Compliance Report, if necessary, to demonstrate that full compliance with Categorical Standards has been achieved.

1. A Final Compliance Report shall include all information contained in a Class I Permit Application and BMR.
2. Final Compliance Reports shall be submitted within 90 days of achieving compliance with Categorical Standards.

3. Final Compliance Reports from New Sources (as defined herein) must be submitted within 90 days after the facility commences discharge.

13.03.04 **Periodic Compliance Reports** - Periodic Compliance Reports shall be submitted to demonstrate continued compliance with Categorical Standards.

1. Periodic Compliance Reports shall include all monitoring data specified in the applicable Categorical Standard and any additional monitoring data obtained by the User.
2. Sampling for Periodic Compliance Reports shall be performed during the period covered by the Report.
3. Analyses shall be performed by a State certified laboratory using Approved Analytical Methods as defined herein.
4. Periodic Compliance Reports shall be submitted every six months in June and December of each year, along with the Self-Monitoring Report pursuant to Section 13 herein with the exception of the annual certification requirement by non-significant categorical industrial users.

13.04 **Signatory and Certification Requirement** - All reports and plans submitted to the District by Industrial Users pursuant to a permit condition or any section of this Ordinance shall be signed and dated by an authorized representative of the Industrial User. The signature shall accompany the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations".

Analytical reports submitted directly to the District by a certified analytical laboratory at the request of the Industrial User for samples of wastewater collected at Industrial User facilities may be signed, dated, and certified by the laboratory manager in lieu of an authorized representative of the Industrial User. However, such reports shall be accompanied by a statement, signed, dated, and certified by an authorized representative of the Industrial User, as above, which verifies that the sample identified in the analytical report was collected on the date and time indicated at the location indicated, and using the method indicated on the analytical report. Said signed, dated, and certified statement may be included as part of the chain-of-custody form for the sample.

13.05 **Public Access to Information** - Except for data determined to be confidential under 40 CFR Part 2, all reports, data, and information submitted by Industrial Users to the District in accordance with the terms of this Ordinance shall be available for public inspection.

All reports, data, and information submitted by Industrial Users to the District in accordance with the terms of this Ordinance shall be available without restriction to the EPA, the State Water Board, and the Regional Board.

Any person requesting this information from the District shall be required, prior to receipt of the information, to pay the reasonable costs of reproduction incurred by the District.

13.06 **Confidentiality** - All information provided by a User or obtained by the District through monitoring and/or inspection shall be made available for public inspection, unless the User specifically requests confidentiality and can demonstrate to the General Manager that release of such information will violate the User's right to protection of trade secrets under applicable State law.

Permits, permit applications, and data pertaining to wastewater discharge quality and quantity shall not be treated as confidential information.

Requests for confidentiality must be submitted at the time of submission of the information or data to the District. If a request for confidentiality is granted by the General Manager, the information will be treated in accordance with the procedure in 40 CFR Part 2 (Public Information).

If a request for confidentiality is rejected by the General Manager, the information will be made available for public inspection.

SECTION 14. INSPECTION

14.01 **Entry and Inspection** - The General Manager may enter upon the premises of any User during reasonable hours for the purpose of inspecting the facilities to ensure compliance with this Ordinance.

The General Manager may inspect facilities of any User who may be a generator of nondomestic wastewater or a discharger of commercial or industrial water softener brines, storm water, or other prohibited wastes to the POTW, to determine compliance with this Ordinance.

Persons or occupants of premises where nondomestic wastewater is, or may be, created or discharged, shall promptly allow the General Manager ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, examination and copying of records, taking photographs, and performance of any of his duties.

Users shall permit the General Manager to place on the Industrial User's property such devices as are necessary to conduct sampling, inspection, compliance monitoring, and/or metering operations.

Where a User has security measures in force that would require proper identification and clearance before entry into the User's premises, the User shall make all necessary arrangements so that upon presentation of suitable identification, the General Manager will be permitted to enter, without delay, for the purpose of performing inspection and sampling.

Delays in allowing the District access to the User's premises shall be a violation of this Ordinance.

14.02 **Inspection Warrants** - In the event the District has been refused access to a building, structure, or property, or any part thereof, the General Manager is hereby authorized to obtain an inspection warrant from a court of competent jurisdiction.

SECTION 15. ENFORCEMENT

15.01 **Responses to Violation** - Whenever the General Manager finds that any person has violated or is violating this Ordinance, Pretreatment Standards, Categorical Standards or the Permit, the District will pursue enforcement actions in accordance with this Ordinance and the Enforcement Response Plan (ERP) adopted by the District's Board of Directors. To the extent that the ERP is inconsistent with this Ordinance, then this Ordinance will take precedence.

The General Manager, upon finding a violation, may employ any of the remedies set forth in this Section, subject to due consideration of the following:

1. The magnitude of the violation;
2. The duration of the violation;
3. The effect of the violation on the POTW's compliance with any Waste Discharge Order, Permit, or other requirements;
4. The effect of the violation on the operation of the POTW;
5. The compliance history of the user; and
6. The good faith of the user.

The General Manager may issue any of the following after consideration of the criteria listed above and the District's ERP:

1. Notice of Violation;
2. Order to prepare a Specific Compliance Plan;
3. Order to comply with a Compliance Time Schedule; and
4. An Administrative Order, including:
   a. Order to Stop Work;

b. Cease and Desist Order;
c. Order to Implement Noncompliance Monitoring Program;
d. Permit Suspension Order;
e. Permit Termination Order; and
f. Administrative Complaint.

15.02 **Administrative Complaint** - Refer to EVWD's ERP Section III.A.11.

15.02.01 **Civil Penalties** - Refer to EVWD's ERP Section III.A.12.

15.02.02 **Judicial Review** - Refer to EVWD's ERP Section III.A.13.

15.03 **Civil Liability for Violation** - Refer to EVWD's ERP, Section III.A.14.

15.04 **Emergency Termination Service** - Refer to EVWD's ERP, Section III.A.16.

15.05 **Annual Public Notice of Significant Noncompliance** - Refer to EVWD's ERP, Section III.A.17.

15.06 **Supplemental Enforcement Actions** - Refer to EVWD's ERP, Sections III.A.18 and III.A.19.

15.07 **Protection From Damage** - Refer to EVWD's ERP, Section III.A.20.

15.08 **Falsifying Information** - Refer to EVWD's ERP, Section III.A.21.

15.09 **Issuance of Cease and Desist Orders** - Refer to EVWD's ERP, Section III.A.7.

15.10 **Criminal Penalties** - Refer to EVWD's ERP, Section III.A.15.

15.11 **Termination of Service** - Refer to EVWD's ERP, Section III.A.16.

15.12 **Payment of Fees, Charges and Penalties** - Payment of fees, charges, and penalties for violations shall be in accordance with the EVWD ERP, Section III.A.23.

15.13 **Damage to Facilities or Interruption of Normal Operations** - Refer to EVWD's ERP, Section III.A.24.

SECTION 16. MISCELLANEOUS PROVISIONS

16.01 **Sale of By-Products** - The District may sell or otherwise dispose of water, treated or reclaimed wastewater or any other by-product of District operations to private individuals, corporations, or public entities upon terms approved by the Board.

16.02 **Amendments** - The District may, from time to time, in its discretion, by Resolution or Ordinance, amend the rules and regulations governing the discharge of nondomestic wastes so as to keep the District in compliance with evolving State and Federal Law.

16.03 **Severability** - If any provision, paragraph, word, section or Section of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

16.04 **Conflict** - Any Ordinances or Resolutions inconsistent or conflicting with any part of this Ordinance shall be subordinate to this Ordinance and this Ordinance shall take precedence to the extent of such inconsistency or conflict.

16.05 **Variances** - The Board may find that by reason of special circumstances, any provision of this Ordinances should be suspended or modified as applied to a particular circumstance, and may, by Resolution, order such suspension or modification for such circumstance during the period of such special circumstances or any part thereof.

16.06 **Powers and Authorities of Inspectors** - Any duly authorized employee of the District as determined by the General Manager shall carry evidence establishing the position as an authorized representative of the District and upon exhibiting the proper credentials and identification shall be permitted to enter in and upon any and all buildings, industrial facilities and properties for the purposes of inspection, reinspection, observation, measurement, sampling, testing and otherwise performing such duties as may be necessary in the enforcement of the provisions of the Ordinance, Rules and Regulations of the District.

16.07 **Inspection and Sampling** - The District may inspect the facilities of any User to ascertain whether the requirements of this Ordinance are being complied with by such User. Persons or occupants of

buildings where wastewater is created or discharged shall allow the District or its representatives ready access at all reasonable times to all parts of the premises for the purposes of inspection and/or sampling or otherwise in the performance of any of their duties. The District shall have the right to install at the User's property such devices as are necessary to conduct sampling or metering operations. Where a User has security measures in force which would require proper identification and clearance before entry into their premises, the User shall make necessary arrangements with their security measures so that upon presentation of suitable identification, employees of the District shall be permitted to enter without delay for the purposes of performing their specific responsibilities.

16.08 **Judicial Review of Ordinance** - Pursuant to Section 1094.6 of the Code of Civil Procedure, the time within which judicial review shall be sought concerning the adoption of this Ordinance is 90 days following the date on which the decision adopting it is final. The decision adopting this Ordinance is final on the date it is adopted.

SECTION 17. CUSTOMER BILLING PROCEDURES

17.01 **Establish Rates and Charges** - The Board of Directors shall from time to time establish rates and charges for sewer and other service provided by the East Valley Water District by Resolution.

17.02 **Charges** - Sewer charges shall begin when a sewer service connection is installed. Thereafter, the District may transfer to the account which is established for such service any delinquent and/or unpaid charges from other closed or open accounts which are held by the customer and/or property owner with the District.

17.03 **Liability for Sewer Service** - The property owner shall be held liable for sewer service charges until such time as the District is notified in writing to transfer the account to another property owner.

17.04 **Liens for Unpaid Bills** - All unpaid bills will be made a lien against the property pursuant to these rules, regulations, and California Water Code Section 31791.5, et.seq. Delinquency charges may be applied to unpaid liens.

17.05 **Owner Liability** - The property owner remains responsible for all charges owed to the District whether or not the property owner actually lives on the premises, or signs the application for sewer service form.

17.06 **Billing Period** - The regular billing period will be monthly.

17.07 **Opening and Closing Bills** - Opening and closing bills for residential accounts less than the normal billing period shall be pro-rated. Commercial accounts shall be billed based upon actual water consumption.

17.08 **Payment of Bills** - Bills for sewer service shall be rendered at the end of each billing period and are due and payable upon presentation. If full payment is not received at the business office of the District on or before the final due date, the bill shall become past due and delinquent.

17.09 **Delinquency Notice** - A delinquency notice shall be mailed to customers whose accounts are delinquent, warning that service is subject to disconnection. The information that must be contained on the Delinquency Notice and the procedures for disconnecting service for non-payment are contained in the District's Policy for Discontinuation of Residential Water Service and in Sections 10 through 12 of the District's Water Regulations and Service Ordinance.

17.10 **Removal of Delinquency** - Once each calendar year customers may request that the District remove one delinquency from the record of their account when one or more delinquencies have occurred during the previous 12 months.

17.11 **Legal Action** - All unpaid rates and charges and penalties herein provided may be collected by legal action or collection agency.

17.12 **Costs** - Defendant shall pay all costs of legal action in any judgment rendered in favor of District including reasonable attorney fees.

17.13 **Discontinuing Service** - Customers desiring to discontinue service should notify the District prior to vacating the premises. Owners shall be liable for on-going charges between tenancy, and in the event of sale, up to the recording date of title to the property being transferred to a new owner. Owners shall

also be responsible for charges incurred by a tenant, but that remain unpaid after the tenant has vacated the property. Upon notice, the District will seal off the meter and take a closing reading.

17.14 **Collection with Other Utility Charges of Entity** - Where the person charged is a user of another utility owned and operated by the District the charges shall be collected together with and not separately from the charges for the other utility service rendered by it. They shall be billed upon the same bill and collected as one item.

SECTION 18. COMPLAINTS AND DISPUTED BILLS

18.01 **Right to Meet** - The customer has the right to meet with the Financial Officer or General Manager to present any evidence supporting a complaint with regard to sewer service, District rules, regulations, resolutions, or ordinances, or to dispute the accuracy of a bill for service or other charges.

18.02 **Arrangement of Meeting** - To arrange such a meeting the customer shall contact the District office, either in writing or by telephone during normal business hours.

18.03 **Presentation of Evidence** - The customer may be accompanied by a friend, attorney, or other representative to meet with the Financial Officer or General Manager, and may present any evidence they may have to support their position.

18.04 **Unresolved Disputes** - If the customer is unable to resolve his/her dispute with the Financial Officer or General Manager he/she may submit the complaint in writing, along with a full and detailed explanation to the Board of Directors for resolution.

18.05 **Appearance before the Board of Directors** - The customer may appear before the Board of Directors at the next regularly scheduled Board meeting by notifying the District Secretary in writing prior to the Board meeting of the date on which the customer wishes to appear and the nature of the dispute. The customer may then present the complaint and any supporting evidence and request for a decision from the Board.

18.06 **Delays on Action** - The Board shall act promptly to resolve the dispute but may delay a resolution of the dispute to the time of its next regular meeting in order to investigate the dispute or receive special reports related to the dispute.

18.07 **Further Delays** - Any further delays must be freely and willingly agreed to by the customer.

18.08 **Decision of the Board** - The decision of the Board of Directors shall be final. Should the Board not render a decision within sixty (60) days of the customer's application to the Board, this failure to act shall be deemed a denial of the requested action, unless both parties have agreed to extend the resolution period.

18.09 **Discontinuance of Service** - No sewer or other service shall be discontinued pending the final resolution of a dispute.

SECTION 19. DISCONNECTION FOR NON-PAYMENT

19.01 **Disconnection for Non-Payment** - Sewer service shall be discontinued if payment for sewer service is not made within sixty (60) calendar days of the date of mailing a delinquent notice. Disconnection of sewer service for non-payment shall be governed by the District's Policy on Discontinuation of Residential Water Service. At no time shall the District discontinue sewer service at a time when the District offices are closed.

19.01.01 **Tenant Occupied Property** - If sewer and other services to an account, where the tenant is shown as the Customer of Record, are discontinued for non-payment, the account will be revised to show the owner as primary Customer of Record. The owner will continue to be shown as primary Customer of Record for as long as they own the property. Tenants may be shown as an Additional Customer of Record with the consent of the property owner, or if an account in the property owner's name is subject to disconnection.

19.02 **Complaint Procedure for Disconnection** - Service disconnection for non-payment of bills or for violation of any of the District's rules, regulations, ordinances, or resolutions is subject to the complaint procedures specified in Section 18 herein.

19.03 **Refusal or Neglect to Pay Debt** - Any amount due is a debt to the District and any person, firm or corporation failing, neglecting, or refusing to pay this debt may be subject to a civil action for the amount due in a court of competent jurisdiction.

19.04 **Lien Against Property for Non-Payment** - Any unpaid debt will be deemed a lien against the real property to which service is rendered as specified herein and California Water Code Section 31701.5 et.seq.

19.05 **Service Charges for Violations** - If sewer service is discontinued for violation of any of the District's rules, regulations, resolutions or ordinances, service shall not be re-instituted until the violations have been corrected and all applicable service charges and fees as provided for herein are paid either by cash, payment card, money order, or cashier's check.

19.06 **Partial Payments** - A partial payment of a delinquent account may be accepted and credited to a customer's account, but such partial payment shall not be cause for removing the account from a delinquent status and shall not preclude the sewer service from being disconnected for delinquency.

19.07 **Authorization for Continuance of Service for Delinquent Accounts** - The General Manager, or his designee may authorize continuation of service to a delinquent account if financial arrangements satisfactory to the District have been established.

SECTION 20. ADDING DELINQUENT CHARGES TO TAX ROLL

20.01 **Report of Delinquent and Unpaid Charges** - A report of delinquent and unpaid charges for sewer and other services which have been unpaid and delinquent for sixty (60) days or more on July 1st of each year shall be prepared and submitted to the Board for consideration as tax liens. The unpaid delinquent charges listed in said report for each parcel of property shall be fixed at the amount listed in said report.

20.02 **Adoption and Filing of Report** - The Secretary shall file with the County Assessor of the County of San Bernardino and the Board of Supervisors of the County of San Bernardino, in the time and manner specified by the County Assessor and Board of Supervisors, a copy of such written report with a statement endorsed thereon over the signature of the Secretary, that such a report has been finally adopted and approved by the Board of Directors and that the County Assessor shall enter the amount of such charges against the respective lots or parcels of land as they appear on the current assessment roll.

20.03 **Collection of Delinquent and Unpaid Charges** - The amount of any charges for sewer and/or other services included in the report prepared and submitted pursuant to Sections 20.01 and 20.02 above shall be added to, and become a part of, the annual taxes next levied upon the property upon which the sewer service for which the charges are unpaid was used, and upon the property subject to the charges for any other District services, and shall constitute a lien on that property as of the same time and in the same manner as does the tax lien securing such annual taxes as provided in Section 19.04 above.

SECTION 21. CHARGES AND DEPOSITS

21.01 **Adoption** - The amount of all charges and deposits described herein shall be updated in the District's Schedule of Water and Wastewater Rates and Charges and adopted by separate Board Resolution.

21.02 **Security Deposit** - The Security Deposit insures payment of minimum District charges. Upon discontinuance of service, the security deposit shall be applied to reduce any unpaid charges outstanding on any accounts held by the customer with the District. The security deposit shall be refunded to the customer as provided in Section 8.04.02 herein.

21.03 **Service Initiation Charge** - The service initiation charge is a non-refundable charge which covers the reasonable District costs for initiating sewer service.

21.04 **Monthly Sewer Charge** - The monthly sewer charge includes, 1) Collection Charge established to maintain the District's wastewater collection lines, and 2) Treatment Charges established for the operation and maintenance of wastewater treatment and reclamation facilities. The collection charge,

also referred to as the sewer system charge, shall apply whether or not premises connected to the collections system are occupied.

21.05 **Delinquent Charge** - A delinquent charge shall be added to each delinquent account at the time any amount becomes delinquent, provided that no penalty charge shall be made on any account which at that time has no delinquencies of record. When a delinquent charge is made, such charge shall be added to the delinquent account as of the date the account becomes delinquent, and the penalty charge shall become an inseparable part of the amount due as of that time.

21.06 **Disconnection Notice Charge** - The disconnection notice charge is the charge which covers reasonable District costs to notify customers that their sewer service is subject to impending termination.

21.07 **Service Reconnect Charge** - The service reconnect charge is the charge which covers the reasonable District costs of disconnection and reconnection of service connections which are in violation of the provisions contained herein.

21.08 **Returned Payment Fee** - The returned payment fee is a charge which covers the reasonable administrative cost and banking charges for processing a returned check, or to respond to a disputed charge where a payment card was fraudulently used to make payment on an account.

21.09 **Wastewater Capacity Charges** - The Wastewater capacity charge is a charge for connecting to the District's existing sewer system and for that incremental portion of the system's capacity that will be used by the new connection. Accessory Dwelling Units (ADU) added to a parcel with an existing primary residence will not be subject to the Capacity Charge unless the ADU exceeds 750 square feet in size. If the size of the ADU does make it subject to this charge, the amount of the charge will be calculated based on the size of the ADU proportional to the size of the primary residence. Such regular charge shall be paid in advance by the applicant.

21.10 **Verification Charge** - The verification charge is the charge which covers reasonable District costs to make follow up attempts to contact the customer by mail, and attempts to make personal contact, and to verify and mark the location of the sewer service lateral.

21.11 **Inspection Charge** - Where a customer service connection or facility requires inspection by District personnel, the customer shall be charged for such inspection.

21.12 **Special Facility Charge** - A Special Facility Charge shall be required for development of limited-service areas whenever special facilities are required. The charge to be made to a Developer or Owner of land that is considered by the District to be within a limited-service area shall be based upon the Developer's or Landowner's proportionate share of the cost for the installation of such Special Facility. Such proportionate share to be borne by the Developer or Landowner shall be based on the percentage of such development to the entire limited-service area to be served by the Special Facilities; and the difference between the cost of facilities to serve the same number of acres or area under normal conditions and the cost of facilities to serve the acreage or area under special conditions at a higher cost.

21.13 **Engineering / New Development Service Charges** - The following Engineering / New Development planning service charges are fees for the District's time and effort spent on assisting customers who have a requirement to construct sewer extensions, or other sewer facilities, that must meet District needs and conform to District Standards. These fees include:

- Drafting of an Availability Letter
- Construction Inspection
- Drafting/preparing revisions to a Development Agreement
- Development and Engineering Research
- Development Meeting
- Easement / Quitclaim Processing
- Water / Sewer Inquiry
- New Construction Chlorination and Flushing
- Water Quality Sampling

- Plan Checking
- Drafting a Will Serve Letter

21.14 **Sewer Permit Charge** - The sewer permit charge is the charge to cover the District's cost to review, approve and process an applicant's request to connect to the District's sewer facilities.

21.15 **Sewer Manhole Deposit** - The refundable sewer manhole deposit is used to ensure that manholes are constructed to final grade before the project is considered complete. The District will accept a Guarantee Bond in lieu of a cash deposit. The fee will be returned or the Bond released when sewer manholes are constructed to final grade by the Developer's contractor and verified by the District.

21.16 **Landscape Adjustment** - The landscape adjustment is the adjustment to the sewage treatment and collection charge based upon the proportional amount of the customer's property irrigated through a domestic water meter.

21.17 **Charges and Deposits** - All rates, charges, fees, penalties, fines, deposits, and other methods of assessment are set by the District's Board of Directors. The General Manager, or appointed designee, may approve adjustment to any charges, late penalties, past due account fees, or service deposits pursuant to the District's procedures and applicable law.

SECTION 22. EFFECTIVE DATE

This Ordinance shall take effect and replace Ordinance No. 407 upon adoption.

Adopted this 28th day of October 2026.

ROLL CALL:

Ayes: Directors: Carrillo, Coats, Goodrich, Morales, Smith
Noes: None
Absent: None
Abstain: None

Ronald L. Coats
Board President

ATTEST:

Michael Moore
Secretary, Board of Directors

October 28, 2026

I HEREBY CERTIFY that the foregoing is a full, true and correct copy of Ordinance No. 410 adopted by the Board of Directors of East Valley Water District at its Regular Meeting held October 28, 2026.

Michael Moore
Secretary, Board of Directors