

CENTRAL MARIN SANITATION AGENCY

SEWER USE ORDINANCE

ORDINANCE No. 2009-1

September 2009

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CENTRAL MARIN SANITATION AGENCY

Ordinance No. 2009-1

AN ORDINANCE PROVIDING FOR AND REGULATING THE ACCEPTANCE OF INDUSTRIAL WASTE AND CONTAMINATED GROUNDWATER INTO THE WATER POLLUTION CONTROL SYSTEM OF THE CENTRAL MARIN SANITATION AGENCY

SECTION 1 - INTRODUCTION

The Commission of the Central Marin Sanitation Agency of Marin County does adopt as follows:

This ordinance shall be known as the "Sewer Use Ordinance of the Central Marin Sanitation Agency" and may be so cited and pleaded.

This ordinance is adopted pursuant to provisions of Section 6400 et. seq. of the Health and Safety Code of the State of California.

A. PURPOSE AND POLICY

This ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works for Central Marin Sanitation Agency and enables the Agency to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code § 1251 *et seq.*) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this ordinance are:

1. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
2. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
3. To protect the physical structures of the Publicly Owned Treatment Works and the efficient functioning of its component parts.
4. To protect the health and safety of the personnel of the Central Marin Sanitation Agency and its member agencies and preserve the safety and health of the public.
5. To comply with all the applicable and compatible local, State of California and federal laws, rules, regulations, or orders.

6. To protect the environment from threat of hazard or harm resulting from the disposal of waste.
7. To prevent the introduction of wastes to the Publicly Owned Treatment Works that could result in the Agency being classified as a hazardous waste treatment, storage, or disposal facility under the laws of the State of California or the United States.
8. To maintain the suitability of wastewater treated by the Agency for any adopted reclamation use.

B. APPLICABILITY OF THE SEWER USE ORDINANCE

This ordinance shall apply to all users of the Publicly Owned Treatment Works. The ordinance authorizes the issuance of wastewater discharge permits, provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

C. ANALYTICAL AND SAMPLING METHODOLOGY AND PROCEDURES

The method and procedures utilized for all analyses which are reported under the requirements of these regulations shall be as specified by the provisions of 40 CFR Part 136, "Guidelines Establishing Test Procedures for the Analysis of Pollutants".

The methods and procedures utilized for all sampling performed and/or reported under the requirements of these regulations shall be as specified by the provisions of 40 CFR Part 136.

If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the U.S. Environmental Protection Agency.

SECTION 2 - DEFINITIONS AND ABBREVIATIONS

A. LIST OF DEFINITIONS

Act: Any regulation contained in or amendment of the Clean Water Act.

Administrative Complaint: A presentation (written document) by the AGENCY, normally reserved for the advanced stages of formal enforcement, giving notice to the discharger of the nature and basis of the violations asserted and demanding specified amounts of money for noncompliance.

Administrative Order: An Administrative Order is an enforcement document which directs users to implement corrective or remedial measures. Levels of enforcement include: Cease and Desist Orders, Compliance Orders, and Show Cause Orders.

Agency: Agency refers to the Central Marin Sanitation Agency.

Agent: Any person designated or retained by CMSA, including the Commission or the General Manager, to fulfill the sampling, monitoring, reporting, or inspection services of CMSA as required by this Sewer Use Ordinance, the waste discharge permit and/or all applicable state, federal, or local regulations, and/or to perform the enforcement actions required by this Sewer Use Ordinance. CMSA agents may include, but are not limited to, any of the following: the CMSA General Manager, the CMSA Environmental Services Manager, other designated Environmental Services staff, a consultant for CMSA, or the County District Attorney.

Authorized Representative of User: An authorized representative of a user may be: (1) principal executive officer, if the user is a corporation; (2) general partner or proprietor if the user is a partnership or proprietorship, respectively; or (3) duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the discharge originates and if such representative is identified in writing by the individual designated in (1) or (2) above.

Best Management Practices: Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). Best Management Practices also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Biochemical Oxygen Demand or BOD: The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° Celsius, usually expressed as a concentration (e.g., mg/l).

Categorical User: Any user who, on the basis of the industrial activity at the facility in question, must comply with National Categorical Standards.

Cease and Desist Order: An Administrative Order directing a discharger to immediately halt illegal or unauthorized discharges, or to terminate its discharge altogether.

Central Marin Sanitation Agency: The public agency formed in Marin County, California by the "Central Marin Sanitation Agency Joint Exercise of Powers Agreement", dated October 15, 1979.

CFR: Code of Federal Regulations.

Commission: The governing board of Central Marin Sanitation Agency. The Commission consists of six commissioners, appointed as specified in the CMSA Joint Exercise of Powers Agreement.

Compliance Order: An Administrative Order directing the discharger to achieve or restore compliance by a specified date. A Compliance Order may include a compliance schedule with specific milestones for achieving steps toward compliance, for tracking progress, and for the discharger to report progress.

Contaminated Groundwater: Any storm water, groundwater, surface water, landfill leachate, or subsurface drainage which has been contaminated with pollutants or by exposure to pollutants to the extent that it cannot readily be discharged to the storm drain.

Discharger: Any person discharging industrial waste to the water pollution control system. This term specifically includes any categorical industries connected to the water pollution control system, whether or not they discharge process wastewater. It also includes any facilities with a reasonable potential for discharging significant quantities of industrial waste, whether or not they are currently discharging process waste.

Domestic Waste: Any waterborne waste of the type normally resulting from flushing and washing waste products from residences and lavatories.

Emergency: A situation or occurrence of a serious nature, developing suddenly and unexpectedly, and demanding immediate action.

Enforcement Response Plan: A plan which describes how CMSA will investigate and take appropriate enforcement actions for instances of noncompliance.

Fee: A charge for professional or special service.

Federal Pretreatment Regulations: Any regulations promulgated by EPA in accordance with Sections 307(b) and (c) and 402(b)(8) of the "Act" (33 U.S.C. 1317) for the implementation, administration, and enforcement of pretreatment standards.

General Manager: General Manager is the Manager of the Central Marin Sanitation Agency or his/her designated agent.

Illegal Discharge: Any discharge of waste containing contaminants or pollutants prohibited by state or federal law, or local limits including discharge to the wastewater treatment plant and collection system, or to the storm drain system.

Indirect Discharge: The introduction of pollutants into the POTW from any non-domestic source regulated under section 307(b), (c), or (d) of the Act.

Industrial Park: A location in the service area where multiple industrial or commercial concerns, owned and operated by different persons, are discharging through one or more common connections to the water pollution control system.

Industrial User: A source of indirect discharge.

Industrial Waste: Any waterborne waste from manufacturing, processing, or other industrial activity, excluding domestic waste, boiler blowdown, and uncontaminated cooling water. Substantial discharge of boiler blowdown closely associated with industrial activity shall be considered an industrial waste discharge when such discharge has, in the opinion of the General Manager, a reasonable potential to affect the water pollution control system. Water borne wastes from "commercial" activities, such as automobile repair or photoprocessing, are expressly included in this definition. Contaminated groundwater is also included in this definition.

Interference: Any discharge which, alone or in conjunction with a discharge or discharges from other sources both: 1) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and 2) therefore is a cause of a violation of any requirement of the CMSA NPDES permit, including an increase in the magnitude or duration of a violation, or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent California State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including California State regulations in any California 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.

Member Agency: Any of the four entities which own and operate the collection system in the CMSA service area. These are Sanitary District No. 1 of Marin County, Sanitary District No. 2 of Marin County, San Rafael Sanitation District, and the City of Larkspur. The relation of these agencies to CMSA is specified in the CMSA Joint Exercise of Powers Agreement.

National Categorical Standards: Any regulations containing pollutant discharge limits promulgated by EPA in accordance with Section 307 (b) and (c) of the Act (33 USC 1317) and which apply to a specific category of user. These regulations are found at 40 CFR Chapter I, Subchapter N, Parts 405-471.

National Pretreatment Standard: Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Act, which applies to users. This term includes both the general and specific prohibitions found in 40 CFR 403.5 and the National Categorical Standards.

New Source: Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commences after the publication of proposed Pretreatment Standards under section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section. Specific location and construction criteria for determining a new source are as in 40 CFR 403.3(m).

Noncompliance: Any violation of any part of this Sewer Use Ordinance, the waste discharge permit, National Categorical Standards, or any other Federal, State or local law, regulation or order related to the discharge, indirect or otherwise, of industrial waste.

Notice of Violation (NOV): An official written communication from the POTW to the noncompliant user informing him that a violation has occurred and that appropriate corrective action must be taken in a prescribed period of time.

NPDES Permit: A permit issued for direct discharge to San Francisco Bay or other waters of the State. The permits are issued by the Regional Water Quality Control Board, as part of the National Pollutant Discharge Elimination System.

Nuisance: Any nuisance defined by California statutes or known at common law or in equity jurisprudence.

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

Penalty (Fine): A sum of money imposed upon a person as a penalty for an act of wrongdoing.

Person: Any individual, firm, partnership, corporation, association or public agency, including the State of California and the United States of America. The singular shall include the plural, the masculine gender shall include the feminine.

Premises: The location of the process, storage, discharge, and business actions of any person discharging to the water pollution control system.

Pretreatment: The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

Pretreatment Requirement: Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard, applicable to an user.

Publicly Owned Treatment Works or POTW: A "treatment works", as defined by Section 212 of the Act (33 U.S.C. §1292) which is owned by CMSA and its member agencies. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

Self-monitoring: Wastewater sampling performed by a discharger, per section 7B of this Sewer Use Ordinance.

Service Area: The geographical area served by the CMSA water pollution control system. This includes Paradise Cay, Fairfax, Ross, San Anselmo, Greenbrae, Kentfield, Larkspur, Corte Madera, and areas of San Rafael south of the Santa Venetia ridge.

Sewage: Any combination of domestic waste and industrial waste together with such ground, surface and storm waters as may be present.

Sewer Use Ordinance: This document numbered 2009-1 and any amendments thereto.

Show Cause Order: A Show Cause Order is an order for the user to appear before the CMSA Commission or the General Manager or his/her agent, to explain the noncompliance and why more severe enforcement actions should not be taken. CMSA may designate a hearing officer to hear testimony for the hearing.

Significant Industrial User (SIU): Significant industrial users include all of the following: All categorical users and any noncategorical user which discharges

25,000 gallon per day or more of process wastewater, excluding sanitary, noncontact cooling, and boiler blowdown wastewater; contributes a process wastewater which makes up five percent or more of the average dry weather hydraulic or organic (BOD, TSS, etc.) capacity of the POTW; or has a reasonable potential, in the opinion of the General Manager, to adversely affect the POTW treatment plant, including interference, pass-through of pollutants, sludge contamination, or endangerment of POTW workers.

Significant Noncompliance: A significant industrial user is in significant noncompliance with applicable pretreatment requirements if any violation meets one or more of the following criteria:

Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits.

Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all measurements taken for the same pollutant parameter during a 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).

Any other violation of a pretreatment standard or requirement (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the Agency determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).

Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the Agency's exercise of its emergency authority to halt or prevent such a discharge.

Failure to meet, within ninety days after the due date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction or attaining final compliance.

Failure to provide, within forty-five days after the due date, required reports such as baseline monitoring reports, ninety day compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules.

Failure to accurately report noncompliance.

Any other violation or group of violations, which may include violation of Best Management Practices or wastewater permit Special Conditions, which the Agency determines will adversely affect the operation or implementation of the local pretreatment program.

Slug Discharge: A discharge capable of causing adverse impacts to the Agency, its workers, or the environment, or any pollutant including an oxygen-demanding pollutant released in a discharge at a flow rate and/or pollutant concentration which may cause interference with the operation of the Agency's sewerage system. The discharge will be considered a slug discharge if the flow rate or concentrations or quantities of pollutants exceed, for any time period longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration, quantity, or flow during normal operations. A slug discharge is considered to be a discharge of a non-routine, episodic nature, including, but not limited to a bypass of the pretreatment system, an accidental spill, or a noncustomary batch discharge. Batch discharges are intentional, controllable discharges that occur periodically within a user's process (typically the result of a noncontinuous process). Accidental spills are unintentional, largely uncontrolled discharges that may result from leaks or spills of storage containers or manufacturing processes in an area with access to floor drains.

User: Any person who contributes or causes a contribution of wastewater, including domestic waste, into the water pollution control system.

Wastewater Permit: A control mechanism document issued to a user, as described in Section 5 of this Ordinance.

Water Pollution Control System: All facilities of the Central Marin Sanitation Agency and/or all facilities of any of CMSA's member agencies for collecting, pumping, treating and disposing of sewage or for reclaiming sewage by-products.

Waters of the State: Any waters, surface or underground, saline or fresh, within the boundaries of the State.

Working Day: Monday, Tuesday, Wednesday, Thursday, or Friday, excluding federal or California State holidays.

B. LIST OF ABBREVIATIONS

BOD - Biochemical Oxygen Demand

CCR - California Code of Regulations

CFR - Code of Federal Regulations

CMSA - Central Marin Sanitation Agency

EPA - United States Environmental Protection Agency

mg/L - Milligrams per Liter concentration

NPDES - National Pollutant Discharge Elimination System

pH - A numerical value representing the relative acidity or alkalinity of the waste discharge

POTW - Publicly Owned Treatment Works

RWQCB - Regional Water Quality Control Board, San Francisco Bay Region

SUO - Sewer Use Ordinance

SECTION 3 - STANDARDS AND LIMITATIONS

CMSA has set forth the following prohibitions and limitations for waste discharge to the CMSA water pollution control system. Where National Categorical Standards are applicable, the discharger must comply with the more stringent of the CMSA local limit or the applicable categorical standard for a given pollutant.

A. GENERAL DISCHARGE PROHIBITIONS

No person shall contribute to or cause to be contributed to the water pollution control system any waste or any pollutant which will:

1. Cause interference with the water pollution control system.
2. Damage the water pollution control system.
3. Cause pass through of the water pollution control system.
4. Cause hazard to the public safety, the environment, or to water pollution control system personnel.

B. SPECIFIC PROHIBITIONS

No person shall discharge any waste, industrial or domestic, including trucked or hauled pollutants, to the POTW, except through sewer connections approved by CMSA and the relevant member agency or at approved discharge locations at the CMSA treatment works. Discharge at any other location, specifically including collection system manholes, is prohibited without prior written approval from the General Manager.

Except as hereinafter provided, no person shall discharge, or cause to be discharged, to the water pollution control system any of the following described waters or wastes:

1. Any solid or viscous pollutants in amounts which will cause obstruction to the flow in the collection system or the treatment works, or which will require unusual attention or expense to convey and/or treat. In no case shall there be discharge of any solid material not capable of passing through a 3/8 inch mesh screen.
2. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21.

3. Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 104°F (40°C), and any heated discharges which pose a hazard to the water pollution control system personnel.
4. Any discharge which has been diluted as a partial or complete substitute for treatment to achieve compliance with this Sewer Use Ordinance, the user's waste discharge permit, or the National Categorical Standards.
5. Any discharge of hazardous waste, as defined by Title 22 of the California Code of Regulations, without the written approval of the General Manager.
6. Any discharge which causes noxious or malodorous gases at or near the CMSA water pollution control system facilities or the facilities of CMSA member agencies, or which otherwise creates a public nuisance.
7. Pollutants which result in the presence of toxic gases, fumes, or vapors within the POTW in a quantity that endangers the health or safety of POTW personnel.
8. Any discharge of pesticides, herbicides, or polychlorinated biphenyls (PCBs) in quantities deemed significant by the General Manager.
9. Any storm water, surface water, groundwater, roof runoff or subsurface drainage, except in cases of discharge of contaminated groundwater (Section 8).
10. Any radioactive wastes, except as allowed under the "California Radiation Control Regulations", CCR Title 23 sec 30100 et seq.
11. Any discharge of any pollutant, including oxygen demanding pollutants (BOD, etc.), released at a flow rate and/or concentration which will cause interference with the water pollution control system.
12. Any discharge waters having an average daily flow greater than 0.5 percent of CMSA's average dry weather flow (ADWF), without the approval of the General Manager.
13. Any discharge containing petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that, alone or in conjunction with other discharges, will cause interference or pass-through.

14. Any discharge which, alone or in conjunction with a discharge or discharges from other sources, will compromise the suitability of CMSA treated wastewater for any adopted reclamation use.
15. Pollutants which will cause corrosive structural damage to the POTW.

C. OTHER PROHIBITIONS

1. Use of Dilution Prohibited:

Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the national pretreatment standards, or in any other pollutant-specific limitation developed by the Agency or State. An increase in the use of process water which is reasonably proportional to increased production and which is required for said increase in product, will not be considered a use of dilution.

2. Slug Discharges:

All users are prohibited from allowing slug discharges, as elsewhere defined herein, from entering the water pollution control system. Each user shall provide protection from slug discharges of restricted materials or other substances regulated by this Ordinance.

D. LOCAL LIMITS

Any exceedance or violation of these limits is considered to be a violation of this Sewer Use Ordinance and is enforceable by penalties.

1. No discharge shall have a pH less than 6.0 or greater than or equal to 12.5.

2. The following table lists the maximum waste discharge concentration for the listed pollutants.

Pollutant	Maximum Concentration (mg/L)
Arsenic	0.59
Cadmium	0.13
Chromium (Total)	2.0
Copper	1.5
Lead	1.6
Mercury	0.011
Nickel	1.0
Silver	1.0
Zinc	1.0
Cyanide (Total)	1.2

3. No discharge shall contain petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in a total concentration exceeding 100 mg/L.
4. For all users who are not “significant industrial users,” as defined in Section 2 of this Sewer Use Ordinance, the maximum discharge concentration for zinc shall be 2.5 mg/L, rather than 1.0 mg/L as specified in Section 3.D.2. above.

E. NATIONAL CATEGORICAL STANDARDS

The National Categorical Standards, found at 40 CFR Chapter I, Parts 405-471, are hereby incorporated into this Sewer Use Ordinance and made a part thereof. All categorical users are required to comply with those National Categorical Standards which are applicable to them.

Categorical Standards shall apply to the effluent of the process regulated by the Standard, or as otherwise specified by the standard. Where process effluent is mixed prior to treatment with wastewaters other than those generated by the regulated process, fixed alternative discharge limits may be derived by CMSA, as defined in 40 CFR 403.6(e).

F. POINT OF APPLICATION OF LIMITS

Compliance with the discharge limits and standards listed in this section shall be determined at a location or locations deemed appropriate by the General Manager.

G. AGENCY'S RIGHT OF REVISION

The Agency reserves the right to establish by ordinance or resolution more stringent limitations or requirements on dischargers to the wastewater disposal system if deemed necessary to comply with the objectives presented in this Ordinance. No revision of limitations or requirements hereunder shall subject the Agency to civil liability or penalty for interference with a vested right of any user.

SECTION 4 - AUTHORITY AND RESPONSIBILITY

Central Marin Sanitation Agency shall have the authority to regulate all discharges to, and other uses of, the water pollution control system in order to ensure compliance with the National Pretreatment Standards and all provisions of this Sewer Use Ordinance.

A. AUTHORITIES OF THE COMMISSION

1. The Commission and its agent shall have the authority to seek injunctive relief and pursue civil and criminal penalties for violations of this Sewer Use Ordinance as may be provided for under the Act and California State and federal laws.
2. The Commission and its agent shall have all the authorities of the General Manager, as specified in Section 4.B. of this Sewer Use Ordinance.

B. AUTHORITIES OF THE GENERAL MANAGER

1. The General Manager of CMSA or his/her agent shall have the authority to issue an Administrative Order, including a Show Cause Order, Cease and Desist Order, and Compliance Order to any user of the water pollution control system.
2. The General Manager of CMSA or his/her agent shall have authority to assess administrative penalties to any user of the Water Pollution Control System.
3. The General manager of CMSA or his/her agent shall have the authority to terminate service and disconnect any person from the water pollution control system who does not comply with the requirements of this Sewer Use Ordinance or the requirements of the user's permit.
4. The General Manager of CMSA or his/her agent shall have authority to seek criminal penalties for violations of this SUO as may be provided for under the Act and California State and federal laws.
5. The General Manager of CMSA or his /her agent shall have the authority to halt or suspend a discharge in the event of an actual or threatened discharge which is in violation of this Sewer Use Ordinance, the waste discharge permit, or the regulatory conditions of 40 CFR 403.8(f)(l)(vi)(B), or in the event of an emergency.
6. The General Manager of CMSA or his /her agent shall have the authority to levy fees for additional services or to recover damage costs which are a result of a discharge, as described in Section 5.D of this Sewer Use Ordinance.

7. The General Manager of CMSA or his/her agent shall have the authority to inspect, at any reasonable time, the premises of any user of the CMSA water pollution control system, including but not limited to, any areas or points of sampling, discharge, process, storage, and/or any other areas as deemed reasonable and necessary by the General Manager to document the person's compliance with the requirements of this Sewer Use Ordinance or the waste discharge permit. The authority to inspect includes the authority to take photographs and/or collect samples of any wastes either being discharged to the water pollution control system or with the potential for such discharge, or for any other violation of local, state or federal law which may impact the POTW.
8. The General Manager of CMSA or his/her agent shall have the authority to witness any sampling and sampling procedures as required as part of the self-monitoring program and under the terms of this Sewer Use Ordinance and the waste discharge permit.
9. The General Manager of CMSA or his/her agent shall have the authority to obtain copies of any monitoring and sampling records as necessary to establish compliance or non-compliance with the objectives of this ordinance or the waste discharge permit, and if necessary, remove those records from the premises for copying purposes. These records include, but are not limited to, record keeping required under 40 CFR 403.12.
10. The General Manager of CMSA or his/her agent shall have the authority to require a waste discharger to install and operate pretreatment facilities and/or sampling locations as deemed reasonable and necessary by the General Manager to meet the local limits described in this Sewer Use Ordinance and the National Pretreatment Standards.
11. The General Manager of CMSA or his/her agent shall have the authority to specify a compliance schedule for the user to install pretreatment, monitoring, and sampling equipment, and shall have the authority to require compliance schedules and compliance reports on completing scheduled milestones to meet compliance.
12. The General Manager of CMSA or his/her agent shall have the authority to inspect the installation and operation of the pretreatment facilities.
13. The General Manager of CMSA or his/her agent shall have the authority to require submission of all notices and self-monitoring reports from any user as required by this Sewer Use Ordinance and the discharger's permit, and any additional reports required to demonstrate compliance with this Sewer Use Ordinance and the permit requirements, including, but not limited to, the reports required in CFR 403.12, with the signatory requirements of 40 CFR 403.12(l).

C. RESPONSIBILITIES OF THE GENERAL MANAGER

1. The General Manager shall be charged with the administration of the water pollution control system and the enforcement of the provisions of this ordinance. For such purposes, upon presentation of proper credentials and identification, he/she or his/her agent may enter at reasonable times any premise in the service area to perform any duty imposed upon him by this Sewer Use Ordinance.
2. The General Manager shall be responsible for checking the quantitative or qualitative compliance with the established regulations. Such quantitative or qualitative analysis may be made either by spot checks or regularly scheduled checks of all waste material.
3. If the waste material is found to be in violation of the standards established in Section 3, Standards and Limitations of this Sewer Use Ordinance, it will be the responsibility of the General Manager or his/her agent to request compliance and make reports on the progress of corrective measures to the Commission of the Central Marin Sanitation Agency.

SECTION 5 - ADMINISTRATION

A. CLASSIFICATION OF USERS

All users shall be classified for wastewater disposal purposes in accordance with the activities conducted upon the premises, as determined by the General Manager. The purpose of classification is to facilitate the regulation of users of the water pollution control system on the basis of each user's waste quality, quantity and flow, and the recovery of equitable and appropriate fees. The classification of a user will be used to determine the Permit Fee, as described in Section 5.D. of this Sewer Use Ordinance, and the connection charge as provided for in the CMSA Fee Schedule Ordinance. The classification shall further provide a means of imposing an appropriate level of oversight, control, and enforcement.

User Classes

Class I User: Any user meeting the definition of a "Significant Industrial User" in Section 2 of this Ordinance. This includes all "categorical users", whether or not they discharge process wastewater into the sanitary sewers.

Class II User: Any user who, in the opinion of the General Manager, may have an impact on the Agency's ability to meet the objectives of this Ordinance and who is not appropriately classified as a Class I, III, or IV user. Typically, these are manufacturing or mass transit facilities, but other types of facilities may be classified as a Class II user. The following criteria shall be used to determine if a user is a Class II user. The criteria shall also be used to determine the permit term.

- o Wastewater flowrate
- o Wastewater characteristics, actual and/or potential
- o Quantity and type of hazardous wastes generated at the facility.
- o The potential for spills to the sanitary sewers from the facility and the impact of such spills if they should occur.
- o The size and complexity of the facility, to the degree that this affects the effort required to verify compliance with Agency requirements.

Class III User: Any user performing business activity which has been designated by the General Manager as a Class III category. This designation shall be based on the criteria listed above for Class II users, taking into consideration the cumulative effect of all users in the category under consideration. Individual permits will be issued to each facility, but these permits shall be "short form" permits, standardized within each category.

Radiator repair shops and vehicle maintenance/repair facilities have been designated Class III categories. Other categories of business activity may be designated as Class III.

Before any additional categories are designated Class III, the Agency shall notify facilities in the category of the proposed regulation and give them an opportunity to comment on the proposal. The Agency shall attempt to notify all users in the category in the service area, but failure of a user to receive prior notification shall not exempt them from the permit requirement, after the category has been designated a Class III category.

A facility performing business activity in a Class III category may be classified instead as a Class II user. This shall be done if it is determined, based on the criteria listed above for Class II users, that a standardized Class III permit is not adequate to assure facility compliance with this Ordinance.

Class IV User: Dischargers of contaminated groundwater and similar dischargers. These discharges are discussed in Section 8 of this Ordinance. A facility requiring a Class I, II or III permit will require a separate Class IV permit for groundwater discharge from the facility.

B. RESPONSIBILITY OF USERS

It shall be the responsibility of the user to comply with all of the provisions of this Sewer Use Ordinance. The omission to act by the Agency and/or the failure of the Agency to take cognizance of the nature of the operation of the user and/or the properties of the user's wastewater shall not relieve the user of responsibility to comply with the conditions of this Ordinance, including, but not limited to, such requirements regarding permitting, pretreatment, monitoring, and reporting. It shall be the responsibility of the user to make determinations as to the nature of its operation and wastewater flow and to take such actions as may be required under this Ordinance prior to any discharge of wastewater, whether or not the user has been informed by the Agency of the requirements which may apply to the user regarding its discharge.

C. PERMIT PROCEDURE

1. Applicability

Any user classified as a Class I, II, III, or IV user, as described in Section 5.A. of this Ordinance, shall apply for a wastewater permit from the office of the General Manager and shall not discharge industrial waste into the water pollution control system without a permit thereof. The applicant will also be required to apply for any permit required by the member agency in whose jurisdiction the discharge may occur.

The permitted discharge herein is accepted only on a capacity available basis. Such discharge is subject to reduction, modification, suspension, or termination at any time by CMSA with a phone call or written notice. Discharge shall cease immediately upon request by CMSA and shall not be continued without written permission from CMSA.

2. Application for Permit

- a. Users required, or who may be required, to obtain a wastewater permit shall complete and file with the Agency an application in the form prescribed by the Agency. A new permit fee may be assessed at the time of the application. All new users shall apply at least thirty (30) days prior to connecting to or contributing to the water pollution control system. In support of the application, the user may be required to submit, in units and terms appropriate for evaluation, some or all of the following information, but will in all cases be required to submit item 16:
 - (1) Name and address of the operator or owner and location of the facility for which the permit application is being made.
 - (2) SIC number(s) according to the Standard Industrial Classification Manual, Bureau of the Budget, 1987, as amended, for all operations conducted at the facility.
 - (3) A list of all environmental control permits and hazardous substance release response (spill) plans that are held by or for the facility.
 - (4) Time(s) and duration of all process discharges.
 - (5) Average daily and fifteen-(15) minute peak wastewater flow rates, including daily, monthly, and seasonal variations if any. Flow rates shall be provided for each regulated process stream.
 - (6) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, and appurtenances by the size, location, and elevation.
 - (7) Description of activities, facilities, and plant processes on the premises including all materials which are or could be discharged, provided such existing or proposed wastewater pretreatment facilities. Construction drawings and design criteria shall also be submitted.
 - (8) The nature and concentration of any pollutants in the discharge which are limited by an Agency or State pretreatment standard or requirement or by a national pretreatment standard, or which are

otherwise requested by the Agency. Pollutant data shall be provided for each regulated process stream. In the case of an existing user, a statement regarding whether or not the pretreatment standards and requirements are being met on a consistent basis and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards and requirements.

- (9) The nature and concentration of any pollutants in the discharge which are limited by state or federal standards concerning the release or discharge of any hazardous substance or waste.
- (10) If additional pretreatment housekeeping, process changes, and/or operations will be required to meet the pretreatment standards and requirements; the shortest schedule by which the user will provide such additional pretreatment. The completion data in this schedule shall not be later than the compliance date established by EPA, the State, or the Agency for the applicable standard.
- (11) Each product produced by type, amount, process or processes, and rate of production.
- (12) Type and amount of raw materials processed (average and maximum per day), provided such raw materials are present in quantities sufficient to cause harm to the operations of the Agency or to the environment if released.
- (13) Number, type, and volume/amount of hazardous substances stored on the premises and a description of the method of storage and/or the containment device for such substances, provided such substances are present in quantities sufficient to cause harm to the operations of the Agency or to the environment if released.
- (14) A description of the spill protection and emergency response procedures used or proposed to be used at the facility.
- (15) Number and classification of employees, hours of operation of plant, and proposed or actual hours of operation of pretreatment system.
- (16) A signed statement of the authorized representative of the industrial user applicant that the information presented in the permit application is true and accurate to the best of the authorized representative's knowledge, and that the applicant is or upon connection will be in compliance with applicable pretreatment standards and requirements on a consistent basis

and if not, whether additional operation and maintenance (O & M) and/or additional pretreatment is required for the applicant to meet such standards and requirements.

- (17) A signed certification of a qualified professional that the applicant is or upon connection will be in compliance with applicable pretreatment standards and requirements on a consistent basis and if not, whether additional O & M and/or pretreatment is required for the applicant to meet such standards and/or requirements.
- (18) Any other information as may be deemed by the Agency to be necessary to evaluate the permit application.

The permit application for Class I and II users shall include a statement that any information submitted by the applicant shall be available for public review, except where such information is specified by the applicant to be entitled to protection as trade secrets. The application form will specify procedures for designating submitted information as confidential, in accordance with Section 9. of this Ordinance. This statement and procedures may be omitted from permit application forms for Class III, IV, and V users, if the information requested on the forms does not include any potential trade secrets.

- b. When the General Manager, or his/her agent, becomes aware of discharge of industrial waste without a permit, the General Manager may issue a Cease and Desist Order (CDO) requiring the discharger to immediately halt discharge to the water pollution control system. If a CDO is not issued, a Notice of Violation (NOV) will be issued to the discharger. The NOV will be accompanied by a statement of the material required for an acceptable permit application, a statement of the Permit Fee, and a deadline for submission of the completed application. The NOV deadline for submission of a completed application will be 15 to 60 days after the date of the NOV, as deemed appropriate by the General Manager, or his/her agent. This deadline shall not negate the General Manager's authority to halt, in a timely fashion, discharges which cause a nuisance, pass-through, interference, or any hazard or threat to the public safety or any other violation of this Sewer Use Ordinance.
- c. CMSA will provide the applicant with the following documents when the application is requested:

Copies of the CMSA fee Schedule, the Enforcement Response Plan, this Sewer Use Ordinance, and any other applicable CMSA ordinances governing the potential discharge as deemed necessary by the General Manager.

CMSA may provide the applicant with summaries of the above documents, unless complete copies are requested by the applicant. A fee may be charged for these documents.

- d. CMSA will review the permit application to determine if a permit is required, if the application is complete, and if a permit shall be granted or denied.
 - If the General Manager determines that the application is incomplete, he/she may require the discharger to submit additional information before granting or denying a permit. When the General Manager or his/her Agent determines the permit application has been satisfactorily completed and all appropriate fees have been paid a discharge permit will be issued, unless there are other reasons for denial. If a permit is denied, the General Manager shall provide the person with a written explanation for denial.
 - All discharge permits will include a deadline for submission of a permit renewal application, prior to the expiration date of the permit. Users failing to submit an acceptable application, and the permit fee, by the application deadline are subject to enforcement action. This enforcement action may include administrative penalties and/or an Administrative Order.

3. Permit Requirements.

- a. The General Manager may, at any time before or after granting a permit, require additional information from each person applying for a wastewater permit. Each such person shall notify the General Manager of any changes in process of operation that may affect the quantity or quality of the waste discharge prior to implementing such changes.
- b. Each permittee may be required to sample and monitor his discharge and provide monitoring reports as required by the General Manager in accordance with the Federal Pretreatment Regulations and the wastewater permit. The General Manager may, at any time, require the person to submit additional or more frequent reports to demonstrate compliance with this Sewer Use Ordinance and all applicable state and federal regulations.
- c. All costs for sampling and monitoring, whether completed by CMSA or the permittee, shall be borne by the permittee. These costs are discussed in Section 5.D., Authority to Assess and Collect Fees, of this Sewer Use Ordinance.

- d. All analytical testing of samples shall be performed by a laboratory facility approved by the General Manager.
- e. Each person discharging waste into the water pollution control system shall construct suitable sampling and gauging stations or provide such inspection facilities as may be required by the General Manager. CMSA shall be permitted access to these stations and/or facilities.
- f. Each Person discharging industrial waste into the water pollution control system shall, at his own expense, provide and maintain continuously in satisfactory and effective operation such pretreatment as may be required by the General Manager.
- g. If a pretreatment system is necessary to establish compliance with this Sewer Use Ordinance and any applicable National Pretreatment Standards, the system must meet the approval of and be inspected by the General Manager or his /her agent prior to operation.

4. Permit Conditions.

Except as provided immediately below, Wastewater Permits shall be expressly subject to all provisions of these regulations and all other regulations, user charges, and fees established by the Agency. The conditions of Wastewater Permits shall be uniformly enforced by the Manager in accordance with these regulations, and applicable state and federal regulations.

No statement contained in these pages shall be construed as preventing any special agreement between the Agency and any person, user, or class of users whereby a waste of unusual strength or character may be accepted for treatment.

Any special agreement made between the Agency and any person, user, or class of users shall include regulations at least as stringent as any applicable state and federal regulations.

5. Permit Limitations.

- a. No vested rights of any type whatsoever of discharge to or sewerage capacity in the sanitary sewer system is created by the issuance of a permit.
- b. Each permit is subject to renewal upon request to CMSA, provided the discharger makes application for renewal prior to the renewal application deadline stated in the current permit. Permit renewal is not guaranteed and shall be subject to capacity limitations and compliance history considerations.

- c. The Central Marin Sanitation Agency, its officers, employees and agents shall not be liable for damages, judgments, costs, and expenses which may in any manner accrue against the Central Marin Sanitation Agency in consequence of the granting of such permit.

6. Permit Modification.

CMSA reserves the right to modify, at any time, the terms and conditions of the waste discharge permit or the discharge quantity and concentration limits authorized therein.

7. Appeal to Permit.

If a permittee wishes to appeal or challenge any conditions, requirements, or limits contained in a wastewater permit issued by CMSA, the permittee shall file a request for modification of the permit within 30 days of receipt of the permit. The request shall be in writing and shall specify each permit element that is not acceptable to the permittee and shall list all relevant facts supporting the request for change of that element. Failure to request a modification of the permit within 30 days of receipt of the permit is deemed a waiver by the permittee of his right to challenge the terms of the permit.

The General Manager shall render a decision in writing on the request for permit modification within 10 working days of receiving such request. If the decision of the General Manager is still unacceptable to the permittee, the permittee may file a written request to have the request for permit modification considered by the commission. Failure to file such request within 10 working days of notice of the General Manager's decision shall be deemed a waiver by the permittee of his right to challenge the terms of the permit. When a request for reconsideration of the General Manager's decision has been received by the commission, the board shall make a ruling on the General Manager's decision within 90 days of receiving the request. The decision of the commission shall be final.

Except where deemed appropriate by the General Manager, the permittee is required to comply with all conditions, requirements, and limits contained in the permit, effective on the date of issuance of the permit. The filing of a request for permit modification shall not delay implementation of the permit.

8. Permit Suspension, Revocation, or Denial.

CMSA reserves the right to suspend or revoke a permit in the event of a violation of this Sewer Use Ordinance or the waste discharge permit, or to deny a permit application.

9. Reconnection After Termination of Service.

Whenever a sewer has been disconnected (termination of service) for failure to comply with the provisions of this Sewer Use Ordinance, reconnection may be made only upon issuance of a wastewater permit. Before such a permit is issued, the applicant shall reimburse CMSA for the cost of the disconnection. Any reconnection will be at the expense of the permittee.

10. Permit Transfer.

The wastewater permit is issued only to a specific person and for a specific location, as designated in the permit, and shall not be assignable nor transferable to any other person or any other location. Sale or relocation of a business, public agency, or any other person shall obligate the business, public agency, or person to obtain written approval from the General Manager prior to continuing the discharge under the terms and conditions of the original permit, and to make application to obtain a new permit within 30 days after commencing the continued discharge. Permit transfer as a result of corporate or personnel reorganization, insolvency or bankruptcy shall be subject to the approval of the General Manager and must be requested in writing by the discharger. Failure to submit such a request is subject to penalty.

D. AUTHORITY TO ASSESS AND COLLECT FEES

All users of the CMSA water pollution control system shall be subject to the terms and conditions of this Sewer Use Ordinance and to the terms, conditions, fees, and fines as described below and as contained in the CMSA Fee Schedule Ordinance and as set forth in Section 10 of this Sewer Use Ordinance.

CMSA shall have the authority to assess and collect fees, for cost recovery purposes. The fees are cumulative and may include, but are not limited to, the following:

1. **Permit Fee:** A permit fee is due when the permit application is submitted to CMSA. The purpose of this fee is to recover CMSA costs for application review, permit issuance, administration of the permit, and scheduled inspections to verify application information. The permit fee shall be as specified in Schedule A of this Sewer Use Ordinance, based on the classification of the user by the General Manager or his/her agent. Where a permit is denied, after payment of the permit fee, a portion of the fee may be refunded to the user, at the discretion of the General Manager.

2. **Monitoring Fee:** The purpose of this fee is to recover CMSA costs for sampling, lab fees, travel, equipment, labor or any other costs accrued by CMSA to complete sampling and other monitoring as required by this Sewer Use Ordinance, the waste discharge permit, or under directive of the General Manager to demonstrate compliance.

The fees listed and described above, shall be payable to CMSA only and do not include any additional fees which may be levied by CMSA member agencies.

E. DELINQUENT FEES

All fees as described above, are due and payable upon receipt of such notice. All fees not paid within 60 days of issuance will be considered delinquent and are subject to a subsequent delinquent charge amounting to 10% of the amount of the fee in question. Failure to pay fees within 90 days of issuance shall result in enforcement action by CMSA. This enforcement action may include termination of service and/or civil action to collect all outstanding fees, and delinquent charges. All costs resulting from this enforcement action will be paid by the user.

SECTION 6 - REPORTING, PLANS, AND RECORD-KEEPING

A. REQUIRED REPORTING

Under the terms and conditions of this Sewer Use Ordinance and the waste discharge permit all users of the CMSA Water Pollution Control System shall report to CMSA any and all of the following events:

1. **Noncompliance** - Any discharger required to perform self-monitoring shall report any violation to the General Manager, or his/her agent, within 24 hours of becoming aware of the violation. This reporting may coincide with, or be in addition to, any self-monitoring reports required by the discharge permit. Where the discharge in violation has a reasonable potential to affect the water pollution control system, notification to CMSA shall be made immediately. Subsequent to the notification, CMSA shall issue a notice of violation, as described in Section 10.A.1. of this Ordinance and in the Enforcement Response Plan.

The discharger shall repeat the sampling and analysis and submit the results of the repeat analysis to CMSA within 30 days after becoming aware of the violation. The discharger will not be required to resample if the conditions of 40 CFR 403.12(g)(2)(i) or (ii) are met.

2. **Change in Process** - All users of the water pollution control system shall report any change in their industrial, manufacturing, or operating processes that could effect the quality or quantity of their discharge, prior to commencing the changed discharge. Notification will be to the General Manager or his/her agent. Notification may be by telephone, in person, or in writing. Where notification is in person or by telephone, such notification shall be followed by a written report. Where the anticipated changes in discharge volume or content have a reasonable potential to affect the water pollution control system, notification shall be at least 10 working days prior to commencing the changed discharge.
3. **Slug Discharge** - Any person who makes a slug discharge, as elsewhere defined herein, to the water pollution control system, shall notify the General Manager or his/her agent of the discharge immediately. This notification shall be by phone call or in person, and shall be followed by a written report within 10 days. "Voice mail" or "FAX" messages are not sufficient initial notification.
4. **Discharge of Hazardous Waste** - All users shall notify the Agency, the EPA regional Waste Management Division Director, and state hazardous waste authorities in writing, of any discharge to the Agency's facilities of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261 or as otherwise defined by state statute or regulation.

Such notification must include the name of the hazardous waste, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than 100 kilograms of such waste per calendar month to the Agency's facilities, the notification shall also contain the following information, if known: (1) an identification of the hazardous waste constituents contained in the waste; (2) an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month; and (3) an estimation of the mass constituents in the waste stream expected to be discharged during the following twelve (12) months.

In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume or toxicity of hazardous waste generated to the degree it has determined to be economically practical.

Nothing contained in this section of the Ordinance is intended to modify the prohibitions set forth in Section 3B.

In addition, all categorical users must submit Baseline Monitoring Reports, and when necessary, Compliance Schedule Progress Reports, 90-day Compliance Reports, and periodic reports on continued compliance.

Failure to comply with any of the reporting requirements specified in this section is a violation of this Sewer Use Ordinance.

B. ADDITIONAL REPORTS

The General Manager may require any user to submit any or all of the following reports in addition to any reports required under Section 5A of this Sewer Use Ordinance. Failure to submit complete, accurate reports when due is a violation of this Sewer Use Ordinance.

- Baseline Monitoring Reports
- Compliance Reports
- Compliance Schedule Progress Reports
- Any other reports as reasonable and necessary to demonstrate compliance with this Sewer Use Ordinance or the waste discharge permit.

All submitted Baseline Monitoring Reports, Compliance Reports, and Compliance Schedule Progress Reports shall be signed by the user or his authorized agent in accordance with 40 CFR 403.12 (l). This person shall be the same person who signs the Application for a Waste Discharge Permit, unless an agent is designated at the time the waste discharge permit is issued. These reports shall contain the certification statement specified in 40 CFR 403.6(a) (2) (ii). For other reports required by the General Manager, these certification and signatory requirements may be modified as deemed appropriate by the General Manager.

These reports are discussed below.

1. **Baseline Monitoring Report** - Persons subject to National Categorical Standards shall submit, 90 days before commencement of discharge, a Baseline Monitoring Report. This report shall be in writing and be submitted to the General Manager. Baseline Monitoring Reports for categorical users shall include all the information set forth in 40 CFR 403.12 (b) (1)-(7).
2. **Compliance Reports** - Any user of the water pollution control system may be required to submit to the General Manager a report demonstrating compliance with this Sewer Use Ordinance, any applicable waste discharge permit, and any applicable National Categorical Standards. This report shall be submitted, at a minimum, semi-annually and as specified in the user's wastewater permit.
 - In cases of known or suspected noncompliance the General Manager may require additional and more frequent compliance reporting.
 - All categorical users shall submit a report demonstrating compliance with the applicable National Categorical Standards within 90 days following the date for final compliance with those Standards or, in the case of a New Source, following commencement of the introduction of wastewater into the POTW. This report shall contain the information described in 40 CFR 403.12(b)(4-6).
3. **Compliance Schedule Progress Reports.** All persons found to be in violation of this Sewer Use Ordinance, their wastewater permit, or any state or federal regulation prohibiting or limiting waste discharge, may be required to prepare a schedule of actions to bring their discharge into compliance under the direction of the General Manager.
 - The General Manager shall have the final authority for the determination if an action is acceptable and appropriate, to set the time frame to complete compliance action; to set the frequency of required compliance reporting; to set the frequency for required sampling, monitoring and inspection; and to determine any additional actions necessary for the industrial discharger to meet compliance schedule on a timely basis.
 - Any discharger subject to a Compliance Schedule shall submit to CMSA, for each compliance step in the Schedule, a report stating whether or not compliance was achieved. Where compliance is not achieved, the report must state reasons for noncompliance, steps being taken to comply with the Schedule, and the date when compliance with the increment in question is expected. Each report must be submitted not later than 14 days after the date of the compliance step specified in the Compliance Schedule.

4. **Other Reports** - All users shall submit to the General Manager any other reports as deemed reasonable and necessary by the General Manager, in addition to those described above, to demonstrate compliance with this Sewer Use Ordinance, their wastewater permit, or any applicable state or federal regulations. Such reports include, but are not limited to, any reports or plans required by federal, California State, or local laws or regulations.

C. SLUG DISCHARGE CONTROL PLANS

Each user shall provide protection from slug discharges of restricted materials or other substances regulated by this Ordinance and shall report such discharges as required by Section 6.A.3. of this Ordinance. The General Manager, or his/her agent, shall evaluate the effectiveness and sufficiency of measures implemented to prevent slug discharges. Where appropriate, a user shall be required to prepare a Slug Discharge Control Plan containing at a minimum the following information:

1. A description of the discharge practices including nonroutine batch discharges.
2. A description of stored chemicals.
3. The procedures for promptly notifying the Agency of slug discharges, including any discharge that would violate a specific discharge prohibition, with procedures for follow-up written notification within five (5) days.
4. If required by the Agency, procedures to prevent adverse impact from accidental spills including maintenance and inspection of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building or containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures or equipment for emergency response.
5. If required by the Agency, follow-up practices to limit the damage suffered by the treatment plant or the environment.

These plans shall be submitted to the Agency for review and approval. All users required to have a Slug Discharge Control Plan shall submit such a plan within three (3) months and complete implementation within six (6) months of notice regarding the requirements of such plan. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this Ordinance.

Significant Industrial Users are required to notify the Agency immediately of any changes at the facility affecting the potential for a Slug Discharge.

Each user who violates any of the requirements of the Slug Discharge Control Plan shall be subject to the enforcement provisions of this Ordinance.

D. RECORD KEEPING REQUIREMENTS

All persons subject to the reporting requirements of this Sewer Use Ordinance and 40 CFR 403.12 shall maintain records of all information resulting from any monitoring activities and results, and make such records available for inspection and copying by EPA officials and CMSA personnel or agents, for a minimum of 3 years, or a period of litigation, whichever is longer.

E. INDUSTRIAL PARK REPORTING

The General Manager may require owners or managers of any industrial park in the service area to provide CMSA with information regarding the tenants of the industrial park. The requirement may be for periodic submission of a list of the business names and type of activity of each tenant. Industrial park owners or managers may also be required to notify CMSA, in a timely fashion, of occupancy by certain categories of industrial or commercial dischargers. CMSA may issue permits to industrial parks, to facilitate consistent receipt of this information. These permits will be identical to CMSA waste discharge permits, except that, under normal circumstances, the specific reporting requirements stated in this paragraph shall be the only permit requirements, and no permit fee will be assessed.

F. PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The General Manager shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the industrial users which, any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards as defined in Section 2 of this Ordinance (definitions and abbreviations). This publication is required by 40 CFR 403.8(f)(2)(viii).

SECTION 7 - INSPECTION & MONITORING

A. INSPECTION PROCEDURE

CMSA personnel can inspect the premises of any user to determine whether the user is complying with the provisions of this Sewer Use Ordinance, the user's wastewater permit, and any applicable state, federal, and local laws and regulations pertaining to the treatment and discharge of waste to the water pollution control system or the storm drain system.

1. Inspections shall be made under the provisions of this Sewer Use Ordinance and the discharger's industrial waste permit, and with the consent of the user. However, if such consent is refused, CMSA shall notify the user that he is in violation of this Sewer Use Ordinance. If the user persists in refusing reasonable access to the premises for purposes of inspection and monitoring, the General Manager shall obtain or authorize the Environmental Services Manager or other Environmental Services staff to obtain an Administrative Inspection Warrant, mandating such access by a specified date and at all reasonable times subsequent to that date. Failure to comply with the Administrative Inspection Warrant will result in termination of sewer service.
2. A search warrant shall be obtained in instances where the General Manager believes there is substantial evidence that user refusal to consent to inspection and/or monitoring is concealing criminal acts, that is, willful or negligent discharges in violation of this Sewer Use Ordinance or other applicable laws or regulations.
3. Where deemed necessary to protect the water pollution control system; the environment; or the public health, safety, or welfare from the effects of present or imminent discharges, the General Manager may employ emergency measures, as described in Section 10.C of this Sewer Use Ordinance. These measures include providing access to a premise for the General Manager or his/her agents, without the express consent of the owner.
4. CMSA also retains the right to enter the premises to inspect the premises, processes, and records of the user; to sample or monitor the discharge, and to copy all records relating to pretreatment, chemical and waste storage, and waste discharge to the CMSA water pollution control system, pursuant to 40 CFR 403.8 (f) (1) (v), to verify that the waste discharge is in compliance with waste discharge permit, with this Sewer Use Ordinance, and all applicable state, federal, and local laws pertaining to pretreatment and waste disposal to POTWs or waters of the United States. CMSA shall also have the right to install and operate any necessary sampling and monitoring equipment on the premises of the discharger, at the expense of the discharger, to document compliance.

5. Any person discharging industrial waste to the water pollution control system shall provide a discharge sampling point and CMSA personnel shall have access to the sampling point at all reasonable times. CMSA has the right to observe any waste sampling conducted by the discharger.

B. SELF-MONITORING REQUIREMENTS

CMSA can require industrial waste dischargers to monitor their discharge to the water pollution control system and report the results of the monitoring to CMSA periodically. These monitoring and reporting requirements are specific to the discharger, and are listed in the wastewater permit. The General Manager can require additional monitoring and reporting to document compliance.

1. CMSA can require waste dischargers to install and operate monitoring facilities at the point of discharge to the water pollution control system, at the expense of the discharger. CMSA may also choose to install and operate monitoring facilities on the premises of the discharger to document compliance. These facilities, if required, will be provided at the expense of the discharger. The monitoring facilities will be constructed, installed and operated to allow for inspection, sampling, and measurement of flow or other parameters of the regulated discharge. The monitoring facilities shall be in accordance with CMSA construction standards and specifications. The facilities also shall be maintained at all times in a safe and proper operating condition at the expense of the discharger.
2. CMSA can require the discharger to conduct sampling and analysis of the discharge at a frequency and type as specified by the General Manager or as required by the Federal Pretreatment Regulations to demonstrate compliance with the prescribed waste discharge limits.
3. If an Industrial User performs any monitoring of their discharge to the sanitary sewer for any pollutant for which there is a pollutant limit listed in their wastewater permit, whether or not the monitoring is required by the Agency, the User shall report the results of the monitoring to the Agency. If any sampling performed by the User indicates a violation, the User shall notify the Agency within twenty-four hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Agency within 30 days after becoming aware of the violation.

C. SAMPLING

The discharger shall sample his discharge to the waste pollution control system at the frequency provided in the waste discharge permit or as deemed reasonable and necessary by the General Manager to demonstrate compliance. The General Manager may require sampling to be conducted by nonpermitted dischargers, at his discretion. In which case, nonpermitted dischargers will be subject to the same sampling and reporting requirements as permitted

dischargers. The discharger shall use the sampling and test procedures prescribed in 40 CFR Part 136 "Guidelines Establishing Test Procedures for the Analysis of Pollutants", or amendments thereto, or otherwise approved by EPA. CMSA also may specify additional sampling requirements or conduct sampling as necessary and reasonable to insure compliance with this Sewer Use Ordinance and/or the wastewater permit.

Initial sampling equipment and methods shall be observed by the CMSA General Manager or his/her agent. Before conducting initial sampling, the discharger shall notify CMSA three days in advance and schedule a time for CMSA personnel to be present to observe the sampling procedure. All sampling required by the waste discharge permit, this Sewer Use Ordinance, or CMSA is at the expense of the discharger. The installation of sampling equipment and/or the conducting of sampling on the discharger's premises is at the expense of the discharger. All discharger samples for monitoring and reporting shall be analyzed at a laboratory facility approved by the General Manager. Any attempt to tamper with a sampling procedure or to misrepresent a sampling analysis will be grounds for criminal prosecution and /or termination of services.

D. PRETREATMENT

Persons discharging waste to the CMSA water pollution control system shall install and operate any necessary wastewater treatment facilities or equipment as required by the General Manager to achieve compliance with this Sewer Use Ordinance and all National Pretreatment Standards, within the time limitations specified in the Federal Pretreatment Regulations, this Sewer Use Ordinance, or the waste discharge permit, whichever occurs first. Any pretreatment facilities or equipment required to bring the discharge into compliance with the requirements of the Federal Pretreatment Regulations, of this Sewer Use Ordinance, or of the wastewater permit shall be provided by the discharger at his expense.

Detailed plans for the construction and operation of the pretreatment facilities shall be provided to CMSA for review and approval prior to commencing construction. However, the review and approval of such plans shall in no way relieve the discharger of the responsibility to modify the pretreatment facilities, equipment, or operating procedures as necessary to bring the effluent to an acceptable level of treatment. Any subsequent changes to the design, installation, construction, or operation of the pretreatment facilities or equipment shall be reported to CMSA in writing and shall be acceptable to CMSA prior initiating such changes.

CMSA may specify operational and/or recording procedures relative to routine operation of the pretreatment facilities. Such requirements may include, but are not limited to, Operation and Maintenance Manuals, operation logbooks, operator training, and on-site storage of spare parts and reserve treatment chemicals.

SECTION 8 - CONTAMINATED GROUNDWATER

The discharge of contaminated groundwater is a special service outside of the normal service provided by CMSA and is therefore a privilege and not a right. Acceptance of this discharge by CMSA or the member agency into whose collection system the water is discharged is done as a service to the community. Prior to any discharge, dischargers must obtain a wastewater permit from CMSA and any permit or approval required by the member agency into whose collection system the water is discharged.

The discharge of contaminated groundwater is subject to all of the guidelines, standards, and limitations, and requirements of this Sewer Use Ordinance. Only contaminated groundwater generated within the CMSA service area will be accepted for discharge to the water pollution control pollution system.

A. SOURCES

Contaminated groundwater may include continuous discharges (e.g., from groundwater cleanup or from construction in areas of contaminated soil) and batch or one-time discharges (e.g., from monitoring wells from underground tanks). These discharges may be either treated or untreated.

B. PERMITTING

The discharge of contaminated groundwater is subject to the waste discharge permit requirements presented in Section 5 of this Sewer Use Ordinance as well as any additional requirements stated in the present section.

C. EMERGENCY EVENT

In the event of an emergency, a member agency may discharge contaminated groundwater meeting the discharge requirements of this Sewer Use Ordinance to the water pollution control system without the required permit, upon the notification of and approval of the CMSA General Manager.

D. SUSPENSION OF DISCHARGE

The discharger may be required to stop discharging to the water pollution control system during periods of rainfall or at other times and/or conditions determined appropriate by CMSA or its member agencies.

E. DISCHARGE REQUIREMENTS

Contaminated groundwater discharged into the CMSA water pollution control system, prior to dilution by any other discharges, shall comply with all discharge standards and limitations contained in Section 3 of this Sewer Use Ordinance.

The discharge also is subject to all of the requirements for sampling, monitoring, inspection, reporting, and pretreatment presented in Sections 6 and 7 of this Sewer Use Ordinance.

In addition, any contaminated groundwater discharged into the CMSA water pollution control system must not exceed the following concentration limitations:

1. Total petroleum hydrocarbons (TPH) - 1.0 mg/L
2. The total concentration of BTEX (benzene, toluene, ethylbenzene, and xylenes) and MTBE (methyl tertiary butyl ether) - 1.0 mg/L
3. Any EPA Priority Pollutant - 0.75 mg/L (This does not apply to metals listed in Section 3 of this Sewer Use Ordinance).
4. Any organic solvent - 1.0 mg/L

SECTION 9 - CONFIDENTIALITY

All information and reports obtained from a user or submitted by a user in accordance with this Sewer Use Ordinance shall be available for public review or review by other public agencies without restriction, unless the user specifies that the release of such information and reports to the general public would divulge information on processes or methods of production entitled to protection as trade secrets. The constituents and/or characteristics of the waste discharge will not be recognized as confidential information. Any such claim must be asserted at the time of submission in the manner prescribed in the application for permit to discharge, or in the case of other submissions, by stamping the words "confidential business information" on each page containing such information. If no claim is made at the submission, CMSA may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR part 2 (Public Information).

Request for public review of a user file shall be submitted in writing to the General Manager or his/her agent. Such requests are subject to reasonable conditions regarding scheduling of access to files and fees for photocopied material. Release of information to other public agencies, on a strict confidentiality basis, will not be considered a violation of this confidentiality clause.

SECTION 10 - ENFORCEMENT

This section presents the enforcement mechanisms and penalties available to CMSA to respond to instances of noncompliance. The remedies for noncompliance, enforcement mechanisms, and penalties are cumulative.

A. ENFORCEMENT MECHANISMS

It is the intent of this enforcement section to provide adequate mechanisms to achieve a maximum degree of compliance with this Ordinance by all users. These enforcement provisions apply to all classes of users to the extent such user violates any provision of this Ordinance or administrative order of the Agency pursuant to this Ordinance. In order to achieve the maximum degree of compliance desired, the Agency will use a variety of enforcement mechanisms, as described in the Agency's Enforcement Response Plan. The enforcement mechanisms set forth range from informal administrative action to formal criminal prosecution. The Agency may, in its discretion, implement the use of any mechanism or the concurrent use of several mechanisms in order to enforce the provisions of this Ordinance. The enforcement mechanisms provided herein may be cumulative in respect to such other enforcement mechanisms or civil and criminal penalties as may be otherwise available under the laws of the State of California and the United States of America. Nothing in this Ordinance is intended to prevent state and/or federal regulatory agencies from undertaking enforcement actions as may otherwise be available due to a violation of this Ordinance which also constitutes a violation of federal or state statutes and regulations, such as: (1) the Clean Water Act (33 U.S.C.A. §1251, *et seq.*); (2) the California Porter-Cologne Water Quality Act (California Water Code §13000, *et seq.*); (3) the California Hazardous Waste Control Law (California Health and Safety Code §25100 - §25250); (4) the Resource Conservation and Recovery Act (42 U.S.C.A. §6901, *et seq.*) and (5) California Government Code §54739 - §54740.6. The referenced state and federal laws, along with other pertinent laws, provide authority for the Agency's enforcement mechanisms.

1. Notice of Violation (NOV)

An NOV is always presented to the user in writing. An NOV may be issued by the General Manager or his/her agent in response to any violation of this Sewer Use Ordinance or the wastewater permit. CMSA shall issue an NOV within fifteen days of a violation or notification that a violation has occurred. The violator shall be required to sign the NOV to acknowledge that it was issued to him.

An NOV may contain specific actions for the user to take, such as conducting additional sampling, monitoring, or reporting, or applying for a permit or permit renewal.

2. Suspend Service

CMSA has the authority to suspend service to any user found in violation of the Sewer Use Ordinance, the wastewater permit, state and/or federal regulations, or the local limits. The suspension may remain in force until the user becomes in compliance.

3. Administrative Order

CMSA has the authority to issue an Administrative Order to bring a user into compliance. An Administrative Order may be either a Cease and Desist Order, Show Cause Order, or Compliance Order. The filing of an Administrative Order is under the discretion of the General Manager and is considered to be an intermediate step to enforcing compliance.

4. Administrative Civil Penalties

Pursuant to the authority of California Government Code Sections 54739 to 54740.6, the CMSA Commission, the General Manager, or designated staff may issue administrative complaints, conduct administrative hearings and/or impose civil penalties in accordance with the procedures set forth in these sections for violation of CMSA's requirements relating to pretreatment of industrial waste or the prevention of the entry of industrial waste into the water pollution control system.

When an administrative complaint is issued by staff, a copy of the complaint will be provided to the Commission.

These penalties shall be as follows:

- a. In an amount which shall not exceed two thousand dollars (\$2,000) for each day for failing or refusing to furnish technical or monitoring reports.
- b. In an amount which shall not exceed three thousand dollars (\$3,000) for each day for failing or refusing to comply in a timely manner with any compliance schedule established by CMSA.
- c. In an amount which shall not exceed five thousand dollars (\$5,000) per violation for each day for discharges in violation of any waste discharge limitation, permit condition, or requirement issued, reissued, or adopted by CMSA.

Unless appealed, orders setting administrative civil penalties shall become effective and final upon issuance thereof, and payment shall be made within 30 days.

As to court actions authorized by the above referenced sections, the special counsel designated by the Commission shall institute appropriate actions to effect statutorily authorized remedies, upon order of the Commission.

5. Civil Actions for Penalties

Any user who violates any provision of the Sewer Use Ordinance or permit condition, or who violates any Cease and Desist Order, prohibition or effluent limitation, shall be liable civilly for a penalty not to exceed Twenty-Five Thousand Dollars (\$25,000) for each day in which such violation occurs pursuant to California Government Code Section 54740. The special counsel designated by the Commission, upon order of the Commission, shall institute such actions as may be appropriate in a court of competent jurisdiction to impose, assess, and recover such sums.

Pursuant to the authority of the *Clean Water Act*, 33 U.S.C.A. Section 1251, *et seq.*, any discharger committing a violation of any provision of the Sewer Use Ordinance, which is also a violation of a pretreatment standard, effluent standard or limitation or other applicable provisions of the *Clean Water Act* shall be liable civilly for a sum not to exceed Twenty-Five Thousand Dollars (\$25,000) per violation for each day in which such violation occurs. The General Manager may bring an action under the Act as a citizen's suit at the discretion of the Commission.

6. Other Noncompliance Penalties

The following enforcement measures will be used in instances of serious noncompliance, usually resulting in ~~extreme~~ damage to the water pollution control system, or from fraudulent practices, criminal noncompliance, violation of an Administrative Order, violation of a compliance schedule, or negligent or intentional discharge of waste which causes a threat to the health and/or safety of the public, CMSA personnel, treatment processes, or the environment.

a. **Terminate Service** Waste discharge service to the water pollution control system may be terminated, by disconnection of a user's sewer connection, upon written notice by the General Manager for any of the following reasons:

- Violation of an Administrative Order
- Refusal to cooperate with CMSA personnel or comply with CMSA policies.
- Refusal to allow CMSA personnel reasonable access to a premise for purposes of inspection, monitoring, or abating an illegal discharge.

- Fraudulent actions concerning reporting, self-monitoring, or CMSA sampling or inspection.
 - One or more serious violations which endanger the health and/or safety of the public or CMSA personnel or which endanger the water pollution control system and/or the environment.
- b. Pursuit of Criminal Prosecution.** Where CMSA or its General Manager determines that a violation of the Sewer Use Ordinance has occurred, CMSA may pursue criminal prosecution, pursuant to Health & Safety Code Section 6523. The offender faces 30 days in jail, per violation, or a fine of \$1,000, per day per violation, or both.
- c. Pursuit of Civil Action.** Where deemed appropriate by the General Manager, CMSA will pursue civil action other than that referenced in Section 10.A.5. above. Actions taken may include, but are not limited to: Civil suits for damage to the water pollution control system and/or injunctive relief. Civil actions may be pursued on a strict liability basis, regardless of intent, and shall include reimbursement for all costs incurred by CMSA, including costs for repair and/or administrative costs.

B. COSTS FOR ENFORCEMENT ACTIONS

All costs accrued by CMSA to undertake enforcement actions shall be paid by the user in violation. These costs include, but are not limited to, all fees mentioned above in this section of this Sewer Use Ordinance, attorney's fees, and fees associated with termination of service. All such fees are payable to CMSA and are in addition to any costs accrued by member agencies. All such fees are due and payable upon receipt of notice. Delinquent fees will result in delinquent charges and/or enforcement actions, as described in Section 5.E. of this Sewer Use Ordinance.

C. ADDITIONAL EMERGENCY MEASURES

The General Manager shall have full power and authority to take any necessary precautions against a condition that is likely to result in a discharge which presents an imminent hazard to the public health, safety, or welfare; or which, either singly or by interaction with other discharges, is an imminent hazard to the water pollution control system; or which places CMSA in violation of its NPDES permit or any other federal, state, or local permits. The precautions include, but are not limited to, decontamination, sewer closure, packaging, diking, and transportation of materials, in order to protect life, protect property, or prevent further damage to the environment or the water pollution control system. In the pursuit of such an operation, CMSA personnel, any person contracting with CMSA, or the duly authorized representative of another governmental agency shall have immediate access to the premises. The General Manager may prohibit approach to the scene of such emergency by any person, vehicle,

vessel, or thing, and all persons not actually employed in the correction of the conditions or the preservation of lives and property in the vicinity thereof.

SECTION 11 - HEARINGS AND APPEALS

Any user, permit applicant, or permittee, found in violation of this Sewer Use Ordinance or the wastewater permit, or adversely affected by a decision, action, or determination of the General Manager, his/her agent, or CMSA interpreting or implementing this Sewer Use Ordinance or in any permit enforcement action issued herein, may file a written request for reconsideration of the decision, action, or determination within 10 working days of notification of said decision, action, or determination. The written request for reconsideration shall detail facts supporting the user's request and such facts must include a statement listing all relevant facts which must be considered, including such facts that may not have been known or available to CMSA at the date of such decision, action, or determination.

The General Manager shall render decision in writing on the request for reconsideration within 10 working days of receiving such request. If the decision on the request for reconsideration still is unacceptable to the user, the user may file a request for appeal to the CMSA Commission, within 10 working days of notice of the General Manger's decision. When a written request for appeal has been received and logged with the Commission, the Commission shall schedule a hearing before the Commission within 45 days from receipt of the request for appeal and the Commission shall make a final ruling on the General Manager's decision within 90 days from receiving the request for appeal.

Except where deemed appropriate by the General Manager, this reconsideration and appeal process described in this section of this Sewer Use Ordinance shall not halt or delay any enforcement action taken by CMSA.

CMSA reserves the authority to designate a hearing officer to hear all testimony presented for a hearing or appeal.

Prior to any court challenge of any CMSA action, decision, or determination, the user shall exhaust all administrative remedies contained in this Sewer Use Ordinance.

Notwithstanding the foregoing, the statutory appeal procedures set forth in California Government Code Section 54739, *et seq.*, applicable to administrative civil penalties imposed or sought pursuant to Section 10 A.4., of the Sewer Use Ordinance, shall exclusively apply to such penalties.

SECTION 12 - SEVERABILITY

If any provision, paragraph, word, section, or article of this Sewer Use Ordinance is invalidated by any court of competent jurisdiction, the remaining provision, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

SECTION 13 - REVISION

The Commissioners of the Central Marin Sanitation Agency reserve the right to update, change, or modify this Sewer Use Ordinance when deemed advisable and necessary.

This Ordinance 2009-1 and the repeal or amendment of any portion of this Ordinance does not release or extinguish any penalty, forfeiture or liability incurred or right accruing or accrued under the provision repealed or amended unless the repealing or amending act expressly so provides. The provisions of Ordinance 95-1 shall be treated as remaining in force for the purpose of an action or prosecution for the enforcement of the right, penalty, forfeiture or liability occurring from the effective date of Ordinance No. 95-1 until the effective date of this Ordinance.

If a section, subsection, sentence, clause or phrase of this Ordinance or the application of it to any person or circumstance is for any reason held to be unconstitutional or invalid, the decision shall not affect the validity of the remaining portions of this Ordinance or the application of the provision to other persons or circumstances. The Board declares that it would have passed this Ordinance or the section, subsection, sentence, clause or phrase irrespective of the fact that a section, subsection, sentence, clause, or phrase is declared to be unconstitutional.

**SECTION 14 - EFFECT OF ADOPTION OF ORDINANCE 2009-1 ON
ORDINANCE 2006-2**

The Ordinance 2009-1 revises Ordinance 95-1, as amended by Ordinance 2008-1. Ordinance 2006-2, An Ordinance Regulating the Acceptance of Fats, Oils and Grease (FOG) Into the Water Pollution Control System of the Central Marin Sanitation Agency, makes multiple references to the replaced Ordinance 95-1. All references within Ordinance 2006-2 to Ordinance 95-1 shall be deemed hereafter references to these same sections within this Ordinance 2009-1.

SECTION 15 - EFFECTIVE DATE

This Ordinance shall be effective thirty (30) days after its passage. Before the expiration of fifteen (15) days after its passage, a summary of the Ordinance shall be published once, with the names of the members voting for and against it, in the San Rafael, California, Marin Independent Journal, a newspaper of general circulation published within the Agency boundaries.

PASSED AND ADOPTED this 9th day of September, 2009, by the following vote:

AYES: Boro, Brown, Dupar, Johnson, Miller, Sinnott

NOES: None

ABSENT: None

Attest:

/s/ Robert Sinnott
Chairperson

/s/ John Dupar
Secretary

Schedule A Industrial Monitoring Fees

The fees listed below are defined in Section 5.D. of this Sewer Use Ordinance.

1. Permit Fee

<u>Permit Class</u>	<u>Permit Fee</u>	<u>Permit Description</u>
I	\$435	Significant Industrial User, discharging
I	\$250	Significant Industrial User, "zero-discharge"
II	\$300	Manufacturing, mass transit, and other facility, other than Class I or Class III
III	\$150	Business activity in a designated "Class III category" <u>e.g.</u> , auto service facility. Permit fee is waived for "zero-discharge" permits.
IV	\$370	Groundwater discharger, intermittent or continuous discharge
IV	\$200	Groundwater discharger, single discharge event

2. Monitoring Fee

All routine monitoring events, pursuant to verifying compliance with a wastewater permit or as follow-up to an instance of non-compliance detected during a previous monitoring event, shall be assessed one of the standard monitoring fees listed below.

Grab Sample(s)

The sum of: 1) One hour labor at the current weighted salary of a CMSA Environmental Services Analyst II (A Step); 2) 60% overhead assessed on the labor charge; and 3) The cost of any analytical work performed on the sample(s) by CMSA's currently contracted analytical laboratory, per the invoice to CMSA.

24-hour Composite Sample(s)

Identical to the Grab Sample fee, except that two hours of labor will be charged.