





SANITARY SEWER MANAGEMENT PLAN 2025

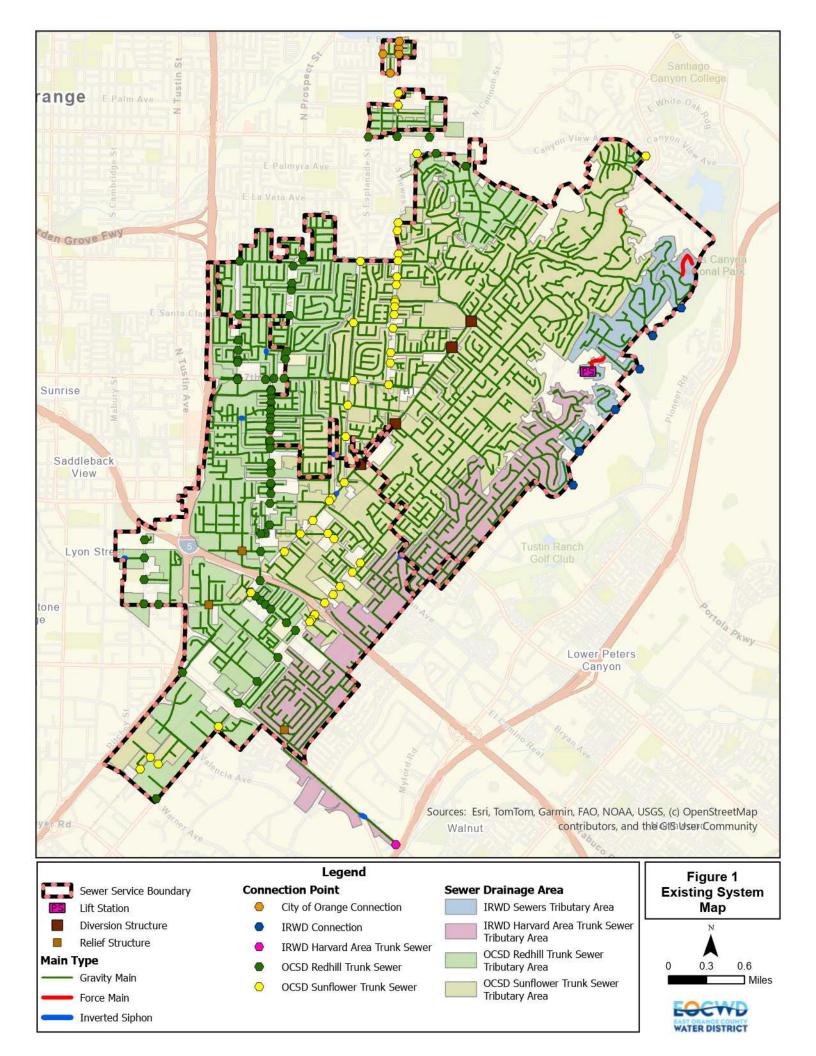
Volume II

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APPENDIX A

SYSTEM MAP

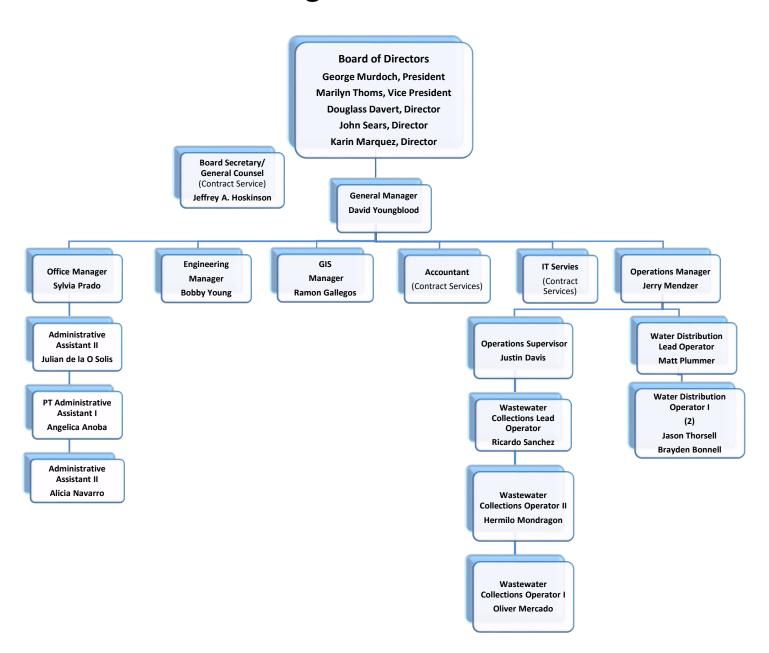




APPENDIX B ORGANIZATION CHART



2025 Organizational Chart





APPENDIX C SPILL EMERGENCY RESPONSE PLAN

East Orange County Water District





Spill Emergency Response Plan 2023

AKM

Submitted to: East Orange County Water District 185 N. McPherson Road Orange, CA 92869

EAST ORANGE COUNTY WATER DISTRICT

SPILL EMERGENCY RESPONSE PLAN 2023



Submitted to

East Orange County Water District 185 N. McPherson Road, Orange, California 92869

Submitted by

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June 2023



Date of Signing 6/02/23



Date of Signing: 6/02/23

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EAST ORANGE COUNTY WATER DISTRICT SPILL EMERGENCY RESPONSE PLAN

Certification

This Spill Emergency Response Plan (SERP) has been prepared to provide the East Orange County Water District with the tools and procedures for responding to sewer spills efficiently and effectively to protect public health and the environment.

I certify under penalty of law that this document and all attachments were prepared under my direct supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted.

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

David Youngblood Date
General Manager

East Orange County Water District

Spill Emergency Response Plan Change Log

Report Response Flan Change Log				
Date	Section	SERP Report or Procedure Change	Status	
Date	Section	SERF REPORT OF FIOCEGUIE CHange	Status	
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Spill Emergency Response Plan Change Log

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SECTION 1 AUTHORITY

The authority and responsibility for a sanitary sewer Spill Emergency Response Plan (SERP) are contained in the following five (5) documents:

1-1 Clean Water Act

Section 301 of the Clean Water Act prohibits discharges of any wastewater to the waters of the United States.

1-2 California Water Code

Sections 13260 and 13376 of the California Water Code prohibits discharges of any wastewater to surface waters of the State.

1-3 State Water Resources Control Board, Order WQ 2022-0103-DWQ, Statewide Waste Discharge General Order for Sanitary Sewer Systems

On December 6, 2022, the State Water Resources Control Board (SWRCB) adopted Order WQ 2022-0103-DWQ (Order). This Order supersedes the previous Order WQ 2006-003-DWQ and Order WQ 2013-0058-EXEC.

Order WQ 2022-0103-DWQ includes the following prohibitions:

- Any discharge from a sanitary sewer system that has the potential to discharge to surface waters of the State is prohibited unless it is promptly cleaned up and reported as required in this General Order.
- Any discharge from a sanitary sewer system, discharged directly or indirectly through a drainage conveyance system or other route, to waters of the State is prohibited.
- Any discharge from a sanitary sewer system that creates a nuisance or condition of pollution as defined in Water Code Section 13050(m) is prohibited.

SWRCB Order WQ 2022-0103-DWQ becomes effective on June 5, 2023. The following is stated in Section 5.12 of the Order:

"For Existing Enrollees (with regulatory coverage under Order 2006-0003-DWQ):

Within six (6) months of the Adoption Date of this General Order, the Enrollee shall update and implement its Spill Emergency Response Plan, per Attachment D, Section 6 (Spill Emergency Response Plan) of this General Order

The Enrollee shall certify, in its Annual Report, that its Spill Emergency Response Plan is up to date.

The Spill Emergency Response Plan shall include measures to protect public health and the environment. The Enrollee shall respond to spills from its system(s) in a timely manner that minimizes water quality impacts and nuisance by:

- Immediately stopping the spill and preventing/minimizing a discharge to waters of the State;
- Intercepting sewage flows to prevent/minimize spill volume discharged into waters of the State;
- Thoroughly recovering, cleaning up and disposing of sewage and wash down water; and
- Cleaning publicly accessible areas while preventing toxic discharges to waters of the State."

Based on the aforementioned, EOCWD must update and implement its Spill Emergency Response Plan by June 5, 2023.

1-3.1 Legally Responsible Officials

Per Section 5 of Order WQ 2022-0103-DWQ, EOCWD must designate a Legally Responsible Official (LRO) that can verify that EOCWD complies with all requirements of the order. The LRO is defined by the Order as follows:

The Legally Responsible Official is an official representative, designated by the Enrollee, with authority to sign and certify submitted information and documents required by this General Order.

The Legally Responsible Official must:

- 1. Have responsibility over management of the Enrollee's entire sanitary system, and
- 2. Be authorized to make managerial decisions that govern the operation of the sanitary sewer system, including, having the explicit or implicit duty of making major capital improvement recommendations to ensure long-term environmental compliance.
- 3. Have or have direct authority over individuals that:
 - Possess a recognized degree or certificate related to operations and maintenance of sanitary sewer systems, and/or
 - ➤ Have professional training and experience related to the management of sanitary sewer systems, demonstrated through extensive knowledge, training, and experience.

The Order requires that the LRO be responsible for the following:

- 1. Completing the "User Registration" form,
- Certify and upload the Sewer System Management Plan and updates on the California Integrated Water Quality System (CIWQS) Sanitary Sewer System Database,
- 3. Submit audit reports on the CIWQS Sanitary Sewer System Database
- 4. Submit the "Electronic Sanitary Sewer System Service Area Boundary Map", on the CIWQS Sanitary Sewer System Database.
- 5. Certifying the necessary spill reports on the CIWQS Sanitary Sewer System Database

EOCWD has identified the following individuals as Legally Responsible Officials:

1. General Manager

1-3.2 Data Submitters

Per Section 5 of Order WQ 2022-0103-DWQ, the LROs may designate one or more individuals as Data Submitter(s) for reporting spill data. A Data Submitter is defined by the Order as follows:

A Data Submitter is an individual designated and authorized by the Enrollee's Legally Responsible Official to enter spill data into the online CIWQS Sanitary Sewer System Database. A Data Submitter <u>does not</u> have the authority of a Legally Responsible Official to certify reporting entered into the online CIWQS Sanitary Sewer System Database.

EOCWD has identified the following individuals as Data Submitters

- Operations Manager
- Wastewater Supervisor

1-4 National Pollutant Discharge Elimination System (NPDES)

In California, the NPDES Permit program is regulated by the nine (9) Regional Water Quality Control Boards (RWQCB) to regulate the discharge of pollutants into the waters of the United States. The City of Tustin, the City of Orange, and the County of Orange, in which EOCWD's service area resides, operates under the Santa Ana RWQCB Order # R8-2009-0030, NPDES No. CAS618030, as amended by Order No. R8-2010-0062 (and subsequent permit renewals), Waste Discharge Requirements for The County of Orange, Orange County Flood Control District and The Incorporated Cities of Orange County within the Santa Ana Region Areawide Urban Storm Water Runoff Orange County.

SECTION 2 OVERVIEW

2-1 Background

East Orange County Water District (EOCWD) provides sewer service to an area of about 7,780 acres within portions of the City of Tustin, the City of Orange, and the unincorporated communities of North Tustin, Lemon Heights, Cowan Heights, and Panorama Heights in the County of Orange. The service area resident population of about 75,200. The sewage collected by EOCWD's sewer collection system is conveyed to Orange County Sanitation District's (OCSD) trunk sewers. The primary elements of the sewer system are as follows:

- > 171 miles of gravity sewers ranging in size from 6-inches to 27-inches
- > 3,700 manholes and cleanouts

An overview of EOCWD's sewer collection system is shown on Figure 2-1. A map of EOCWD's sewer system overlaid with the local drainage conveyance systems are shown on Appendix A-1.

2-2 Previous Spill Response Plans

2-2.1 Sewer System Overflow Response Plan (2017)

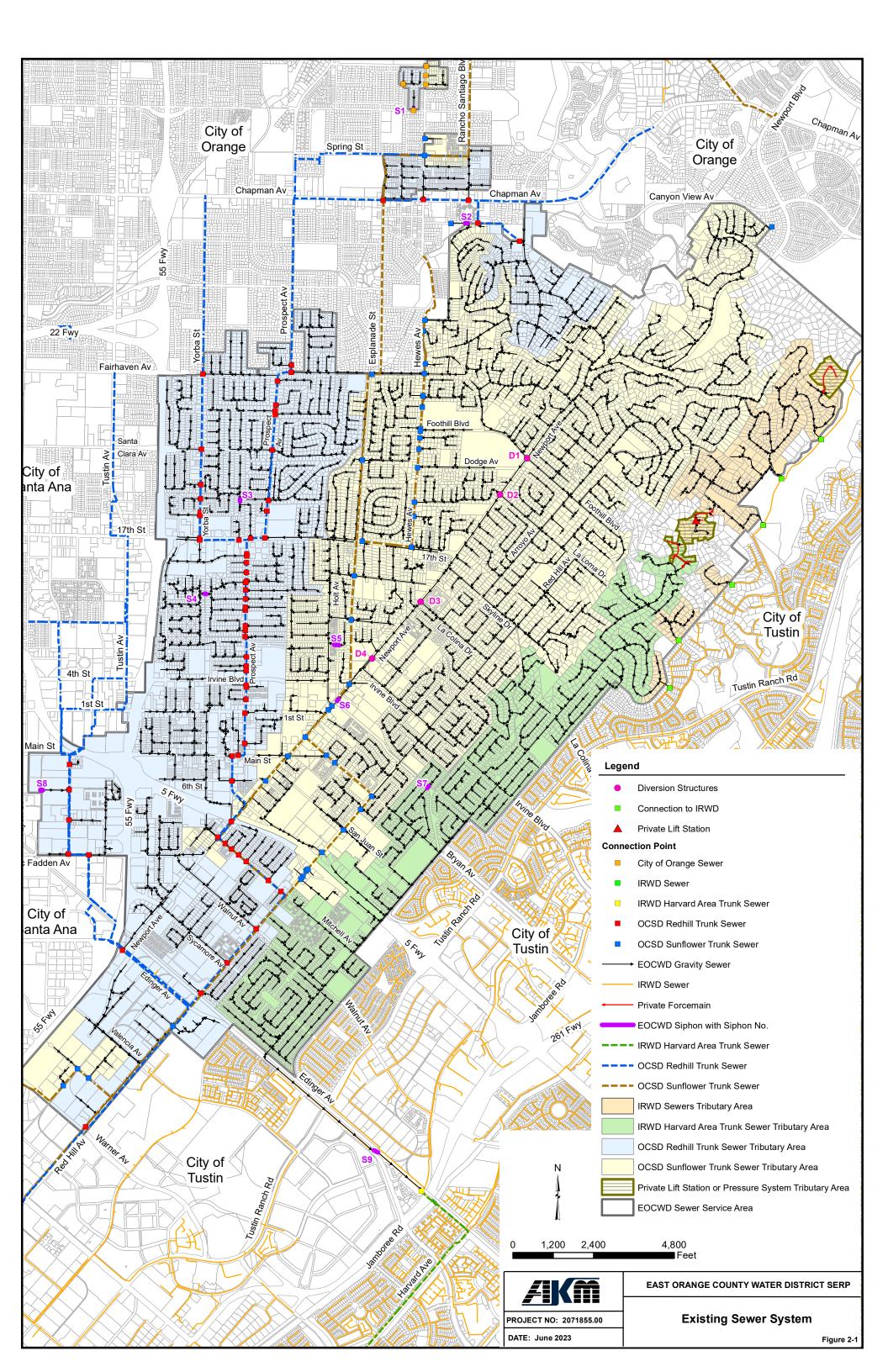
A Sewer System Overflow Response Plan was prepared by EOCWD in January 2017 to document the procedures for responding to a sanitary sewer overflow including the following:

- > Investigation and Assessment Procedures
- Containment Procedures
- Traffic Control Procedures
- Correction Procedures
- Volume Estimate Procedures
- Clean-Up Procedures
- Receiving Water Sampling Procedures
- Spill Reporting Procedures

2-3 Purpose

The purpose of this SERP is primarily to document spill response procedures and assist EOCWD staff in the achieving the following:

- > Efficient response to reported spills; dispatch of appropriate crews and equipment in a timely manner
- Notification of all appropriate agencies of reported spills in a timely manner
- Containment of sewer spills so they do not reach a surface water
- Elimination of the cause of a sewer spill
- > Protection of public and private property
- Sufficient cleanup of the impacted spill area
- > Documentation of all spills and response activities
- Ensure appropriate staff is knowledgeable of the SERP procedures and appropriately trained
- Preparation of reports for submittal to regulatory agencies and other interested parties
- ➤ Compliance with SWRCB Order No. WQ-2022-0103-DWQ



2-4 Terminology

2-4.1 Overflows and Spills

The previous SWRCB Order WQ 2006-0003-DWQ defined Sanitary Sewer Overflows (SSOs), as "any overflow, spill, release, discharge or diversion of untreated or partially treated wastewater from a sanitary sewer system."

SWRCB Order WQ 2022-0103-DWQ defines a spill as, "a discharge of sewage from any portion of a sanitary sewer system due to a sanitary sewer system overflow, operational failure and/or infrastructure failure. Exfiltration of sewage is not considered to be a spill under this General Order if the exfiltrated sewage remains in the subsurface and does not reach a surface water of the State". For reporting purposes, this document will use the Order WQ 2022-0103-DWQ terminology.

2-4.2 Surface Water

Per discussion with the State Water Resources Control Board (SWRCB), surface waters are defined as follows:

"Surface waters are natural water bodies that include but are not limited to: oceans, rivers, streams, lakes, vernal pools, wetlands, and estuaries.

- > If the natural water body or portions of it was rerouted or channelized (includes things like underground pipes, box culverts, concrete channels), it is still considered a surface water
- If the water body is manmade and retains water (i.e. golf course pond, home owner association lake), it is not a natural water body; and therefore, not a surface water
- Groundwater is not a surface water"

Orange County Flood Control District (OCFCD) channels, creeks, and/or basins are considered surface waters; this includes both concrete-lined channels as well as earthen bottom channels.

2-4.3 Drainage Conveyance System

Per Attachment A of the Order WQ 2022-0103-DWQ, a drainage conveyance system is defined as follows:

"A drainage conveyance system is a publicly-or privately owned separate storm sewer system, including but not limited to drainage canals, channels, pipelines, pump stations, detention basins, infiltration basins/facilities, or other facilities constructed to transport stormwater and non-stormwater flows."

2-4.4 Waters of the State

Per Attachment A of the Order WQ 2022-0103-DWQ, waters of the State is defined as follows

"Surface water or groundwater within boundaries of the state as defined in Water Code section 13050(e), in which the State and Regional Water Boards have authority to protect beneficial uses. Waters of the State include, but are not limited to groundwater aquifers, surface waters, saline waters, natural washes and pools, wetlands, sloughs, and estuaries, regardless of flow or whether water exists during dry conditions. Waters of the State include Waters of the United States."

2-4.5 Receiving Water

Per Attachment A of the Order WQ 2022-0103-DWQ, a receiving water is defined as follows

"Waters of the State that receives a discharge of waste."

2-5 Spill Emergency Response Flow Chart

The Spill Emergency Response Flow Chart is shown on Figure 2-2 and included in Appendix B-1. The flow chart summarizes the steps EOCWD needs to take for initial spill reporting, spill correction, sewage containment and clean-up, and final spill reporting.

2-6 Coordination and Collaborations

To comply with the requirements of Order WQ-2022-0103-DWQ, EOCWD has met with and/or collaborated its spill response procedures with the following agencies:

- 1. State Water Resourced Control Board (SWRCB)
- 2. Regional Water Quality Control Board Region 8 (RWQCB)
- 3. Orange County Flood Control District (OCFCD)
- 4. Orange County Health Care Agency (OCHCA)
- 5. Orange County Sanitation District (OCSAN)
- 6. SOCAL WDR Group
- Clean Water Summit Partners

Documentation of meetings and correspondence with the aforementioned agencies is included in Appendix D.

2-7 Spill Emergency Response Plan Report Sections

The SERP report includes the following sections:

Section 1: Authority

Section 2: Overview

Section 3: Initial Response Procedures

Section 4: Notification Procedures

Section 5: Spill Response Procedures

Section 6: Monitoring and Reporting Procedures

Section 7: Training

2-8 Spill Response and Reporting Documents

This SERP document includes detailed response procedures for all types of spill events. Appendix B contains the pertinent documents needed in the field when responding to a spill and for reporting purposes. The intent is for these documents to be readily available to maintenance staff during a spill event, as a guide, so that appropriate notifications are made and all information needed for reporting is collected.

Appendix B-1 Spill Emergency Response Flowchart

Appendix B-2 Spill Initial Receipt Form

Appendix B-3 Spill Notification and Reporting Requirements

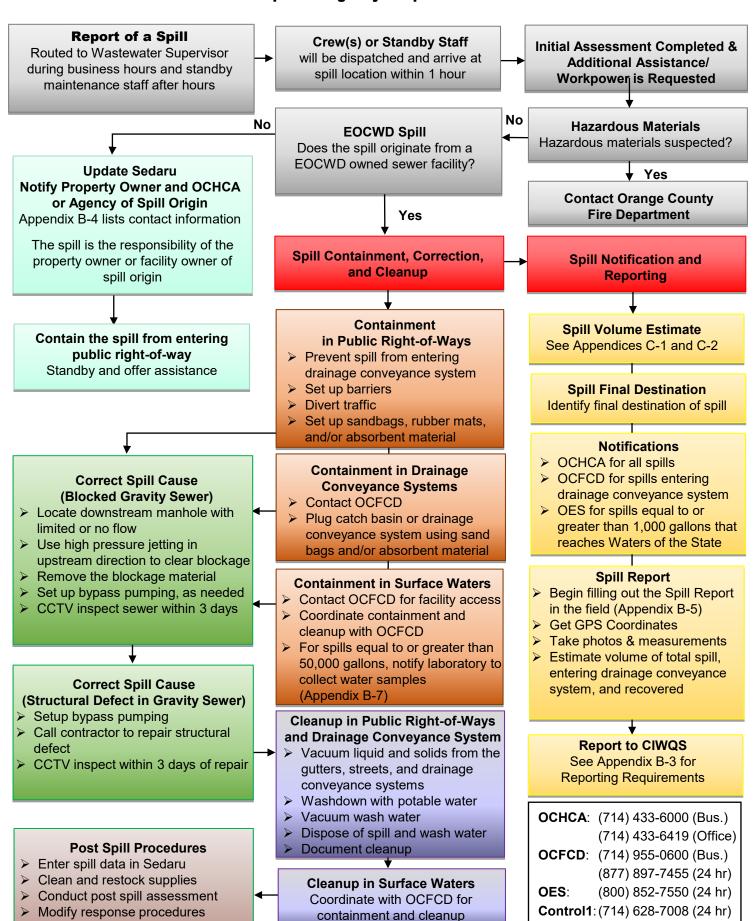
Appendix B-4 Resource Phone List

Appendix B-5 Sewer Spill Report

Appendix B-6 Monitoring and Reporting Data by Spill Category Summary

Appendix B-7 Water Sampling Requirements

Figure 2-2
East Orange County Water District
Spill Emergency Response Flowchart



SECTION 3 INITIAL RESPONSE PROCEDURES

3-1 Receipt of Information Regarding Spills

The maintenance staff are available to respond to all spills 24 hours a day, seven days a week. Typically, spills are reported directly to East Orange County Water District (EOCWD) or one of the local municipalities (i.e. City of Tustin, City of Orange, County of Orange), who will then provide the EOCWD phone number or contact EOCWD directly.

Business Hours: EOCWD (714) 538-5815

After Hours: Police Dispatch 9-1-1

3-2 Initial Notification to EOCWD Staff

The contact information for EOCWD's key maintenance staff is included in Table 3-1.

Table 3-1

Maintenance Staff Contact Information

Name	Position	Telephone Number
David Youngblood	General Manager	(949) 436-3058
Jerry Mendzer	Operations Manager	(714) 501-5596
Justin Davis	Wastewater Supervisor	(714) 497-8073

3-2.1 Business Hours

As soon as a spill is reported, EOCWD staff will fill out the initial receipt form, which is detailed in Appendix B-2. During business hours, he/she will inform the Wastewater Supervisor and/or the standby operator of the spill.

Typically if a spill occurs during business hours, the Wastewater Supervisor and any available maintenance staff will respond to the initial notification to ensure that the potential spill event is well managed.

3-2.2 After Hours

After hours, the EOCWD general phone number will play a message that provides the standby operator and backup operator cell phone numbers, which change weekly with staff rotations.

The standby operator who receives the call will report to the spill site and if a spill is verified, he/she will assess the situation and determine what additional assistance is required. The second standby operator will be called to the site as needed

When assigned standby duties, the operators are responsible to remain reachable by mobile phone. It is their responsibility to:

- 1. Verify that the assigned cell phone is functional;
- 2. Check the maintenance vehicles to assure that the fuel tanks are full, all tools are present and that all equipment is functional;

3-3 Response Time

Whether the notification of a spill occurs during normal business hours or after hours, EOCWD will respond to the notification, **within one hour** of initial notification.

The first responder will evaluate the situation and contact additional EOCWD staff and/or contractors to provide the necessary work power and/or equipment to manage the spill response.

3-5 Vehicles and Equipment

EOCWD has two (2) combination jetting/vacuum trucks, traffic control equipment, one bypass pump and hoses, sewer maintenance tools, containment equipment (i.e. mats, sand bags, absorbent materials, etc.), cleanup equipment, and safety equipment for responding to sewer spills.

This SERP document and spill response forms (included in Appendix B) will be available on maintenance vehicles at all times.

SECTION 4 NOTIFICATION PROCEDURES

Notification to regulatory agencies and local agencies is dependent on the type of spill, the volume of the spill, the origination and end point of the spill, and/or the category of the spill as defined by Order No. WQ 2022-0103-DWQ (Order).

4-1 Spill Categories defined by Order No. WQ 2022-0103-DWQ

The SWRCB spill categories are summarized in Table 4-1.

Table 4-1
Spill Categories

Spill Category	Spill Volume	Discharged to a Surface Water
Category 1 Spill	All Spills	Yes
Category 2 Spill	≥ 1000 Gallons	No
Category 3 Spill	≥ 50 Gallons & < 1,000 gallons	No
Category 4 Spill	<50 Gallons	No

^{*}Private spills are not categorized

Spill categories are defined in the Order as follows:

Category 1 Spill

A Category 1 spill is a spill of any volume of sewage from or caused by a sanitary sewer system regulated under this General Order that results in a discharge to:

- o A surface water, including a surface water body that contains no flow or volume of water; or
- o A drainage conveyance system that discharges to surface waters when the sewage is not fully captured and returned to the sanitary sewer system or disposed of properly.

Any spill volume not recovered from a drainage conveyance system is considered a discharge to surface water, unless the drainage conveyance system discharges to a dedicated stormwater infiltration basin or facility.

A spill from an Enrollee-owned and/or operated lateral that discharges to a surface water is a Category 1 spill; the Enrollee shall report all Category 1 spills per Section 3.1 of Attachment E1 (Notification, Monitoring, Reporting and Recordkeeping Requirements) of this General Order.

Category 2 Spill

A Category 2 spill is a spill of 1,000 gallons or greater, from or caused by a sanitary sewer system regulated under this General Order that does not discharge to a surface water.

A spill of 1,000 gallons or greater that spills out of a lateral and is caused by a failure or blockage in the sanitary sewer system, is a Category 2 spill.

Category 3 Spill

A Category 3 spill is a spill of equal to or greater than 50 gallons and less than 1,000 gallons, from or caused by a sanitary sewer system regulated under this General Order that does not discharge to a surface water.

A spill of equal to or greater than 50 gallons and less than 1,000 gallons, that spills out of a lateral and is caused by a failure or blockage in the sanitary sewer system is a Category 3 spill.

Category 4 Spill

A Category 4 spill is a spill of less than 50 gallons, from or caused by a sanitary sewer system regulated under this General Order that does not discharge to a surface water.

A spill of less than 50 gallons that spills out of a lateral and is caused by a failure or blockage in the sanitary sewer system is a Category 4 spill.

Private Spill

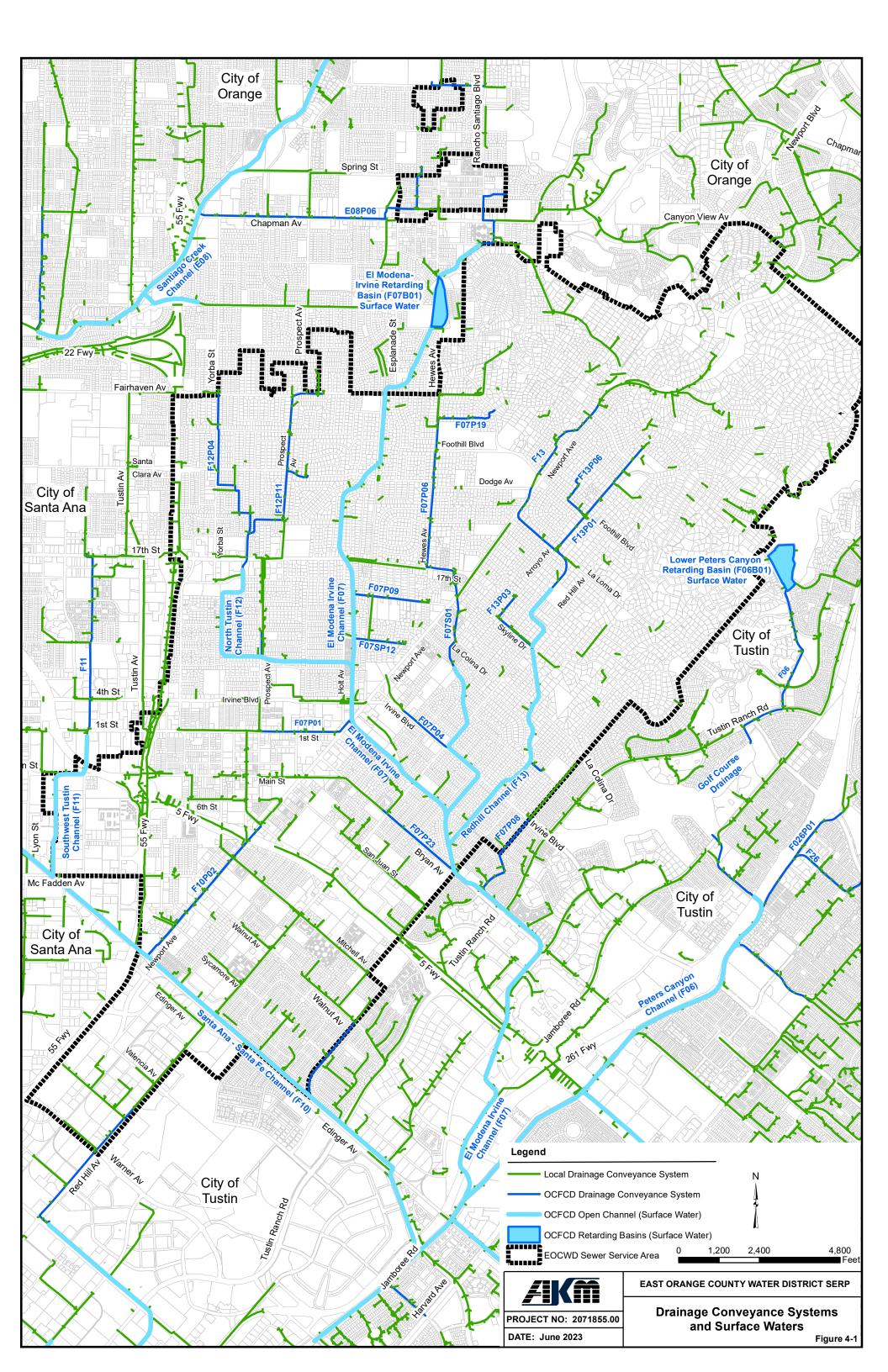
A private spill is a spill of any volume that originates in a private sewer system or private lateral. Private spills are the responsibility of the property owner. As encouraged by SWRCB, EOCWD will report a spill from a private sewer system or private lateral to the SWRCB CIWQS website if:

- A spill equal or greater than 1,000 gallons or more that discharges (or has a potential to discharge) to waters of the State, or a drainage conveyance system that discharges to waters of the State; or
- A spill of any volume that discharges to a surface water.

4-1.1 Category 1 Spill Clarification

"Surface Waters" are defined by SWRCB staff as natural water bodies, including portions that were rerouted or channelized. OCFCD channels, creeks, and/or basins are therefore considered surface waters; this includes both concrete-lined channels as well as earthen bottom channels. If a spill reaches any of these OCFCD facilities, it will be considered a Category 1 Spill. Surface waters within EOCWD's service area illustrated on Figure 4-1.

If a spill cannot be contained within a drainage conveyance system, regardless of whether water is flowing or not, the spill will be considered a Category 1 Spill. If, however, the spill is fully contained and removed, the impacted portion of the drainage conveyance system is cleaned, and the wash water is captured and disposed of properly, the spill will be considered Category 2, 3, or 4.



4-2 Notification to Regulatory Agencies

4-2.1 Notification Responsibilities

Once the sewer maintenance staff verifies a spill has occurred, they will notify the Wastewater Supervisor, who will be in charge of contacting and/or delegating a designee to contact all regulatory agencies, as needed. A summary of initial notifications that will be made is shown in Table 4-2.

If the Wastewater Supervisor is unavailable and the maintenance staff experiences delays or conflicts or requires additional resolution toward responding to the spill, the Operations Manager shall be contacted to provide direction. The Operations Manager shall then also be responsible for contacting the regulatory agencies, as needed.

Table 4-2 Notifications

Spill Category	Notify	Conditions
	OES	Total Spill Volume >=1,000 gallons
Category 1		even if the spill is partially contained or recovered
Spill	OCHCA	All
	OCFCD	All
	OES	Spill Reaches Waters of the State (Groundwater)
Category 2	OL O	even if the spill is partially contained or recovered
Spill	OCHCA	All
	OCFCD	Spill Enters a Storm Drain
Category 3	OCHCA	All
Spill	OCFCD	Spill Enters a Storm Drain
Category 4	OCHCA	All
Spill	OCFCD	Spill Enters a Storm Drain
City Owned Lateral	OCHCA	All
Spill	OCFCD	Spill Enters a Storm Drain
Private System or	OCHCA	All
Private Lateral Spill	OCFCD	Spill Enters a Storm Drain

OES = Office of Emergency Services

OCHCA = Orange County Health Care Agency

OCFCD = Orange County Flood Control District

4-2.2 California Office of Emergency Services

The California Office of Emergency Services (OES) will be notified when the total spill volume is 1,000 gallons or greater, the spill originates from EOCWD's sewer system and has discharged or is threatening to discharge to a waters of the State (includes surface water and groundwater). OES will be notified even if the spill is partially contained or recovered.

If the volume of a large spill is uncertain or the final destination of the spill is undetermined, EOCWD will contact OES to report the spill and obtain an Emergency Services Control Number.

California Office of Emergency Services (OES)

(800) 852-7550

4-2.3 Orange County Health Care Agency

The Orange County Health Care Agency (OCHCA) will be notified of all spills originating from EOCWD's sewer system, as well as private spills. Based on the information provided, OCHCA staff will determine the need for a site investigation or other actions to protect the public and environment. If needed, OCHCA will work with private property owners to ensure that private spills are contained, corrected and cleaned up.

Orange County Health Care Agency (OCHCA)

General Reporting (714) 433 – 6000

Office Staff: (714) 433 – 6419

After Hours (Control 1) (714) 628 - 7008

4-2.4 Orange County Flood Control District

The Orange County Flood Control District (OCFCD) will be notified of any spill that reaches any type of drainage conveyance system and/or surface water. The drainage facilities considered surface waters within EOCWD's service area are shown on Figure 4-1. This includes any spill that reaches a catch basin, storm drain manhole, or structural Best Management Practice (BMP) and has the potential to enter a drainage conveyance system. Based on the information provided, OCFCD staff will determine the need for a site investigation or other actions to protect surface waters.

The County has developed an on-line "Water Pollution" service request website (link below) for <u>all spills</u> that reach a drainage conveyance system and/or flood control facility. This online reporting may be conducted on a desktop computer or mobile device, and is the best way to notify OCFCD of a spill event. EOCWD will be notified of the receipt of the spill report electronically to ensure that the online notification has been conducted appropriately.

https://myoceservices.ocgov.com/ServiceRequest

The required spill information for the online spill reporting includes:

- Location
- Date and Time
- Is the spill located on private property?
- Pollution category
- > Is the spill in liquid form?
- What is the volume and units?
- Who is the responsible party?
- Nearest cross streets
- Additional comments

In addition to the online request, the Wastewater Supervisor will contact OCFCD by phone if immediate assistance is needed (i.e. access to locked OCFCD facilities, additional guidance for response to large spills, etc.).

Orange County Flood Control District (OCFCD)

Business Hours: (714) 955 – 0600

24 Hour Hotline: (877) 897 – 7455

After Hours (Control 1): (714) 628 – 7008

4-2.5 Spill Notification Information

Notification to OES, OCHCA, and OCFCD will occur as soon as possible, but no later than (2) hours from the verification of the spill. At minimum, the following information will be provided:

- a. Name and phone number of person making notification
- b. Estimated spill volume in gallons;
- c. Estimated spill rate from the system (gallons per minute);
- d. Estimated discharge rate (gallons per minute) directly into surface waters or indirectly into a drainage conveyance system;
- e. Spill incident description
 - > Brief narrative of the spill event, and
 - > Spill incident location (address, city, and zip code) and closest cross streets and/or landmarks;
- f. Name and phone number of the contact person on-scene;
- g. Date and time the Enrollee was informed of the spill event;
- h. Name of the sanitary sewer system causing the spill;
- i. Spill cause or suspected cause (if known);
- j. Amount of spill contained;
- k. Name of receiving water body receiving or potentially receiving discharge; and
- I. Description of water body impact and/or potential impact to beneficial uses.

4-2.6 Notification of Spill Report Updates

Following initial notifications and prior to certifying the spill report in the online CIWQS Sanitary Sewer System Database, the Wastewater Supervisor will provide updates to OES, OCHCA, and OCFCD regarding substantial changes to:

- a. Estimated spill volume (increase or decrease in gallons initially estimated);
- b. Estimated discharge volume directly into Waters of the State or indirectly into a drainage conveyance system (increase or decrease in gallons initially estimated); and
- c. Additional impact(s) to the waters of the State and beneficial uses

4-3 Private Property Owners

If a spill originates on private property and has neither reached the public right-of-way nor shows signs of imminent danger of reaching the public right-of-way, the maintenance staff will notify the property owner or property manager of the spill. The property owner will be informed that it is their responsibility to hire a contractor or plumber to correct the cause of the spill. If the contractor or plumber is unable to correct the cause, the maintenance staff may take the necessary action to correct the cause of the spill. If appropriate, the property owner will then be informed that the cost of the work will be their responsibility. The property owner will also be advised not to use water until the spill has been resolved.

As previously mentioned, OCHCA will be informed of all private spills.

4-4 On-Call Contractors

EOCWD's maintenance staff are well trained in performing the majority of the work necessary to mitigate a spill. Based upon the initial spill assessment, the responding maintenance staff may request additional crews, equipment, and/or on-call contractors. Tasks that may require the use of on-call contractors include but are not limited to; replacement of structurally damaged sewers, requirement for shoring with sheet piling, dewatering, bypass pumping, and open excavation extending past one day.

EOCWD's on-call contractors are listed in Table 4-3.

Table 4-3
On-Call Contractors

Contractor	Services	Business Hours	After Hours
	CCTV Inspection, Pipe	(714) 350-2131 (Gene Glassbumer)	
Performance Pipeline	Cleaning, Pipe Repairs, Vactor	(714) 454-4586 (Jason Gomez)	
	Services, Pressure Jetting	(714) 887-6107 (Mike McCusker)	
W A Rasic Construction	Sewer Pipeline Installation,	(562) 928-7339	(310) 961-1067
W A Rasic Constituction	Replacements, Repair	(302) 920-1339	(310) 901-1007
	Sewer Pipeline Installation,		
T E Roberts	Replacements, Repair;	(714) 669-0072	(714) 559-2291
	Emergency Response		
Professional Pipe Services	Sewer Cleaning, Trenchless	(000) 500 0740	(626) 893-9543
(ProPipe)	Repair, CCTV Inspection	(909) 598-9746	(Jeff Garcia)
Sancon Technologies	Pipeline Rehabilitation	(714) 891-2323 (Chuck Parsons)	
Avala Engineering	Manhole Repairs	(714) 823-7179 (Ricardo Ayala)	
Ayala Engineering	IMAIIIOIE REPAIIS	(310) 406-4257 (James McPherson)	
Dukes Root Control Services	Root Foaming	(800) 447-6687	(510) 610-6148
Dukes 1001 Collifor Services	1 Cot i Calling	(000) 447-0087	(Tom Edwards)
EEC Environmental	FOG Control Program	(714) 667-2300	(714) 642-8937
LLO LIMIOIIIIEIIIAI	T OG Control Flogram	(114) 001-2300	(Jim Kolk)

4-5 Orange County Fire Authority

Hazardous materials can be detected by odor, foamy residue, or oil sheen. If the spill is suspected to involve hazardous materials, the Orange County Fire Authority (OCFA) will be notified for assistance. Since the suspicious material may be flammable, all maintenance staff will keep a safe distance away until OCFA has assessed the situation.

Orange County Fire Authority

Business Hours: (714) 573-6000 After Hours: 9–1–1

4-6 Nearby Sewer Agencies

If the spill originates from another agency's sewer system, the responsible agency will be immediately notified. The nearby sewer agency contact information is summarized in Table 4-4.

Table 4-4
Nearby Sewer Agencies

Sewer Agency	Business Hours	After Hours
Orange County Sanitation District	(714) 593-7025	
City of Tustin Public Works	(714) 573-3150	
City of Orange Public Works	(714) 744-2225	(714) 538-1961
City of Santa Ana Public Works	(714) 647-5690	

Maintenance staff will start containment and provide assistance if the spill poses a threat to the public health, waters of the State, public property, and/or private property, especially if they are the first to arrive at the spill site. Maintenance staff will remain at the spill site until the other agency arrives to take over responsibility of the spill.

EOCWD is a member agency of Water Emergency Response Organization of Orange County (WEROC), which supports and manages countywide emergency preparedness, planning, response, and recovery efforts for water and wastewater agencies in Orange County. In the event of a spill, WEROC member agencies, and other nearby agencies can be contacted if additional combination trucks, equipment, and/or work power are needed.

4-7 Laboratory

If the spill is equal to or greater than 50,000 gallons and has reached surface waters, EOCWD approved laboratory will be contacted by the Wastewater Supervisor to sample the receiving waters.

ALS Truesdail Laboratories

Business Hours: (714) 730-6239

After Hours: (714) 920-0877

4-8 Traffic Control

If a spill is within the public right-of-way, traffic control will be set up to direct the public and vehicle traffic around the spill location. Traffic control will be set per the current version of the Work Area Traffic Control Handbook (WATCH) Standards and/or the California Manual on Uniform Traffic Control Devices (MUTCD). The local police departments or the County of Orange will be contacted when extensive traffic and crowd control is necessary.

City of Tustin Police Department

(714) 573-3200

City of Orange Police Department

(714) 744-7444

City of Santa Ana Police Department

(714) 834-4211

Orange County Sheriff's Department

(714) 647-7000

4-9 Public Advisory

EOCWD will provide any signage and/or other public notification to educate the public of the spill, as required by the OES or OCHCA.

4-10 Media Notification

The Orange County Health Care Agency, in coordination with EOCWD staff, will determine if and when the media will be informed of a spill incident.

4-11 Resource Phone List

All contact information can be found in the Resource Phone list, summarized in Table 4-5 and Appendix B-4.

Table 4-5
Resources Phone List

Contact	Business Number	After Hours			
East Orange County Water District					
General Manager	(714) 538-5815	(949) 436-3058			
Operations Manager	(714) 538-5815	(714) 501-5596			
Wastewater Supervisor	(714) 538-5815	(714) 497-8073			
Standby Operator & Backup Operator	(714) 538-5815	Varies			
Emerge	ency Contacts				
Orange County Fire Authority	(714) 573-6000	9-1-1			
City of Orange Police Department	(714) 744-7444	9-1-1			
City of Tustin Police Department	(714) 573-3200	9-1-1			
City of Santa Ana Police Department	(714) 834-4211	9-1-1			
Orange County Sheriffs Department	(714) 647-7000	9-1-1			
Orange County Control1	(714) 628-7008	(714) 628-7008			
Notifica	tion Agencies				
State of California, Office of Emergency Services	(800) 852-7550				
Orange County Control1	(714) 628-7008	(714) 628-7008			
Orange County Health Care Agency	(714) 433-6000	(714) 628-7008 (Control1)			
Office Staff	(714) 433-6419				
Orange County Public Works (OCPW)	(877) 897-7455	(877) 897-7455			
Orange County Flood Control District (OCFCD)	(714) 955-0600	(714) 628-7008 (Control1)			
24-Hour Hotline	(877) 897-7455				
Water Pollution Service Request	https://myoceservices	s.ocgov.com/ServiceRequest			
Regional Water Quality Control Board - Santa Ana	(951) 782-4130				
Nearby S	Nearby Sewer Agencies				
Orange County Sanitation District	(714) 593-7025				
City of Tustin Public Works	(714) 573-3150				
City of Orange Public Works	(714) 744-2225	(714) 538-1961			
City of Santa Ana Public Works	(714) 647-5690				

Table 4-5 (Continued) Resources Phone List

Contact	Business Number	After Hours
On-Call Contractors		
Performance Pipeline	(714) 350-2131 (Gene Glassbumer)	
	(714) 454-4586 (Jason Gomez) (714) 887-6107 (Mike McCusker)	
WA Rasic Construction	(562) 928-7339	(310) 961-1067
T E Roberts	(714) 669-0072	(714) 559-2291
Professional Pipe Services	(909) 598-9746	(626) 893-9543 (Jeff Garcia)
Sancon Engineering	(714) 891-2323 (Chuck Parsons)	
Ayala Engineering (Manhole Repairs)	(714) 823-7179 (Ricardo Ayala) (310) 406-4257 (James McPherson)	
Dukes Root Control Services (Root Foaming)	(800) 447-6687	(510) 610-6148 (Tom Edwards)
EEC Environmental (FOG Control Program)	(714) 667-2300	(714) 642-8937 (Jim Kolk)
Laboratory		
ALS Truesdail Laboratories	(714) 730-6239	(714) 920-0877

SECTION 5 SPILL RESPONSE PROCEDURES

5-1 General

The Spill Emergency Response Flow Chart is provided as Appendix B-1. The flow chart details the steps that will be taken from initial notification of a spill to the final reporting of the spill to regulatory agencies.

The following procedures generally apply when there are dry weather conditions. The procedures during wet weather conditions will be similar, except the drainage conveyance system will not be entered or blocked due to potential flooding.

5-2 Preliminary Assessment Procedures

Maintenance staff are required to respond to a reported spill within one (1) hour of the initial notification. During business hours, available maintenance staff will mobilize to the reported spill location. After hours, the standby operator or backup operator will mobilize to the reported spill location.

Upon arrival at the spill location, the maintenance staff will do the following:

- 1. Perform a quick investigation/assessment of the spill
- 2. Take photos of the spill and surrounding area
- 3. Determine the extent of the spill
- 4. Determine what agencies need to be notified
- 5. Determine what additional resources are needed. Additional crews and/or equipment will typically be requested under the following circumstances:
 - a. A sewer spill is confirmed and additional work power and equipment is needed. If the combination truck is not already onsite, it will be brought to the spill site immediately.
 - b. A spill has entered or has the potential to enter drainage conveyance system, requiring two or more crews to simultaneously address the cause of the spill and to contain the sanitary sewer spill.

If it is determined or suspected that the spill is a hazardous material spill, the Orange County Fire Authority will be contacted. If the sewer spill is determined to originate from a private sewer lateral or private sewer system, the property owner or property manager will be contacted. If the sewer spill is determined to originate from another sewer system, the agency who owns the system will be contacted. In each of the aforementioned cases, the maintenance staff will remain on standby and assist as needed.

5-3 Traffic Control and Crowd Control

As stated in Section 4-8, if a spill reaches the public right-of-way, traffic control will be set up to direct the public and automobile traffic around the spill location. The local police department or the County of Orange will be contacted if extensive traffic and crowd control is necessary.

All traffic control will comply with the Work Area Traffic Control Handbook (WATCH) standards.

5-4 Containment Procedures

5-4.1 Public Right-of-Way

If a spill originates from EOCWD's sewer system in a public right-of-way or street, the maintenance staff will set up barriers and divert traffic and the public away from the spill, using equipment such as signs, cones, delineators, barricades, arrow boards, and tape.

The maintenance staff shall take all necessary measures to contain the spill or direct the spill to a location where it can be vacuumed up. If at all possible, maintenance staff will contain the spill in the street and prevent sewage from entering the drainage conveyance system by locating the nearest entry point(s) to the drainage conveyance system. The sewer system and drainage conveyance system map (Appendix A-1 and in Sedaru) can be used to locate the catch basins and drainage conveyance systems downstream of the spill location. Sewage will be blocked from entering the catch basins, manhole covers, and structural BMPs by using sandbags, rubber mats, absorbent materials, etc.

If necessary, bypass pumping will be implemented to pump the sewage from upstream of the spill location to a downstream sewer.

To collect the information necessary for completing the spill report to the State Water Resources Control Board (SWRCB), the maintenance staff shall document the time the spill started and the time the cause of the spill was corrected. If possible, photographs and/or video footage of the spill will be taken at different times during the spill event because the volumes will likely change over time

5-4.2 Drainage Conveyance Systems

If the spill does enter the drainage conveyance system, the maintenance staff will do everything possible to prevent the spill from reaching surface waters, which are shown on the map included in Appendix A-1. If feasible, the maintenance staff will plug the catch basin where the spill entered or open a manhole downstream and place sandbags and/or other absorbent material in the drainage conveyance system to contain the spill. Then the spill will be removed using the combination truck. OCFCD must be contacted when a spill reaches a drainage conveyance system and can also provide additional assistance in containing and removing the spill.

5-4.3 OCFCD Facilities/Surface Waters

If the spill reaches an OCFCD facility/surface water, OCFCD will be contacted. EOCWD will likely need OCFCD crews to access any of the nearby channels/surface water because the gates to the access roads are typically locked. EOCWD crews will coordinate with OCFCD and assist in any way possible.

5-4.4 Private Sewer System or Laterals

If a spill originates from a private sewer system or lateral and it has neither reached public right-of-way nor shown signs of imminent danger of it reaching public right-of-way, the maintenance staff will locate the property owner or manager to inform them of their responsibility to contain the spill, eliminate the cause, and cleanup the spill.

Private property owners or managers will be informed of their responsibility to hire a contractor or plumber to correct the cause of the spill, at the property owner's expense. Alternatively, the maintenance staff may take the necessary action to correct the cause of the spill at the expense of the private property owner.

Property owners will be advised not to use water until the cause of the spill has been resolved. If necessary, EOCWD will contact the local water agency to shut off the water supply.

If there is the potential of the spill reaching the public right-of-way, the maintenance staff will assist in containment and removal of the sewage on private property using sandbags, waddles, absorbent materials, plastic sheeting, etc.

5-4.5 Wet Weather Conditions

The function of a drainage conveyance system is to prevent flooding, which provides safety to the public as well as protection of public and private property. If a spill enters the drainage conveyance system during a wet weather event, the drainage conveyance system will not be entered or blocked if such action could potentially cause flooding. Additionally, the maintenance staff shall not enter the drainage conveyance system if unsafe conditions are observed.

Under wet weather conditions, the maintenance staff will concentrate on correcting the cause of the spill to minimize the volume that is discharged to surface waters and prevent additional discharge of sewage into the drainage conveyance system.

The determination of "wet weather conditions" will be at the discretion of the maintenance staff. It is assumed to be wet weather conditions if the catch basin or drainage conveyance system cannot be blocked for fear of causing flooding on the street and/or in the drainage conveyance system. Under these conditions, the spill cannot be contained.

5-5 Correction Procedures

5-5.1 Gravity Sewer CorrectionsSewer spills may be the result of blockages due to heavy grease, roots, or other obstructions. Spills may also be the result of structural deficiencies, which include but are not limited to collapsed pipes, broken pipes, deformed pipes, and severe offset joints.

In the case of blockages, the maintenance staff will open manhole lids downstream of the spill. High pressure jetting in the upstream direction from the first manhole found without or with limited sewage flowing through it, will be used to clear the blockage. The blockage material will be removed at the manhole.

Upon clearing the blockage, CCTV inspection will be performed as soon as possible, but no less than three (3) days after the spill event, to verify the condition of the sewer line. If a structural deficiency is found, the Operations Manager and/or Engineering Manager will be informed so that a plan for repair can be developed.

The maintenance staff may determine that bypass pumping will be required if the blockage cannot be cleared in a timely manner, if a pipe has failed, or if the spill is large and has the potential to endanger public health, enter drainage conveyance system catch basins and manholes, discharge to a surface water, or damage private property. Depending on the volume of sewage and the field conditions, EOCWD will use its own bypass pumping equipment or contact an on-call contractor, as listed in Table 4-3.

Optionally, if bypass pumping is not feasible, the maintenance staff will block the upstream manhole and use the combination truck to vacuum sewage out of it while the cause of the spill is corrected.

5-6 Cleanup Procedures

Once the cause of the spill has been corrected and the spill contained, the maintenance staff will clean up all sewage. All spill and wash water will be vacuumed and decanted back to the sewer system at a downstream manhole, preferably at a deep manhole with a large diameter pipe downstream. The flow through the discharge hose will be controlled using the drain valve handle so as not to surcharge the sewer system. Solids are disposed of at the OCSD treatment plant in Fountain Valley.

5-6.1 Public Right-of- Ways

Initially, all sewage will be vacuumed from the gutter and street. Any remaining solids and semisolids within the public right-of-way will be swept, raked, and picked-up. The impacted area will then be washed down with potable water until all evidence of sewage is removed.

5-6.2 Drainage Conveyance System

Once the spill volume has been vacuumed out of drainage conveyance system, it will be cleaned. The solids will be removed, and the drainage conveyance system will be washed down with potable water.

5-6.3 OCFCD Facilities/Surface Waters

If the spill reaches a OCFCD facility/surface water, EOCWD will coordinate the cleanup efforts with OCFCD and assist in any way possible. OCFCD maintenance staff will provide assistance with most spills. For larger spills and upon authorization of the Water Quality Ordinance Implementation Agreement (via email/text from local storm drain agency), OCFCD has three (3) on-call contractors that can assist with clean up services.

5-6.4 Private Property

If there is damage to private property due to a spill originating from a EOCWD sewer, the maintenance staff will perform cleanup as needed such as the following activities:

- Initial clean up, including wiping and cleaning furniture
- Collect solid waste material.
- > Remove standing fluid from both indoor and outdoor areas
- > Take photographs and video footage of the damaged and undamaged areas
- Inform the property owner of their right to hire a professional sewer cleanup service, which will be reimbursed by EOCWD.
- Make arrangements to place the residents in a nearby hotel, as necessary

If the spill originated from a private lateral or private sewer system, EOCWD is not responsible for the cleanup but will assist to the extent deemed feasible.

SECTION 6 MONITORING AND REPORTING PROCEDURES

6-1 State Water Resources Control Board (SWRCB) Requirements

Order WQ 2022-0103-DWQ states:

"The Spill Emergency Response Plan must include procedures to comply with the notification, monitoring, and reporting requirements of this General Order, State law and regulations, and applicable Regional Water Board Orders."

All notification, monitoring, reporting and record keeping requirements are detailed in Attachment E1 of the Order WQ 2022-0103-DWQ.

6-2 Spill Specific Monitoring Procedures

Monitoring requirements are summarized in Attachment E1 of Order WQ 2022-0103-DWQ. The monitoring and reporting requirements are summarized in Appendix B-6.

EOCWD will monitor the progression of the spill from the time the maintenance staff arrives at the spill location to the time that the spill is fully contained and cleaned up. Without impeding the containment, cleanup, and/or correction of the spill cause, the maintenance staff will monitor the response procedures with photography, video recordings, and notes.

6-2.1 Global Positioning System Coordinates

For all spill categories, the global positioning system (GPS) coordinates will be determined for:

- > The system location where the spill originated. For multiple appearance points of a single spill event, the points closest to the spill origin.
- > Representing the full spread and reach of the spill, if available

The latitude and longitude will be recorded from navigation equipment, cell phones, or other technology. The spill coordinates are further verified by the GIS Manager with a desktop analysis using Geographic Information Systems (GIS), Google Earth, or other computer based mapping programs.

6-2.2 Photography

The spill response will be documented with photographs and video recordings of the following:

- Location of the spill and/or spill origin
- Extent of spill spread and spill boundaries
- Drainage conveyance system entry and exit locations
- ➤ The location(s) of discharge into surface waters, as applicable
- The location(s) of clean up
- Waterbody bank erosion
- Floating matter
- Water surface sheen (potentially from oil and grease)
- Discoloration of receiving water

- Impact to the receiving water
- > Post-cleanup site conditions

6-2.3 Spill Start Time

The time that the spill was reported will be recorded by EOCWD office staff on the Spill Initial Receipt Form, included in Appendix B-2 upon initial notification of a spill. If the initial start time is unknown, the time the spill is initially reported will be used as the spill start time. If the spill volume is not consistent with the recorded spill start time, the person who initially reported the spill and/or other residents will be interviewed to get a better understanding of when the spill actually began.

6-2.4 Spill Volume Estimation

Spill volumes will be calculated by one of the methodologies that are documented in the *Sewer Spill Estimation Guide*, included in Appendix C-1. The guidebook was developed by the Orange County Area Waste Discharge Requirements Steering Committee to address the SWRCB spill reporting requirements.

Although the guidebook discusses many volume estimation methods, a few are commonly used by EOCWD. For estimating the volume of small spills, typically the Visual Method, Pictorial Reference Method or Measured Volume Method is implemented. For larger spills, the Gutter Flow Method might be implemented. And if the spill is isolated to the pick or vent holes in the manhole cover, the Pick and Vent Holes Method will be used.

Visual or Eyeball Method

The Visual Method is typically used for small spills (under 200 gallons) on hard surfaces. Maintenance staff must imagine the amount of water that would spill from a bucket or barrel and estimate the volume.

Pictorial Reference Method

The Pictorial Reference Method involves the use of either the San Diego Manhole Overflow Rate Chart or the CWEA Southern Section Collection Systems Committee (SSCSC) Manhole Overflow Gauge Chart. Maintenance staff will select the picture that most accurately represents the spill being estimated. The gpm associated with the picture multiplied by the spill duration time will determine the spill volume.

Measured Volume Method

The Measured Volume Method requires maintenance staff to measure the shape, dimensions, and depth of the contained spill. The dimensions are used to calculate the area of the spill and the depth is used to calculate the volume. For irregular spill shapes, the spill area will be broken into multiple simple geometric shapes that can be combined to represent the total spill area. Various spill depths will be measured to get an average depth of the spill.

When the spill is a wet spot on the ground, the depth of the spill will be estimated to be 1/32" for asphalt and 1/64" for concrete.

Gutter Flow Method

The Gutter Flow Method can be used for estimating spill volumes in open channels such as ditches, curb and gutter, etc. The cross sectional area and the velocity of the flow in the channel is needed to use this method.

6-2

The cross sectional area is calculated as follows:

Curb and Gutter with V-Shape

Cross Sectional Area (ft^2) = (1/2) x Depth x Width

Rectangular Channels

Cross Sectional Area (ft^2) = Depth (ft) x Width (ft)

The velocity in the channel can be measured by dropping a small floating object (leaf, small piece of wood or paper, etc.) into the flow and timing how long it takes to travel a measured distance. The velocity is calculated as follows:

Spill Velocity (ft/s) = Premeasured Travel Distance (ft) ÷ Recorded Travel Time (seconds)

The volume is measured as:

Volume (ft³) = Spill Time (seconds) x Cross Sectional Area (ft²) x Spill Velocity (ft/s)

Volume (gal) = Volume (ft 3) x 7.4805 (gal/ ft 3)

The flowrate and volume will be calculated whenever the spill flowrate visually changes. Additional depths, widths, and velocities will be measured whenever there is a change in flowrate. The time the flowrate changed, which is necessary to calculate the corresponding spill volumes, will be identified. The total flow volume will be calculated as the sum of the individual volumes.

Pick and Vent Holes Method

The Pick and Vent Holes Method will be used if spill is isolated to the pick and vent holes in the manhole cover. The diameter of the pick/vent holes and the height of the sewage plume existing the holes will be measured. The flowrate through each pick/vent hole will be estimated using Table 6-1. The total spill volume will be calculated as follows:

Volume (gal) = Flowrate (gpm) x Number of Holes x Spill Time (min)

The flowrate and volume calculations will be estimated whenever the plume height visually changes. The new plume height will be measured and the time the plume changed will be recorded to calculate the corresponding spill volumes. The total flow volume will be the sum of the individual volume calculations.

Field Inspection Forms

Field Inspection forms for the Pictorial Reference Method, Measured Volume Method, the Gutter Flow Method, and the Pick and Vent Hole Method are included in Appendix C-2, which should always be available on the response vehicles. Forms will be replenished after each spill event.

Table 6-1
Pick/Vent Hole Flowrate
Estimation Chart

Louination onat							
	Hole Diameter (in)	Water Height (in)	Flowrate (gpm)				
	0.50	0.063	0.23				
	0.50	0.005	0.23				
	0.50	0.120	0.33				
	0.50	0.500	0.66				
	0.50	0.750	0.81				
	0.50	1.000	0.94				
ılaı	0.75	0.063	0.51				
rcı	0.75	0.125	0.72				
C C	0.75	0.250	1.02				
ole	0.75	0.500	1.44				
Ĭ	0.75	0.750	1.77				
Vent Hole (Circular)	0.75	1.000	2.04				
>	1.00	0.063	0.88				
	1.00	0.125	1.25				
	1.00	0.250	1.77				
	1.00	0.500	2.50				
	1.00	0.750	3.06				
	1.00	1.000	3.54				
	1.00	0.063	0.44				
m	1.00	0.125	0.63				
Sel)	1.00	0.250	0.89				
e (1.00	0.500	1.25				
Hole (S Circle)	1.00	0.750	1.53				
Pick Hole (Semi Circle)	1.00	1.000	1.77				
Pic	1.00	1.500	2.17				
	1.00	2.000	2.51				

6-2.5 Estimated Spill Travel Time

Spill travel time from the point of entry into the drainage conveyance system to the point of discharge into a receiving water will need to be estimated if a spill does enter the drainage conveyance system and reaches a surface/receiving water. The spill travel time can be calculated by using actual times recorded by staff as to when the spill entered the drainage conveyance system and when spill entered the receiving water.

If the spill is continuously flowing and the time of entry is unknown, the velocity of the flow will be estimated. This will be done by floating an object (leaf, small piece of wood or paper, etc.) in the spill flow for a known distance and recording the time of travel. The velocity is calculated as follows:

Spill Velocity (ft/s) = Premeasured Travel Distance (ft) ÷ Recorded Travel Time (seconds)

The distance from the point of entry to the drainage conveyance system to the point of entry to the receiving water will be estimated by using available GIS mapping data. The total time of travel will be calculated as follows:

Recorded Travel Time (seconds) = Travel Distance (ft) ÷ Spill Velocity (ft/s)

EOCWD will contact OCFCD to help with estimating the spill travel time for large spills that reached their facilities. The spill velocity will depend on the size of the spill, the geometry and material of the drainage conveyance system or open channel, and existing flows within the facilities.

6-2.6 Receiving Water - Water Quality Sampling and Analysis

For spills estimated at 50,000 gallons or greater and discharged into a surface water, the following water quality sampling must be conducted no later than 18 hours after the potential discharge to a surface water is known. The sampling requirements are described below and summarized in Appendix B-7.

Definitions

A **drainage conveyance system** is a publicly- or privately-owned separate storm sewer system, including but not limited to drainage canals, channels, pipelines, pump stations, detention basins, infiltration basins/facilities, or other facilities constructed to transport stormwater and non-stormwater flows.

A **receiving water** is a water of the State that receives a discharge of waste.

A surface water is a natural water body.

Receiving Water Sampling Locations

Receiving water samples will be collected at the following locations:

- DCS-001: A point in a drainage conveyance system (DCS) before the flow discharges into a receiving water. This is upstream of RSW-001.
- > RSW-001 (Point of Discharge): A point in the receiving water where the sewage initially enters the receiving water.
- RSW-00U (Upstream of Point of Discharge): A point in the receiving water, upstream of the point of sewage discharge, to capture ambient conditions absent of sewage discharge impacts. This is upstream of RSW-001.
- RSW-001D (Downstream of Point of Discharge): A point in the receiving water, downstream of the point of sewage discharge, where the spill material is fully mixed with the receiving water.

There are two exceptions to the water sampling requirements: If the receiving water has no flow during the duration of the spill, EOCWD can report "No Sampling Due to No Flow". If there are access restrictions or unsafe conditions that prevents compliance, EOCWD can provide documentation of the restrictions or safety hazards.

Receiving Water Sampling Frequency

At minimum, water samples will be collected at each location, once a day, for each day of the duration of the spill.

Receiving Water Sample Analysis

At minimum, the receiving water samples will be analyzed for the following:

- > Ammonia, and
- Appropriate bacterial indicator(s) per the applicable Basin Plan water quality objectives, including one or more of the following, unless directed otherwise by the Regional Water Board:
 - Total Coliform Bacteria
 - o Fecal Coliform Bacteria
 - E-coli
 - o Enterococcus

Receiving Water Quality Analysis Specifications

Water Quality Samples will be conducted in accordance with sufficiently sensitive test methods approved under Title 40, Code of Federal Regulations, Part 136, which are summarized in Appendix B-7.

Per Order WQ 2022-0103-DWQ, all water samples must be performed by a laboratory that has accreditation through the Environmental Laboratory Accreditation Program (ELAP). Truesdail Laboratories has ELAP accreditation with Certificate No. 1237 and is capable of providing the necessary sampling and testing services that are required by Order WQ 2022-0103-DWQ.

6-3 Reporting Procedures

6-3.1 CIWQS Notification Procedures

All spill reporting is required to be submitted electronically to the online California Integrated Water Quality System (CIWQS) database (https://ciwqs.waterboards.ca.gov/) unless specified otherwise in Attachment E1 of Order WQ 2022-0103-DWQ. Electronic reporting may solely be conducted by the Legally Responsible Official (LRO) or Data Submitter(s) previously designated by the LRO.

Legally Responsible Officials (LROs) are responsible for certifying EOCWD's spill reports on the CIWQS Sanitary Sewer System Database. Data Submitters may enter spill data on the CIWQS Sanitary Sewer System Database, but do not have the authority to certify the reporting data. EOCWD's LROs and Data Submitters are detailed in Section 1-3.

Any information protected by the Homeland Security Act will be reported by email to **SanitarySewer** @waterboards.ca.gov with a brief explanation of the protection provided by the Homeland Security Act for the subject report to be protected from unauthorized disclosure and/or public access, and for official Water Board regulatory purposes only.

The SWRCB notification and reporting requirements are detailed in Appendix B-3.

6-3.2 Spill Report

The maintenance staff will fill out the Spill Report in the field to document the spill characteristics and EOCWD's response. The Spill Report is included in Appendix B-5.

Once the spill response activities have been completed, the Spill Report, field notes, pictures, and video footage will be provided to the Data Submitter and LRO. The information will be used to submit the draft and final certified reports to the SWRCB, via the CIWQS online reporting database. The data requested for each type of spill that must be input for the draft report and the final certified report are shown in Appendix B-6.

6-3.3 Category 1

In the event of a Category 1 Spill, the following reporting will be completed:

- 1. Draft Spill Report within three (3) business days of knowledge of the spill. Draft Spill Report will be submitted by the Data Submitter to the online CIWQS Sanitary Sewer System Database.
- Certified Spill Report withing fifteen (15) days of the spill end date. The Certified Spill Report will be submitted by the LRO to the online CIWQS Sanitary Sewer System Database. Then, a final spill event identification number will be issued by CIWQS.

The Certified Spill Report can be updated and additional information can be added within ninety (90) calendar days of the spill end date by amending the report or by adding an attachment to the report in the online CIWQS Sanitary Sewer System Database. After 90 calendar days, the State Water Board must be contacted at SanitarySewer@waterboards.ca.gov to request to amend a spill report.

In the event of a Category 1 Spill in which 50,000 gallons or greater is discharged to a surface water, the following reporting will also be completed:

A Spill Technical Report will be submitted withing forty five (45) calendar days of the spill end date.
 The Spill Technical Report will be submitted by the LRO to the online CIWQS Sanitary Sewer System Database.

The information required to be submitted with the Draft Spill Report, the Certified Spill Report and the Spill Technical Report are summarized in Appendix B-6.

6-3.4 Category 2

In the event of a Category 2 Spill, the following reporting will be completed:

- 1. Draft Spill Report within three (3) business days of knowledge of the spill. Draft Spill Report will be submitted by the Data Submitter to the online CIWQS Sanitary Sewer System Database.
- 2. Certified Spill Report within fifteen (15) days of the spill end date. The Certified Spill Report will be submitted by the LRO to the online CIWQS Sanitary Sewer System Database. Then, a final spill event identification number will be issued by CIWQS.

The Certified Spill Report can be updated and additional information can be added within ninety (90) calendar days of the spill end date by amending the report or by adding an attachment to the report in the online CIWQS Sanitary Sewer System Database. After 90 calendar days, the State Water Board must be contacted at SanitarySewer@waterboards.ca.gov to request to amend a spill report.

The information required to be submitted with the Draft Spill Report and the Certified Spill Report are summarized in Appendix B-6.

6-3.5 **Category 3**

For Category 3 Spills, the LRO will report and certify all Category 3 spills within 30 calendar days after the end of the month in which the spill occurred to the CIWQS Sanitary Sewer System Database. Then, a spill event identification number for each spill will be issued by CIWQS. The information required to be submitted with the monthly Certified Spill Reports is summarized in Appendix B-6.

The Certified Spill Report can be updated and additional information can be added within ninety (90) calendar days of the spill end date by amending the report or by adding an attachment to the report in the online CIWQS Sanitary Sewer System Database. After 90 calendar days, the State Water Board must be contacted at SanitarySewer@waterboards.ca.gov to request to amend a spill report.

6-3.6 Category 4

For Category 4 spills, the LRO will report and certify the estimated total spill volume exiting the sanitary sewer system, and the total number of all Category 4 spills to the online CIWQS Sanitary Sewer System Database, within 30 calendar days after the end of the month in which the spills occurred.

Records of Category 4 spills will be maintained similarly to other spill categories (per Section 4.4 of Attachment E1 of the Order). EOCWD will also annually upload and certify a report (in an appropriate digital format) of all recordkeeping of Category 4 spills to the online CIWQS Sanitary Sewer System Database by February 1st after the end of the calendar year in which the spills occurred. The information required to be reported annually is summarized in Appendix B-6.

6-3.7 No Spills

If there are no spills within a calendar month, the LRO will submit a "No Spill" certification statement electronically on the CIWQS Sanitary Sewer System Database, within 30 calendar days after the end of each month.

If there are no spills from EOCWD's sewer system during a calendar month and private lateral spills were voluntarily reported, a "No Spill certification statement will still be submitted.

6-4 California Office of Emergency Services

As discussed in Section 4-2.2, the California Office of Emergency Services (OES) will be initially contacted if a spill greater than or equal to 1,000 gallons has reached surface waters, a drainage channel tributary to a surface water, and/or a municipal separate storm sewer system (MS4). The Responsible Staff will contact OES within 2 hours of the spill verification.

As indicated by California Code of Regulations (CCR), Title 19, Chapter 4, Article 2, Section 2705, EOCWD is required to send an Emergency Release Follow–Up Notice Reporting Form to Chemical Emergency Planning and Response Commission (CEPRC), whenever OES is notified of a spill. The sample form is included in Appendix E.

<u>Chemical Emergency Planning and Response Commission (CEPRC)</u>

3650 Schriever Avenue

Mather, CA 95655

The CCR includes a form, indicating the information required from the Responsible Staff. At minimum, the report will include the following:

1. Business Name

- 2. Emergency Contact and Phone number
- 3. Date and time of Incident
- 4. OES Control No.
- 5. Incident Address
- 6. Spill Type
- 7. Quantity of Spill
- 8. Contamination Areas
- 9. Time of Release
- 10. Actions taken to stop and contain the spill
- 11. Health effects
- 12. Comments
- 13. Certification

SECTION 7 TRAINING AND EVALUAUTION

7-1 Distribution

The Spill Emergency Response Plan (SERP) will be distributed to:

- 1. Legally Responsible Official(s)
- 2. Data Submitter(s)
- 3. Operations Manager
- 4. Wastewater Supervisor
- 5. Maintenance Staff for Response Vehicles

The plan will be made available to the public for review at the EOCWD's Headquarters. Copies of the plan will be made available to the public when requested in writing, at the cost of producing the document.

7-2 Training

The maintenance staff receives training through the California Water Environment Association's (CWEA) Training Program, which is the current industry standard for training and certifying sewer collection system maintenance staff.

In addition, annual spill emergency response training occurs in the office and in the field. The Wastewater Supervisor is responsible for scheduling and documenting training sessions for EOCWD staff.

7-2.1 Office Training

Initial Spill Receipt training is conducted by the Wastewater Supervisor. Training includes review of the correct procedures for receiving calls, recording the information on the Sanitary Sewer Overflow Initial Receipt Form (Appendix B-2), and notification of the maintenance staff.

Office training of maintenance staff is conducted by the Wastewater Supervisor. This involves complete review of the following documents and/or procedures:

- 1. The SERP plan document review
- 2. The SERP flowchart (Appendix B-1)
- 3. Regulatory agency notification and reporting requirements (Appendix B-3)
- 4. Filling out the Spill Report (Appendix B-5)
- 5. Sewers, Drainage Conveyance Systems, and Surface Waters Map (Appendix A-1)
- 6. Spill volume calculation methodologies (Appendix C-1 and C-2)
- 7. Post-Spill Response evaluation procedures

7-2.2 Field Training

Field training of the maintenance staff **is** conducted by the Wastewater Supervisor. The following training topics are reviewed in the field once per year, at a minimum:

- 1. Safety Procedures
- 2. Operation of EOCWD's combination trucks

- 3. Field spill volume estimation, with training simulations
- 4. Review of all available equipment on the combination truck
- 5. Review of all spare parts available at EOCWD yard
- Containment and clean up procedures
- 7. Gravity sewer correction procedures
- 8. Bypass pumping procedures

Any new staff that has not participated in the annual training will be separately trained by the Wastewater Supervisor during his/her first week of employment.

7-2.3 Other Training Opportunities

EOCWD will participate in other training opportunities made available from nearby agencies including but not limited to:

- Orange County Sanitation District (OCSD)
- SoCal Waste Discharge Requirements Group
- California Water Environment Association (CWEA)
- Water Emergency Response Organization of Orange County (WEROC)

7-2.4 Training Logs

The Wastewater Supervisor keeps records of all SERP related training. Sign-in sheets include the training topic, date, time, and list of all attendees. All sign-in sheets, agendas, handout material, quizzes, etc will be maintained electronically.

7-3 Spill Emergency Response Plan Evaluation

The main goal of the spill emergency response plan is to ensure prompt response to a spill and to minimize the spill volumes. EOCWD conducts routine evaluations of its procedures to ensure that the response is effective.

7-3.1 Key Performance Indicators

Key performance indictors (KPI) will be reviewed by EOCWD to ensure that the current spill response procedures are efficient. The KPIs include:

- > Number of spills
- > % of recovered volume versus total spill volume
- Verification that the notification procedures were followed for each spill event
- Verification that the response procedures were followed for each spill event
- > Verification that reporting to regulatory agencies were conducted correctly for each spill event
- Verification that training was conducted as scheduled

7-3.2 Spill Event Response Evaluation

Order 2022-0103-DWQ requires that the spill response procedures be reviewed following each spill event. EOCWD will conduct an evaluation of the effectiveness of the response procedures per the Spill Response Evaluation Form, which is included in Appendix F-1.

7-3.3 Annual SERP Document Evaluation

Order WQ 2022-0103-DWQ requires that the effectiveness of the SERP be reviewed annually, at minimum. The SERP document will be evaluated per the SERP Document Annual Evaluation Form, which is included in Appendix F-2.

7-3.4 Change Log

EOCWD performs spill event response evaluations and annual SERP evaluations. Adjustments to the SERP procedures and report will be tracked in the Change Log, included at the beginning of the SERP.

Table 7-1 SERP Change Log

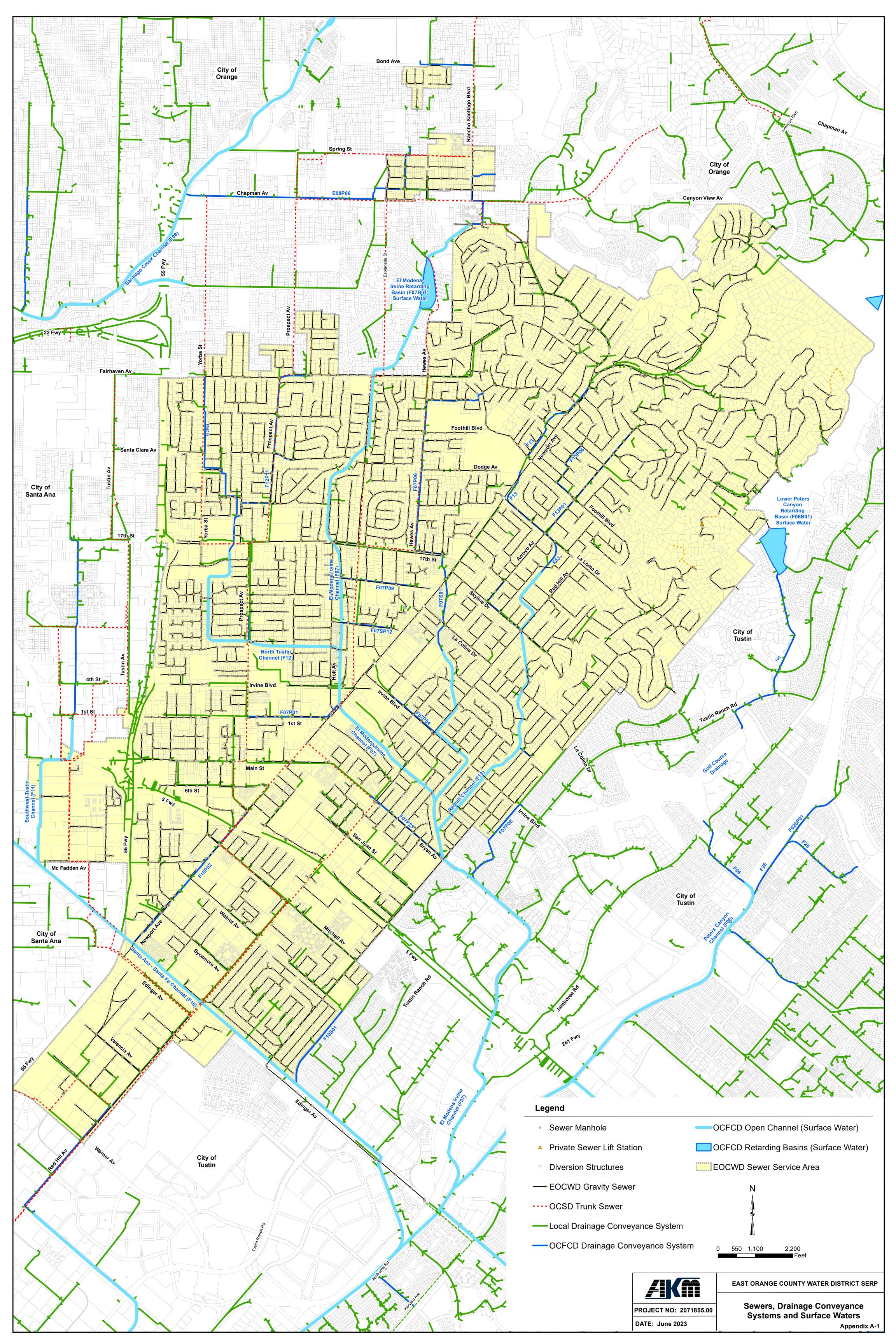
	Report	SERP Change Log	
Date	Section	Action Item	Status
			Ļ

Table 7-1 (Continued) SERP Change Log

	_	SERP Change Log	1
	Report		
Date	Section	Action Item	Status

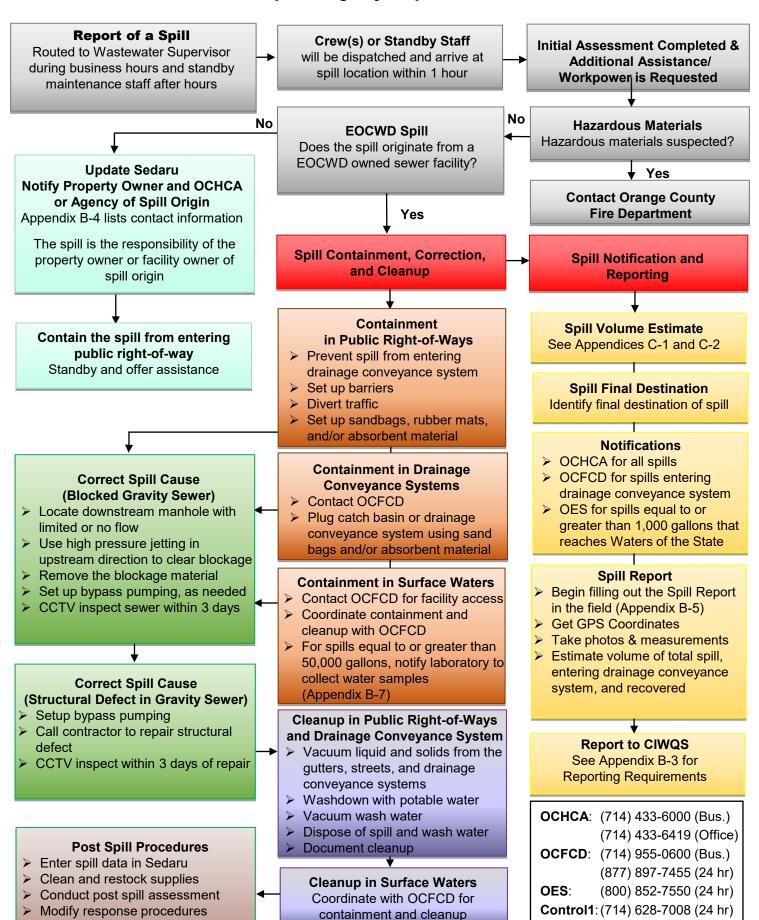
APPENDIX A-1

Sewers, Drainage Conveyance Systems, and Surface Waters Map



APPENDIX B-1 Spill Emergency Response Flowchart

Appendix B-1 East Orange County Water District Spill Emergency Response Flowchart



APPENDIX B-2 Spill Initial Receipt Form

Appendix B-2 Spill Initial Receipt Form

Date	
Time that the Spill was Reported	
Time Spill Started (If known)	
Caller's Name	
Caller's Address	
Caller's Telephone No.	
Location of Spill	
Has the spill reached a catch basin or drainage conveyance system or is in close proximity?	
Description of Problem	
Additional Information	
Time Maintenance Staff Called	
Name of Maintenance Staff Called	

APPENDIX B-3 Spill Notification and Reporting Requirements

Appendix B-3
Spill Notification and Reporting Requirements

Deadline	Cotogony 1 Spill	Cotogony 2 Spill	Cotogony 2 Spill	Catagory 4 Spill	No Spille
Deadine	Category 1 Spill	Category 2 Spill	Category 3 Spill	Category 4 Spill	No Spills
As soon as practical within 2 hours after: - knowledge of the spill; and - notification can be provided without substantially impeding cleanup or other emergency measures	Notify OCHCA and OCFCD. For spills 1,000 gallons or greater, discharging or threatening to discharge to surface waters (does not include groundwater), notify OES and obtain a notification control number.	Notify OCHCA Notify OCFCD if spill enters drainage conveyance system. For spills 1,000 gallons or greater, discharging or threatening to discharge to Waters of the State (includes groundwater), notify OES and obtain a notification control number.	Notify OCFCD if spill enters drainage	Notify OCHCA Notify OCFCD if spill enters drainage conveyance system.	
Within 18 hours of knowledge of spill	Conduct water quality sampling of the receiving water within 18 hours of initial knowledge of spill of 50,000 gallons or greater to surface waters.				
3 business days after knowledge of spill	Submit Draft Spill Report to the online CIWQS Sanitary Sewer System Database	Submit Draft Spill Report to the online CIWQS Sanitary Sewer System Database			
15 calendar days after the spill end date	LRO must submit Certified Spill Report to the online CIWQS Sanitary Sewer System Database	LRO must submit Certified Spill Report to the online CIWQS Sanitary Sewer System Database			
Within 30 calendar days after the end of the month in which the spill occurred			LRO must submit monthly Certified Spill Report to the online CIWQS Sanitary	LRO must report and certify the estimated total spill volume exiting the sanitary sewer system and the total number of all Category 4 spills into the online CIWQS Sanitary Sewer System Database	LRO must submit a "No Spill" certification statement to the online CIWQS Sanitary Sewer System Database
45 calendar days after the spill end date	LRO must submit Spill Technical Report to the online CIWQS Sanitary Sewer System Database for a spill in which 50,000 gallons or greater discharged to surface waters				
90 calendar days after the spill end date	LRO must submit Amended Spill Report to the online CIWQS Sanitary Sewer System Database	LRO must submit Amended Spill Report to the online CIWQS Sanitary Sewer System Database	LRO must submit Amended Spill Report to the online CIWQS Sanitary Sewer System Database		
By February 1st after the end of the calendar year in which the spill occurs				Upload and certify a report, in an acceptable digital format, of all Category 4 spills to the online CIWQS Sanitary Sewer System Database	

APPENDIX B-4 Resource Phone List

Appendix B-4 Resource Phone List

Contact	Business Number	After Hours
East Orange (County Water District	
General Manager	(714) 538-5815	(949) 436-3058
Operations Manager	(714) 538-5815	(714) 501-5596
Wastewater Supervisor	(714) 538-5815	(714) 497-8073
Standby Operator & Backup Operator	(714) 538-5815	Varies
Emerge	ency Contacts	
Orange County Fire Authority	(714) 573-6000	9-1-1
City of Orange Police Department	(714) 744-7444	9-1-1
City of Tustin Police Department	(714) 573-3200	9-1-1
City of Santa Ana Police Department	(714) 834-4211	9-1-1
Orange County Sheriff's Department	(714) 647-7000	9-1-1
Orange County Control1	(714) 628-7008	(714) 628-7008
Notifica	ation Agencies	
State of California, Office of Emergency Services	(800) 852-7550	
Orange County Control1	(714) 628-7008	(714) 628-7008
Orange County Health Care Agency	(714) 433-6000	(714) 628-7008 (Control1)
Office Staff	(714) 433-6419	
Orange County Public Works (OCPW)	(877) 897-7455	(877) 897-7455
Orange County Flood Control District (OCFCD)	(714) 955-0600	(714) 628-7008 (Control1)
24-Hour Hotline	(877) 897-7455	
Water Pollution Service Request	· · ·	s.ocgov.com/ServiceRequest
Regional Water Quality Control Board - Santa Ana	(951) 782-4130	
	Sewer Agencies	
Orange County Sanitation District	(714) 593-7025	
City of Tustin Public Works	(714) 573-3150	
City of Orange Public Works	(714) 744-2225	(714) 538-1961
City of Santa Ana Public Works	(714) 647-5690	,
Contact	Business Number	After Hours
On-Ca	II Contractors	
	(714) 350-2131	
	(Gene Glassbumer)	
Performance Pipeline	(714) 454-4586	
'	(714) 887-6107	
	(Mike McCusker)	
WA Rasic Construction	(562) 928-7339	(310) 961-1067
T E Roberts	(714) 669-0072	(714) 559-2291
	,	(626) 893-9543
Professional Pipe Services	(909) 598-9746	(Jeff Garcia)
Canaca Fusina asina	(714) 891-2323	
Sancon Engineering	(Chuck Parsons)	
	(714) 823-7179	
Ayala Engineering (Manhole Repairs)	(Ricardo Ayala)	
Ayala Engineening (Mannole Repairs)	(310) 406-4257	
	(James McPherson)	
Dukes Poot Control Services (Poot Fooming)	(800) 447 6697	(510) 610-6148
Dukes Root Control Services (Root Foaming)	(800) 447-6687	(Tom Edwards)
EEC Environmental (FOG Control Program)	(714) 667 2200	(714) 642-8937
LLO LIMIOIIIIEIRAI (FOG COIRIOI FIOGIAIII)	(714) 667-2300	(Jim Kolk)
La	aboratory	
ALS Truesdail Laboratories	(714) 730-6239	(714) 920-0877

APPENDIX B-5 Spill Report

APPENDIX B-5 EAST ORANGE COUNTY WATER DISTRICT SPILL REPORT

General Spill Information	n		
Date of Incident:	Call Time:	Spill Start:	Arrival:
Location of Incident:			
GPS Coordinates: Latitud	eLon	gitude:	
Weather Conditions durin	g Spill Event:		
Sewer Component: □ M	anhole □ Clean Out	□ Interceptor □ O	ther
Ownership: □ EOCWD □	Private □ Other		Hot Spot? ☐ Yes ☐ No
Reported by		Property Owner/A	gent/Manager/Spill Witness
Name:		Name:	
Address:		Address:	
Phone:		Phone:	
Signature:		Date:	
Spill Categories and No	tifications		
Determine what type of spotifications:	pill it is based on the	e following descripti	ons and then make appropriate
sewage that results in a c system that discharges to a sanitary sewer system or c	discharge to a surface a surface water, when disposed of properly. pill. Make sure you	e water (flow or no the sewage is not t Call OCHCA, OCF	ewer) - A spill of <u>any</u> volume of flow) or a drainage conveyance fully captured and returned to the CD, and OES within 2 hours of the from OES. Also, notify a a
greater that does not disch must be fully captured and	parge to a surface wat I recovered). <mark>Call OC</mark>	ter (spills that enter in the second	wer) - A spill of 1,000 gallons or the drainage conveyance system ssible. Call OCFCD as soon as ES and obtain a control number.
than 50 gallons and less tha	an 1,000 gallons that on system must be fully	does not discharge to captured and recov	wer) - A spill equal to or greater of a surface water (spills that enter ered). Call OCHCA as soon as priveyance system.
that does not discharge to	a surface water (spills ed). <u>Call OCHCA as s</u>	that enter the drain	er) - A spill of less than 50 gallons age conveyance system must be all OCFCD as soon as possible if

	olume that originates in a private sewer system or y of the property owner. Call OCHCA as soon as
OES (Office of Emergency Services)	
(800) 852-7550 24 hours	
Contacted Within 2 Hours? ☐ Yes ☐ No	Date/Time Called: am/pm
Control #	Spoke to:
OCHCA (Orange County Health Care Agency)	
Normal Hours	
(714) 433-6000 (Business Hours) (714) 433-6419 (Office Staff) After Hours Control 1: (714) 628-7008 (will contact OCHCA on	Time Called: am/pm Spoke To: call staff)
OCFCD (Orange County Flood Control District)	
Normal Hours (714) 955-0600 (877) 897-7455 (24 hour hotline) After Hours Control 1: (714) 628-7008 (specify water pollution in	Time Called: am/pm Spoke To: ncident notification)
Name(s) of Employee(s) Responding: (Chec	k all that Apply)
Name: Name: Name: Name: Name: Name:	
Cause of Spill: (Check all that Apply)	
☐ Grease ☐ Roots ☐ Debris ☐ Construction ☐ Var☐ Pipeline Condition/Failure ☐ Pump Station Failure☐ Other	e □ Power Failure □ Unknown

Action Taken: (Check all that Apply)
□ Contained w/ sandbags, absorbent materials, etc. □ Called coworkers for assistance □ Rubber mats placed over drainage conveyance system inlets □ Determined blockage location □ Cleared blockage □ Photos taken of spill, containment, and cleanup □ Notified proper agencies □ Notified contractors □ Flow returned to normal □ Calculated spill volume □ Recovered spill from drainage conveyance system □ Washed & vacuumed street □ CCTV Inspection □ Talked to Residents/Witnesses □ Returned waste & wash water back to sewer □ Other
Photos Taken: (Check all that Apply)
□ Location of spill and/or spill origin □ Extent of spill spread and spill boundaries □ Drainage conveyance system entry and exit locations □ Location(s) of discharge into surface waters □ Location(s) of clean up □ Post clean-up site conditions □ Other
□ Other
□ Other
Photos receiving waters: Waterbody bank erosion Floating matter Water surface sheen Discoloration of receiving water Impact to the receiving water Post clean-up site conditions Other Other
Other Information
Blockage Cleared Time: am/pm Blockage Cleared Footage: ft
Spill Volume:gal
Spill Volume Recovered from Drainage Conveyance System: gal
Spill Volume Lost: gal
Spill Volume Calculation Methodology:
Location of Drainage Conveyance System where Spill Entered:
Describe Drainage Conveyance System Transporting Spill:
Wash Water Volume: gal
Wash Water Lost: gal Finish Cleanup Time: am/pm

Description Discharge Point(s) to Surface Water:
Name and Type of Receiving Water:
Additional description of spill containment, correction, and cleanup procedures: (Attach Additional Sheet, if Needed)

APPENDIX B-6 Monitoring and Reporting Data by Spill Category

Appendix B-6
Monitoring and Reporting Data by Spill Category Summary

3 - 4	SWRCB Spill Category						
		Category		Categ		Category 3	Category 4
Photographs	Draft Spill Report	Certified Spill Report	Spill Technical Report (50,000 gallons or more discharged to surface water)	Draft Spill Report	Certified Spill Report	Monthly Certified Report	Annual Certified Report
Location of the spill and/or spill origin	Х		Х	Х		Х	Χ
Extent of spill spread and spill boundaries	Х		Х	Х		Х	Х
Drainage conveyance system entry and exit locations	Х		Х	Х		Х	Х
The location(s) of discharge into surface waters	Χ		Х	Χ			
The location(s) of clean up	X		Х	Χ			
Waterbody bank erosion			Х				
Floating matter			Х				
Water surface sheen (potentially from oil and grease)			Х				
Discoloration of receiving water			Х				
Impact to the receiving water			X				
Post clean up site conditions			Χ				

	SWRCB Spill Category						
		Category	<i>/</i> 1	Category 2		Category 3	Category 4
Report Information	Draft Spill Report	Certified Spill Report	Spill Technical Report (50,000 gallons or more discharged to surface water)	Draft Spill Report	Certified Spill Report	Monthly Certified Report	Annual Certified Report
Contact information: Name and telephone number of contact person, who will be available to respond to spill-specific questions	Х			Х		Х	X
Spill location name	Х			X		X	Χ
Date and time notified of, or self-discovered, the spill	Х			Х		Х	
Operator arrival time	Χ			Х		Х	
Estimated spill start date and time	Χ			Х		Х	X
Date and time the California Office of Emergency Services (OES) was notified and the assigned OES control Number.	X			Х			
GPS coordinates (latitude and longitude) of where the spill originated. If a single spill event results in multiple appearance points, provide GPS coordinates for appearance point closest to the failure point and describe each additional appearance point	×			×		Х	X
Estimated total spill volume exiting the system	Χ			Χ		X	X
Description of extent of spill and spill boundaries	Χ			X		X	
If the spill reached a drainage conveyance system, describe the drainage conveyance system transporting the spill, the estimated spill volume recovered from the drainage conveyance system, and spill volume remaining within the drainage conveyance system.	X			×		Х	X
Description of all discharge point(s) to the surface water	Х						
Estimated spill volume that discharged to surface waters	Х						
Estimated total spill volume recovered	Х			Х			
Description of the spill event destination, including GPS coordinates of full spread and reach of spill.		Х			Х	Х	
Spill end date and time		Х			Х	Х	

	SWRCB Spill Category						
	Category 1			Category 2		Category 3	Category 4
Report Information	Draft Spill Report	Certified Spill Report	Spill Technical Report (50,000 gallons or more discharged to surface water)	Draft Spill Report	Certified Spill Report	Monthly Certified Report	Annual Certified Report
Description of spill volume estimation calculation: Methodology and assumptions of data relied upon, determining the recovered spill volume; and determining spill start and stop time.		х	×		X	Х	Х
Spill cause(s)		Х	Х		Х	Х	Х
System failure location (main, lateral, pump station, etc.)		Х			Х	Х	Х
Description of pipe material and age at failure location		Х	Х		Х	Х	
Description of the impact of the spill		Х	Х		Х	X	
Was the spill associated with a storm event?		Χ			Χ	X	
Description of spill response activities (containment and cleanup)		Х			Х	X	Х
Description of spill corrective action, including steps planned or taken to reduce, eliminate and prevent reoccurrences of the spill and a schedule of major milestones for these steps. Actions can include but not limited to enforcement action against illicit discharges, system modifications, O&M program modifications, and adjustments to the SERP procedures.		X	X		X	X	
Spill response completion date		Х			Х		
Description of investigation and findings of the cause of the spill		Х			Х	Х	
Reasons for an ongoing investigation of the cause of the spill and anticipated date of completion.		Х			Х		
Name and type of the receiving water body		Х					
Description of the receiving water body: Impact on aquatic life, public closure/restricted access, responsible entity for closing/restricting use of water body, and number of days closed/restricted as a result of spill.		Х					

	SWRCB Spill Category						
		Category	<i>,</i> 1	Categ	ory 2	Category 3	Category 4
Report Information	Draft Spill Report	Certified Spill Report	Spill Technical Report (50,000 gallons or more discharged to surface water)	Draft Spill Report	Certified Spill Report	Monthly Certified Report	Annual Certified Report
Was spill located within 1,000 feet of a municipal surface water intake?		Х			Х		
If water quality samples were collected, identify sample location and parameters for the water quality samples.		Х					
Complete and detailed explanation of how and when the spill was discovered.			Х				
Diagram showing the spill failure point, appearance point(s), the spill flow path and ultimate destinations.			Х				
Copy of original field crew records used to document the spill			Х				
Historical maintenance records for the failure location.			Х				
Chronological narrative describing actions taken to terminate the spill			Х				
Description of how SERP report was implemented to respond to and mitigate the spill			Х				
Description of water quality sampling activities conducted			Х				
List of pollutants, parameters monitored, sampled, and analyzed			Х				
Laboratory results and laboratory report			Х				
Location map, illustrating all water sampling points			Х				
Other regulatory agency receiving water sample results			Х				
Description of short-term and long-term impact(s) to beneficial use of surface water.			X				

APPENDIX B-7 Water Sampling Requirements

Appendix B-7
Water Sampling Requirements

Sampling Location	Sampling Location Description	Sampling Frequency	Sampling Constituents	Sampling Specifications
DCS-001	A point in a drainage conveyance system (DCS) before the drainage conveyance system flow discharges into a receiving water	1 sample per day for duration of spill	1. Ammonia	Water Quality Samples must
RSW-001 ¹ (Point of Discharge)	A point in the receiving water where sewage initially enters the receiving water.	1 sample per day for duration of spill	objectives, including one or more of the	be conducted in accordance with sufficiently sensitive test methods approved under Title
RSW-001U ¹ (Upstream of Discharge Point)	A point in the receiving water, upstream of the point of sewage discharge, to capture ambient conditions absent of sewage discharge impacts.	1 sample per day for duration of spill	Regional Water Board: - Total Coliform Bacteria - Fecal Coliform Bacteria	40, Code of Federal Regulations, Part 136.2. Water quality sample analysis must be performed by a laboratory that has accreditation
RSW-001D ¹ (Downstream of Discharge Point)	A point in the receiving surface water (RSW), downstream of the point of sewage discharge, where the spill material is fully mixed with the receiving water.	1 sample per day for duration of spill	I - Enterococcus	through the Environmental Laboratory Accreditation Program (ELAP)

¹ If the receiving water has no flow during the duration of the spill, "No Sampling Due to No Flow" will be reported

Title 40, Code of Federal Regulations, Part 136: List of Approved Biological Methods for Wastewater and Sewage

Sludge

Bacteria								
Parameter and Units	Method	EPA	Standard Methods	AOAC, ASTM, USGS	Other			
1. Coliform (fecal), number per 100 mL or	Most Probable Number (MPN), 5 tube, 3 dilution, or	p. 132,3 1680,11 15 1681 11 20	9221 E-2014					
number per gram dry weight	Membrane filter (MF) 2 5, single step	p. 124 3	9222 D-2015 29	B-0050-8 5 4				
2. Coliform (fecal),	MPN, 5 tube, 3 dilution, or	p. 132 3	9221 E-2014; 9221 F-2014 33					
number per 100 mL	Multiple tube/multiple well, or				Colilert-18®.13 18 28			
	MF 2 5, single step 5	p. 124 3	9222 D-2015 29					
	MPN, 5 tube, 3 dilution, or	p. 114 3	9221 B-2014					
3. Coliform (total), number per 100 mL	MF 2 5, single step or two step	р. 108 3	9222 B-2015 30	B-0025-8 5 4				
	MF 2 5, with enrichment	p. 111 3	9222 B-2015 30					
	MPN 6 8 16 multiple tube, or		9221 B2014/9221 F-2014 12 14 33					
4. <i>E. coli,</i> number per 100 mL	multiple tube/multiple well, or		9223 B-2016 13	991.15 10	Colilert® 13 18 Colilert-18® 13 17 18			
100 ML	MF 2 5 6 7 8, two step, or		9222 B-2015/9222 I-2015 31					
	Single step	1603 21			m-ColiBlue24®.19			
	MPN, 5 tube, 3 dilution, or	p. 139 3	9230 B-2013					
5. Fecal streptococci, number per 100 mL	MF 2, or	p. 136 3	9230 C-2013 32	B-0055-8 5 4				
	Plate count	p. 143 3						
	MPN, 5 tube, 3 dilution, or	p. 139 3	9230 B-2013					
6. Enterococci, number per 100 mL	MPN 6 8, multiple tube/multiple well, or		9230 D-2013	D6503–9 9 9	Enterolert®.13 23			
	MF 2 5 6 7 8 single step or	1600 24	9230 C-2013 32					
	Plate count	p. 143 3						
7. <i>Salmonella,</i> number per gram dry weight 11	MPN multiple tube	1682 22						

Title 40, Code of Federal Regulations, Part 136: List of Approved Biological Methods for Wastewater and Sewage Sludge

Aquatic Toxicity								
Parameter and Units	Method	EPA	Standard Methods	AOAC, ASTM, USGS	Other			
	Water flea, Cladoceran, <i>Ceriodaphnia</i> <i>dubia</i> acute	2002.0 25						
8. Toxicity, acute, fresh water organisms, LC50, percent effluent	Water fleas, Cladocerans, <i>Daphnia</i> pulex and <i>Daphnia</i> magna acute	2021.0 25						
	Fish, Fathead minnow, <i>Pimephales</i> promelas, and Bannerfin shiner, <i>Cyprinella</i> leedsi, acute	2000.0 25						
	Fish, Rainbow trout, <i>Oncorhynchus</i> <i>mykiss</i> , and brook trout, <i>Salvelinus</i> <i>fontinalis</i> , acute	2019.0 25						
9. Toxicity, acute,	Mysid, <i>Mysidopsis</i> bahia, acute	2007.0 25.						
estuarine and marine organisms of the Atlantic Ocean and Gulf of Mexico, LC50, percent effluent	Fish, Sheepshead minnow, Cyprinodon variegatus, acute	2004.0 25						
	Fish, Silverside, Menidia beryllina, Menidia menidia, and Menidia peninsulae, acute.	2006.0 25.						

Title 40, Code of Federal Regulations, Part 136: List of Approved Biological Methods for Wastewater and Sewage Sludge

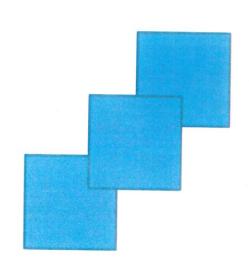
		Aquatic Toxicity			
Parameter and Units	Method	EPA	Standard Methods	AOAC, ASTM, USGS	Other
	Fish, Fathead minnow, <i>Pimephales</i> <i>promelas,</i> larval survival and growth	1000.0 26			
10. Toxicity, chronic, fresh water organisms, NOEC or IC25, percent effluent	Fish, Fathead minnow, <i>Pimephales</i> <i>promelas,</i> embryo-larval survival and teratogenicity	1001.0 26			
	Water flea, Cladoceran, <i>Ceriodaphnia</i> dubia, survival and reproduction	1002.0 26			
	Green alga, Selenastrum capricornutum, growth	1003.0 26			
11. Toxicity, chronic, estuarine and marine organisms of the Atlantic Ocean and Gulf of Mexico, NOEC or IC25, percent effluent	Fish, Sheepshead minnow, <i>Cyprinodon</i> <i>variegatus,</i> larval survival and growth	1004.0 27.			
	Fish, Sheepshead minnow, <i>Cyprinodon</i> <i>variegatus</i> , embryo-larval survival and teratogenicity	1005.0 27			
	Fish, Inland silverside, <i>Menidia</i> beryllina, larval survival and growth	1006.0 27			
	Mysid, <i>Mysidopsis</i> bahia, survival, growth, and fecundity	1007.0 27			
	Sea urchin, <i>Arbacia</i> punctulata, fertilization	1008.0 27			

APPENDIX C-1 Orange County Sewer Spill Estimation Guide



SEWER SPILL ESTIMATION GUIDE

Developed by the Orange County
Area Waste Discharge Requirements
Steering Committee



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Sewer Spill Estimation Guide

A Guide to Estimating Sanitary Sewer Overflow (SSO) Volumes

Developed by the Orange County Area Waste Discharge Requirements Steering Committee Orange County, CA

February 18, 2014

Acknowledgements

This Sewer Spill Estimation Guide has been compiled through the efforts of members of the Orange County Wastewater Discharge Requirements (WDR) Steering Committee. This committee was originally formed to address the requirements of the original WDR imposed by the California Regional Water Quality Board, Region 8 and later the statewide WDR imposed by the California State Water Resources Control Board. Committee members who assisted in the compilation of this Sewer Spill Estimation Guide are:

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Disclaimer

This Sewer Spill Estimation Guide is freely offered to agencies to assist the user with the estimation process for a sanitary sewer overflow. Methods used for spill estimation and the estimate itself are solely the responsibility of the agency making the estimate. The authors or contributors to this Sewer Spill Estimation Guide do not accept any responsibility for the spill estimation methods used; their accuracy or any spill estimate determined through the use of this guide. Information found in this guide is commonly available on the internet and is also common practice with many cities and sewering agencies throughout Southern California.

No statewide or national standards issued by a regulatory agency exist at this time.

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SSO Volume Estimation

Accurate flow estimation is essential to determine the volume of a Sanitary Sewer Overflow (SSO). An accurate estimate of an SSO is required for reporting to the California Integrated Water Quality System (CIQWS) and to the Orange County Health Care Agency. The estimated volume of an SSO is used to determine the category of the SSO and can also be used in the calculation of penalties or fines from the State or Regional Water Quality Control Boards in California. Additionally, accurate flow estimation is important to determine the extent of the cleanup and its effectiveness.

Volume estimation is basically the flow rate (gallons per minute) times the amount of time (in minutes) the flow has occurred. Each SSO tends to be unique requiring different strategies for determining the volume of the SSO. Different methods can also be used for the same SSO acting as a check to ensure the most accurate estimate. The method(s) utilized will be determined by several factors including the type of SSO and the personnel responding. Some SSO volumes, due to terrain, rainfall or other factors, can be very difficult for field staff to determine and may require someone with additional expertise. There is no one method that works for all types of SSOs. The following are methods that may be utilized for SSO volume estimation. These methods are effective means of estimating a sewer spill volume during dry weather but may not be effective during rain events.

During rain events, infiltration and/or inflow into the collection system and runoff in the stormwater system, including the curb and gutter, can affect the SSO estimate. When estimating an SSO during a rain event, the SSO estimate is to include only the wastewater that left the collection system and not any waters that the wastewater comingled with after leaving the system. The same is true for any wash down water; although contaminated, the water is not considered part of the SSO estimate. Any water that infiltrated into the collection system upstream of the SSO and subsequently became part of the SSO is included in the SSO volume estimate.

Start Time

Determining the start time for an SSO is one of the most critical, yet can be one of the most difficult, factors to determine. Depending upon the location and time of day, an SSO may occur for some time before it is reported to the City or Agency or it may trickle for an extended period of time before being noticed. What is known is that the SSO started some time before the City or Agency was notified. It is common for SSOs to start and stop as flows in the pipeline routinely rise and fall because most blockages do not entirely block the flow in the pipe. Every effort should be utilized to determine the most accurate start time of each SSO. These efforts may include:

- If possible, contact the person who reported the SSO to determine when they became aware of the SSO.
- Make contact with residences or businesses in the area of the SSO to determine if there were any witnesses that could help establish the start time.
- Conditions change during the SSO. This is particularly true in remote areas out of
 public view. Initially, there may be an amount of toilet paper and solids around the
 spill site. This will increase the longer the SSO continues. After a few days to a week,
 these may form a light brown residue that may turn dark after a few weeks to a month.

Stop Time

The stop time is the time that wastewater stopped overflowing. For manhole covers in low areas, this is noted by water flowing back into the manhole through the vent holes and should be easy to determine by SSO response personnel. Care should be taken to accurately record the time that the SSO stopped.

Photographs

Take photographs of the spill event. Try to include objects of known size in the photographs to give a perspective of the extent of the spill. Photographs should include the initial spill, remediation efforts, clean up, and the spill area after the spill remediation has been completed. Photographs should be maintained with the spill report information.

Flow Rate

The flow rate is the volume of flow per unit time that is escaping from the collection system. SSOs do not always occur at a constant rate. This is because flows into the collection system are not constant and rise and fall throughout the day. Additionally, most blockages are not full blockages. Pressure buildup as the wastewater surcharges in the pipe can cause the blockage to clear or partially clear, resulting in changes to the flow rate.

To make an SSO volume estimate as accurate as possible, the onsite City or Agency employee should note the time and the amount of change of any significant differences in flow noticed during the event. For example, if the employee determines the flow rate escaping from the manhole is 100 gallons per minute when they arrive on scene but noticed that it has dropped to 50 gallons per minute five minutes later, their report should reflect that fact. The estimated flow rate and the time period for that flow rate should be recorded. During any one SSO event there could be multiple flow rates spread over the duration of the SSO.

Volume Estimation Methods

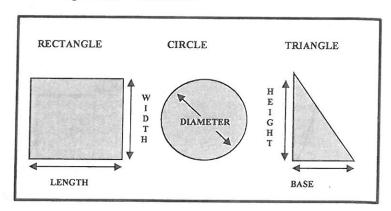
Visual or Eyeball Method

The volume of small spills can be estimated using an "eyeball estimate." To use this method, imagine the amount of water that would spill from a bucket or a barrel. A full bucket may contain 1, 2 or 5 gallons and a barrel contains 55 gallons when full. If the spill is larger than 55 gallons, try to divide the standing water into barrels and then multiply by 55 gallons. This method is useful for contained spills up to approximately 200 gallons. This method can be useful on spills that occur on hard surfaces such as concrete or asphalt. Crews can be trained by estimating the volume of a measured amount of potable water spilled upon concrete and asphalt surfaces.

Measured Volume

The volume of most small spills that have been contained can be estimated using this method. The shape, dimensions, and the depth of the contained wastewater are needed. The shape and dimensions are used to calculate the area of the spills and the depth is used to calculate the volume.

Common Shapes and Dimensions



- 1. Sketch the shape of the contained wastewater.
- 2. Measure or pace off the dimensions.
- 3. Measure the depth at several locations and select an average.
- 4. Convert the dimensions, including depth, to feet.
- 5. Calculate the area:

Rectangle:

Area = length (feet) x width (feet)

Circle:

Area = diameter (feet) x diameter (feet) x 3.14 divided by 4

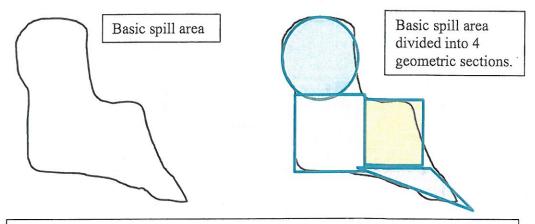
Triangle:

Area = base (feet) x height (feet) x 0.5

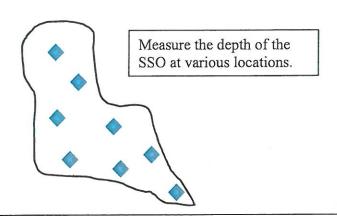
- 6. Multiply the area (square feet) times the depth (in feet) to obtain the volume in cubic feet.
- 7. Multiply the volume in cubic feet by 7.48 to convert to gallons

Not all SSOs will conform to a specific shape. When this occurs, break up the area of the SSO into various shapes or segments, then calculate the amount of wastewater spilled in each segment, adding them together to arrive at the total spill volume.

Example:



Determine the area of each of the geometric sections adding them all together to determine the total area of the spill.



Where it is difficult to measure wet spots on asphalt, use a depth of 0.0026'or 1/32". For wet spots on concrete use depths of 0.0013'or 1/64" for reasonable estimates.

Con	to l	ioni
Inches	to	Annual Control of the
1/8"	=	0.01
1/4"	=	0.02°
3/8"	=	0.03°
1/2"	=	0.04
5/8"	=	0.05
3/4"	=	0.06
7/8"	=	0.07
1"	=	0.08
2"	=	0.17
3"	=	0.25
4"	=	0.33
5"	=	0.42
6"	=	0.50
7"	=	0.58
8"	=	0.67
9"	=	0.75
10"	=	0.83
1"	=	0.92'
2"	=	1.00°

Sample Calculation:

A 20 ft x 20 ft square wet spot on concrete equals 3.9 gal and for asphalt is 7.8 gal.

Counting Connections

Once the location of the blockage has been established, the amount of the SSO could be estimated by counting the number of upstream connections. On the sewer atlas maps or GIS system, locate the pipeline where the SSO occurred. Count all of the developed parcels that are connected to the pipeline upstream of the blockage. The typical single family residential parcel may discharge 8 to 10 gallons of wastewater per hour during active times of the day. For a multi-family residential development such as an apartment or condo complex, count each apartment as a single family residential unit. Use the higher flow number (10 gallons per hour) during typical peak flow hours and the lower flow number (8 gallons per hour) during low flow periods. Multiply the number of connections times the average flow (8 to 10 gallons per hour) times the time period (duration) that the SSO occurred.

22

Example for an SSO occurring on a weekday at 8:00am:

Number of upstream connections

Estimated flow per parcel 10 gallons per hour

Duration of SSO event 45 minutes

Total spill estimation (22 x 10 x .75) 165 gallons

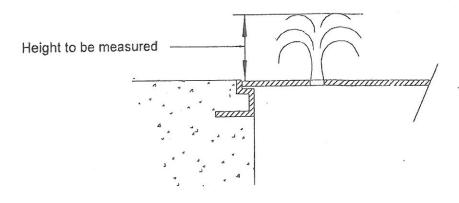
(22 connections x 10 gallons per hour x 45 minutes (.75 hour) = 165 gallons)

Data may be available in your drainage area from your capacity planners at your city or agency. Consult with them on reasonable flow amounts or rates of flow.

Pick and Vent Holes in Manhole Covers

Small SSOs will occur where the wastewater escaping from the manhole is isolated to the pick or vent holes in the cover. Larger SSOs may involve both the discharge from the pick and/or vent holes and the gap between the manhole cover and manhole frame. To estimate an SSO occurring from the manhole pick and vent holes, measure the height of the wastewater plume exiting the holes. Find that height and hole diameter on the manhole pick or vent hole chart to determine the flow rate escaping the pick/vent hole. Multiply the flow rate times the number of holes that are discharging wastewater. Once the total volume (gpm) has been determined,

multiply the gpm by the duration of the SSO in minutes. This will result in the total estimated gallons of the SSO.



Example: Measured height of plume exiting pick/vent hole is 1 inch from a $\frac{1}{2}$ -inch vent hole and there are 4 vent holes. The total volume per minute would be .94 gpm per hole (from attached chart) or 3.76 gpm total (.94 gpm x 4 holes) from the manhole cover. If the SSO lasted one hour, the total wastewater lost would be 226 gallons (3.76 x 60 = 225.6).

Number of pick holes	4
Flow from each pick hole	.94 gpm
Duration of SSO	60 minutes
Total SSO volume (.94 x 4 x 60=225.6)	226 gallons

Pick and Vent Hole Estimation Chart

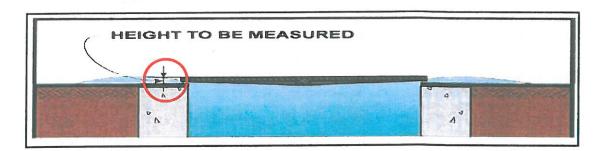
Estimated Flows thru Manhole Cover Vent Holes and Pick Holes for SSO estimating

Hole Dia.		Coeff.of Vel.	Coeff. Of Cont.	C	Water Ht	Water Ht	Water Ht	Q	Q	Q
inches	sq. ft.	Cv	Cc	CV x Cc	inches	inches	feet	cfs	gpm	gph
	Formula: =0.785*Ax*A x/144			Formula: = x*449			Formula: =Gx/12	Formula: =Ex*Bx*(SQRT(2*32.2*Hx))	Formula: =ix*449	Formula: =Jx+60
Vent Hole										
0.50	0 00136	0.945	0.70	0.662	1/16 th	0.063	0.005	0.0005	0.23	14
0.50	0 00136	0.945	0.70	0.662	1/8 th	0 125	0.010	0.0007	0.33	
0.50	0.00136	0 945	0.70	0.662	1/4 th	0.250	0.021	0.0007	0.33	20
0.50	0.00136	0.945	0.70	0.662	one half	0.500	0.042	0.0015	0.66	28
0.50	0.00136	0.945	0 70	0.662	3/4 ths	0.750	0.063	0.0018	0.81	40
0.50	0.00136	0.945	0.70	0 662	1 inch	1 000	0.083	0.0021		49
Vent Hole					1		0.000	0 0021	0.94	56
0.75	0.00307	0.955	0.67	0.640	1/16 th	0 063	0.005	0.0011	0.54	
0.75	0.00307	0.955	0.67	0.640	1/8 th	0.125	0.000	0.0016	0.51	31
0.75	0.00307	0.955	0.67	0.640	1/4 th	0.250	0.010		0.72	43
0.75	0.00307	0.955	0.67	0.640	one half	0.500	0.021	0 0023	1.02	61
0.75	0.00307	0.955	0.67	0.640	3/4 ths	0.750	0.042	0.0032	1.44	87
0.75	0.00307	0.955	0.67	0.640	1 inch	1.000	0.083	0 0039	1.77	106
Vent Hole		1	i,	0 040	1 1	1.000	0.003	0.0045	. 2 04	122
1.00	0.00545	0.960	0.65	0.624	1/16 th	0.063	0.005	0.0000		
1.00	0.00545	0.960	0.65	0.624	1/8 th	0.125		0.0020	0.88	53
1.00	0.00545	0.960	0.65	0.624	1/4 th	0.125	0.010	0.0028	1.25	75
1.00	0.00545	0.960	0.65	0.624	one half	0.500	0.021	0.0039	1.77	106
1.00	0.00545	0.960	0.65	0.624	3/4 ths	0.750	0.042	0.0056	2.50	150
1.00	0.00545	0.960	0.65	0.624	1 inch	1.000	0.063	0.0068	3.06	184
1.00	1	0.000	0.00	0.024	I HIGH	1.000	0.083	0.0079	3.54	212
ick Hole s	emicircular a	rea								and the same and the same
1.00	0 00273	0.960	0.65	0.624	1/16 th	0.063	0.005			
1.00	0 00273	0 960	0.65	0 624	1/8 th	0.125	0.005	0 0010	0.44	27
1.00	0 00273	0.960	0.65	0 624	1/4 th		0.010	0.0014	0.63	38
1.00	0.00273	0.960	0.65	0.624		0.250	0 021	0.0020	0.89	53
100	0.00273	0.960	0.65	0.624	one half	0.500	0.042	0.0028	1.25	75
1.00	0.00273	0.960	0.65	0 624	3/4 ths	0 750	0.063	0 0034	1.53	92
1.00	0.00273	0.960	0.65		1 inch	1 000	0.083	0.0039	1.77	106
1.00	0.00273	0.960			1-1/2 inch	1.500	0.125	0 0048	2.17	130
1.00	0.00213	0.900	0.65	0.624	2 inches	2.000	0.167	0.0056	2.51	150

Courtesy of OCSD: Created 5/17/99, as an estimating tool for field staff. This is based on flow through orifices assumptions. Your city or agency may want to develop a similar tool.

Manhole Ring

Some manhole covers in use today typically only have one pick hole forcing most of the wastewater to escape from the perimeter of the manhole cover during higher flow SSOs. To estimate the volume in this example, measure the observed height of the wastewater plume exiting the manhole cover. Find the height and manhole diameter on the Manhole with Cover in Place to determine the flow rate escaping the manhole. The chart has two columns, one for 24-inch diameter covers and one for 36-inch diameter covers. Wastewater will also be escaping from the pick hole and must be accounted for separately by following the instructions for estimating an SSO from pick/vent hole. Multiply the flow rate times the number of holes that are discharging. The total estimated rate (gpm) is determined by adding together the rate being lost (gpm) from around the cover with the rate being lost (gpm) from the pick and/or vent hole(s). Once the total rate (gpm) has been determined, multiply the gpm by the duration of the SSO in minutes. This will result in the total estimated gallons of the SSO.



Example: The measured height of the plume exiting the ring of a 36-inch manhole is 1 inch. The total volume per minute would be 13 gpm from around the ring of a 36-inch manhole cover (from the attached chart). (Calculate the amount exiting the pick hole(s) and add to the total being lost around the ring). If the SSO lasted one hour the total wastewater lost would be 780 gallons ($13 \times 60 = 780$).

Estimated loss around ring (from chart) 13 gpm

Duration of SSO 60 minutes

Total SSO (without loss from pick hole) 780 gallons

(13 gal/min x 60 minutes = 780 gallons plus amount lost from pick hole(s))

ESTIMATED SSO FLOW OUT OF MH WITH COVER IN PLACE

4	COV	EN		
T			Min	6

36" COVER

Height of spout above M/H rim H in inches					
M/H rim H in inches In spm in MGD In M	- 1	Height of			
Hin inches in spm in MGD are possible 1/4 1 0.001 1/2 3 0.004 3/4 6 0.008 1 9 0.013 1 1/4 12 0.018 1 1/2 16 0.024 1 3/4 21 0.030 2 25 0.037 2 1/4 31 0.045 2 1/2 38 0.054 2 3/4 45 0.065 3 54 0.077 3 1/4 64 0.092 3 1/2 75 0.107 3 3/4 87 0.125 4 100 0.145 4 1/4 115 0.166 4 1/2 131 0.189 4 3/4 148 0.214 5 166 0.240 5 1/4 185 0.266 5 1/2 204 0.294 5 3/4 224 0.322 6 244 0.352 6 1/4 265 0.382 6 1/4 265 0.382 6 1/2 286 0.412 6 3/4 308 0.444 7 331 0.476 7 1/4 354 0.509 7 1/2 377 0.543 7 3/4 401 0.578 8" 8 426 0.613 8 1/4 451 0.649 8 1/2 476 0.686 8 3/4 502 0.723					size in which
1/4	- 1			2	these flows
1/2	-				are possible
3/4 6 0.008 1 9 0.013 1 1/4 12 0.018 1 1/2 16 0.024 1 3/4 21 0.030 2 25 0.037 2 1/4 31 0.045 2 1/2 38 0.054 2 3/4 45 0.065 3 54 0.077 3 1/4 64 0.992 3 1/2 75 0.107 3 3/4 87 0.125 4 100 0.145 4 1/4 115 0.166 4 1/2 131 0.189 4 3/4 148 0.214 5 166 0.240 5 1/4 185 0.266 5 1/2 204 0.294 5 3/4 224 0.322 6 244 0.352 6 1/4 265 0.382 6 1/4 265 0.382 6 1/4 265 0.382 6 1/2 286 0.412 6 3/4 308 0.444 7 331 0.476 7 1/4 354 0.509 7 1/2 377 0.543 7 3/4 401 0.578 8 426 0.613 8 1/4 451 0.649 8 1/2 476 0.686 8 3/4 502 0.723	- 1				
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1 1/2	-				
1 3/4	-		0.00		
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5 1/4 185 0.266 5 1/2 204 0.294 5 3/4 224 0.322 6" 6 244 0.352 6 1/4 265 0.382 6 1/2 286 0.412 6 3/4 308 0.444 7 331 0.476 7 1/4 354 0.509 7 1/2 377 0.543 7 3/4 401 0.578 8" 8 426 0.613 8 1/4 451 0.649 8 1/2 476 0.686 8 3/4 502 0.723		ACCOUNT TO A STATE OF THE STATE	148	0.214	
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6 244 0.352 6 1/4 265 0.382 6 1/2 286 0.412 6 3/4 308 0.444 7 331 0.476 7 1/4 354 0.509 7 1/2 377 0.543 7 3/4 401 0.578 8" 8 426 0.613 8 1/4 451 0.649 8 1/2 476 0.686 8 3/4 502 0.723	1		204	0.294	
6 1/4 265 0.382 6 1/2 286 0.412 6 3/4 308 0.444 7 331 0.476 7 1/4 354 0.509 7 1/2 377 0.543 7 3/4 401 0.578 8" 8 426 0.613 8 1/4 451 0.649 8 1/2 476 0.686 8 3/4 502 0.723			224	0.322	6"
6 1/2 286 0.412 6 3/4 308 0.444 7 331 0.476 7 1/4 354 0.509 7 1/2 377 0.543 7 3/4 401 0.578 8" 8 426 0.613 8 1/4 451 0.649 8 1/2 476 0.686 8 3/4 502 0.723	1			0.352	1
6 3/4 308 0.444 7 331 0.476 7 1/4 354 0.509 7 1/2 377 0.543 7 3/4 401 0.578 8" 8 426 0.613 8 1/4 451 0.649 8 1/2 476 0.686 8 3/4 502 0.723	1		265	0.382	
7 331 0.476 7 1/4 354 0.509 7 1/2 377 0.543 7 3/4 401 0.578 8" 8 426 0.613 8 1/4 451 0.649 8 1/2 476 0.686 8 3/4 502 0.723	1			0.412	
7 1/4 354 0.509 7 1/2 377 0.543 7 3/4 401 0.578 8" 8 426 0.613 8 1/4 451 0.649 8 1/2 476 0.686 8 3/4 502 0.723	1	COLD (1987) 1101		0.444	
7 1/2 377 0.543 7 3/4 401 0.578 8" 8 426 0.613 8 1/4 451 0.649 8 1/2 476 0.686 8 3/4 502 0.723	1		331	0.476	
7 3/4 401 0.578 8" 8 426 0.613 8 1/4 451 0.649 8 1/2 476 0.686 8 3/4 502 0.723	1			0.509	
8 426 0.613 8 1/4 451 0.649 8 1/2 476 0.686 8 3/4 502 0.723				0.543	
8 1/4 451 0.649 8 1/2 476 0.686 8 3/4 502 0.723	1		401	0.578	8"
8 1/2 476 0.686 8 3/4 502 0.723	1	2000 20000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2		0.613	
8 3/4 502 0.723		8 1/4	451	0.649	
		1770 Shippy	476	0.686	
9 529 0.761	ĺ		502	0.723	
	_	9	529	0.761	

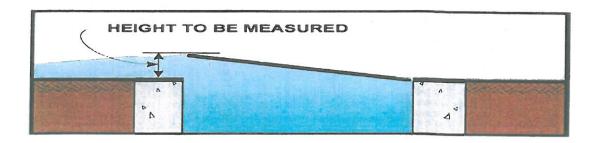
33 JOYLIN								
Height of			Min. Sewer					
spout above	SSO	FLOW	size in which					
M/H rim	0		these flows					
H in inches	in gpm	in MGD	are possible					
1/4	1	0.002						
1/2	4	0.006						
3/4	8	0.012						
1	13	0.019						
1 1/4	18	0.026	1					
1 1/2	24	0.035	1					
1 3/4	31	0.044						
2	37	0.054						
2 1/4	45	0.065						
2 1/2	55	0.079						
2 3/4	66	0.095						
3	78	0.113						
3 1/4	93	0.134	12 12					
3 1/2	109	0.157						
3 3/4	127	0.183	1					
4	147	0.211						
4 1/4	169	0.243	8					
4 1/2	192	0.276						
4 3/4	217	0.312	6"					
5	243	0.350						
5 1/4	270	0.389						
5 1/2	299	0.430						
5 3/4	327	0.471						
6	357	0.514						
6 1/4	387	0.558	8"					
6 1/2	419	0,603						
6 3/4	451	0.649						
7	483	0.696						
7 1/4	517	0.744	İ					
7 1/2	551	0.794						
7 3/4	587	0.845	10"					
8	622	0.896	,,					
8 1/4	659	0.949						
8 1/2	697	1.003						
8 3/4	734	1.057	1					
9	773	1.113	- 1					

The formula used to develop Table 1 measures the maximum height of the water coming out of the maintenance manhole above the rim. The formula was taken from Hydraulics and Its Application by A.H. Gibson (Constable & Co. Limited).

Partially Covered Manhole

Sometimes an SSO will occur that only lifts one side of the manhole cover. This is especially true of manholes where the cover is on an incline with the cover lifting on the downward side of the manhole. To estimate the volume of an SSO under these conditions, calculate the area (in square feet) from where the wastewater is escaping and the velocity (in feet per second) that the wastewater is normally traveling in the sewer at half the pipe depth. The velocity is estimated from visual observation with 2 feet/second or less being a small velocity, 4 to 5 feet/second being a medium velocity, and 7 feet/second or higher being a large velocity. Velocities in the sewer above 7 feet/second may be strong enough to blow the manhole cover off. Higher velocities also tend to raise the manhole lid higher. Next, multiply by the duration

(in seconds) that the SSO occurred. Finally, multiply by 7.48 to determine the volume of the SSO in gallons. The formula is Volume (gallons) = Area (sq. ft.) \times Velocity (ft/sec) \times Time (in seconds) \times 7.48 (gal/cu. ft.).



Example: The measured height of the plume exiting the side ring of a 24-inch manhole is 2 inches. Based upon the data provided in the Area Calculation Chart below, a 2-inch plume from one side of a 24-inch manhole cover provides 0.524 square feet of area. The velocity of the flow is estimated at 4 ft/sec (visual observation) with the assumed duration of the flow lasting for one hour. The total amount of the SSO is estimated at 56,441 gallons (.524 x 4 x 60 x 60 x 7.48 = 56,441)

Height of plume 2 inches

Area for 24 inch manhole 0.524 square feet

Estimated velocity 4 ft/sec

Duration of SSO 60 minutes

Conversion from cu. ft. to gallons 7.48

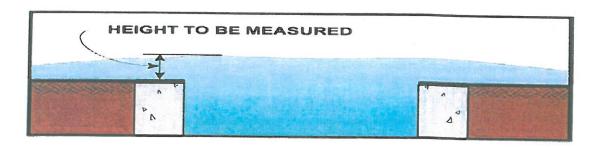
Total estimated SSO volume 56,441 gallons

 $(.524 \text{ sq. ft. } \times 4 \text{ ft/sec} \times 60 \text{ minutes } \times 60 \text{ sec/min} \times 7.48 \text{ gal/cu ft} = 56,441 \text{ gal})$

Area Calculation Chart					
Height of Flow	24 Inch Manhole	36 Inch Manhole			
.5 inches	0.131 sq. ft.	0.195 sq. ft.			
1 inches	0.262 sq. ft.	0.391 sq. ft.			
1.5 inches	0.393 sq. ft.	0.586 sq. ft.			
2 inches	0.524 sq. ft.	0.782 sq. ft.			
2.5 inches	0.655 sq. ft.	0.977 sq. ft.			
3 inches	0.786 sq. ft.	1.173 sq. ft.			
3.5 inches	0.917 sq. ft.	1.368 sq. ft.			
4 inches	1.048 sq. ft.	1.564 sq. ft.			

Open Manhole

In large events the force of the overflowing wastewater will have sufficient pressure and volume to unseat the cover from the frame and move the manhole cover away from the manhole. Typically, when the SSO rates reach approximately 7 cfs (approximately 3,000 gpm or about 4.32 mgd), there is sufficient flow and pressure to blow off the manhole cover. To estimate the volume of an SSO where the manhole cover has been removed, the average height of the plume of wastewater exiting the manhole must be measured. This measurement is from the pavement surface close to the manhole ring to the top of the plume. Take several measurements in several locations around the ring and average the findings. If possible, and being safe to protect yourself from the open manhole, find the average height of the plume for the size of the manhole lid (24-inch or 36-inch diameter) on the Area Calculation Chart to determine the rate of flow exiting the manhole. Multiply the flow rate expressed in gallons per minute from the chart multiplied by the duration of the SSO in minutes to determine the total volume of the SSO. A photo taken at a safe distance upon arrival may help you refine your estimate.



Example: Determine the observed height of the plume at several locations around the ring of the manhole and average the results. Determine the size of the manhole cover. If the average height of the plume exiting an open 24-inch diameter manhole is 2 inches, find 2 inches on the 24-inch Manhole Cover Removed Chart. Based upon the data provided in the Manhole Cover Removed Chart, the flow in gallons per minute would be 3,444 gpm. If the duration of the flow lasted for one hour (60 minutes), the total amount of the SSO would be estimated at 206,640 gallons $(3,444 \times 60 = 206,640)$.

Height of plume (average) on 24-inch manhole 2 inches

Estimated flow from chart 3,444 gpm

Duration of SSO 60 minutes

Estimated SSO total volume 206,640 gallons

(Est flow from chart $3,444 \times 60 \text{ minutes} = 206,640$)

ESTIMATED SSO FLOW OUT OF M/H WITH COVER REMOVED

24" FRAME

Wa	iter			Min. Sewer
100 E 100 E	above	sso	FLOW	size in which
MH		Q		these flows
H in ir				are possible
1.	/8	28	0.04	
1.	4	62	0.09	
3/	8	111	0.16	
1/	2	160	0.23	1
5/	8	215	0.31	6"
3/	4	354	0.51	8 ^H
7/	8	569	0.82	10"
1	- 1	799	1.15	12"
11	/8	1,035	1.49	
11.	14	1,340	1.93	15"
1 3	/8	1,660	2.39	
111	2	1,986	2.86	
1 5	8	2,396	3.45	18"
1 3/	4	2,799	4.03	
1 7/	8	3,132	4.51	
2	- 1	3,444	4.96	21"
2 1/	8	3,750	5.4	
2 1/	4	3,986	5.74	1
2 3/	8	4,215	6.07	1
2 1/	2	4,437	6.39	1
2 5/	8	4,569	6.58	24"
2 3/	4	4,687	6.75	
2 7/	В	4,799	6.91	1
3		4,910	7.07	

36" FRAME

	10/242	T -		T
	Water			Min. Sewer
	Height above			1
	M/H frame		1	these flows
	H in inches	in nom	1	are possible
	1/8	49	0.07	
į	1/4	111	0.16	
į	3/8	187	0.27	6"
	1/2	271	0.39	
	5/8	361	0.52	8*
	3/4	458	0.66	
	7/8	556	0.8	10°
ı	1	660	0.95	12"
	1 1/8	1,035	1.49	
1	1 1/4	1,486	2.14	15"
-	1 3/8	1,951	2.81	
	1 1/2	2,424	3.49	18"
	1 5/8	2,903	4.18	
١	1 3/4	3,382	4.87	
1	1 7/8	3,917	5.64	21"
l	2	4,458	6.42	
1	2 1/8	5,000	7.2	24"
١	2 1/4	5,556	8	
ı	2 3/8	6,118	8.81	}
١	2 1/2	6,764	9.74	I
I	2 5/8	7,403	10.66	- 1
ı	2 3/4	7,972	11.48	30"
ı	2 7/8	8,521	12.27	
١	3	9,062	13.05	1
l	3 1/8	9,604	13.83	
l	3 1/4	10,139	14.6	
ı	3 3/8	10,625	15.3	36"
1	3 1/2	11,097	15.98	
	3 5/8	11,569	16.66	1
	3 3/4	12,035	17.33	1
	3 7/8	12,486	17.98	3
l	4	12,861	18.52	
ĺ	4 1/8	13,076	18.83	
	4 1/4	13,285	19.13	
L	4 3/8	13,486	19.42	1
_				

Disclaimer:

This sanitary sewer overflow table was developed by Ed Euyen, Civil Engineer, P.E. No. 33955, California, for County Sanitation District 1. This table is provided as an example. Other Agencies may want to develop their own estimating tables.

Pictorial Reference

Currently there are two picture charts being widely used to assist with estimating SSO volumes. The older chart is the city of San Diego's Manhole Overflow Rate Chart with the

newer chart being the CWEA Southern Section Collection Systems Committee (SSCSC) Manhole Overflow Gauge. Each chart is a pictorial depiction of how an overflowing manhole appears at a given flow rate. The SSCSC Manhole Overflow Gauge has an additional picture for each flow rate showing a wide angle view of the spill area. When using either of the pictorial reference charts, select which picture most accurately represents the SSO being estimated. Use the gpm of the associated picture multiplied times the duration of the SSO to determine the total spill volume. Example: If the selected picture shows 300 gpm and the duration of SSO is 55 minutes, the total estimated spill volume would be 16,500 gallons (300 gpm x 55 min).

Selected picture volume

300 gpm

Duration of SSO

55 minutes

Total estimated SSO

16,500 gallons

(300 gpm x 55 minutes = 16,500 gallons)

Note: Data was obtained at training facilities where potable water was metered and photos were taken at various flow rates.

Training facilities also exist at the Orange County Sanitation District in Fountain Valley, CA.

As a reference point, an 8-inch diameter sewer flowing half full at a velocity of 2.5 ft/sec would have a flow rate of about 192 gal/min. If <u>fully</u> blocked, the SSO rate would be 192 gpm. For a partial blockage, the SSO rate will be less.

Other agencies have developed above ground estimating tools such as frame and cover sets that can be pressurized using potable water and simple flow meters.

City of San Diego Manhole Overflow Picture Chart

Reference Sheet for Estimating Sewer Spills from Overflowing Sewer Manholes All estimates are calculated in gallons per minute (gpm) City of San Diego Metropolitan Wastewater Department Wastewater Collection Division (619) 654-4160 150 gpm

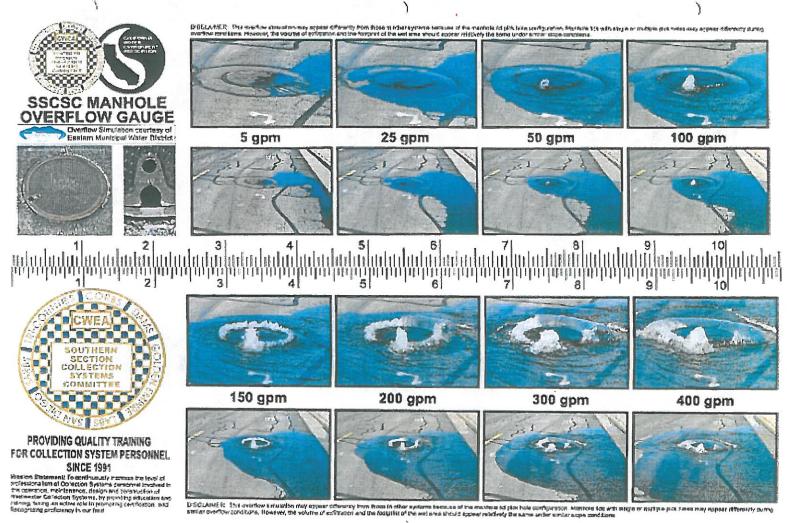
250 gpm

All photos were taken during a remonstration using material water from a hydrant in cooperation with the City of San Diego: Water Department

275 gpm

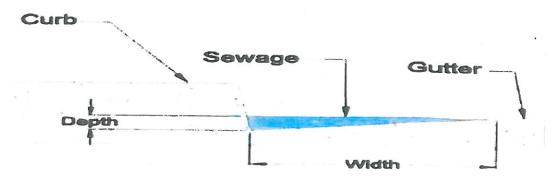
SSCSC Manhole Overflow Gauge

(Friedrich



Gutter Flow (Simplified Version)

Although the traditional Manning's Equation is used to calculate flows in open channels, this simplified version can be used to measure SSOs that are flowing in open channels such as ditches, curb and gutter, etc. and still achieve reasonable estimations. Two things need to be determined to utilize this method of spill estimation, the cross sectional area of the channel and the velocity of the flow in the channel. First, determine the cross sectional dimensions of the channel (width and depth of flow) to determine the area of the flow. Then determine the velocity of the flow in the channel. To determine the velocity, drop a small floating object (ping pong ball, leaf, small piece of wood, etc.) into the flow and time how long it takes the object to travel a measured distance. This should be practiced several times in a non-SSO situation, and averaged to determine the flow velocity. The velocity of the flow multiplied by the cross sectional area of the flow multiplied by the duration of the SSO will result in the approximate volume of the SSO.



 $Q = V \times A$

Flow (gal/min) = Velocity (ft/sec) x Area (ft²) x 7.48 gal/cu ft x 60 sec/min

Example: If the cross section triangular area of the spill is calculated at .5 sq.ft. with the velocity measured at .25 ft. per second, the flow would be .125 cubic feet per second. Multiply times 449 (one cubic foot per second equals 449 gallons per minute) to determine the gallons per minute (56 gpm). If the SSO lasted for 35 minutes the total estimated spill volume would be 1,964 gallons.

Simplified Cross Section Area of the SSO

0.5 square feet

Estimated Triangular Area

.25 feet per second

Estimated Velocity

Duration of the SSO

25 :

Gallons per minute per cubic foot per second conversion

35 minutes

449

Total estimated spill volume

1,964 gallons

(Area .5 sq.ft. x Est velocity .25 ft. per sec. = .125 cfs x 449 = 56 gpm x 35 minutes = 1,964

estimated gallons spilled)

Gutters on steep hillsides will flow at higher velocities. Practice your estimating on flatter areas and steeper areas of your service area.

Bucket Method

This method can be used for small spills due to partial blockages where the entire flow stream could be captured in a bucket. Estimate how many minutes it takes to fill the bucket. Dividing the volume of the bucket (in gallons) by the elapsed time to fill the bucket (in minutes). This provides the flow rate in gallons per minute (gpm). Once the gpm has been established, multiply the gpm by the total time duration in minutes of the SSO until it stopped to determine the total estimated volume of the SSO.

Example: If it takes 30 seconds (.5 minutes) to fill a 5 gallon bucket and the total spill duration was 20 minutes, the total spill volume would be 200 gallons. (5gal/.5 min = 10 gpm x 20 min = 200 gal).

Time to fill a 5 gallon bucket

30 seconds (.5 minute)

Duration of SSO

20 minutes

Estimated spill volume

200 gallons

(5 gallons every 30 seconds equals 10 gallons per minute x 20 minutes = 200 gallons)

You can practice visual estimating by filling a bucket of known volume for a measured time from a garden hose.

Pipe Size

To calculate an SSO based upon pipe size requires the diameter of the pipe, the depth of flow in the pipe downstream of the blockage during and after the blockage, and the flow velocity in the pipe. This method calculates the amount of flow in the pipe at the same time of the day during the blockage compared to the amount of flow normally in the pipe to determine how much flow had been lost over time.

To use this method, measure the flow depth at the nearest manhole downstream from the blockage. Record the depth reading. Once the blockage has been cleared and the flow stabilized, measure the flow depth at the same manhole as before and record the reading. The attached chart can be used on various size pipelines where the velocity is 2.0 feet per second. Pipelines of other rates will have to be calculated.

To use the attached chart, find the depth of the flow during the blockage in column 1. Follow the row across to the diameter of the pipe where the blockage has occurred. The number listed will be the flow rate in gallons per minute for pipelines with a velocity of 2 feet per second. Next find the flow depth after the blockage has been removed and the flow stabilized. Move across the chart to the proper pipe size and record the flow rate for a free flowing pipeline. Subtract the flow rate from the blocked pipe from the flow rate of the free flowing pipe. The remainder will be the flow rate lost. Multiply the flow rate lost times the duration of the SSO to determine the total flow volume lost. Example: If the flow depth during the blockage of a 10-inch pipe was 1 inch, the flow rate would 25 gpm. After the blockage was cleared and the flow stabilized, the flow depth was now 5 inches then the flow rate would be 240 gpm. To determine the amount lost, subtract the gpm (pipe blocked) from the gpm (pipe cleared) (240 gpm – 25 gpm = 215gpm) leaving the flow rate of the SSO. Multiply the remaining flow rate multiplied by the duration of the SSO in minutes to estimate the total volume of the SSO.

Flow Depth Inches	8 " PIPE	10" PIPE	12" PIPE	15" PIPE	18" PIPE	21" PIPE	24" PIPE
1	20 GPM	25 GPM	30 GPM	35 GPM	40 GPM	45 GPM	50 GPM
2	60	70	80	85	95	105	125
3	110	125	135	150	175	185	210
4	160	180	200	235	260	285	320
_ 5	190	240	280	315	360	380	445
6	260	310	355	415	455	500	555
7	290	370	425	495	570	620	695
8	320	430	500	600	680	760	815
9		465	575	690	800	890	965
10		490	625	775	905	1005	1120
11			685	870	1020	1135	1275
12			715	935	1130	1260	1410
13				1020	1240	1415	1580
14				1070	1345	1520	1690
15				1105	1425	1650	1850
16					1495	1760	1990
17					1550	1880	2110
18					1595	1980	2285
19						2050	2410
20						2115	2530
21						2160	2630
22							2700
23							2765
24							2820

Note: the chart assumes V = 2.0 feet per second and n = 0.013

Record the time that spill was reported.

Record the flow, in inches, downstream of the spill or blockage. Record the pipe size in inches. Determine flow rate in gallons per minute (GPM) using chart above.

Re-establish flow and allow stabilizing. Record the time that flow stabilizes and the depth of flow, in inches. Determine flow rate using chart above.

Subtract the flow rate calculated in #2 from the flow rate calculated in #3.

Multiply the result of 4 by the minutes elapsed from notification to stopping overflow.

Report total amount in callons on the SSO Report.

Note: The above chart is only for pipelines of the diameters shown and flowing at a velocity of 2.0 ft/sec.

Metered Flow

Estimates of the amount of wastewater spilled from a continuously metered system can be achieved utilizing upstream and downstream flow meters located close to the point where the wastewater escaped. Flow meters may be located at strategic locations throughout the wastewater collection system or at the intake or discharge of wastewater pump or lift stations. Flow metering usually occurs on pressure systems. If a spill is suspected on a metered upstream wastewater line, check the flow meter readings for abnormalities and note the time they start. Also check the flow meter readings at the downstream flow meter. If the downstream readings are lower than usual, the difference may be the amount of wastewater being lost to a spill. Abnormal pumping cycles for pump or lift stations located downstream from the spill can also be used to estimate the volume of a spill. Portable flow meters could also be installed in gravity sewers after a SSO event to help verify average flows at various times of the day when full or partial blockages may have occurred. You should also perform

this on the same day of the week that the SSO occurred. This is also a good way to understand how flows will change during the day in various parts of your system.

Rain Events

Previous examples of methods throughout the document were all in dry weather situations. Rain events cause substantial difficulties for SSO responders in establishing an accurate estimate of an SSO. Infiltration into the sewer system will increase, sometimes dramatically, the system flow including the amount of the SSO. When estimating the SSO amount during a rain event, the estimate is to include only the amount of wastewater that left the collection system (this includes any clear water inflow and/or infiltration (I&I) that entered the collection system upstream of the SSO) and not any waters that the wastewater comingled with after leaving the system. Although the comingled waters are considered contaminated by the SSO and may be involved in the cleanup, they should not be considered in the estimate of the volume of sewage spilled for the event. Consult with your city or agency management or your site-specific procedures to be used during wet weather SSOs.

Saturated Soils

Spills that have occurred on or migrated to grassy or dirt areas can be estimated if the area is dry and is not regularly irrigated like a field or dirt parking lot. This method is effective only during dry weather and not during or after a rain event. To estimate how much wastewater has been lost to the soil, first determine how many cubic feet of soil has been wetted. First determine the size of the area where the spill occurred. This is done in the same manner as for spills that occurred on hard surfaces and as discussed in the Measured Volume Method. Next determine how deep the soil has been saturated. To determine the depth of the soil saturation, dig several test holes with a round point shovel until dry soil is reached. Measure the depth of each hole and determine the average depth of the saturated soil. Multiply the area of the spill (in square feet) times the average depth of the soil saturation to determine the amount (in cubic feet) of saturated soil. Different types of soils will retain moisture in different amounts. Water will penetrate sandy soils quicker than clay soils and clay soils are capable of holding more moisture than sandy soils. Use an average of 18% moisture content when estimating the amount of wastewater that has saturated the soil.

Example: If the spill was contained in a dry dirt or grassy area of 10 feet by 20 feet, the area of the spill would be 200 square feet if it was a perfect rectangle (assumed). If the wastewater penetrated the soil to an average depth of 3 inches, the total amount of saturated soil would be 50 cubic feet ($10 \times 20 \times .25 = 50$ cf.). To determine the amount of wastewater suspended in the wetted soil, multiply the 50 cubic feet times 7.48 gallons per cubic foot ($50 \times 7.48 \times 1.48 \times 1$

Simple method to calculate soil moisture content:

Equipment needed: One coffee filter; a funnel; a graduated measuring cup; a jar or bottle. Place the coffee filter into the funnel. Place the funnel into the mouth of the jar or bottle. Place one cup of clean dry soil from the spill site onto the coffee filter. Pour one cup (8 ounces) of water onto the soil and allow the water to drain into the jar. Once the water has stopped dripping from the funnel, remove the funnel and measure the amount of water in the jar. The difference between the amount of water in the jar and the 8 ounces originally poured over the soil is the amount of moisture the soil retained.

Example: If six and one half ounces (6.5) remained in the jar, one and one half ounce (1.5) or 18.75% remained in the soil. The soil moisture content would be 18.75%.

Combo Truck or Vacuum Truck Recovery

When the spill is contained to a specific area and recovered by a combo or vacuum truck, the amount recovered can be used in calculating the amount of the original spill. If the spill is contained on a hard surface, estimate the total spill volume by what was captured by the combo or vacuum truck plus the amount that could not be captured. To estimate the amount not captured by the combo or vacuum truck, use the Measured Volume Method. For wet spots on concrete, use a depth of 0.0013 ft. or 1/64 inch. For wet stains on asphalt, use a depth of

0.0026 ft. or 1/32 inch. If the spill is contained on soil, use the Saturated Soils Method to determine how much of the spill soaked into the soil and add to the amount captured by the combo or vacuum truck.

Conversion Factors

1.0 cfs = .6463 mgd

One cubic foot of water (cf) = 7.48 gallons

One cubic foot of water per second (cfs) = 448.8 gallons per minute

A cylinder 1 foot in diameter and one foot deep = 5.87 gallons

A 1 square foot triangle 1 foot deep = 3.25 gallons

One inch or 1/12 ft = .083 feet

Volumes Recovered with Trucks or Pumped to Tanks

Level gauge on truck or

Known volume of the full tank or

Number of full tank trucks used during large SSO events

Use your agency's approved conversion factors, if available.

References

California Environmental Protection Agency

http://www.calepa.ca.gov/

State Water Resources Control Board

http://www.swrcb.ca.gov/

Sanitary Sewer Overflow (SSO) Reduction Program

http://www.swrcb.ca.gov/water_issues/programs/sso/index.shtml

Sample Worksheet

(City or Agency Name)

SSO Volume Estimation Worksheet

SSO Address/Location:		Date:
SSO Volume Method of Estin	nation (check appropriat	te box and provide appropriate
Pictorial Reference Flow Rate Vent or Pick Holes ☐ Eyebal	: Chart (San Diego Chart Il estimate □	t □ CWEA Ruler □)
Measured volume □ Countin Manhole □ Open Manhole	ng Connections □ Ma	anhole Ring Partially Covered
Bucket Method ☐ Pipe Size Rain Event Method ☐	Method Gutter Flo	ow Method Metered Flow
Saturated Soils Method C	Combo/Vacuum Truck R	ecovery Method
Spill Start Date:	Spill Start Time:	
Spill End Date:	Spill End Time:	Total Est. Spill Volume (gal):
Provide a detailed description of sheets as needed)	of the method(s) used to	determine the SSO estimate. (Use additional
	·	
Signed:		Date:

APPENDIX C-2 Volume Estimate Forms

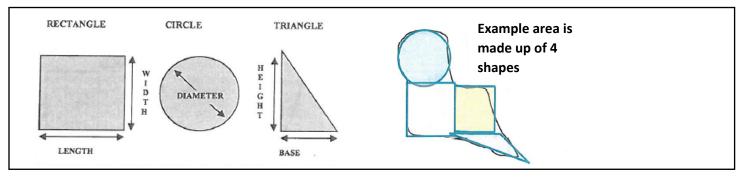
MEASURED VOLUME METHOD FIELD INSPECTION FORM

1. Sketch shape of contained spill.

Sketch spill		or contained spini	
Sketch spill			
·	Sketch spill		
	<u> </u>		

Shape 1	Shape 2
Length	Length
Width	Width
Diameter	Diameter
Shape 3	Shape 4
Length	
Length	Length
Width	Width

2. Identify Shape Dimensions. (May Require Multiple Shapes)



3. Calculate Area

f. Rectangle: Length (ft) x Width (ft) g. Circle: Diameter (ft) $\times 3.14 \div 4$ h. Triangle: Length (ft) $\times 3.14 \div 4$

5. Calculate Volume

- d. Calculated Area (ft²) x Average Depth (ft)
- e. 7.48 gallons per cubic foot (ft³)

4. Measure Spill Depth

- a. Average of multiple sample depths.
- b. For wet spots, assume depth:1/32" for asphalt

1/64" for concrete

	Total Gallons
Field Calculations	Gallons
Ticia Calculations	

<u>Depth</u>		
Sample 1		
Sample 2		
Sample 3		
Sample 4		
Sample 5		
Sample 6		
Sample 7		
Sample 8		
Average Depth		

GUTTER FLOW METHOD FIELD INSPECTION FORM

Gutter Flow Method can be used for estimating spill volumes in open channels such as ditches, curve and gutter, etc.

- 1. Identify surface geometry: Curb & Gutter, V-Gutter, or Rectangular Channel.
- 2. Measure spill depth (ft) and width (ft)
- 3. Calculate cross sectional flow area.
- 4. Measure spill velocity.
 - Predetermine a travel distance
 - Measure the time it takes an object (leaf or ping pong ball) to travel that predetermined travel distance.

Velocity (ft/s) = Distance (ft) / Time (seconds)

5. Calculate the spill flowrate:

Flowrate (ft^3/s) = Cross Sectional Area (ft^2) x Velocity (ft/s) 1 cubic foot = 7.48 gallons

1 minute = 60 seconds

- Measure the depth and velocity if it changes over during the spill event
- 7. Calculate the flow volume:

Volume (ft³) = Flowrate (ft³/s) x Spill Duration (s)

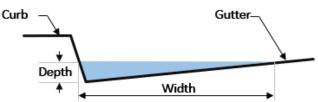
1 cubic foot = 7.48 gallons

If the flow depth changes over time, the total volume is equal to the sum of the calculated volume at each flow depth.

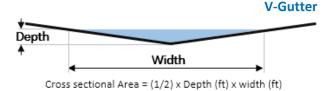


Total Volume = $T1 \times Q1 + T2 \times Q2 + (...)$





Cross sectional Area = (1/2) x Depth (ft) x width (ft)



Rectangular Channel
Channel

Curb & Gutter



Cross sectional Area = Depth (ft) x width (ft)

	Event Time (T1)	Event Time (T2)	Event Time (T3)
Cross Section Area	Calculation		
Geometry			
Depth (in)			
Depth (ft)			
Width (ft)			
Cross Sectional			
Area (ft²)			
Velocity Calculation			
Length (ft)			
Travel Time (sec)			
Velocity (fps)			
Flowrate Calculation	n (cross sectional	area x velocity)	
Flowrate (ft ³ /s)			
Flowrate (gpm)*			
$* 1 ft^3/c = 1/19 9 apm$			

^{* 1} $ft^3/s = 448.8 \text{ gpm}$

PICK AND VENT HOLES METHOD FIELD INSPECTION FORM

Equation Q = $CA(2gh)^{0.5}$ Q = Flowrate (cfs)

A = Area (sqft)

 $G = 32.2 \text{ ft/sec}^2$

H water height (ft)

C = Coefficient 0.624

Use this method if the sewage flow is isolated to the pick and vent holes only.

- Identify how many pick/vent holes are experiencing flow through each manhole. Measure diameter of each hole.
- 2. Measure the height of the sewage plume over each pick/vent hole. Record the height and time of measurement.
- If the height changes during spill event, remeasure the height of the sewage plume over each pick/vent hole. Record the height and time of measurement.
- 4. Determine flowrate from the Pick/Vent Hole Estimation Chart
- 5. Calculate the flow volume for each hole:

Volume (gal) = Flowrate (gpm) x Number of Holes x Spill Time (min)

6. Total volume is the sum flow volume from all holes.

If the plume height changes, the total volume is the sum of the flow volume for all holes a t various plume heights.

				Eve	nt	Eve	nt
				Time	(T1)	Time	(T2)
Count	Manhole ID	Pick or Vent Hole?	Diam (in)	Height (in)	Q1 (gpm)	Height (in)	Q2 (gpm)
1	1.5	110101	()		(61)		(0. /
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
				Total Q1		Total Q2	

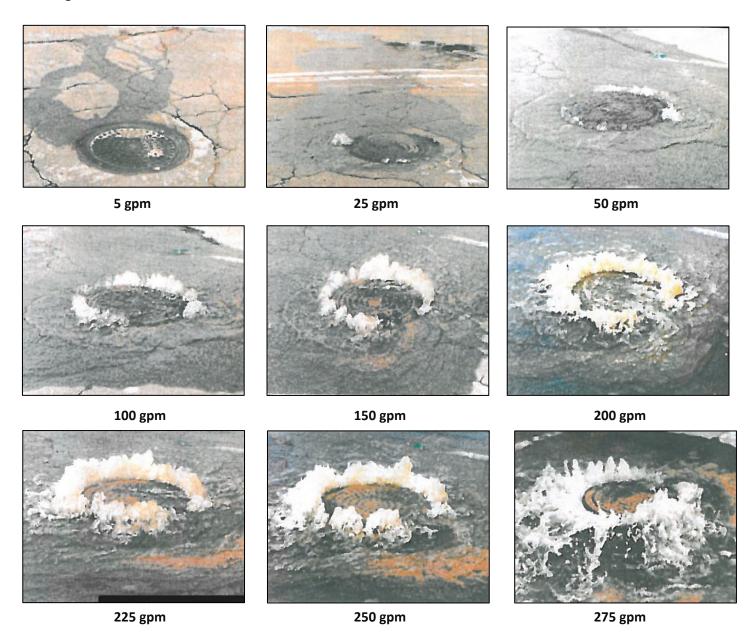
Flowrate Estimation Chart				
	Hole Diameter (in)	Water Height (in)	Flowrate (gpm)	
	0.50	0.063	0.23	
	0.50	0.125	0.33	
	0.50	0.250	0.47	
	0.50	0.500	0.66	
	0.50	0.750	0.81	
	0.50	1.000	0.94	
Vent Hole (Circular)	0.75	0.063	0.51	
ircu	0.75	0.125	0.72	
<u>5</u>	0.75	0.250	1.02	
lole	0.75	0.500	1.44	
l Ħ	0.75	0.750	1.77	
∧e	0.75	1.000	2.04	
	1.00	0.063	0.88	
	1.00	0.125	1.25	
	1.00	0.250	1.77	
	1.00	0.500	2.50	
	1.00	0.750	3.06	
	1.00	1.000	3.54	
<u>e</u>	1.00	0.063	0.44	
iz	1.00	0.125	0.63	
٦ ا	1.00	0.250	0.89	
Ser	1.00	0.500	1.25	
) ele	1.00	0.750	1.53	
운	1.00	1.000	1.77	
Pick Hole (Semi Circle)	1.00	1.500	2.17	
	1.00	2.000	2.51	

Pick/Vent Hole

Field Calculations	⁻ 2 x Q2 + ()
	Total Gallons

PICTORIAL REFERENCE METHOD FIELD INSPECTION FORM

San Diego Manhole Overflow Rate Chart.



Field Calculations Total Volume = T1 x Q1 + T2 x Q2 + (...)

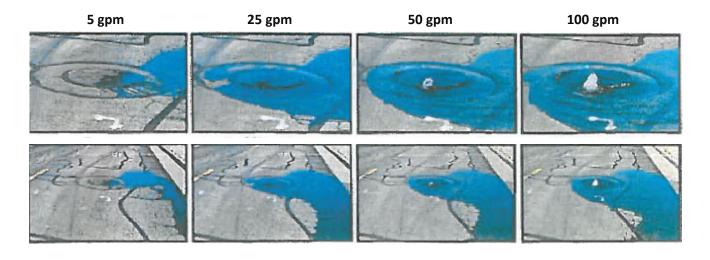
Q: Selected picture flowrate

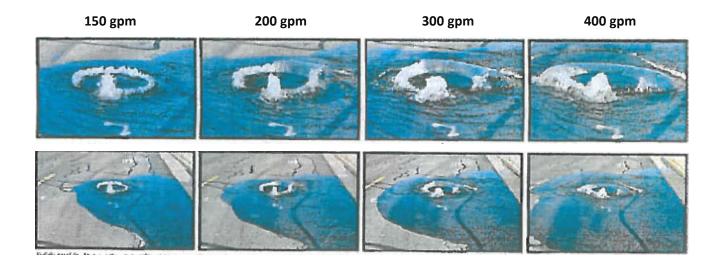
T: Duration of spill

Total Gallons

PICTORIAL REFERENCE METHOD FIELD INSPECTION FORM

CWEA Southern Section Collection System Committee (SSCSC) Manhole Oveflow Gauge





Field Calculations Total Volume = T1 x Q1 + T2 x Q2 + (...)

Q: Selected picture flowrate

T: Duration of spill

Total Gallons

APPENDIX D-1 through D-7 Agency Coordination Documentation

ORANGE COUNTY FLOOD CONTROL DISTRICT

Email Correspondence

May 1, 2023

Orange County Flood Control District
Spill Emergency Response Plan

Correspondents: Tracy Ingebrigtsen, OCFCD, Countywide Compliance Program Manager

Kimberley Buss, OCFCD, Senior Environmental Resources Specialist

David Razo, OCFCD

Diann Pay, AKM Consulting Engineers Jon Nitta, AKM Consulting Engineers

Adrian Hernandez, AKM Consulting Engineers

Subject: Spill Emergency Response Plans

OCFCD Comments/Responses in red.

- I. Request for current GIS layers We can provide these in a zip folder
 - 1. OCFCD Orange County Flood Control District (OCFCD)Stormwater Drainage Facilities
 - 2. Local Stormwater Drainage Facilities (other agencies)
 - 3. Catch Basins
 - 4. Retention Basins
 - 5. Stormwater Pump Stations (these are sw lift stations that may act as retention facilities
 - 6. Diversions to SSS
- II. Notification Procedures
 - Verify when it is necessary for a local Agency to notify OCFCD of a sewer spill
 - Should OCFCD be notified whenever a spill enters any OCFCD stormwater facility (channels, retention basins, verse underground pipes)? Yes Or are there only certain facilities that require notification? Any impact to an OCFCD facility should result in a notification (see Section III below for clarification)
 - 2. Should OCFCD be notified of all spills no matter the volume? Yes Or only if the spill is greater than 50,000 gallons, which is the volume for Category 1 spills? Please note that a Category 1 spill is defined as any discharge to a drainage conveyance system, iex. catch basin (regardless of volume)
 - Should OCFCD be notified whenever one of its stormwater facilities needs to be accessed for containment? Yes; further collaboration on how to go about this is forthcoming

- Verify that spill notification time frame of 2 hours or as soon as possible is acceptable.
 As soon as possible, is preferred. Order 2022-0103-DWQ requires the Office of Emergency Services to be notified within two (2) hours of a spill greater than 1,000 gallons.
- Verify that OCFCD contact information for spill notification is correct:
 - 1. https://myoceservices.ocgov.com/ServiceRequest (Submitting a Water Pollution Service Request will be the most responsive form of notification.)
 - 2. Business Hours (714) 955-0600 correct
 - 3. After Hours (877) 897-7455 correct
- Verify the information required by OCFCD during the initial call from an Agency responsible and reporting a spill:
 - 1. Location of the spill (cross streets and affected storm drains)
 - 2. Approximate spill flowrate
 - 3. Approximate volume lost to the catch basin (if known)
 - 4. Has discharge been stopped?
 - 5. Has discharge been contained?
 - 6. Has cleanup begun?
 - 7. Flow conditions upstream of the spill entrance point with an OCFCD facility. What is the stormwater/urban water runoff estimated flowrate? This has not been a prior requirement.
- Verify if Orange County Health Care Agency (OCHCA) needs to also be notified: OC HCA receives all CalOES notifictions; we can provide you with OCHCA contact info in order to answer questions 1 and 2, below
 - 1. Is it required for sewer agencies to notify OCHCA for all spills?
 - a. If not for all spills, under what conditions should they be notified? Is it dependent on size and/or location of spill?
 - b. Please provide ordinance or code that details the requirements, so that AKM can include in SERP reports.
 - 2. Verify Contact Information for OCHCA:
 - a. General Reporting(714) 433 6000
 - b. Office Staff: (714) 433 6419A
 - c. After Hours: (714) 628 7008

III. OCFCD Response

What type of response is provided by OCFCD in the event of a spill notification?

Category 1,2, or 3 Spill:

- Assessment up and downstream of incident (eg. Determine u/s flow; determine d/s impacts)
- 2. Identification of d/s sanitary sewer diversions, retention basins, etc.

- 3. Provide downstream containment as warranted
- 4. Provide OCFCD site access
- 5. Additional cleanup resources (only when all other resources have been exhausted)
- 6. Provide determination of cleanup end points (to the maximum extent practicable).
- 7. All OCFCD responses are recorded in the County's Illicit Discharge, Detection & Elimination (IDDE) database

Category 4 Spill:

- 8. No on-site response required by OCFCD, but may still be available for assistance, if needed.
- 9. If notification is received, a Category 4 spill will be recorded in the County's IDDE database.

IV. Containment and Clean Up

- The SERP updated reports will include containment and clean up procedures that meet the Order 2022-0103-DWQ requirements, at a minimum.
 - 1. Does OCFCD have any specific requirements for containment and clean up of spills?
- It is a requirement of Order 2022-0103-DWQ that an Agency contain and remove the spill within the drainage conveyance system.
 - 1. The current SERP states that when the drainage conveyance system is <u>not</u> currently flowing with stormwater or urban runoff, the Agency will intercept the flow within the drainage facilities, using pipe plugs and/or sand bags.
 - Does OCFCD have any concerns with the Agency entering its drainage conveyance system to contain the spill? It is OCFCD understanding that MOUs (or some written, formalized SOP) will be implemented in response to the reissued Order and these processes will be spelled out therein.
- Please verify that OCFCD agrees with the Agency's procedures for a spill that occurs during a wet weather event:
 - 1. Agency will not enter drainage facilities to contain the spill. Agree
 - The Agency will concentrate on containing the spill on the street as best as possible. Agree
 - 3. The main focus will be to stop the spill and correct the cause of the spill such that the sewer system is functional, and the spill volume is minimized. Agree
- Please verify that OCFCD agrees with the following clean-up procedures. This is generally what the SERPs include. Does OCFCD have other specific requirements that the agencies should be aware of. Different for different facilities (channels/ retention basins)
 - After the spill has been contained, the Agency will pump the sewage from the drainage facility, however earthen channel cleanup will be determined on a caseby-case basis. Agree
 - 2. The Agency will remove any solids from the drainage facility Agree

- 3. All wash water will be recovered and removed from the facility. Agree
- 4. Does OCFCD have any additional clean-up requirements?
 - a. All equipment and materials related to the cleanup must be removed from County right-of-way prior to exiting the facility.
- 5. Are there any specific clean up procedures for spills entering pump station and retention basins?
 - a. Notification shall be made to diversion and pump station operators in the chance that sewage may reach such a facility. (Locations and contact information will be provided in aforementioned MOU/SOP)

V. Water Sampling

- Order 2022-0103-DWQ requires water sampling for spills greater than 50,000 gallons discharged to a surface water.
 - 1. Does OCFCD have any alternate requirements?
 - a. OCFCD does not have any additional sampling or monitoring requirements, however OCHCA should be consulted regarding the questions below.
 - 2. Are there different sampling requirements for spills in:
 - a. Ocean
 - b. Channel
 - c. Retention Basin
 - d. Pump Station Wet Well
- Order 2022-0103-DWQ requires the following constituents to be analyzed of the collected receiving water samples:
 - a. Ammonia, and
 - b. Appropriate bacterial indicator (Total Coliform Bacteria, Fecal Coliform Bacteria, E-coli, Enterococcus)
 - c. Does OCFCD have other sampling requirements? No
- Order 2022-0103-DWQ requires the following receiving water sample locations
 - a. Upstream of the spill within drainage conveyance system before point of discharge
 - b. Point of discharge in the receiving water
 - c. Upstream of the spill in the receiving water
 - d. Downstream of the spill in the receiving water
 - e. Does OCFCD have other location requirements? No

Correspondents: Tracy Ingebrigtsen, OCFCD, Countywide Compliance Program Manager

Kimberley Buss, OCFCD, Senior Environmental Resources Specialist

David Razo, OCFCD

Diann Pay, AKM Consulting Engineers Jon Nitta, AKM Consulting Engineers

Adrian Hernandez, AKM Consulting Engineers

Subject: Responses to SSS SERP questions from AKM: 5/02/23

SWRCB Comments in Red

1. Please send over the GIS layers.

- a. We will need to put in a request to OCSurvey's Geospatial Services, and likely will require a written request from the requesting water district or its assigned contractor.
- 2. Please provide the contact for Orange County Health Care Agency.
 - a. Hisham Elmishad: helmishad@ochca.com
- 3. We would like to clarify the definitions of "drainage conveyance system" and "surface waters" and how it relates to the Category 1 Spill. We think we understand what you are saying, but we just want to make sure because we talked to SWRCB staff and they define things a little differently from OCFCD and Region 8 staff.
 - a. The definition of a drainage conveyance system in the Order is in essence, a city's MS4. Further defined: a "catch basin" is considered to be the initial point of entry into an MS4. Thereby, when a spill enters a catch basin, it has entered the city's MS4.
- 4. Who is supposed to prepare the MOUs and/or SOPs in-regards to containment in an OCFCD facility? Is it OCFCD or each agency?
 - a. This will be a collaborative effort, however OCFCD already has draft language started.
 - b. *Note: This will likely be discussed further at the May 3rd meeting with CWSP and the State;* "Agenda Item No. 2: Coordination with stormwater agencies including how to maximize the use of stormwater conveyance systems as containment"
- 5. We would like to discuss further how containment and cleanup has been conducted during past spills into OCFCD facilities. Our clients have not actually experienced large spills that have entered OCFCD facilities.
 - a. This response was erroneously left off the AKM's initial request, first bullet after IV. Containment and Cleanup

 Due to the vast number of variables related to pollution response, endpoints must be
 - Due to the vast number of variables related to pollution response, endpoints must be determined on a case-by-case basis, ensuring that containment and cleanup has been carried out to the maximum extent practicable.

- 6. We would like to discuss water sampling as well. Some of our clients have been under the impression that the county would do water sampling in the event of a large spill that reached OCFCD facilities. We would like to verify the procedures that need happen to make sure sampling is done properly and in a timely manner.
 - a. OCFCD does not carry out sampling or monitoring following an SSO. However, OC HCA will carry out monitoring wrt to its Ocean Recreational Waters program (eg. Closures, Posted Warnings, and Posted Advisory Warnings) as it is required of them.

OCFCD will work with its GIS team to obtain/share the following layers (likely with agencies with whom OCFCD has active MOUs related to their SERP). To be discussed further.

- OCFCD storm drains
- Local storm drains
- Catch basins
- Retention basins
- Pump stations

Attendees: Tracy Ingebrigtsen, OCFCD, Countywide Compliance Program Manager

Kimberley Buss, OCFCD, Senior Environmental Resources Specialist Jonathan Humphrey, OCFCD, Environmental Resources Specialist

Diann Pay, AKM Consulting Engineers Jon Nitta, AKM Consulting Engineers

Adrian Hernandez, AKM Consulting Engineers

Subject: Spill Emergency Response Plans – Coordination with OCFCD

A meeting to discuss Spill Emergency Response Plans for agencies within Orange County took place on May 4, 2023 via the Microsoft Teams platform. The following is a summary of the meeting's events and discussions.

- 1. Email Tracy and Kim to request GIS files of the Orange County stormwater facilities
- OCFCD was under the impression that a spill that reached a catch basin was considered Category 1. Agreed though that the SWRCB staff did not say this at the May 3, 2023 Clean Waters Summit Partners webinar.
 - a. If a spill reaches an infiltration basin, it will eventually get treated
 - b. If a spill reaches a stormwater BMP (Best Management Practices), OCFCD considers it Category 1. They would want to remediate the spill within the facility and make sure the facility is not compromised.
 - i. https://storymaps.arcgis.com/stories/1918b3a686bc434c8e22b22579829 780
 - c. Bioswale spill can't infiltrate
 - d. Lift station in a retention basin could be used to act as containment. This will be a case by case scenario, that depends on the size of the spill and volume of water in the retention basin.
 - e. There are diversions, where dry weather flow (irrigation runoff, etc.) are diverted to sewers. OCFCD an provide shapefiles.
- 3. BMPs are mapped and tracked using a Stormwater Tool (online web based tool) but only agencies have access to it. It is not public information. Mainly south OC agencies have input data. Not many north OC agencies input data.
- 4. It is possible to maneuver trucks to a position to remove spill from a channel. It just depends on the situation.
- 5. OCFCD could do cleanup in their own facilities. There is an implementation agreement with 31 of the 34 OC cities (Not with Huntington Beach, Anaheim, or Newport Beach) for

stormwater pollution response. It is called the Water Quality Ordinance Implementation Agreement.

- 6. Notify OCFCD whenever spill reaches a storm drain
 - Submit a Water Pollution Service Request at https://myoceservices.ocgov.com/ServiceRequest
 - b. OCFCD staff will respond to give access to facilities if needed (i.e. locks that give access to channels)
 - c. OCFCD will respond within 1 hour
- 7. OCFCD would like to know if agencies would rather change their municipal code or ordinances to ensure they possess legal authority to "collaborate with storm sewer agencies to coordinate emergency spill response" (Pg D-4 of WDR) or develop a MOU or SOP and sign agreement with OCFCD. They will check if any of the existing stormwater agreements have language that would comply with the new WDR.
- 8. Orange County Health Care Agency contacts
 - a. Hisham Elmishad: helmishad@ochca.com
 - b. Lauren Robinson: lrobinson@ochca.com
- 9. OCHCA labs are not open 24/7. Even their contract labs are not open 24/7. Agencies should check if OCSD or other municipal labs could be utilized.
- 10. OCHCA will take samples but it may not be as extensive as what the new WDR is requiring (4 specific locations)
- 11. Send OCFCD writeup for SERP? Confirm with clients that this will be ok.

Orange County Flood Control District Spill Emergency Response Plan

Attendees: Tracy Ingebrigtsen, OCFCD, Countywide Compliance Program Manager

Kimberley Buss, OCFCD, Senior Environmental Resources Specialist

David Razo, OCFCD

Diann Pay, AKM Consulting Engineers Jon Nitta, AKM Consulting Engineers

Adrian Hernandez, AKM Consulting Engineers

Subject: Spill Emergency Response Plans – Coordination with OCFCD

Report Comments

1. Section 1.5

In California, the NPDES Permit program is regulated by the nine (9) Regional Water Quality Control Boards (RWQCB) to regulate the discharge of pollutants into the waters of the United States. Enrollee operates under the Santa Ana RWQCB Order # R8-2009-0030, NPDES No. CAS618030, as amended by Order No. R8-2010-0062 (and subsequent permit renewals), Waste Discharge Requirements for The County of Orange, Orange County Flood Control District and The Incorporated Cities of Orange County within the Santa Ana Region Areawide Urban Storm Water Runoff Orange County.

2. Section 4-1.1

"Surface Waters" are defined by SWRCB staff as natural water bodies, including portions that were rerouted or channelized. OCFCD channels, creeks, and/or basins are therefore considered surface waters; this includes both concrete-lined channels as well as earthen bottom channels. If a spill reaches any of these OCFCD facilities, it will be considered a Category 1 Spill. Surface waters within the City's service area illustrated on Figure 4-1.

If a spill cannot be contained within the City's catch basin, regardless of whether water is flowing or not, the spill will be considered a Category 1 Spill. If however, the sewage can be fully contained and removed, and the impacted portion of the conveyance system cleaned and captured, and disposed of properly, the spill will be considered a Category 2, 3 or 4 Spill, depending on the volume.

3. Section 4-2.4

The Orange County Flood Control District (OCFCD) will be notified of any spill that reaches any type of drainage conveyance system and/or surface water, whether it is owned by the Enrollee or OCFCD. The drainage facilities considered surface waters within the Enrollee's service area are shown on Figure 4-1. This includes any spill that reaches a catch basin, storm drain manhole, or structural Best Management Practice (BMP) and has the potential to enter a drainage conveyance

system. Based on the information provided, OCFCD staff will determine the need for a site investigation or other actions to protect surface waters.

OCFCD and the Enrollee have entered into a Water Quality Ordinance Implementation Agreement, which allows OCFCD to act on behalf of the Enrollee in providing assistance with containment and cleanup of spills within the Enrollee's drainage conveyance systems. Written authorization (via email or text) is needed prior to OCFCD's response, in order to implement the Agreement.

The County has developed an on-line "Water Pollution" service request website for <u>all spills</u> that reach a drainage conveyance system and/or flood control facility. This online reporting may be conducted on a desktop computer or mobile device, and is the best way to notify OCFCD of a spill event. The City will be notified of the receipt of the spill report electronically to ensure that the online notification has been conducted appropriately.

4. Section 5-4.3

If the spill reaches an OCFCD facility/surface water, OCFCD will be contacted. The City will likely need OCFCD crews to access any of the nearby channels/surface water because the gates to the access roads are typically locked. Upon authorization of the Water Quality Ordinance Implementation Agreement (via email/text), OCFCD will send crews out to conduct containment and cleanup. City crews will coordinate with OCFCD and assist in any way possible.

5. Section 5-6.3

If the spill reaches a OCFCD facility/surface water, the City will coordinate the cleanup efforts with OCFCD and assist in any way possible. OCFCD maintenance staff will provide assistance with most spills. For larger spills and upon authorization of the Water Quality Ordinance Implementation Agreement by the City, OCFCD has three (3) on-call contractors that can assist with clean up services.

7. Section 6-2.4

Gutter Flow Method

The Gutter Flow Method can be used for estimating spill volumes in open channels such as ditches, curb and gutter, etc. The cross sectional area and the velocity of the flow in the channel is needed to use this method.

The cross sectional area is calculated as follows:

Curb and Gutter with V-Shape

Cross Sectional Area (ft^2) = (1/2) x Depth x Width

Rectangular Channels

Cross Sectional Area (ft^2) = Depth (ft) x Width (ft)

The velocity in the channel can be measured by dropping a small floating object (Ping pong ball (Removed since it is not biodegradable) leaf, small piece of wood or paper, etc.) into the flow and timing how long it takes to travel a measured distance.

STATE WATER RESOURCES CONTROL BOARD

Email Correspondence

January 1, 2023

State Water Resources Control Board

Spill Emergency Response Plan

Correspondents: Steve Cheung, State Water Resources Control Board

Tracy Ingebrigtsen, OCFCD, Countywide Compliance Program Manager

Diann Pay, AKM Consulting Engineers Jon Nitta, AKM Consulting Engineers

Adrian Hernandez, AKM Consulting Engineers

Subject: Spill Emergency Response Plans

SWRCB Comments/Responses in red.

1. Spill Volume:

a. Section 2-2 of Appendix E states:

2.2 Spill Volume Estimation

To assess the approximate spill magnitude and spread, the Enrollee shall estimate the total spill volume using updated volume estimation techniques, calculations, and documentation for electronic reporting. The Enrollee shall update its notification and reporting of estimated spill volume (which includes spill volume recovered) as further information is gathered during and after a spill event.

- b. In the past, AKM's clients have referred to the "Sewer Spill Estimation Guide", prepared by the Orange County Area Waste Discharge Requirements Steering Committee in 2014. Please see attachment. This is a very comprehensive document that provides many alternatives for volume estimation.
- c. What is "updated volume estimation techniques" referring to? Are there other specific methodologies that SWRCB would like included in an agency's Spill Emergency Response Plan documentation? If AKM references the "Sewer Spill Estimation Guide" prepared by the Orange County Area Waste Discharge Requirements Steering Committee, please reference that technique in any spill reporting.

2. Travel Time

a. Section 2-3.1 of Appendix E states:

2.3.1. Receiving Water Visual Observations

Through visual observations and use of best available spill volume-estimating techniques and field calculation techniques, the Enrollee shall gather and document the following information for spills discharging to surface waters:

- Estimated spill travel time to the receiving water;
- For spills entering a drainage conveyance system, estimated spill travel time from the point of entry into the drainage conveyance system to the point of discharge into the receiving water;

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b. Are the terms "surface waters", "receiving water", and "Waters of the State" all one in the same? Do they all refer to the same water? If not, what is the differences?

Receiving Water

A receiving water is a water of the State that receives a discharge of waste.

Waters of the State

Waters of the State are <u>surface waters</u> or groundwater within boundaries of the state as defined in Water Code section 13050(e), in which the State and Regional Water Boards have authority to protect beneficial uses. Waters of the State include, but are not limited to, groundwater aquifers, surface waters, saline waters, natural washes and pools, wetlands, sloughs, and estuaries, regardless of flow or whether water exists during dry conditions. Waters of the State include waters of the United States.

- c. Please verify that the statement "Estimated spill travel time to the receiving water" is the time the spill travels from the sewer facility (i.e. manhole) to Waters of the State, including travel time on the street/in the gutters? The spill travel time begins when the spill emerges from its origin point (i.e. a manhole, pipeline, etc.) all the way to a receiving water.
- d. Please verify that the second bullet point is referring to the time the spill travels within a drainage system alone to the Waters of the State. For example, from the time the sewage enters a catch basin until it reaches Waters of the State. Correct, it is from the point of entry into the drainage conveyance system.
- e. The travel times will vary with flowrate during dry weather and wet weather conditions. Is it SWRCB goal for these travel times to be estimated with Manning's equation and estimated flowrates? Are there other specific methodologies that the SWRCB has in mind for estimating the travel times? Provide the best estimate of time based on each respective situation of the when the spill occurred to when it reaches a receiving water.

- 3. Waters of the State
 - a. Appendix A defines the following:

Waters of the State

Waters of the State are surface waters or groundwater within boundaries of the state as defined in Water Code section 13050(e), in which the State and Regional Water Boards have authority to protect beneficial uses. Waters of the State include, but are not limited to, groundwater aquifers, surface waters, saline waters, natural washes and pools, wetlands, sloughs, and estuaries, regardless of flow or whether water exists during dry conditions. Waters of the State include waters of the United States.

- b. Water Code Section 13050 € provides the following definition:
 - (e) "Waters of the state" means any surface water or groundwater, including saline waters, within the boundaries of the state.
- c. It is AKM's understanding that surface water includes ocean water, streams, lakes, drainage retention basins, groundwater and flood control channels. It is unclear, what drainage channels are considered surface waters and which facilities are not. AKM conducts work in southern California, primarily in Los Angeles and Orange County. Is there a list of facilities that SWRCB considers "Waters of the State" or "surface waters"?

We do not have a list of facilities that identify which drainage channels are considered surface waters. If the drainage channel leads to a surface water or has the potential to lead to a surface water, then the Board needs to know about any spills that occur in those respective drainage channels.

State Water Resources Control Board Spill Emergency Response Plan

Correspondents: Walter Mobley, State Water Resources Control Board

Steve Cheung, State Water Resources Control Board

Diann Pay, AKM Consulting Engineers Jon Nitta, AKM Consulting Engineers

Adrian Hernandez, AKM Consulting Engineers

Subject: Spill Emergency Response Plans

SWRCB Comments in Red.

AKM Connents in Green

- a. There is a definition of Waters of the State and receiving waters in Attachment A of the WDR. Please verify if AKM's definition of surface water is what the SWRCB understands surface waters to be:
 - i. Water body open to the atmosphere (i.e. ocean, river, stream, lake, open channel). These would be examples of a receiving waters and waters of the State.
 - ii. Would a small local open channel be considered a surface water, even if there is no flow in it? It would be considered a Category 1 spill if it has potential to flow to a surface water, even with no flow in it. For example, it the channel is dry but water is discharged into the channel and it has to the potential to reach a surface water, it would be considered a Category 1 spill if any of the discharge is left in the channel. You said it is Category 1 if sewage is left in channel. If sewage reaches a dry open channel and all sewage is recovered, then is it correct to say this is not Category 1 spill? Is the definition only dependent on whether or not the sewage is recovered? Or is any open channel (no matter the size or ownership) considered a surface water? We are looking for a clear definition of "surface water" because per the definition of Category 1 spill, if sewage reaches a "surface water", it is automatically a Category 1 spill.

The agencies we are working for own small local open channels that lead to regional channels and then to the major rivers or ocean. We are trying to figure out if all open channels are considered "surface waters". Or can the small local open channels fall under the category of "drainage conveyance system"? Then if sewage reaches these facilities and is captured, it is not a Category 1 spill.

The drainage channel itself is not considered a surface water. If any discharge is left in a drainage conveyance channel that has the potential to reach a surface water would be considered a Category 1 spill. If it is fully recovered from the channel, then it would not trigger a Category 1 spill.

Per the definition:

A Category 1 spill is a spill of any volume of sewage from or caused by a sanitary sewer system regulated under this General Order that results in a discharge to:

A drainage conveyance system that discharges to surface waters when the sewage is not fully captured and returned to the sanitary sewer system or disposed of properly. Any spill volume not recovered from a drainage conveyance system is considered a discharge to surface water, unless the drainage conveyance system discharges to a dedicated stormwater infiltration basin or facility.

State Water Resources Control Board

Spill Emergency Response Plan

Correspondents: Walter Mobley, State Water Resources Control Board

Steve Cheung, State Water Resources Control Board

Diann Pay, AKM Consulting Engineers Jon Nitta, AKM Consulting Engineers

Adrian Hernandez, AKM Consulting Engineers

Subject: Spill Emergency Response Plans

SWRCB Comments in Red.

We are working on updating the SERP for several agencies in the Region 8 area. We are having difficulty in getting in touch with someone from the RWQCB Region 8, to discuss some of our questions. The following email was tried, several weeks ago without any response:

RB8SpillReporting@waterboards.ca.gov

Can you please provide an email address and/or phone number for a representative that we could communicate with.

You can reach out to Julio Lara down in Region 8.

Email: Julio.Lara@waterboards.ca.gov

Phone: 951-782-4901

State Water Resources Control Board Spill Emergency Response Plan

Correspondents: Walter Mobley, State Water Resources Control Board

Steve Cheung, State Water Resources Control Board

Diann Pay, AKM Consulting Engineers Jon Nitta, AKM Consulting Engineers

Adrian Hernandez, AKM Consulting Engineers

Subject: Spill Emergency Response Plans

SWRCB Comments in Red.

We have a question about who is allowed to submit and certify spill reports to the CIWQS database.

Per the definition of Data Submitter in Attachment A, it says "A Data Submitter does not have the authority of a Legally Responsible Official to certify reporting entered into the online CIWQS Sanitary Sewer System Database". We interpreted that to mean that a data submitter could only submit draft spill reports because everything else uses the word "certify" as follows:

- 1. Certified Spill Reports for Category 1 and 2 Spills
- 2. Monthly Certified Spill Reports for Category 3 Spills
- 3. Monthly Certified Reports for Category 4 Spills
- 4. Annual Certified Reports for Category 4 and Lateral Spills
- 5. Monthly Certification for No-Spill Reports

The reason we ask is because if a LRO has to submit and certify all of the above listed reports, it means a very high level person might have to submit and certify "no-spill" reporting every single month. This may be a lot for some LROs so we wanted to be sure.

Thank you for your inquiry. The statewide Sanitary Sewer Systems General Order allows Data Submitters to enter data. The Legally Responsible Official is the only person that can certify submittals.

State Water Resources Control Board Spill Emergency Response Plan

Correspondents: Walter Mobley, State Water Resources Control Board

Steve Cheung, State Water Resources Control Board

Diann Pay, AKM Consulting Engineers Jon Nitta, AKM Consulting Engineers

Adrian Hernandez, AKM Consulting Engineers

Subject: Spill Emergency Response Plans

SWRCB Comments in Red.

One of our clients just certified continuation of coverage on CIWQS but said that he did not see a place where he could update or certify the LRO. In their case the LRO will be the same person as it was under the previous order. Do they need to complete the CIWQS "User Registration" form to re-register the LRO (https://ciwqs.waterboards.ca.gov/ciwqs/newUser.jsp)?

What if the LRO needs to change due to the new requirements? What should an agency do to make the change? Do they need to complete the CIWQS "User Registration" form and/or email ciwqs@waterboards.ca.gov per Section 5.1 of the new Order?

Thank you for your inquiry. If the LRO will continue to be the same person, they do not need to re-register to be the LRO under the reissued Order (Order 2022-0103-DWQ). If the LRO needs to be changed to meet the Order (2022-0103-DWQ) requirements, then they would need to follow the steps listed in the attached Frequently Asked Questions guidance document. You are correct, that the link is provided per section 5.1 of Order (Order 2022-0103-DWQ). The attached document will cover the steps necessary to register, I would suggest contacting CIWQS Help Center staff if/when errors occur, for clarifying questions contact me.

REGIONAL WATER QUALITY CONTROL BOARD

Email Correspondence

April 21, 2023

Regional Water Quality Control Board
Spill Emergency Response Plan

Correspondents: Julio Lara, Regional Water Quality Control Board Region 8

Walter Mobley, State Water Resources Control Board Steve Cheung, State Water Resources Control Board

Diann Pay, AKM Consulting Engineers Jon Nitta, AKM Consulting Engineers

Subject: Spill Emergency Response Plans

Email summary of meeting (April 20, 2023) between Jon Nitta (AKM) and Julio Lara (RWQCB Region 8)

Thank you for talking to me yesterday regarding Order 2022-0103-DWQ. I would like to follow up and verify what we had discussed, as some of the RWQCB Region 8 requirements seem to be more conservative than what AKM had understood from our meetings with Walter Mobley and Steve Cheung at the SWRCB.

AKM understands that RWQCB Region 8 is the governing body for the Orange County agencies, and it may have additional and/or more strict requirements than those included in Order 2022-0103-DWQ. Can you please verify the following:

- 1. According to our talk the RWQCB Region 8 defines a "surface water body" to includes all oceans, lakes, rivers, channels, county storm drain, city storm drains, etc. The curb and cutter and private v-channels would not be considered a surface water body. Basically, the street is the cutoff of where the surface water body begins.
 - a. A spill that reaches any of these surface waters (including local catch basins and underground laterals and pipes) would be therefore considered a Category 1 spill (Per Region 8's definition). This includes when these facilities are dry.
 - b. If this is correct, that would mean that by definition, the SWRCB definition of "Drainage Conveyance Systems" would also be considered "Surface Waters". Order 2022-0103-DWQ defines the drainage conveyance system as follows:
- 2. The RWQCB Region 8 does not have a written requirement for agencies to notify the local health care agency in the event of a spill, but it is recommended.
 - a. Notification procedures to the OCHCA for Spill Categories 1, 2, and 3 will be recommended for the SERP updates that we are developing for our Orange County agency clients.

Can you please review the summary of our discussion yesterday to verify that our understanding of the RWQCB Region 8 requirements are understood correctly. We would like to make sure we have the correct understanding before finalizing the SERP updates for our Orange County agency clients.

Please let me know if you would like to set up another meeting to discuss it in further detail.

Thank you again so much.

Regional Water Quality Control Board Spill Emergency Response Plan

Correspondents: Julio Lara, Regional Water Quality Control Board Region 8

Diann Pay, AKM Consulting Engineers Jon Nitta, AKM Consulting Engineers

Subject: Spill Emergency Response Plans

Email summary of meeting (May 4, 2023) between Jon Nitta (AKM) and Julio Lara (RWQCB Region 8)

I am working with Jon Nitta at AKM on various Spill Response Plans for our clients. Jon told me that the you two spoke yesterday and that you requested that we send over our definition of "surface waters" as it relates to Category 1 Spills so you could speak with SWRCB staff and your legal team about it and verify that we have the correct understanding.

AKM's primary goal is to update the Spill Emergency Response Plan (SERP) for our Orange County clients so that they are compliant and can be implemented by June 5, 2023, as required by Order 2022-0103-DWQ (Section 5.12).

The Order identifies Category 1 Spills as follows:

Category 1 Spill

A Category 1 spill is a spill of any volume of sewage from or caused by a sanitary sewer system regulated under this General Order that results in a discharge to:

A surface water, including a surface water body that contains no flow or volume of water; or

A drainage conveyance system that discharges to surface waters when the sewage is not fully captured and returned to the sanitary sewer system or disposed of properly.

Any spill volume not recovered from a drainage conveyance system is considered a discharge to surface water, unless the drainage conveyance system discharges to a dedicated stormwater infiltration basin or facility.

As requested, we are attaching a definition of surface water as we have understood from discussions with the SWRCB staff and webinars hosted by the Clean Water Summits Partners. Please verify that this definition of surface water is also acceptable to Region 8.

Surface waters are natural water bodies that include but are not limited to: oceans, rivers, streams, lakes, vernal pools, wetlands, and estuaries.

If the natural water body or portions of it was rerouted or channelized (includes things like underground pipes, box culverts, concrete channels), it is still considered a surface water

If it is water body is manmade and retains water (i.e. golf course pond, HOA lake), it is not a natural water body and therefore not surface water

A retention basin is not a surface water, unless over time it became full of aquatic life and currently acts more like a natural water body

Groundwater is not a surface water

A local underground stormwater pipeline constructed to collect stormwater for street drainage is not a surface water

The Order does have a definition of Drainage Conveyance System (Attachment A – Definitions) as follows:

A drainage conveyance system is a publicly- or privately-owned separate storm sewer system, including but not limited to drainage canals, channels, pipelines, pump stations, detention basins, infiltration basins/facilities, or other facilities constructed to transport stormwater and non-stormwater flows.

The reason the definition of "surface water" and "drainage conveyance system" is so important is because it will be the difference between classifying a spill as Category 1 or Category 3. And there are more stringent monitoring and reporting requirement for Category 1 Spills than there are for Category 3 Spills. We want to be sure that we understand the definitions when updating the spill response plans so that our clients are clear on exactly how to categorize a future spill and what actions they are required to take.

If Region 8 agrees with the aforementioned definitions, it would mean that an agency could contain, remove, and cleanup a spill within an underground stormdrain pipe (drainage conveyance system) and categorize it as Category 3 instead of Category 1.

With the June 5, 2023 deadline rapidly approaching, we will need verification of the "surface water" definition according to Region 8 as soon as possible. Please let us know when we can expect to receive verification of the definition or if you need any further information from us.

Thank you so much.

ORANGE COUNTY HEALTH CARE AGENCY

Email originally sent to:
Hisham Elmishad & Lauren Robinson

May 5, 2023
Orange County Health Care Agency

Phone Call with Juan Anzora - notes

Spill Emergency Response Plan

Correspondents: Hisham Elmishad, Orange County Health Care Agency

Lauren Robinson, Orange County Health Care Agency Juan Anzora, Orange County Health Care Agency

Diann Pay, AKM Consulting Engineers Jon Nitta, AKM Consulting Engineers

Subject: Spill Emergency Response Plans

OCHCA Comments/Responses in red.

AKM Consulting Engineers got your contact information from Tracy Ingebrigtsen and Kimberley Buss at Orange County Flood Control District (OCFCD). We met with them yesterday to discuss the new Statewide Sanitary Sewer Systems General Order 2022-0103-DWQ (Order) which requires sewer agencies to update their Spill Emergency Response Plans (SERP) and specifies new notification, monitoring, reporting, and record keeping requirements. We have several questions/verifications that OCFCD wanted us to direct to the health care agency. The questions/needed verifications are as follows:

- 1. Verification of when Orange County Health Care Agency (OCHCA) needs to be notified of a sewer spill. Many of our agencies have told us that they notify OCHCA when the spill occurs on private property, especially in a commercial area.
 - a. Under what other conditions would OCHCA want to be notified?
 - ➤ Recommend contacting OCHCA for any spill except maybe a private residential spill that is contained.
 - Even report the spill on the street that is cleaned up.
 - OCHCA keeps a spill log.
 - ➤ They would rather be safe than sorry basically. Err on the side of caution. We should recommend agencies always notify them and let OCHCA decide if they want to come out and investigate.
 - b. Is notification dependent spill size? No
 - c. Is there an ordinance or code that details the requirement? If so, please provide a copy or link to the code.

- Not necessarily a code specifically for OCHCA. Referred to California Health Codes
- California Health and Safety Code
 - i. Public Beach Sanitation Section 115875-115915
 - ii. Ocean Water Contact Sports Areas Section 116070-116090
 - iii. Sewage and Other Wastes 5410-5416
- California Code of Regulations title 17
 - i. Ocean Water Contact Sports Areas Section 7956-7962
- 2. Verify contact information for reporting a spill to OCHCA. All numbers below are correct. Calling is the only way to report a spill
 - a. General Reporting (714) 433-6000
 - b. Office Staff (714) 433-6419
 - c. After Hours (714) 628-7008
 - d. Is there any other way for an agency to report a spill to OCHCA?
- 3. Some of our clients have been under the impression that OCHCA would do water sampling in the event of a large spill that reached OCFCD facilities or the ocean. Is this correct? If so, we would like to discuss how sampling is done and if it would meet the requirements of the new Order.
 - OCHCA only samples and monitors waters if spill reaches the bay or ocean. They don't sample in all OCFCD facilities.
 - Juan reviewed the Order and he thinks their current procedures may already cover the sampling and analysis requirements if the spill reached the ocean or bay. But he thinks they will have to do further review and make sure that they comply with the new Order in the future.

ORANGE COUNTY SANITATION DISTRICT

Email Correspondence

April 21, 2023

Orange County Sanitation District
Spill Emergency Response Plan

Correspondents: Dindo Carillo, OCSD

Diann Pay, AKM Consulting Engineers Jon Nitta, AKM Consulting Engineers

Subject: Spill Emergency Response Plans

OCSD Comments/Responses in red.

I am with AKM Consulting Engineers in Irvine. We are working on updating Sewer Emergency Response Plans for several of our clients in Orange County. We were listening in to the Clean Water Summit Partners webinar this week and heard your very informative talk. We thought maybe you could help us answer a question or refer us to someone who could help. Our question is whether or not OCSD could provide water sampling and analysis after a spill event. As discussed at the webinar, it is not always easy to find a laboratory that is ELAP certified and operates 24/7 so that they can respond with 18 hours of notification of a spill. We are wondering if OCSD has agreements with any of the local agencies to provide the sampling and laboratory services required by the WDR Order or if there are any future plans to develop this type of agreement/relationship with agencies.

Please let us know if you have any information or could refer us to someone else at OCSD. We would appreciate your response and would also be willing to get on a call if needed.

Generally, OC San does not provide these laboratory services: taking samples and analyzing water quality samples. However, we have partnered with other agencies during special projects to provide these services.

SOCAL WASTE DISCHARGE REQUIREMENTS GROUP

Meeting Minutes

May 18, 2023

So Cal WDR Group

Spill Emergency Response Plan

Speakers: Dindo Carillo, Orange County Sanitation District

Kimberly Buss with Orange County Flood Control District

Attendees: Diann Pay, AKM Consulting Engineers

Jon Nitta, AKM Consulting Engineers

Subject: Order WQ 2022-0103-DWQ Statewide Waste Discharge Requirements

Location: Buena Park City Yard (6955 Aragon Circle, Buena Park, CA 90620)

- 1. A couple of the major changes in the Spill Response Plan requirements is the addition of Category 4 Spill and coordination with stormwater agencies
- Dindo proposes to consider creating a working group to draft language for SERPs regarding agency ordination, mutual aid, etc.
- 3. Kim Buss, NPDES Compliance with OCFCD
 - a. Current Stormwater Orders requires
 - i. 24/7 on-call responders help control SSOs
 - ii. 24/7 access to MS4 facilities
 - iii. Limit infiltration/seepage of sewage
 - iv. Prevent illicit discharges
 - b. OCFCD wants to know any time sewage enters a catch basin, for tracking purposes and studies. Notify of any volume into a catch basin.
 - c. WDR Order D.3 Legal Authority requires agencies to "demonstrate necessary legal authority to: collaborate with storm sewer agencies to coordinate emergency spill responses....".
 - d. OCFCD will get GIS data out to all agencies
 - e. It is preferred that agencies submit on-line Water Pollution Service Request on the Myoceservices website. This request will go to responders immediately.
 - i. Click "Water Pollution"
 - ii. Drop pin or put address of spill
 - iii. Click "Next"
 - iv. Fill out information using drop downs

- v. Will receive an email response that request is received
- f. If immediate assistance is needed, also use phone numbers
 - i. Business Hours (714) 955-0600
 - ii. After Hours (877) 897-7455 goes to Control1
- g. Can still call Control1 and submit report via email afterward as well
- h. For Category 1 and maybe Category 2 spills OCFCD response
 - i. Assessment upstream
 - ii. ID diversions, retention basins
 - iii. Provide containment
 - iv. Site access
 - v. Additional cleanup resources OCFCD crew and contractors
 - vi. Determine cleanup end points
 - vii. Response in accordance with County Illicit Discharge Detection & Elimination (IDDE)

APPENDIX D-7

CLEAN WATER SUMMIT PARTNERS

Webinar Notes March 22, 2023

Clean Water Summit Partners Webinar
Spill Emergency Response Plan

Speakers/Hosts: Mary Cousins (Bay Area Clean Water Agency)

Walter Mobley (SWRCB)
Afrooz Farsimidan (SWRCB)

Jared Voskuhl

Michael Flores (CWEA and HDR,inc) Andy Morrison (AM Consulting)

Walter Mobley (SWRCB) presentation

Topic: Spill Emergency Response Plan Requirements in Reissued Order

1. Waters of State - includes groundwater.

Water of U.S. - surface water managed federally.

- 2. First annual report due date is 4/1/24
- 3. Local utility agency coordination is important
- 4. Lab contracts should be secured
- 5. Training is part of "implementation" and should be done before 6/5/23
- 6. Lateral spills
 - a. Report on monthly basis "yes/no"
 - b. Report total lateral spills annually
- 7. Category 1 to surface water; percolate to groundwater is not considered Category 1
- 8. Updated SERP not required to upload to CIWQS
- 9. Reenroll and update current SERP
- 10. Update and implement SERP ASAP
- 11. If SSO reaches groundwater, considered spill and must be reported
- 12. If spill reaches a retention basin, not Category 1 if stopped there. So, retention basin must not be considered surface water.
- 13. Category 3 provide details of each spill
- 14. Category 4 total the spill sin reporting; simplified
- 15. Inform regional board of private spills occurring chronically. Board will decide on action to take.

Michael Flores presentation (CWEA and HDR,inc)

Topic: Spill Emergency Response Plan Update

- 1. Annual certification plan up to date 4/1/24
- 2. Create a process to review performance statistics annually
- 3. Search Basin Plan for Orange County if you need to know "beneficial uses" for water bodies in Orange County

Andy Morrison presentation (AM Consulting)

Topic: Spill Emergency Response Plan Implementation

- 1. Need map of "drainage conveyance systems" and "surface waters"
- 2. Verify if lab is ELAP certified and can meet the 18-hour water quality sampling requirement that is now required after a large spill. It is 18-hours to get sample, not analyze it.
- 3. Could contract with a municipal lab (i.e. LBWD WRP and IRWD)
- 4. SERP can be in SSMP or stand-alone but might be best stand-alone since it is now required to update annually
- 5. Photographs apply to all category spills
- 6. It doesn't matter where spill shows up but where the blockage originates (i.e. where the problem is). If in municipal system, it becomes a category spill. If in private system, it is a private or lateral spill.
- 7. Ask storm agency what facilities they have in area. Do they lead to groundwater or surface waters?

Video recordings and slide from January 11th webinar are available here:

Speaker Presentations – California Association of Sanitation Agencies (casaweb.org)

FAQs document (Q&A)

2023.03.20 CASA SSO WDR FAQ Index.xlsx (sharepoint.com)

CWEA training videos will be posted on SSO Program website

Another training May 3, 2023 – hopefully the forms will be completed and shown

Webinar Notes May 3, 2023

Clean Water Summit Partners Webinar Spill Emergency Response Plan

Speakers/Hosts: Mary Cousins (Bay Area Clean Water Agency)

Diana Messina (SWRCB) Walter Mobley (SWRCB)

Jared Voskuhl

Steve Jepsen (SCAP) Bryan Evans (Dudek) Dindo Carillo (OCSD)

Diana Messina (SWRCB)

Topic: Immediate Compliance Requirements for Existing Enrollees

Topic: Spill Categories and Minimizing Violations

- 1. Cleanup should be per storm water agencies and NPDES permits
- 2. Pre, during, and post coordination with storm drain agencies
- 3. LRO Call CIWQS help desk for form to change LRO if needed
- 4. If spill goes to GW, not Category 1. It is a violation of 4.2 but not 4.1. Not a surface water.
- Only way to check if agency is recertified is to have agency check CIWQS
- 6. Surface water = natural water body

If the natural water body was rerouted or channelized, it is still surface water

Retention pond is not surface water unless over time it became full of aquatic life and more like a surface water

If it is manmade and retains water, it is not a natural surface water

Dindo Carillo (OCSD)

Topic: Changes to Spill Field Reporting Forms

- 1. Number field report same as CIWQS report
- 2. Multiple photos are required
- 3. Work with health care agency or whoever has jurisdiction of surface waters
- 4. Identify if 1000 feet from surface water intake locations
- 5. Identify GW infiltration basin locations

Bryan Evans (Dudek)

Topic: Sewer Spill Monitoring

- 1. Basin Plan dictates indicators to test for
- 2. Holding time is 6 hours on ice; sample must get to the lab in 6 hours after taken
- 3. Plan for potential monitoring locations
- 4. MS4 is a municipal separate stormwater system
- 5. Water Quality Basin or Monitoring Plans
 - a. Will have maps and GIS
 - b. Monitoring locations
 - c. Sewershed within watershed
 - d. Overlay mapping

Video recordings and slide from January 11th webinar are available here:

<u>Speaker Presentations – California Association of Sanitation Agencies (casaweb.org)</u>

https://casaweb.org/resources/speaker-presentations/

Guide for CIWQS actions needed immediately

Guidance for Uploading an Existing Sewer System Management Plan in the California Integrated Water Quality System (CIWQS)

FAQs document (Q&A)

2023.03.20 CASA SSO WDR FAQ Index.xlsx (sharepoint.com)

Clean Water Summit Partners provided the FAQ document that summarized questions regarding Waste Discharge Requirements from January 2023 to April 2023

004	Appendix D-7: Clean Water Summit Partners (FAQ)						
Q&A Reference Number	Question	Question Date	Answer	Answer Date	Relevant Links		
1	What is the statewide "Reissued General Order" and where can I get a copy?		The State Water Board reissued an updated statewide Sanitary Sewer Systems General Order, that will fully replace the existing statewide General Order 2006-0003-DWQ and the existing Monitoring and Reporting Program Order 2013-0058-EXEC, in their entirety. The official statewide General Order can be found linked on the Sanitary Sewer Systems Order Program web page.	1/6/2023	<u>Here</u>		
2	When does the Reissued General Order become effective?		The Reissued General Order becomes effective on Monday June 5, 2023. As of this date, the previously existing Orders are officially rescinded.	1/6/2023			
3	How do I continue my existing Enrollee regulatory coverage under the statewide General Order?		See Section 2 of the statewide General Order. The General Order provides a streamlined electronic continuance of existing regulatory coverage for sanitary sewer system owners that are currently enrolled in Order 2006-0003-DWQ, that affirmatively choose to continue regulatory coverage. Note that the streamlined continuance of regulatory coverage is only available to existing Enrollees during the time period of April 5, 2023 through June 4, 2023. Existing enrollees that do not continue regulatory coverage through the established streamlined process by the end of June 4, 2023 will lose regulatory coverage and must proceed through the formal Order application procedure to obtain new regulatory coverage.	1/6/2023			
4	How do I stay updated on the upcoming compliance dates per the statewide General Order?		All existing Enrollees should make sure the contact information for the Legally Responsible Official(s) and Data Submitters, currently in the online California Integrated Water Quality System (CIWQS) is up to date. State Water Board staff will be issuing informational notices through the CIWQS contact information to assist existing Enrollee comply with upcoming requirements and due dates.	1/6/2023			
5	How do I find out the due dates for submitting Sewer System Management Plans and Audit Reports into CIWQS?	1/11/2023	Section 5.4 and Attachment E1, Section 3.10 of the General Order specify the end of the three-year audit period and the audit report due date. Audit period starts after the end of the Enrollee's last required audit period. Audit reports must be submitted into CIWQS within six months after the end of the 3-year audit period. Section 5.5 and Attachment E1, Section 3.11 of the General Order specify the Sewer System Management Plan update due dates. The update schedule continues the schedule established in Order 2006-0003-DWQ based on the population served.	1/10/2023			
			State Water Board staff created a tool on the Sanitary Sewer Systems General Order program web page to assist enrollees look up their system's audit and Sewer System Management Plan due dates by entering the WDID number. Please see the link provided in the Links column.				

084	Appendix D-7: Clean Water Summit Partners (FAQ)							
Q&A Reference Number	Question	Question Date	Answer	Answer Date	Relevant Links			
6	I have already started the process of helping agencies change their existing OERP into the new SERP and have run into one glaring difference (SBUs Sewer Backups). In the 2006 WDR the definition of a Sanitary Sewer Overflow included this language "Wastewater backups into buildings". The new Order does not include anything wastewater in buildings in the definition of a Spill. So it appears that Sewer Backups into buildings (like a house) and stays in a building are not considered a Spill effective June 5, 2023. Is that correct?	1/11/2023	Thank you Andy for working so closely with field professionals to understand the details of the reissued Order. The short answer to your question is "Yes", as a backup of sewage due to a cause in the Enrollee's system, to a private building is an exiting of sewage from the system. Let's walk through the different elements of the reissued Order during the Q&A session, for us all to understand how to properly monitor and report a fully contained spill into a building.	1/11/2023				
	This question is about a backup into a building, not about a spill from a lateral, it is clear that a spill out of a lateral and is caused by a failure in the sanitary sewer system is considered a spill.							
7	If existing SSMP is already uploaded, do we need to re-upload it by June 5th, or only ensure that is uploaded already?	1/11/2023	If the existing SSMP is already uploaded, simply go into CIWQS before June 5th to make sure it is fully uploaded. No need to re-upload.:)	1/11/2023				
8	If the Legally Responsible Official will change soon, can you still apply for continuation of coverage?	1/11/2023	Yes! The streamlined electronic continuation of coverage is for the existing Legally Responsible Official (under the existing Order) to certify. Since the open window for continuance of coverage is prior to the reissued Order effective date, the existing Order is still in effect, meaning that the existing Legally Responsible Official qualifications are still in effect.	1/11/2023				
9	Dose a local agency need to issue new resolution or ordinance for order 2022-0103 by the council?	1/11/2023	No. The reissued Order does not place a requirement on a local agency to issue new resolutions/ordinances.	1/11/2023				
10	Can we have more than one LRO?	1/11/2023	Yes! An Enrollee may have more than one Legally Responsible Official as long as each Legally Responsible Official meets the qualifications in the reissued Order.	1/11/2023				
11	Question is on due dates of audits. Once the new order goes into effect do we follow the audit and SSMP update schedule of the new order regardless of our previous schedule? There would be 3 years and 4 years between my audits under the new order.	1/11/2023	Per the reissued Order, an audit time period is three years after the last audit due date. Therefore the next audit period is the three years after the last audit due date. The corresponding audit report is due 6 months after the 3-year audit period.	1/11/2023				
12	August 2, 2025 is a Saturday. I'm expecting that the SSMP update due on that date can be submitted on Monday, August 4, 2025. Please confirm. Thank you.	1/11/2023	For this scenario, as staff, we recommend that you have your required submittal uploaded by the Friday August 1st, to avoid CIWQS automated trigger of a reporting violation.	1/11/2023				

Q&A Reference Number	Question	Question Date	lean Water Summit Partners (FAQ) Answer	Answer Date	Relevant Links
13	If a plan update was late, or not completed, does that change the new required plan update?	1/11/2023	The required due dates in the reissued Order are regulatory due dates established by the State Water Board. An Enrollee's action such as late submittal or no submittal of a required item, does not change a regulatory due date. Also note that CIWQS is being enhanced to electronically identify reporting violations. Therefore, the tracking of violations will be electronic.	1/11/2023	
14	Will service area boundary map be a separate uploaded document or part of the SSMP?	1/11/2023	Yes, the electronic service boundary map is not an SSMP element (Attachment D of the Order), and therefore not part of the SSMP. The uploading of the service boundary map is separate.	1/11/2023	
15	According to a conversation with Dianna it is.	1/11/2023	Yes, the electronic service boundary map is a separate document uploaded in a separate function of the CIWQS system. The electronic service boundary map is not an item of the SSMP eleven elements. The required elements of the SSMP are shown in Attachment D of the Order.	1/11/2023	
16	Is collection system maintenance certification going to be mandatory	1/11/2023	No. The reissued Order does not contain requirements pertaining to operator certification.	1/11/2023	
17	how do we add a new data submitter in CIWQS?	1/11/2023	Section 5.1 of the Order: The Legally Responsible Official shall authorize the designation of Data Submitter(s) through the online CIWQS database (https://ciwqs.waterboards.ca.gov) prior to the individuals establishing a CIWQS user account (https://ciwqs.waterboards.ca.gov/ciwqs/newUser.jsp) and entering spill data into the online CIWQS Sanitary Sewer System Database.	1/11/2023	
18	Do SSMP audits have to be uploaded in CIWQS?	1/11/2023	The audit report, which is due within 6 months after the 3-year audit period, must be uploaded into CIWQS.	1/11/2023	
19	To summarize, the 2022-0101 Reissued Order combines requirements from both the 2006 Order and the 2013 amended MRP into one consolidated document?	1/11/2023	No. The reissued Order 2022-0103-DWQ "replaces" the 2006 Order and 2013 amended MRP - the reissued Order does not combine the previous Orders. The 2006 and 2013 Orders will no longer be in effect as of June 5, 2023. This is an important distinction because certain spill reporting has been reduced and other items have been removed/added.	1/11/2023	
20	Will a template be provided for the requirement to submit the Geospatial data or can we simply submit through our GIS?	1/11/2023	Yes, the specifications for the electronic service boundary maps will be posted on the State Water Board, Sanitary Sewer Systems General Order webpage by June 5, 2023.	1/11/2023	
21	This is a enormous change for agencies. Does the state provide assistance to agencies to update their OERP and response, mitigation, and reporting requirements? Can this support be onsite?	1/11/2023	Unfortunately, the State Water Board's Division of Financial Assistance does not provide this type of funding.	1/11/2023	
22	Where would be the designation for agencies to upload the Boundary map?	1/11/2023	Note that, per the reissued Order, there is a 6-month period in which the electronic service boundary maps are to be uploaded. This specific window of time purposely manages the numerous uploads to ensure that all technical difficulties can be addressed.	1/11/2023	

Q&A			Clean Water Summit Partners (FAQ)		
Reference Number	Question	Question Date	Answer	Answer Date	Relevant Links
23	Attachment E2 Table E2 5 - Enrolle owned and operated lateral spills , can you specify are these laterals hooked up to a collection system?	1/11/2023	Yes, these are laterals connected to the Enrollee's sanitary sewer system. What other laterals are you referring to that are not connected to the main system?	1/11/2023	
24	When does the Sewer Blockage Control Plan need to be prepared and implemented?	1/11/2023	The Sewer Blockage Control Plan is an element of the SSMP. All elements of the SSMP, including the Blockage Control element, are to be addressed in the SSMP update, with the exception of the Spill Emergency Response Plan. Therefore, the Sewer Blockage Control Plan element must be updated with the SSMP update.	1/11/2023	
25	What about privately owned lateral? Residential laterals on private property?	1/11/2023	live answered	1/11/2023	
26	If a industrial waste is spilled, we are required to enforce the new Order and update CIWQS right? So something like water treatment brine waste and managing that spill.	1/11/2023	The current and reissued Order pertains to the enrolled sanitary sewer system. If the industrial waste spill is from the enrolled sanitary sewer system, then the requirements in the Order apply.	1/11/2023	
27	Re: Backup into Building If I understood Diana that a BU into building should be reported as a spill category and not a lateral spill, it is somewhat confusing since a lateral spill would eminate from either a building cleanout or property line cleanout which are both privately owned. So it would seem that a building backup would also be reported as a lateral spill.	1/11/2023	If and how a spill due to a lateral backup into a home depends on the cause of the backup. If the cause of the backup is in the enrolled sewer system, then spill is to reported as a category spill (see corresponding statement in description of categories in reissued Order). If cause is in an Enrollee owned/operated lateral (per definition in Attachment A), then the spill must be reported as a lateral spill. If the cause of the spill is from the portion of the lateral that the Enrollee is not responsible to maintain, then the Enrollee is not required to report the spill.	1/11/2023	
28	Dianna, would your backup into structure response be the same if the blockage is in a public lateral resulting what the occupant(s) are putting down the system backing up and/or overflowing other fixtures or drains? Thus no sewage going up the lateral from the main sewer.	1/11/2023	As discussed during the Q&A session, if the cause of back ups is due to a failure in maintenance or infrastructure of the enrollee owned lateral, then it is a spill. If due to occupants being irresponsible of what is flushed into the lateral, this is not an Enrollee-cause spill. However, the Enrollee may want to provide education to its lateral users before the situation turns into an Enrollee lateral maintenance issues.	1/11/2023	
29	Is there a notication of updates due .	1/11/2023	When the Legally Responsible Official logs into CIWQS to certify continuation of coverage, they can see the system's next annual report and next Sewer System Management Plan update due dates.	1/11/2023	
30	Question on Audits: The audit due date on May 2, 2024, is for the audit years of 2021, 2022, and 2023. Can you please confirm is this is correct?	1/11/2023	Correct. May 2, 2024 is the end of the three year audit period starting on May 2, 2021. The audit report is due within six months after the end of the audit period. The report is due on November 2, 2024.	1/19/2023	
31	Just to clarify, we do not have to report individual lateral spills that are not cat 1 spills? Just a yearly report due by Feb 1st?	1/11/2023	That is correct. However, per Section 3.7 of the General Order, the Enrollee is required to monthly certify in CIWQS if the system had Non-Category 1 Lateral Spills.	1/19/2023	

Appendix D-7: Clean Water Summit Partners (FAQ)							
Q&A Reference Number	Question	Question Date	Answer	Answer Date	Relevant Links		
32	Is there a template or additional guidance for the appropriate digital format of the annual certified report for the cat 4 and/or lateral spills?	1/11/2023	The State Water Board is not providing a template or guidance documents. Industry associations may provide additional guidance documents.	1/19/2023			
33	Our organization owns from the lower portion of the sewer lateral which is from property line to the Sewer Main. If the blockage is within District owned pipeline and spills within	1/11/2023	If a spill out of a lateral is caused by a failure or blockage in the sanitary sewer system, the sanitary sewer system enrollee is responsible for the spill and must clean up and report per spill category requirements.	1/19/2023			
34	What is the appropriate category for the following SSO: A spill, a portion of which enters a dry earthen roadside drainage ditch, and does not make it to any pipes or surface	1/11/2023	If the spill is not fully captured, it is a Category 1 spill. If the spill is fully captured, depending on the volume of the spill, it must be reported as a Category 2, 3, or 4 spill.	1/19/2023			
35	How about if the spill is due to a blockage upstream of the property line? who is responsible for ceanup and does it have to be reported? TIAfor the clarification	1/11/2023	If a spill out of a lateral is caused by a failure or blockage in the sanitary sewer system, the sanitary sewer system enrollee is responsible for the spill and must report per spill category requirements.	1/19/2023			
36	If the agency's pump stations are maintained and operated by a mechanical section does the WDR require the LRO to be a person in the organization over both the maintanence and collections?	1/11/2023	Yes. The General Order includes pump stations as part of the sanitary sewer system. The Legally Responsible Official must have responsibility over management of the Enrollee's entire sanitary sewer system	1/19/2023			
37	Will the written Q&A be captured some how in the recorded webinar? I'm missing some of this and would like to review at a later date.	1/11/2023	Yes	1/19/2023			
38	The definition of a Category 2 spill in section 5.13.1 says 1,000 gallons or more that does not discharge to a surface water. Table E2-2 includes a notification requirement for Category 2 spills to notify CalOES within 2 hours if the spill is discharging or threatening to discharge to waters of the state. Why is this there for category2 spills? If a spill is threatening to discharge or is discharging to waters of the state, aren't they category 1 spills, not category 2?	1/11/2023	California Water Code requires CalOES notification for spills of larger than 1000 gallons to waters of the State which includes surface waters and the ground water. Therefore CalOES notification applies to Category 2 spills defined as spills of 1000 gallons or greater to a water of the State. A Category 1 spill is a spill to a surface water.	1/11/2023			
39	Walter, can you provide the current FAQ sheet to add a data submitter in the current system.	1/11/2023	Yes, Walter provided the CIWQS Frequently Asked Questions document to the Summit Partners for distribution.	1/11/2023			

Q&A			clean Water Summit Partners (FAQ)	_	
Reference	Question	Question	Answer	Answer	Relevant
Number		Date		Date	Links
40	The Notification requirement for Spill Category 2 (Table E2-2) doesn't seem appropriate as the definition of a Spill Category 2 is spills of 1,000 gallons or greater that DO NOT discharge to surface waters. So it would seem that the Notification requirement should be modified to just say that if the "spill is threatening to discharge" and delete "discharging or"	1/11/2023	CalOES notification is for spills of 1000 gallons or greater that discharges or probably will discharge into a water of the State.	1/19/2023	
41	What is considered visual monitoring?	1/11/2023	Please see Attachment E1, Section 2.1. Visual monitoring is visually assessing the spill location and spread using photography, GPS and other available tools.	1/19/2023	
42	For reporting purposes, what is considered a business day? (this is for people working alternate schedules)	1/11/2023	A business day is any day except Saturday, Sunday and official holidays.	1/19/2023	
43	If there is multiple LROs in your agency does each one need to Certify Continuation of Existing Regulatory Coverage? On the slide I see where the LRO and update info on Data submitters but not additional LROs.	1/11/2023	Only one LRO needs to certify the continuation of coverage for the system.	1/19/2023	
44	Per the new order, is Region 9 still madandated to report Private Sewer Lateral Spills?	1/11/2023	Yes. This General Order does not prohibit a Regional Water Board from issuing a region-specific Order.	1/19/2023	
45	Re Building Backup - Additional information: The cause of the building backup is caused by a blockage in the lower lateral or sewer main (both Enrollee owned in our case). Would Building Backup be reported as a spill category or lateral spill. If to be reported as a spill category, why is this different that	1/11/2023	A spill out of a lateral that is caused by a failure or blockage in the sanitary sewer system must be reported per the appropriate spill category because the cause of the spill was not due to a failure in the private portion of the lateral. If the cause of the spill is from the portion of the lateral that the Enrollee is not responsible to maintain, then the Enrollee is not required to report the spill.	1/19/2023	
46	In the old Order, the audit due dates were every two years, and the date of the old Order iwas 2006, so audits were due in even-numbered years. So why, with the audit now due every three years, is the first audit under the new Order due in 2024?	1/11/2023	Per the 2006 Order, audits were due every two years after the Sewer System Management Plan certification. The reissued Order continues the schedule for the Sewer System Management Plan update and audit established in the 2006 Order.	1/19/2023	
47	Can you clarify Element 7 in the SSMP requirement for "evaluation of whether a program is needed" assuming it is; are the program elements required to be documented within the SSMP Section 7, or a separate plan? The "program" elements can be described within the SSMP itself?	1/11/2023	The language in element 7 refers to the need for a sewer pipe blockage control program.	1/19/2023	
48	Clarification - I don't believe the audit reports ever had different deadlines based on system size, unlike the SSMPs.	1/11/2023	Correct. Audit schedule per the 2006 Order was not based on the population, but the Enrollee was required to audit their Sewer System Management Plan every two years.	1/19/2023	

Q&A Reference Number	Question	Question Date	Answer	Answer Date	Relevant Links
49	For clarification everyones due date clock resets with the adoption for audit and re-certification.	1/11/2023	Sewer System Management Plan updates and audit schedules continue the previous Order schedules.	1/19/2023	
50	How many years do you need to keep the audit paper work?	1/11/2023	all records must be maintained for 5 years	1/19/2023	
51	If operator input is required on the audits. Why do operators not need be certified?	1/11/2023	The existing Order does not require operator certification. Therefore, the reissued Order maintains the existing.	1/19/2023	
52	I thought the first presentation indicated no updates would be required to the Plan prior to June 5, 2023, but just that your existing SSMP needed to be uploaded by then?	1/11/2023	That is correct.	1/19/2023	
53	So a category 2 spill does not discharge to surface water, but if it discharges to groundwater then it's considered as discharging to waters of the state so the reporting requirement to CalOES kicks in? And category 1 spills only apply to discharges to surface water, not to groundwater?	1/11/2023	Section 5.13.1 of the General Order defines Category 2 spill as a spill of 1,000 gallons or greater, from or caused by a sanitary sewer system regulated under this General Order that does not discharge to a surface water. CalOES notification is for spills of 1000 gallons or greater that discharges or probably will discharge into a water of the State. Correct. A Category 1 spills is any volume of spill to a surface water.	1/19/2023	
54	Sampling is within 18 hours of spill, not 12 hours (a change made on day of hearing 12/6/22)	1/11/2023	That is correct. Receiving water sampling for Category 1 spills of 50,000 gallons or greater is 18 hours after the Enrollee's knowledge of a potential discharge to a surface water.	1/19/2023	
55	I beleve sampling changed from 12 hours to 18 hours, correct?	1/11/2023	That is correct. Receiving water sampling for Category 1 spills of 50,000 gallons or greater is 18 hours after the Enrollee's knowledge of a potential discharge to a surface water.	1/19/2023	
56	Will the format of the graphical metrics be standardized?	1/11/2023	CIWQS will generate system performance analysis graphs. The Enrollee shall include the CIWQS-generated graphs in its Annual Report (Section 5.11 of the Order).	1/19/2023	
57	Seems like the Boundary map should be established by the Local Agency Formation Commission (LAFCO). Why not get the map from them?	1/11/2023	The Order requires the Enrollee to upload a spatial map of the service area boundary per the Specifications that the State Water Board will provide. If the LAFCO boundary map meets the Order specifications, the Enrollee may submit those maps.	1/19/2023	
58	Is the agency's boundary generally coterminous with it's boundaries (for example City limits) or is it the boundary of all parcels that are served by the current sewer system?	1/11/2023	Service Area Boundary Map must show the boundary of the area that the enrollee provides sewer service to. The boundary map does not have to show all parcels served by the sewer system. By June 5, 2023, specifications for the electronic sanitary sewer service area boundary map format will be provided on the statewide Sanitary Sewer Systems Order program website.	1/19/2023	
	But Element 6 must be retitled to Spill Emergency Response Plan and		Element 6 does not need to be updated until the next SSMP update is due.		

Q&A	Question	Question	Angwar	Answer	Relevant
Reference Number	Question	Date	Answer	Date	Links
59	updated prior to June 5, 2023?	1/11/2023	Existing enrollees are required to update and implement their Emergency Response Plan by June 5, 2023. There is no requirement for uploading Emergency Response Plans into CIWQS. The enrollee is also required to certify in its annual report that its Emergency Response Plan is up to date (first annual report is due on April 1, 2024).	1/19/2023	
			All elements of the Sewer System Management Plan, including element 6, must be updated and uploaded into CIWQS by the due date per the reissued Order. Please see Section 3.11 of Attachment E1 of the General Order for the next Sewer System Management Plan update due dates based on the population served.		
60	Where would be the designation for agencies to upload the Boundary map? THANKS	1/11/2023	Specifications for the uploading an electronic spatial map of the sewer system service area boundary map will be provided on the statewide Sanitary Sewer Systems program website by June 5, 2023.	1/19/2023	
61	What should the asset management component of the SSMP generally include?	1/11/2023	The reissued Order acknowledges that the SSMP and components of the SSMP are to be per the scale and complexity of the system. Very small system agencies may be already using a simple method of recording the management of their system; on the other extreme, large agencies have brought in asset management professionals for management that matches the complexity of their system(s), Generally speaking, the reissued Order is requiring that the Enrollee prioritize its operations changes and capital improvement projects to address the preventable spills that have the largest environmental consequences. How each Enrollee performs this element is up to the Enrollee, and the procedures included in the updated SSMP.	1/11/2023	
62	So we went from requiring to not requiring certifications for our operators?	1/11/2023	The existing Order does not require operator certification. Therefore, the reissued Order maintains the existing.	1/11/2023	
63	Can a few examples of "Ground Water" be given? For the purpose of	1/11/2023	Yes. Groundwater is the subsurface waterbodies that are part of our State's water supply for municipal supply, industrial uses, agriculture, etc. (see further information in Findings section of the Order) The largest example is our State's effort to capture stormwater in response to our drought and the need for storage of water for use during dry periods. Therefore, many storm drains are now plumbed to stormwater infiltration basins or other engineered groundwater infiltration basins. This is one example. Other examples include "Low Impact Development" features along public roadways, required in municipal stormwater regulations, that purposely route roadway drainage (which includes spilled sewage on roadways) to groundwater. Please see the definition of exfiltration in Attachment A	1/11/2023	
	For the purpose of infiltration/exfiltration in sewers, such as leaking pipe joints/points of connection, what does the WDR say?		Please see the definition of exfiltration in Attachment A and Section 3.2.4 of the General Order: Portions of some sanitary sewer systems may leak, causing underground exfiltration		

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Reference Number	Question	Question Date	Answer	Answer Date	Relevant Links
64		1/11/2023	(exiting) of sewage from the system. Exfiltrated sewage that remains in the underground infrastructure trench and/or the soil matrix, and that does not discharge into waters of the State (surface water or groundwater) may not threaten beneficial uses.	1/19/2023	
65	I am not confused about the requirement to notify CalOES about discharges to waters of the state, which can be groundwater or surface water. My question is about category 1 spills vs category 2. Category 1 only applies to discharges to surface water and not to groundwater?	1/11/2023	Waters of the State includes surface waters and groundwater. CalOES notification requirement is for spills of 1000 gallon or greater to waters of the State so it applies to Cat 1 spills of greater than 1000 gallons and Category 2 spills.	1/11/2023	
66	I understand the CalOES reporting requirement. I understand what waters of the state are. I am trying to get clarification on category 1 vs category 2. The definitions says that category 1 is discharges to surface water and category 2 is discharges over 1,000 gallons but not to surface water. So the only way a category 2 can get to a water of the state is if it goes to groundwater?	1/11/2023	Category 1 is a spill of any volume, that reaches a surface water body (regardless of spill size). Category 2, 3 and 4 are the exiting of sewage from the system, out of the system, regardless of whether the spill is to land, to a ditch that is not a surface water, to a field, to groundwater, etc. Please ask follow up questions if this is not clear.	1/11/2023	
67	Still confused about required reporting to OES. For a Cat 2 spill, fully contained with no potential to discharge to a water of the state, is notification required. How is "potential" defined? Is there any latutude to NOT report all cat 2 spills to OES?	1/11/2023	Category 2 spills, per the definition in the Order, are required to be reported to CalOES. The definition of "potential discharge" is included in Attachment A and reads: Potential to Discharge, Potential Discharge Potential to Discharge, or Potential Discharge, means any exiting of sewage from a sanitary sewer system which can reasonably be expected to discharge into a water of the State based on the size of the sewage spill, proximity to a drainage conveyance system, and the nature of the surrounding environment.	1/11/2023	
68	Please clarify, enrollee owned lateral spills, that are not cat 1, do not have to be reported individually, but in one report due by Feb of the next year?	1/11/2023	Yes, you are correct. Annual reporting for spills from Enrollee owned and/or operated laterals. Please make sure to understand the definition of the Enrollee owned/operated lateral in Attachment A.	1/11/2023	
69	How do we change our Agency name in CWIQS? I have sent a couple of emails and have gotten no response. Is this something that can be changed during the certification of continuation of existing coverage or does it require something separate?	1/11/2023	Thank you for asking this question. Walter will reach out to you to address this specific request.	1/11/2023	
70	Does that include perging previous LRO's ?	1/11/2023	The question is not clear	1/19/2023	
71	Is the CIWQS HELP Desk available by phone again. There was only e- mail communication for a long time?	1/11/2023	The CIWQS help center is unavailable to answer phone calls. Please continue emailing.	1/19/2023	

Q&A			lean Water Summit Partners (FAQ)		
Reference Number	Question	Question Date	Answer	Answer Date	Relevant Links
72	How do I register for a CIWQS account? As an LRO?		Step 1: Go to https://ciwqs.waterboards.ca.gov/ Step 2: Click on "User Registration". Step 3: Select "I am the legally responsible person" and then click on "Next." Step 4: Complete the rest of the application form. Items with red stars are required. Then, click on "Next." Step 5: The next page will need to be printed, signed and mailed to the indicated address. Once the CIWQS Help Center receives the document, they will complete your application. State Water Resources Control Board Division of Water Quality c/o DMR Processing Center / CIWQS Registration PO BOX 100 Sacramento, CA 95812-1000	1/19/2023	CIWQS Frequently Asked Questions
73	How do I register for a CIWQS account? As a Data Submitter?		Step 1: Go to https://ciwqs.waterboards.ca.gov/ Step 2: Click on "User Registration". Step 3: Select "I wish to be able to submit data on behalf of my facility or location, but am not thelegally responsible person." Then click on "Next." Step 4: Complete the rest of the application form. Items with red stars are required. Then click on "Next." Step 5: Once the registration process is complete, an LRO at your facility needs to log into CIWQS, thengo to "administer system" then, "pending registrations of other dischargers". There they will beable to approve data submitter registration requests. An automated email will then be sent tothe requestor with login instructions.	1/19/2023	CIWQS Frequently Asked Questions
74	How do I add a new facility in CIWIQS if I already have a CIWQS account?		Step 1: Login to your existing CIWQS account. Step 2: Select "view/change my personal information" and select "request an additional facility" at the bottom of the page. Step 3: Follow the prompts to register as an LRO or Data Submitter for the new facility. • For LROs: Sign and mail the LRO form as instructed. Once received, your existing account will be upgraded to LRO status and you will be able to certify reports. • For Data Submitters: Notify the LRO of the new facility to approve your request. They can do this by navigating to Administer System > Pending Registrations of Other Dischargers > Approve	1/19/2023	CIWQS Frequently Asked Questions
75	I signed up for a data submitter account on CIWIQS, but I am still not able to log-in		When you sign up for a data submitter account, you are given a pending CIWQS account. To activate your account, have the LRO of the requested facility login to their account and approve your data submitter request by navigating to Main Menu > Administer System > Pending Registrations of Other Dischargers. If your request is approved, you will receive an email with your log in information.	1/19/2023	CIWQS Frequently Asked Questions
76	I am an LRO and my staff signed up for a Data Submitter account in CIWIQS. How do I approve their request?		You must log-in to your account and approve your data submitter request by navigating to Main Menu > Administer System > Pending Registrations of Other Dischargers.	1/19/2023	CIWQS Frequently Asked Questions
	My CIWIQS account is locked, what do I do now?		If you account gets locked, contact the CIWQS helpdesk at CIWQS@waterboards.ca.gov		

Q&A	Appendix D-7: Clean Water Summit Partners (FAQ)							
Reference Number	Question	Question Date	Answer	Answer Date	Relevant Links			
77			There are two ways to get your account unlocked. The first is to remember the pin that you entered when creating your CIWQS account. If the correct pin is given to the helpdesk, your account will be automatically unlocked. If you cannot remember your pin, then the helpdesk will reset your account and an email will be sent about how to reactivate your account. If you are an LRO, this will involve resubmitting LRO authorization forms.	1/19/2023	CIWQS Frequently Asked Questions			
78	What should I do if I forgot my CIWIQS username/password?		Use the links in the CIWQS Log in screen if you have forgotten your User ID or Password. You will need to put in your email to get your User ID. You wll need to put in your User ID to get a temporary password . You may also be required to answer a security question that you created when setting up your account.	1/19/2023	CIWQS Frequently Asked Questions			
79	In CIWIQS, why are the certify buttons on the report greyed out?		If you think that you should be able to certify reports, but the certify button is greyed out, then you do not have the correct user rights. Let the CIWQS helpdesk know that you are not able to certify reports even though you need to. They will assist you in getting the correct user righting.	1/19/2023	CIWQS Frequently Asked Questions			
80	Who should I tell about CIWQS users that have changed jobs or retired?		Anytime a CIWQS user changes jobs or retires, the CIWQS helpdesk should be told of the change so that they can remove their account from CIWQS.	1/19/2023	CIWQS Frequently Asked Questions			
81	What is the difference between an LRO and a Data Submitter?		The only difference between an LRO and a Data Submitter is that a Legally Responsible Official is able to certify and submit reports. A Data Submitter is only able to input the data and save drafts.	1/19/2023	CIWQS Frequently Asked Questions			
82	What information is needed for spill reports?		If you have any questions on what needs to be put into a spill report, you may contact the statewide Sanitary Sewer Systems General Order Program Manager, Walter Mobley	1/19/2023	CIWQS Frequently Asked Questions			
83	Who can withdraw spill reports that were submitted incorrectly?		Only the General Order Program Manager is able to withdraw or modify incorrect spill reports. Contact the Program Manager, Walter Mobley, when you need a spill report changed.	1/19/2023	CIWQS Frequently Asked Questions			
84	Who should I talk to if the eSMR report I need to submit is not showing up?		The regional board staff person assigned to your permit should be able to correct any issues with report expectations. The CIWQS helpdesk can also fix this issue if the regional board staff person is not sure how to fix the problem.	1/19/2023	CIWQS Frequently Asked Questions			
85	Who can withdraw eSMR reports that were submitted incorrectly?		Incorrect eSMR reports can be withdrawn by the regional board staff member assigned to your permit.	1/19/2023	CIWQS Frequently Asked Questions			
86	How do I correct or update a previously submitted Self Monitoring Report?		The correct or update a previously submitted Self Monitoring Report, you must get the report withdrawn by the regional board staff assigned to your permit. Once the report is withdraw, you will be able to resubmit a correct version of the Self Monitoring Report.	1/19/2023	CIWQS Frequently Asked Questions			
87	Why is the DMR tab on my report not working?		If you are having trouble with the DMR tab of your eSMR report, you should contact the DMR helpdesk for assistance.	1/19/2023	CIWQS Frequently Asked Questions			

Appendix D-7: Clean Water Summit Partners (FAQ) Q&A								
Reference Number	Question	Question Date	Answer	Answer Date	Relevant Links			
88	What to do about unexpected PET Tool errors?		If you are getting an unexpected error from the PET Tool. Email your PET Tool to the CIWQS helpdesk and also tell the helpdesk what error that you are getting.	1/19/2023	CIWQS Frequently Asked Questions			
89	What to do if the PET Tool doesn't have the unit required for your permit?		If the unit you need is not in the PET Tool, you should contact the CIWQS helpdesk. They will be able to add the new unit, but it will take up to 45 days. In the mean time, you should talk to your regional board about how to submit data before the correct unit is added.	1/19/2023	CIWQS Frequently Asked Questions			
90	Where can I get the newest verison of the PET Tool?		The most up to date verison of the PET Tool can be found here: https://www.waterboards.ca.gov/water_issues/program s/ciwqs/chc_pet_tool.html	1/19/2023	CIWQS Frequently Asked Questions			
91	How do I find out who is connected to my facility in the CIWIQS database?		Use this link to create a facility at a glance report: https://ciwqs.waterboards.ca.gov/ciwqs/readOnly/Ciwq sReportServlet?reportName=facilityAtAGlance& inCommand=reset Type the name of your facility and click the "Run Reports" button Click the Place ID of your facility. Click the plus button for related parties to see everyone that is attached to your facility.	1/19/2023	CIWQS Frequently Asked Questions			
92	Who do I need to talk to complete a notice of termination?		If you got a email saying that you need to complete a notice of termination, you need to contact the SMARTS helpdesk.	1/19/2023	CIWQS Frequently Asked Questions			
93	Where should I go if I need data from CIWQS, but I do not have access to CIWQS?		If you need data from CIWQS, but do not a CIWQS account, you can go to the CIWQS public reports webpage: https://www.waterboards.ca.gov/ciwqs/publicreports.ht ml. This webpage has all data that is available to the public. Including reports for specific facilities, spills, enforcement actions, etc.	1/19/2023	CIWQS Frequently Asked Questions			
94	I am confused about the answer to question 59 stating that the SERP needs to be updated by the June 2023 deadline. But that Element 6 doesn't need to be updated until the SSMP update deadline in 2025/2026. So the SSMP that gets uploaded to CIWQS by June 5, 2023, will be compliant with the old WDR and include an oudated SERP? And the Board is OK with that?	3/9/2023	The updating of the Emergency Response Plan is a stand-alone requirement, and not to be confused with either the requirement to upload the existing Sewer System Management Plan or update the entire Sewer System Management Plan. The reissued Order requires all Enrollees to update and implement its Emergency Response Plan by June 5, 2023.	3/21/2023				
95	Category 3 Additional Reporting requirements? In E-1 3.3 there are some requirements that are not in the Category 1 and Category 2. Those requirements are only found in the Technical Report requirements. Is that how CIWQS will be set up for Cat 3 Spills, more details than cat 1 & 2? Please advise what will be required for Cat 3 Spill Report Records, so that agencies collect the correct data for Category 3 spills.	3/9/2023	Enrollees are required to comply with the reporting requirements in the Board-adopted Order. For Category 3 certified spill reporting, the Enrollee is required to comply with the reporting requirements in Attachment E1, Section 3.3. of the reissued Order.					

Q&A	Appendix D-7: Clean Water Summit Partners (FAQ)				
Reference	Question	Question	Answer	Answer	Relevant
Number		Date		Date	Links
	LRO? There are currently LROs in CIWQS that don't meet all of the requirements of the new order, specifically "must have		The Order requires the LRO:	3/9/2023	
	responsibility over management of the Enrollee's entire sanitary sewer system, and		(1) To have responsibility over managment of the entire sanitary sewer system, and	3/21/2023	
	must be authorized to make managerial decisions that govern the operation of the		(2) be authorized to make managerial decisions that govern the operatio of the sanitary sewer system, and		
	sanitary sewer system, including having the explicit or implicit duty of making major capital improvement		(3) To have explicit or implicit duty of making major capital improvement recommendations to ensure long-term environmental compliance.		
	recommendations to ensure long-term environmental compliance." The question is, will the existing LROs have to certify that they meet the new requirements, or is it only the agency needs to have 1 LRO certify that he/she meets the new requirements? If the agency has 1 LRO that meets the new requirements, can the existing LROs that don't meet the requirements still certify Spill reports? In other words, if existing LROs don't meet the requirement, will they be removed from CIWQS or downgraded to Data Submitter?				
96		3/9/2023	The Order requires the Enrollee to have the necessary organizational structure (including to modify the existing organizational structure as necessary) to comply with Section 5.1. If the Enrollee currently does not have an LRO that holds the above responsibilities and authority, the Enrollee is required to give the required authority to a representative that has responsibility over management of the entire system, to make the managerial decisions and have the duties specified in this Section.		
			The process for an Enrollee to designate/change one or more LROs has not change from the existing regulatory requirements. If the Enrollee must designate different LRO(s) per the reissued Order, the newly designated LRO must obtain its own CIWQS account, and contact the CIWQS help desk at ciwqs@waterboards.ca.gov to further provide the necessary information for addition and/or the deletion of LROs for the subject Enrollee.		
			LRO user accounts and related information are not automatically removed. The removal of an LRO from CIWQS is per the request of the current or newly designated LRO to the CIWQS help desk.		

Q&A		••	Clean Water Summit Partners (FAQ)		-
Reference Number	Question	Question Date	Answer	Answer Date	Relevant Links
			The above LRO designation process does not require an LRO to certify in CIWQS that they have the qualifications as required in Section 5.1 of the reissued Order.		
			A designated LRO manages and approves the designation of the data submitters through its CIWQS account.		
			Each LRO that certifies required submittals into CIWQS must individually meet all the qualifications in Section 5.1 of the reissued Order.		
97	If we treat and report Category 4 spills in CIWQS as they happen as if they are Categary 3 spills, is the Category 4 spill annual report still necessary?	3/13/2023	CIWQS requires the legally responsible official to certify under the penalty of perjury that all the submitted information is correct. Reporting a Category 4 spill as a Category 3 spills is not correct. The Enrollee must monthly certify in CIWQS the number and volume of Category 4 spills and keep records for each spill per Attachment E1, Section 4.4 and submit the information annually.	3/21/2023	
			Additionally, reporting Category 4 spills as Category 3 spills will impact the Enrollee's annually reported performance analysis graphs.		
98	#96 was answered before I finished typing the question, and does not answer the questions that were asked.	3/9/2023	Please see the the updated response to the response to the question #96.	3/21/2023	
99	Will you be able to provide an example of a pump emergency response plan?		This question should be answered by an expert on emergency response of the site-specific pumps.		
100	Are duly authorized representatives still permitted to certify data in CIWQS?		Order. Only a Legally Responsible Official, as designated by the Enrollee, is permitted to certify data in CIWQS. A	3/21/2023	
			duly authorized representative must be designated by the Enrollee as an LRO to conduct the functions of an LRO.		
101	What are agencies doing now that should be corrected in new spill response plans to avoid issues with enforcement?		Current emergency response plans are Enrollee-specific and system-specific. The Enrollee must update its current Overflow Emergency Response Plan, (as prepared per the 2006 Order) to comply with the elements in Attachment D, Section 6 of the reissued Order. The Enrollee is required to implement its updated Spill Emergency Response Plan per the reissued General Order, by June 5, 2023.	3/21/2023	
102	What are the sections/pages that are required to be updated in the Overflow Response Plan?		The Enrollee must update and implement their Spill Emergency Response Plan per Attachment D, Section 6 of the reissued General Order. Spill Emergency Response Plans are system specific plans.	3/21/2023	
103	What are the reporting requirements from non-Cat 1 spills from laterals?		Please clarify the question.	3/21/2023	

	Appendix D-7: Clean Water Summit Partners (FAQ)					
Q&A Reference Number	Question	Question Date	Answer	Answer Date	Relevant Links	
104	If my agency is rsponsible for multiple WDIDs and there is a single SSMP for all the WDIDs must we submit the SSMP for each of the WDIDs?	3/22/2023				
105	Are owned/operated lateral spills required to be reported monthly like cat 4 spills?	3/22/2023				
106	Does the updated SERP need to upload in CIWQS by June 5, 2023? If CIWQS already has the SSMP, do we still need to upload it to CIWQS by June 5, 2023?					
107	How do you anticipate or suggest that Enrollees meet the requirements to train contractors on the Enrolleespecific SERP. Asking for a small sized Enrollee (both in population served and collective miles of sewer). For example, can we make a third party emergency response contractor or plumber aware of the site conditions during a briefing at the start of each workday, and count this as training?	3/22/2023				
108	Can the Beneficial Water uses be narrowed down to the most Beneficial durring a time of Drought? If so, would this be in the form of a notification from SWRCB?	3/22/2023	The Regional Water Boards have adopted region-specific water quality control plans (commonly referred to as Basin Plans) that designate beneficial uses and establish water quality objectives and policies to achieve those objectives. Any change to a Basin Plan needs to go through an extensive public process and be adopted by the Water Boards.	3/22/2023		
109	Can you elaborate on the requirement to coordiante with "other utiliy agencies" in addition to storm water agencies.	3/22/2023				
110	Does the training need to be completed prior to June 5 as well?	3/22/2023				
111	Is there a template that can be made available for agencies to develop their Spill Emergency Response Plans?	3/22/2023				
112	Are owner/operated lateral overflows not cat 1 required to be reported monthly like the cat 4 spills?	3/22/2023				
113	Can you please clarify if a SSO that percolates through the ground into a groundwater table is considered a Cat. 1 spill?	3/22/2023				
114	Does the updated Spill Emergency Response Plan need to be uploaded to CIWQS? To add to that would a SSO that goes into a storm water infiltration gallery that percolates into the ground be considered spills to waters of the State?	3/22/2023				
115	Does Spill Emergency Response Plan is different documentation than SSMP?	3/22/2023				

004	Appendix D-7: Clean Water Summit Partners (FAQ)				
Q&A Reference Number	Question	Question Date	Answer	Answer Date	Relevant Links
116	In the FAQ document item 95, there is discussion of addtional reporting requirements for Category 3 spills. Will there be any updates to the reporting requirements for CAT 3 spills?	3/22/2023			
117	in our district we have lots of bio swales on private properties are these considered routes to groundwater?	3/22/2023			
118	Just to confirm, if a spill is on a private lateral who is not an enrollee, we are required to report the spill as soon as we are made aware of it as an enrollee correct?	3/22/2023			
119	When can we exepect to see the	3/22/2023			
120	updated reporting items in CIWIQS? our city do not own private sewer laterals,who would be doing the reporting?	3/22/2023			
121	Are man-made lakes considered to be surface water under the SSS permit (e.g. are they waters of the State or US)?	3/22/2023			
122	if sewer laterals are owned and maintained by the property owners and not the agency and a spill occurs from the lateral or property's clean out, would that be reported?	3/22/2023			
123	How can we confirm if a SSO to land (Cat. 2) has the potential to reach groundwater?	3/22/2023			
124	Will City workers who work on easements be protected When trying to work on overflows on easements, if not how should the overflow be reported and to who should it be reported	3/22/2023			
125	If a spill ends up in a storm station or dedicated retention basin, is that considered a cat. 1 spill?	3/22/2023			
126	Will LRO be required to select the spill category or will CIWQS do this as currently?	3/22/2023			
127	Is the state planning to post an oficial Q/A document to help Enrollees once the Reissued SSS WDR becomes effective?	3/22/2023			
128	who's responsible for private lateral spill	3/22/2023			
129	During the rainy season, are temporary ponds occuring in low lying areas or infiltration basins considered to be surface waters?	3/22/2023			
130	category 3 don't need to report for each indivisual spills during the same month, just need to totallize and submit monthly certified spill report, is that right?	3/22/2023			
131	If a private lateral has spills chronically, what can be done to enforce the necessary maintenance upon the owner?	3/22/2023			
132	What if the agency doesn't own the lateral, but provides courtesy maintenance services to the homeowner?	3/22/2023			

004	Appendix D-7: Clean Water Summit Partners (FAQ)				
Q&A Reference Number	Question	Question Date	Answer	Answer Date	Relevant Links
133	What if the resident refuses to repair their private lateral spill. And a fair amount of sewage is constantly flowing to the storm drain?	3/22/2023			
134	Where will the training videos be posted once they are available?	3/22/2023			
135	Can the required training be performed in house?	3/22/2023	Yes		
136	If a spill is 1000 gallons, but only 5 gallons reach Waters of the State, does Cal OES need to be contacted?	3/22/2023			
137	The orginization that I work for impements a spill emergency plan in our SSMP, is this excepted? or should we do a spill plan seperatly?	3/22/2023			
138	Are there any changes to Region 9 regulations in this order?	3/22/2023			
139	Although we do our own SSMP/SSMP Audits in-house, would it be helpful to others if a list of consultants is developed who can provide these services or can help develop SERPs?	3/22/2023			
140	Does the photograph of spill condition mandatory required for all the category reporting or optional on CIWQS?	3/22/2023			
141	Are the CIWQS forms field forms? Will the forms be manditory to use or can we use our existing field forms with updated info feilds?	3/22/2023	The CIWQS forms are the electronic data entry forms used to report spills in CIWQS. You can use your own forms for collecting data being mindful to collect all of the new data items you will need for CIWQS reporting.	3/22/2023	
142	Please confirm that the timing for analytical water quality monitoring for a spill of 50,000 gallons or more is that the sample collection is to be conducted within 18 hours; or does sampling AND analysis need to be conducted within 18 hours?	3/22/2023	The sampling needs to be performed with 18 hours.	3/22/2023	
143	if the City already has an ELAP-certified lab under contract for potable water quality sampling, would you consider the monitoring requirements for the SERP under that contract or do a separate contract specifically for stormwater sampling? (in which case, how would you decide the contract amount for that?)	3/22/2023			
144	Table E2-2 Lists Category 2: Spills of 1,000 gallons or greater that Do Not Discharge to Surface Waters. Within the tables notification box it states "Category 2 spill of 1,000 gallons or greater, discharging to or threatening to discharge to waters of the state" Is this correct? Wouldn't this be considered a category 1 spill if it was over 1,000 gallons and discharged to waters of the state?	3/22/2023			
145	If an agency owns the lower lateral but is not responisble for the maintenance, would we still be required to report a private spill due to roots in the lower lateral?	3/22/2023	If an agency owns a pipe, they are responsible to mainatain it	3/22/2023	
146	If my agency has four WDID but a single SSMP that covers all four agencies must I upload the SSMP four times or will just one upload work?	3/22/2023			

084	Appendix D-7: Clean Water Summit Partners (FAQ)				
Q&A Reference Number	Question	Question Date	Answer	Answer Date	Relevant Links
147	If an agency owns only a portion of the lateral but that portion is required to be maintained by the homeonwer, is that required to be reported if there is an SSO from the lateral? In addition, if yes, what if there is an SSO from a lateral, but its not determined what portion of the lateral caused the spill, would that require a spill report (possibly unable to TV because no access for a camera)?	3/22/2023			
148	Are there new requirments to be a LRO?	3/22/2023			
149	Is it typical for certain regions to require notification to other agencies besides OES? if so what other agencies?	3/22/2023			
150	What is the State's definition of a bio swale vs a stormwater infiltraion basin or facility.	3/22/2023			
151	Does the LRO need to obtain a Collection System Certificate training or does having a SWRCB Wastewater Treatment Certification suffice?	3/22/2023			
152	Which Regions require notification to Health Dept? Is there a quick reference for that?	3/22/2023			
153	I'm sorry I missed how do you know if you need to notify other agencies such as health dept? I understand it is region specific but how do we know what is specific for our region?	3/22/2023			
154	Another private lateral question that you've touched on: if the spill comes from a private lateral but is caused by the enrollee's main, that is the responsibility of the city to report?	3/22/2023			
155	But someone within the agency does need to have the collection system certification?	3/22/2023			
156	Just clarification, if a spill is 900 gallons and reaches waters of the state (not surface water), its still just a Cat 3 and doesnt require Cal Oes notification?	3/22/2023			
157	In th Order, the definition of a Cat 1 spill says: "Any spill volume not recovered from a drainage conveyance system is considered a discharge to surface water, UNLESS the drainage conveyance system discharges to a dedicated stormwater infiltration basin or facility." If the State could get clarification on this, we would appreciate it!	3/22/2023			
158	Under the new definitions, if a spill of over 1000 gallons ends up in a dry creek channel that pools up and has no expectation to contact surface water before being recovered, is that a Cat 1 or 2?	3/22/2023			
159	What is a vernal pond considered?	3/22/2023			
160	How 'threatening' is "threatening"? An immediate threat? An immediate threat if xyz?	3/22/2023			

	Appendix D-7: Clean Water Summit Partners (FAQ)				
Q&A Reference Number	Question	Question Date	Answer	Answer Date	Relevant Links
161	Do you have suggestion to calculate spilled volume that perculate through the soil? sometime you can recover some on the soil but can't retrieve everything perculate through soil.	3/22/2023			
162	If a backup into a structure is caused by a blockage in the mainline or in the agency-owned portion of the lateral, but only backs up into the toilet or bathtub, is the sewage in the toilet or bathtub considered a spill and will it need to be reported? In the same situation, what if the sewage spills onto the bathroom floor?	3/22/2023			
163	Can we consider spill volume that evaporated as part of the recovery volume?	3/22/2023			
164	Afrooz, you mentioned that earlier that bioswales are considered routes to groundwater, and thus would be threateing WOTS. However, in green infrasturcture language, a bioswale is defined as a pass through treatment system that is typically used when infiltration is not practicable on a site. I am with the OC Flood Control District and we have several infiltration and retention basins within our system; additionally we also have many private and public property which utilize bioswales. For this reason we would like to get better clarification. Not necessarily today! But at some point. Thank you!	3/22/2023			
165	Is a man-made lake or pond with standing water considered surface water? similarly is a storm water rention pond that maintains water in it constantly considered waters of the US?	3/22/2023			
166	How does the WDR apply to the thousands of private lateral spills (and the actions of their private plumbers) that constitute Cat 1 spills when the spill runs down the gutter to a nearby stormdrain?	3/22/2023			
167	For water quality sampling, are presence/absence tests appropriate for monitoring bacterial indicators?	3/22/2023			
168	In section 2.3.2, the collection of samples is specified with two bullet points separated by an 'and/or' o Am I interpreting this correctly – If the spill enters a water body through a storm drain, you sample at all four locations (or whatever is accessible/practicable?) If the spill enters a water body (not via storm drain), you sample at RSW-001, RSW-001U, and RSW-001D only o I guess I am looking for clarification on when the 'and/or' is applied.	4/19/2023			

Q&A Reference Number	Question	Question Date	Answer	Answer Date	Relevant Links
169	In the second to last paragraph of 2.2.3 it specifies 'post-spill (after the spill) compliance', does this mean the sample is collected prior to any remediation or after remediation? As I write this question, I guess it would say 'post-cleanup' if they wanted the sample after remediation.	4/19/2023			
170	I'm a data submitter; how can I know if the LRO enrolled in the new regulatory coverage?	4/19/2023			
171	For the first SSMP audit under the new order schedule (e.g. every three years instead of every two), should the SSMP be audited under the old SSMP requirements or the new?	4/26/2023			

APPENDIX E-1

Office of Emergency Services Emergency Release Follow-up Notice Reporting Form

EMERGENCY RELEASE FOLLOW - UP NOTICE REPORTING FORM

P	BUSINESS NAME FACILITY EMERGENCY CONTACT & PHONE NUMBER () -
E	INCIDENT MO DAY YR TIME OES OES (use 24 hr time) OES CONTROL NO.
C	INCIDENT ADDRESS LOCATION CITY/COMMUNITY COUNTY ZIP
	CHEMICAL OR TRADE NAME (print or type) CAS Number
	CHECK IF CHEMICAL IS LISTED IN 40 CFR 355, APPENDIX A CHECK IF RELEASE REQUIRES NOTIFI - CATION UNDER 42 U.S.C. Section 9603 (a)
	PHYSICAL STATE CONTAINED PHYSICAL STATE RELEASED QUANTITY RELEASED SOLID LIQUID GAS
	ENVIRONMENTAL CONTAMINATION AIR WATER GROUND OTHER DURATION OF RELEASE —DAYS —HOURS—MINUTES
	ACTIONS TAKEN
E	
	KNOWN OR ANTICIPATED HEALTH EFFECTS (Use the comments section for addition information) ACUTE OR IMMEDIATE (explain)
F	CHRONIC OR DELAYED (explain)
	NOTKNOWN (explain)
	ADVICE REGARDING MEDICAL ATTENTION NECESSARY FOR EXPOSED INDIVIDUALS
	COMMENTS (INDICATE SECTION (A - G) AND ITEM WITH COMMENTS OR ADDITIONAL INFORMATION)
Ļ	
	CERTIFICATION: I certify under penalty of law that I have personally examined and I am familiar with the information sub mitted and believe the sub mitted information is true, accurate, and complete. REPORTING FACILITY REPRESENTATIVE (print or type)
	SIGNATURE OF REPORTING FACILITY REPRESENTATIVE DATE:

EMERGENCY RELEASE FOLLOW-UP NOTICE REPORTING FORM INSTRUCTIONS

(This form may be reproduced, as needed)

GENERAL INFORMATION:

Chapter 6.95 of Division 20 of the California Health and Safety Code requires that written emergency release follow-up notices prepared pursuant to 42 U.S.C. § 11004, be submitted using this reporting form. Non-permitted releases of reportable quantities of Extremely Hazardous Substances (listed in 40 CFR 355, appendix A) or of chemicals that require release reporting under section 103(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 [42 U.S.C. § 9603(a)] must be reported on the form, as soon as practicable, but no later than 30 days, following a release. The written follow-up report is required in addition to the verbal notification.

BASIC INSTRUCTIONS:

- The form, when filled out, reports follow-up information required by 42 U.S.C § 11004. Ensure that all information requested by the form is provided as completely as possible.
- If the incident involves reportable releases of more than one chemical, prepare one report form for each chemical released.
- If the incident involves a series of separate releases of chemical(s) at different times, the releases should be reported on separate reporting forms.

SPECIFIC INSTRUCTIONS:

Block A: Enter the name of the business and the name and phone number of a contact person who can provide detailed facility information concerning the release.

Block B: Enter the date of the incident and the time that verbal notification was made to OES. The OES control number is provided to the caller by OES at the time verbal notification is made. Enter this control number in the space provided.

Block C: Provide information pertaining to the location where the release occurred. Include the street address, the city or community, the county and the zip code.

Block D: Provide information concerning the specific chemical that was released. Include the chemical or trade name and the Chemical Abstract Service (CAS) number. Check all categories that apply. Provide best available information on quantity, time and duration of the release.

Block E: Indicate all actions taken to respond to and contain the release as specified in 42 U.S.C. § 11004(c).

Block F: Check the categories that apply to the health effects that occurred or could result from the release. Provide an explanation or description of the effects in the space provided. Use Block H for additional comments/information if necessary to meet requirements specified in 42 U.S.C. § 11004(c).

Block G: Include information on the type of medical attention required for exposure to the chemical released. Indicate when and how this information was made available to individuals exposed and to medical personnel, if appropriate for the incident, as specified in 42 U.S.C. § 11004(c).

Block H: List any additional pertinent information.

Block I: Print or type the name of the facility representative submitting the report. Include the official signature and the date that the form was prepared.

MAIL THE COMPLETED REPORT TO:

Chemical Emergency Planning and Response Commission (CEPRC) / Local Emergency Planning Committee (LEPC) Attn: Section 304 Reports 3650 Schriever Avenue Mather, CA 95655

NOTE: Authority cited: Sections 25503, 25503.1 and 25507.1, Health and Safety Code. Reference: Sections 25503(b)(4), 25503.1, 25507.1, 25518 and 25520, Health and Safety Code.

Article 3. Minimum Standards for Area Plans

Section 2720. Proposed Area Plans.

The proposed area plan, as required by Section 25503(d) of the Health and Safety Code, shall include:

- (a) a description of the extent to which the administering agency has met the requirements of this Article, and a schedule for implementing the final area plan, by December 29, 1987, to include the provisions of Sections 2722-2736 of this Article;
- (b) provisions for integrating, in the final area plan, information from business plans submitted by handlers within the jurisdiction of an administering agency;
- (c) protocols for responses to pesticide drift exposure incidents; and
- (d) a form providing information on the elements within the area plan, substantially equivalent to the following optional model reporting form for area plans.

NOTE: Authority cited: Sections 25503 and 25517.5, Health and Safety Code, Section 12997.7, Food and Agricultural Code. Reference: Section 25503, Health and Safety Code, Section 12997.7, Food and Agricultural Code.

OPTIONAL MODEL REPORTING FORM - AREA PLAN				
CHECKLIST for AREA PLAN ELEMENT and reference section	ELEMENT ATTA CHED	ELEMENT NOT PROVIDED, JUSTIFICATION ATTACHED	PROPOSED DATE FOR COMPLETION	
SECTION 2722 - EMERGENCY RESPONSE PROCEDURES Approach, Recognition & Evaluation				
Personnel Monitoring & Decontamination Equipment Monitoring & Decontamination				
SECTION 2723 - PREEMERGENCY PLANNING Pre-incident Site Surveys Planning & Coordination				
Emergency Funding Access Disposal Facility Access				
Emergency Response Contractor Access Integrated Response Management System				
SECTION 2724 - NOTIFICATION & COORDINATION Notification & Coordination Emergency Communications				
Responsibility Matrix OES Notification				
SECTION 2725 - TRAINING Emergency Response Personnel Training Training Documentation				
Training Exercises SECTION 2726 - PUBLIC SAFETY & INFORMATION				
Site Perimeter Security Safety Procedure Information				
Information Release Responsibility Medical Notification Evacuation Plans				
SECTION 2727 - SUPPLIES AND EQUIPMENT Listing & Description				
Testing & Maintenance SECTION 2728 -INCIDENT CRITIQUE AND FOLLOWUP				

APPENDIX F-1 Spill Response Evaluation

APPENDIX F-1 EAST ORANGE COUNTY WATER DISTRICT Post Spill Response Assessment

Date of Spill:	Date of Assessment:	
Location of Spill:		
	age conveyance system that di	that results in a discharge to a surface scharges to a surface water, when the em or disposed of properly.
□ Category 2 (EOCWD Sewer) - water (spills that enter the drainage		ter that does not discharge to a surface lly captured and recovered).
		gallons and less than 1,000 gallons that nage conveyance system must be fully
☐ Category 4 (EOCWD Sewer) - A (spills that enter the drainage conve	· -	at does not discharge to a surface water tured and recovered).
□ EOCWD Lateral Spill - A EOCW lateral associated with EOCWD ow		lume that originates in a EOCWD owned
☐ Private Spill - A private spill is a lateral. Private spills are the respon		tes in a private sewer system or private
Name(s) of Employee(s):		
lnvolv	red with Spill Response □ Involve	ed with Post Response Assessment
Involv	red with Spill Response □ Involve	ed with Post Response Assessment
□ Involv	red with Spill Response □ Involve	ed with Post Response Assessment
 	, ,	ed with Post Response Assessment
 	, ,	·
······································	·	ed with Post Response Assessment
Involv	red with Spill Response □ Involve	ed with Post Response Assessment
Spill Start Time: a	m / pm Spill Stop Time:	am / pm
Total Spill Volume:	_gal Spill Calculation Meth	nodology:
Recovered Volume (Street):	gal (Drainage Conveyand	ee System):gal
Volume Discharged to Surface W	ater: gal Percent	age Recovered:%
Identify all procedures that were (Check all that Apply)	conducted during the spill eve	ent:
□ Notification	□ Containment	☐ Spill Volume Estimation
☐ Gravity Sewer Correction	☐ Pump Station Correction	□ Forcemain Correction
☐ Monitoring	□ Water Sampling	□ Cleanup □ Reporting

1.	Were all the necessary notifications made? (Yes / No)
	If not, what prevented the notifications from being made?
	Recommendations for improvement to notification procedures:
2.	Was the total spill contained within the street? (Yes / No)
	Was the total spill contained within the drainage conveyance system? (Yes / No)
	If not, could anything have been done to contain the total spill?
	Recommendations for improvement to containment procedures:
3.	Do you feel that the spill volume estimate is accurate? (Yes / No)
	How was the spill volume estimated?
	Recommendations for improvement to volume estimation procedures:
4.	How was the cause of the spill corrected?
	Recommendations for improvement to correction procedures:
5.	Was the total spill cleaned up? (Yes / No)
	Recommendations for improvement to cleanup procedures:
6.	Was water sampling required? (Yes / No)
	If so, did the sampling get done per the WDR Order requirements? (Yes / No)
	Recommendations for improvement to water sampling procedures:
7.	Was all the necessary reporting completed? (Yes / No)
	Recommendations for improvement to reporting procedures:

(Check all that Apply) □ Notification ☐ Containment ☐ Spill Volume Estimation ☐ Gravity Sewer Correction ☐ Pump Station Correction ☐ Forcemain Correction ☐ Monitoring ☐ Water Sampling ☐ Cleanup ☐ Reporting Recommendations for future training: Recommendations for changes to Spill Emergency Response Plan procedures:_____

Based on responses above, what additional office and/or field training should be conducted?

APPENDIX F-2 Annual Spill Response Evaluation

APPENDIX F-2 EAST ORANGE COUNTY WATER DISTRICT Annual Spill Response Evaluation

Calendar Year	Date of Evaluat	tion
Name(s) of Employee(s) Cond	lucting Annual Spill Response E	valuation:
		
surface water (flow or no flow)) - A spill of <u>any</u> volume of sewag) or a drainage conveyance syst fully captured and returned to the s	em that discharges to a surface
• • •	r) - A spill of 1,000 gallons or gre er the drainage conveyance syst	_
• • •	 r) - A spill equal to or greater that ge to a surface water (spills that and recovered). 	· · ·
	- A spill of less than 50 gallons the age conveyance system must be f	_
•	EOCWD lateral spill is a spill of ed with EOCWD owned buildings/	
	is a spill of any volume that origin the responsibility of the property of	
List Training Dates and Topic	s During Calendar Year	
Training Date	Training Topic	
Is additional Office and/or Fie (Check all that Apply)	ld training necessary. (Yes / No)
□ Notification	□ Containment	☐ Spill Volume Estimation
☐ Gravity Sewer Correction	☐ Pump Station Correction	☐ Forcemain Correction
☐ Monitoring	□ Water Sampling	□ Cleanup □ Reporting

Annual Spill Summary Table

						Voume		Annual Spill Summary Table	
			Cate	gory	/ 	Spill	Discharged to a	Volume	
Count	Spill Date	1	2	3	4	Volume (gallons)	Surface Water (gallons)	Recovered (gallons)	Recommendations from Assessment(s)
1						(8 7	(0)	107	
2									
3									
4									
5									
6									
7									
8									
9									
10									
11									
12									
13									
14									
15									
	Total								

Fotal Spill Volume (Discharged and Recovered)	
Percentage of Recovered Volume to Total Spill Volume (%)	

1.	Were recommendations made to improve notification procedures? (Yes / No)					
	What action was taken:					
2.	Were recommendations made to improve containment procedures (Yes / No) What action was taken:					
3.	Were recommendations made to improve spill volume estimation procedures? (Yes / No) What action was taken:					
4.	Were recommendations made to improve correction procedures (Yes / No) What action was taken:					
5.	Were recommendations made to improve cleanup procedures? (Yes / No) What action was taken:					
6.	Were recommendations made to improve water sampling procedures? (Yes / No) What action was taken:					
7.	Were recommendations made to improve reporting procedures? (Yes / No) What action was taken:					



APPENDIX D

ORDINANCE NO. 2016-1

ORDINANCE NO. 2016-01

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE EAST ORANGE COUNTY WATER DISTRICT ESTABLISHING WASTEWATER DISCHARGE REGULATIONS

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The Board of Directors of the East Orange County Water District (EOCWD) does hereby FIND:

- A. That EOCWD is required by federal and state law, including the Clean Water Act (33 U.S.C. 1251, et seq.), the General Pretreatment Regulations (40 CFR 403), and the Porter-Cologne Water Quality Control Act (Water Code Sections 13000, et seq.), to implement and enforce a program for the regulation of Wastewater discharges to EOCWD's sewers; and
- B. That EOCWD is required by federal, state, and local law to meet applicable standards of treatment plant effluent quality; and
- C. That the adoption of this Ordinance is statutorily exempt under the California Environmental Quality Act pursuant to the provisions of Public Resources Code Section 21080(b)(8) and California Code of Regulations Section 15273(a) and categorically exempt pursuant to California Code of Regulations Sections 15307 and 15308; and
- D. That pending the actions of the Local Agency Formation Commission to form Improvement District No. 1 ("ID 1") of EOCWD, activate EOCWD sewer powers and transfer the sewer collection system of Orange County Sanitation District ("OCSD") "San 7" to EOCWD, this Board of Directors, on July 21, 2016, declared its intention to retain in full force and effect in ID 1 of EOCWD, OCSD's Ordinance Establishing Wastewater Discharge Regulations, as amended from time to time; and
- E. This Board of Directors wishes at this time to adopt EOCWD wastewater discharge regulations for ID 1, which, upon becoming effective, shall be implemented in coordination with OCSD's implementation of its Ordinance Establishing Wastewater Discharge Regulations within ID 1.

NOW, THEREFORE, the Board of Directors of the East Orange County Water District does ORDAIN:

<u>Section I</u>: Wastewater Discharge Regulations governing the use of EOCWD's sewerage Facilities are hereby adopted to provide as follows:

ARTICLE 1. GENERAL PROVISIONS

101. PURPOSE AND POLICY

This ordinance sets uniform requirements for Users of EOCWD's Sewerage Facilities and enables EOCWD to comply with all applicable state and federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251, et seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations [CFR] Part 403). This Ordinance shall be interpreted in accordance with the definitions set forth in Section

- 102. The provisions of the Ordinance shall apply to the direct or indirect discharge of all liquid wastes carried to facilities of EOCWD.
 - A. The purpose of this Ordinance is to provide for the maximum public benefit from the use of EOCWD's Sewerage Facilities. This shall be accomplished by regulating sewer use and Wastewater discharges; by providing equitable distribution of costs, in compliance with applicable federal, state, and local regulations; and by supporting the proper disposal of Prescription Drugs as noted in the guidelines published by the Office of National Drug Control Policy. The revenues to be derived from the application of this Ordinance shall be used to defray all costs of providing sewerage service by EOCWD, including, but not limited to, administration, operation, monitoring, maintenance, financing, capital construction, replacement and recovery,

- and provisions for necessary reserves;
- B. This ordinance is meant to protect both EOCWD personnel who may be affected by Wastewater in the course of their employment and the general public.
- C. To comply with federal, state, and local policies and to allow EOCWD and OCSD to meet applicable standards of treatment plant effluent quality, biosolids quality, and air quality, provisions are made in this Ordinance for the regulation of Wastewater discharges to the public sewer. This Ordinance establishes quantity and quality limits on all Wastewater discharges which may adversely affect EOCWD's Sewerage System, as well as OCSD treatment processes, effluent quality, biosolids quality, air emission characteristics, or inhibit EOCWD's and/or OCSD's ability to beneficially reuse or dispose of treated Wastewater, biosolids or meet biosolids discharge criteria.
- D. It is the intent of these limits to improve the quality of Wastewater being received for treatment and to encourage water conservation and Wastewater minimization by all Users connected to a public sewer. This Ordinance also provides for regulation of the degree of Wastewater Pretreatment required, the issuance of permits for Wastewater discharge and connections and other miscellaneous permits, and establishes penalties for violation of the Ordinance.
- E. EOCWD is committed to: 1) a policy of support for Wastewater reuse through groundwater recharge; and 2) a policy for the protection of groundwater. EOCWD is also committed to help protect groundwater goals as established by various water quality and water purveyor agencies. To fulfill these commitments, EOCWD may implement more stringent quality requirements on Wastewater discharges through regulation, including revisions to this Ordinance.
- F. EOCWD is committed to a policy for the beneficial use of biosolids, the implementation of programs to land-apply or provide for the marketing and distribution of biosolids, which may necessitate more stringent quality requirements on Wastewater discharges.
- G. EOCWD is also committed to meet applicable air quality goals established by the South Coast Air Quality Management District, which may further necessitate more stringent quality requirements on Wastewater discharges.

102. <u>DEFINITIONS</u>

A. Unless otherwise defined herein, terms related to water quality shall be as adopted in the latest edition of *Standard Methods for the Examination of*

Water and Wastewater, published by the American Public Health Association, the American Water Works Association, and the Water Environment Federation.

The testing procedures for Wastewater constituents and characteristics shall be as provided in 40 CFR 136 (Code of Federal Regulations; Title 40; Protection of Environment; Chapter I, Environmental Protection Agency; Part 136, Guidelines Establishing Test Procedures for the Analyses of Pollutants), or as specified.

Other terms not herein defined shall have the same meaning as defined in the latest California Building and Construction Codes, Title 24, California Code of Regulations.

- 1. <u>Act or "the Act"</u> shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251, et seq.
- 2. <u>Approved POTW Pretreatment Program or Program or POTW Pretreatment Program</u> shall mean a program administered by a POTW that meets the criteria established in 40 CFR 403.8 and 403.9 and which has been approved by a Regional Administrator or State Director in accordance with 40 CFR 403.11.
- 3. <u>Authorized Representative or Designated Signatory</u> shall mean:
 - a) If the applicant or User is a corporation:
 - (1) The president, secretary, treasurer, or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or
 - (2) The manager of one or more manufacturing, production, or operation facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual Wastewater discharge permit requirements;

and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- b) If the applicant or User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- c) If the applicant or User is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or the designee.
- d) The individuals described in paragraphs (a) through (c) above, as Responsible Officers, may designate an Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company or organization, and the written authorization is submitted to EOCWD.
- e) An applicant or User not falling within one of the above categories must designate as the Responsible Officer an individual responsible for the overall operation of the facility. The Responsible Officer may designate an Authorized Representative.
- 4. <u>Best Management Practices (BMPs)</u> shall mean schedules of activities, prohibitions of practices, maintenance procedures, operating procedures, and practices to control spillage or leaks, treatment requirements, and other management practices to prevent or reduce pollution or to meet Article 2 standards. Such BMPs shall be considered local limits and Pretreatment Standards as stated in 40 CFR 403.5(c)(4).
- 5. <u>Biochemical Oxygen Demand (BOD)</u> shall mean a measurement of oxygen utilized by the decomposition of organic material, over a specified time period (usually 5 days) in a Wastewater sample. It is used as a measurement of the readily decomposable organic content of Wastewater.
- 6. <u>Board</u> shall mean the Board of Directors of the East Orange County Water District.
- 7. <u>Bypass</u> shall mean the intentional diversion of wastestreams from any portion of a User's treatment facility.

- 8. <u>Capital Facilities Capacity Charge</u> shall mean the payment of a fee, imposed by the governing Board of OCSD, to pay for the future costs of constructing new sewerage collection, treatment, and disposal facilities; and as a contributive share of the cost of the existing facilities. This charge shall be paid by all property owners at the time they develop the property and connect directly or indirectly to EOCWD's and OCSD's Sewerage Facilities as a new system User. This charge, which rates are set forth in a separate Ordinance, is expressly authorized by the provisions of California Health & Safety Code Sections 5471 and 5474.
- 9. Charge For Use shall mean EOCWD's sanitary sewer service charge, a charge established and levied by EOCWD upon residential, commercial, and industrial Users of EOCWD's Sewerage System, pursuant to Sections 302.6(F), or 303.6(E) of this Ordinance, in proportion to the use of the treatment works by their respective class, that provides for the recovery of the costs of operation and maintenance expenses, capital facilities rehabilitation or replacement, and adequate reserves for the POTW. The minimum charge for use is the Annual Sewer Service Fee Residential Users.
- 10. <u>Chemical Oxygen Demand (COD)</u> shall mean a measure of the oxygen required to oxidize all compounds, both organic and inorganic, in Wastewater.
- 11. Class I User shall mean any User who discharges Wastewater that:
 - a) is a Significant Industrial User; or
 - b) Is determined to have a reasonable potential for adversely affecting EOCWD's operation or for violating any Pretreatment Standard, Local Limit, or discharge requirement, or may cause Pass Through affecting EOCWD's ability to comply with its NPDES Permit or other regulations and standards; or
 - c) may cause pass through or Interference with EOCWD's and/or OCSD's Sewerage Facilities.
- 12. <u>Class II User</u> shall mean any User whose charge for use is greater than the special assessment "EOCWD Sewer User Fee" included on the County of Orange secured property tax bill exclusive of debt service, that discharges wastes other than sanitary, and that is not otherwise required to obtain a Class I permit.
- 13. Code of Federal Regulations (CFR) shall mean the codification of the

- general and permanent regulations published in the Federal Register by the executive departments and agencies of the federal government.
- 14. Compatible Pollutant shall mean a combination of biochemical oxygen demand, suspended solids, pH, fecal coliform bacteria, plus other Pollutants that OCSD's treatment facilities are designed to accept and/or remove. Compatible Pollutants are non-compatible when discharged in quantities that have an adverse effect on EOCWD's and/or OCSD's Sewerage System or NPDES permit, or when discharged in qualities or quantities violating any Federal Categorical Pretreatment Standards, local limit, or other discharge requirement.
- 15. <u>Composite Sample</u> shall mean a collection of individual samples obtained at selected intervals based on an increment of either flow or time. The resulting mixture (composite sample) forms a representative sample of the Wastestream discharged during the sample period.
- 16. <u>Connection Permit</u> shall mean a permit issued by EOCWD/OCWD, upon payment of a capital facilities capacity charge, authorizing the Permittee to connect directly to an EOCWD's and OCWD's Sewerage Facilities or to a sewer which ultimately discharges into an EOCWD's Sewerage Facilities.
- 17. <u>Department Head</u> shall mean that person duly designated by the General Manager to perform those delegated duties as specified in this Ordinance.
- 18. <u>Discharger</u> shall mean any Person who discharges or causes a discharge of Wastewater directly or indirectly to a public sewer. Discharger shall mean the same as User.
- 19. <u>District</u> shall mean the East Orange County Water District or EOCWD.
- 20. <u>Division Head</u> shall mean that person duly designated by the General Manager to implement the Pretreatment Program and perform the duties as specified in this Ordinance.
- 21. <u>Domestic Septage</u> shall mean the liquid and solid material removed from food service establishments, or a septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar treatment works that receives only domestic Wastewater.
- 22. <u>Domestic Wastewater</u> shall mean the liquid and solid waterborne wastes derived from the ordinary living processes of humans of such Character as to permit satisfactory disposal, without special treatment, into the public sewer or by means of a private disposal system.

- 23. <u>Downstream Sampling or Monitoring</u> shall mean sampling or monitoring usually conducted in a city or agency owned sewer for the purpose of determining the compliance status of an industrial or commercial Discharger.
- 24. <u>Dry Weather Urban Runoff</u> shall mean surface runoff flow that is generated from any drainage area within EOCWD's service area during a period that does not fall within the definition of Wet Weather. It is surface runoff that contains Pollutants that interfere with or prohibit the recreational use and enjoyment of public beaches or cause an environmental risk or health hazard.
- 25. <u>Enforcement Compliance Schedule Agreement (ECSA)</u> shall mean a mutual agreement between EOCWD/OCSD and Permittee requiring implementation of necessary Pretreatment practices and/or installation of equipment to ensure permit compliance.
- 26. <u>Enforcement Response Plan</u> shall mean a plan containing detailed procedures indicating how EOCWD/OCSD will investigate and respond to instances of Industrial User non-compliance in accordance with 40 CFR 403.8(f)(1) or other Users in accordance with EOCWD non- compliance procedures.
- 27. <u>EOCWD</u> shall mean East Orange County Water District.
- 28. <u>EOCWD/OCSD</u> shall mean either or both of EOCWD and OCSD acting in coordination with one another, as they shall determine.
- 29. <u>EOCWD's Sewerage Facilities or System</u> shall mean any property belonging to EOCWD used in the collection and transportation of Wastewater.
- 30. Federal Categorical Pretreatment Standards shall mean any regulation containing Pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307(b) and (c) of the Clean Water Act (33 U.S.C. 1317) which apply to a specific category of Industrial Users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- 31. <u>Federal Regulations</u> shall mean any applicable provision of the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, Title 33, United States Code, Section 1251 and following, and any regulation promulgated by the United States Environmental Protection Agency under Title 40 CFR implementing that act.

- 32. <u>Flow Monitoring Facilities</u> shall mean equipment and structures provided at a User's expense to measure, totalize, and/or record, the incoming water to the facility or the Wastewater discharged to the sewer.
- 33. <u>General Manager</u> shall mean the individual duly designated by the Board of Directors of EOCWD or the individual duly designated by Board of Directors of EOCWD to administer a provision of this Ordinance (see also Section 107).
- 34. <u>Grab Sample</u> shall mean a sample taken from a wastestream on a one-time basis without regard to the flow in the wastestream and without consideration of time.
- 35. <u>Indirect Discharge or Discharge</u> shall mean the introduction of Pollutants into a POTW from any non-domestic source regulated under section 307(b), (c) or (d) of the Act.
- 36. <u>Industrial User</u> shall mean any User that discharges Industrial Wastewater.
- 37. <u>Industrial Wastewater</u> shall mean all liquid carried wastes and Wastewater of the community, excluding domestic Wastewater and domestic septage, and shall include all Wastewater from any producing, manufacturing, processing, agricultural, or other operation.
- 38. <u>Inspector</u> shall mean a person authorized by the General Manager to inspect any existing or proposed Wastewater generation, conveyance, processing, and disposal facilities.
- 39. Instantaneous Limit (see the Maximum Allowable Discharge Limit)
- 40. <u>Interference</u> shall mean any discharge which, alone or in conjunction with a discharge or discharges from other sources, either:
 - a) inhibits or disrupts EOCWD or OCSD, either of their respective treatment processes or operations, or either of their respective biosolids processes, use, or disposal; or
 - b) is a cause of a violation of any requirement of EOCWD's WDR and/or OCSD's NPDES permit or prevents lawful biosolids or treated effluent use or disposal.
- 41. <u>LEL (Lower Explosive Limit)</u> shall mean the minimum concentration of a combustible gas or vapor in air (usually expressed in percent by volume at sea level) which will ignite if an ignition source (sufficient ignition energy) is present.

- 42. <u>Letter to Discharge</u> shall mean a letter authorizing a User to discharge to the sewer without having to obtain a Special Purpose Discharge Permit. The discharge volume is generally limited to less than 1 million gallons.
- 43. <u>Local Limit shall mean specific discharge limits developed and enforced by EOCWD and/or OCSD upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).</u>
- 44. <u>Local Sewering Agency</u> shall mean any public agency or private corporation responsible for the collection and disposal of Wastewater to OCSD's Sewerage Facilities duly authorized under the laws of the State of California to construct and/or maintain public sewers. EOCWD is a Local Sewering Agency.
- 45. <u>Major Violation</u> shall mean a discharge over the permitted discharge limit, as determined by the result of a sample analysis, as follows:
 - a) a discharge exceeding a Mass Emission Rate limit by 20% or more, or
 - b) a discharge exceeding a concentration limit by 20% or more, or
 - c) a pH discharge less than 5.0.
- 46. <u>Mass Emission Rate</u> shall mean the weight of material discharged to the sewer system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of a particular constituent or combination of constituents.
- 47. <u>Maximum Allowable Discharge Limit</u> shall mean the maximum quantity or concentration of a Pollutant allowed to be discharged at any period of time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- 48. <u>Medical Waste</u> shall mean the discharge of isolation wastes, infectious agents human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- 49. <u>Milligrams Per Liter (mg/L or mg/l)</u> shall mean a unit of the concentration of a constituent or compound that is found in water or

- Wastewater. It is 1 milligram of the constituent or compound in 1 liter of water or Wastewater.
- 50. <u>Minor Violation</u> shall mean a discharge over the permitted discharge limit as determined by the result of a sample analysis, as follows:
 - a) a discharge exceeding a Mass Emission Rate limit by less than 20%, or
 - b) a discharge exceeding a concentration limit by less than 20%, or.
 - c) a pH discharge equal to or greater than 5.0, but less than 6.0, or
 - d) a pH discharge greater than 12.0.
- 51. <u>National Pretreatment Standard, Pretreatment Standard, or Standard</u> shall mean any regulation containing Pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharges and categorical standards established pursuant to 40 CFR 403.5 and 40 CFR 403.6.
- 52. <u>North American Industry Classification System (NAICS)</u> shall mean an industry classification system that groups establishments into industries based on the activities in which they are primarily engaged.
- 53. National Pollutant Discharge Elimination System Permit (NPDES Permit) shall mean the permit issued to control the discharge to surface waters of the United States as detailed in Public Law 92 500, Section 402.
- 54. New Source shall mean those sources that are new as defined by 40 CFR 403.3(m) as revised.
- 55. <u>Non-compatible Pollutant</u> shall mean any Pollutant which is not a Compatible Pollutant as defined herein.
- 56. OCSD shall mean Orange County Sanitation District.
- 57. OCSD's Sewerage Facilities or System shall mean any property belonging to OCSD used in the collection, transportation, treatment and disposal of Wastewater.
- 58. <u>Ordinance</u> shall mean that document entitled "Wastewater Discharge Regulations" containing EOCWD requirements, conditions, and limits

- for connecting and discharging to the sewer system, as may be amended and modified.
- 59. <u>pH</u> shall mean both acidity and alkalinity on a scale ranging from 0 to 14 where 7 represents neutrality, numbers less than 7 increasing acidity, and more than 7 increasing alkalinity, and is the logarithm of the reciprocal of the quantity of hydrogen ions in moles per liter of solution.
- 60. <u>Pass Through</u> shall mean discharge through OCSD's Sewerage Facilities to Waters of the U.S. which, alone or in conjunction with discharges from other sources, is a cause of a violation of OCSD's NPDES permit.
- 61. <u>Permittee</u> shall mean a Person who has received a permit to discharge Wastewater into EOCWD's Sewerage Facilities subject to the requirements and conditions established by EOCWD.
- 62. <u>Person</u> shall mean any individual, partnership, co-partnership, company, firm, association, corporation or public agency, joint stock company, trust, estate, or any other legal entity; or their legal representatives, agents, assigns, including all federal, state, and local governmental entities.
- 63. Pesticides shall mean those compounds classified as such under federal or state law or regulations including, but not limited to DDT (dichlorodiphenyltrichloro-ethane, both isomers); DDE DDD (dichlorodiphenyl-ethylene); (dichlorodiphenyldichloroethane); aldrin, benzene hexachloride (alpha [α], beta [β], and gamma [γ] 2,3,7,8isomers): chlordane: endrin; endrin aldehyde; tetrachlorodibenzo-p-dioxin (TCDD); toxaphene; α-endosulfan; βendosulfan; endosulfan sulfate; heptachlor; heptachlor epoxide; dieldrin; demeton; guthion; malathion; methoxychlor; mirex; and parathion.
- 64. <u>Pollutant</u> shall mean any constituent, compound, or characteristic of Wastewaters on which a discharge limit or requirement may be imposed either by EOCWD or the regulatory bodies empowered to regulate EOCWD.
- 65. <u>Polychlorinated Biphenyls (PCB)</u> shall mean those compounds classified as such under federal or state law including, but not limited to Aroclors 1016, 1221, 1228, 1232, 1242, 1248, 1254, 1260, and 1262.
- 66. <u>Pretreatment shall mean the reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutant</u>

- properties in Wastewater to a level authorized by EOCWD prior to, or in lieu of, discharge of the Wastewater into EOCWD's Sewerage System. The reduction or alteration can be obtained by physical, chemical or biological processes, by process changes, or by other means.
- 67. <u>Pretreatment Facility</u> shall mean any works or devices that the General Manager determines are appropriate to treat, restrict, or prevent the flow of Industrial Wastewater prior to discharge into a public sewer.
- 68. <u>Pretreatment Requirements</u> shall mean any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.
- 69. <u>Priority Pollutants</u> shall mean the most recently adopted list of toxic Pollutants identified and listed by EPA as having the greatest environmental impact. They are classified as Non-compatible Pollutants and may require Pretreatment prior to discharge to prevent:
 - a) Interference with EOCWD's and/or OCSD's operation; or
 - b) biosolids contamination; or
 - c) Pass Through into receiving waters or into the atmosphere.
- 70. <u>Public Agency</u> shall mean the State of California and any city, county, district, other local authority or public body of or within this state.
- 71. Public Sewer shall mean a sewer owned and operated by EOCWD.
- 72. Publicly Owned Treatment Works or POTW shall mean a treatment works as defined by section 212 of the Act, which is owned by a state or municipality (as defined by section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal Sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey Wastewater to a POTW Treatment Plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.
- 73. RCRA shall mean Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901, et seq.) and as amended.

- 74. Regulatory Agencies shall mean those agencies having jurisdiction over the operation of EOCWD including, but not limited to, the following:
 - a) United States Environmental Protection Agency, Region IX, San Francisco and Washington, DC (EPA).
 - b) California State Water Resources Control Board (SWRCB).
 - c) California Regional Water Quality Control Board, Santa Ana Region (RWQCB).
 - d) South Coast Air Quality Management District (SCAQMD).
 - e) California Environmental Protection Agency (Cal-EPA).
- 75. Regulatory Compliance Schedule Agreement (RCSA) shall mean an agreement between EOCWD/OCSD and Permittee requiring the Permittee to implement Pretreatment practices and/or install equipment to ensure compliance with future revised categorical Pretreatment Standards or revised discharge limits.
- 76. Responsible Officer shall mean:
 - a) If the applicant or User is a corporation:
 - (1) The president, secretary, treasurer, or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or
 - The manager of one or more manufacturing, production, (2) or operation facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual Wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- b) If the applicant or User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- c) If the applicant or User is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or the designee.
- d) An applicant or User not falling within one of the above categories must designate as the Responsible Officer an individual responsible for the overall operation of the facility.
- 77. <u>Sample Point shall mean a location accepted by EOCWD/OCSD, from which Wastewater can be collected that is representative in content and consistency of the entire flow of Wastewater being sampled.</u>
- 78. <u>Sampling Facilities</u> shall mean structure(s) provided at a User's expense for EOCWD/OCSD or User to measure and record Wastewater constituent mass, concentrations, collect a representative sample, or provide access to plug or terminate the discharge.
- 79. <u>Sanitary Waste</u> shall mean domestic Wastewater, human excrement, and gray water (e.g., water from household showers, dishwashing operations, etc.).
- 80. <u>Septic Waste</u> shall mean any Sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- 81. <u>Service Area</u> shall mean an area for which EOCWD has agreed to provide sewer service.
- 82. Sewage shall mean Wastewater.
- 83. <u>Sewerage Facilities or System</u> shall mean any and all facilities owned by EOCWD and used for the collection and conveyance of Wastewater.
- 84. Significant Industrial User, except as provided in 40 CFR 403.3 (v)(2) and (v)(3), shall mean: (i) All Industrial Users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and (ii) Any other Industrial User that: discharges an average of 25,000 gallons per day or more of process Wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown Wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW Treatment plant; or is designated as such by EOCWD/OCSD on the basis that the Industrial User has a reasonable

- potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement (in accordance with 40 CFR 403.8(f)(6)).
- 85. <u>Significant Non-Compliance (SNC)</u> shall mean the compliance status of an Industrial User who is in violation of one or more of the criteria as described in 40 CFR 403.8(f)(2)(viii).
- 86. <u>Slug Load or Slug Discharge</u> shall mean any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 201 of this Ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits, or Permit conditions.
- 87. <u>Sludge shall</u> mean any solid, semi-solid or liquid decant, subnate or supernate from a manufacturing process, utility service, or Pretreatment Facility.
- 88. <u>Special Assessment Credit</u> shall mean the portion of the secured property tax bill that represents the regional special assessment sewer User fee as defined by OCSD or EOCWD.
- 89. <u>Special Purpose User</u> shall mean any Discharger who is granted a Special Purpose Discharge Permit by EOCWD to discharge unpolluted water, storm runoff, or groundwater to EOCWD's Sewerage Facilities.
- 90. <u>Spent Solutions</u> shall mean any concentrated Industrial Wastewater or Wastewater that is not authorized to be discharged to a Sewage facility until appropriately treated.
- 91. <u>Spill Containment</u> shall mean a protection system installed by the Permittee to prohibit the discharge to the sewer of non-compatible Pollutants.
- 92. <u>Standard Methods</u> shall mean procedures described in the current edition of *Standard Methods for the Examination of Water and Wastewater*, as published by the American Public Health Association, the American Water Works Association and Water Pollution Control Federation.
- 93. <u>Suspended Solids</u> shall mean any insoluble material contained as a component of Wastewater and capable of separation from the liquid portion of said Wastewater by laboratory filtration as determined by the

- appropriate testing procedure and expressed in terms of milligrams per liter.
- 94. <u>Total Organic Carbon (TOC)</u> shall mean the measure of total organic carbon in mg/L using heat, oxygen, ultraviolet irradiation, chemical oxidants, or combinations of these oxidants that convert organic carbon to carbon dioxide, rounded to two significant figures. As such, Total Toxic Organics is a subset of TOC.
- 95. <u>Total Toxic Organics (TTO)</u> shall mean the summation of all quantifiable values greater than 0.01 milligrams per liter for the organics regulated by the EPA or EOCWD/OCWD for a specific industrial category.
- 96. <u>Unpolluted Water</u> shall mean water to which no Pollutant has been added either intentionally or accidentally.
- 97. <u>User</u> shall mean any Person who discharges or causes a discharge of Wastewater directly or indirectly to a public sewer. User shall mean the same as Discharger. User includes Industrial Users as a type of User.
- 98. Waste-Tracking Form shall mean that receipt which is retained by the generator of hazardous wastes as required by the State of California or the United States Government pursuant to RCRA, or the California Hazardous Materials Act, or that receipt which is retained by the generator for recyclable wastes or liquid non- hazardous wastes as required by EOCWD/OCSD. The Waste-Tracking Form is typically known as a "waste manifest."
- 99. <u>Wastehauler</u> shall mean any Person carrying on or engaging in vehicular transport of brine, domestic septage (except the SAWPA Sewer Service Area in compliance with the 1996 OCSD/SAWPA Agreement), or Wastewater as part of, or incidental to, any business for the purpose of discharging directly or indirectly said Wastewater into OCSD's Sewerage System.
- 100. <u>Wastewater</u> shall mean the liquid and water-carried wastes of the community and all constituents thereof, whether treated or untreated, discharged into or permitted to enter a public sewer.
- 101. <u>Wastewater Constituents and Characteristics</u> shall mean the individual chemical, physical, bacteriological, and radiological parameters, including volume and flow rate and such other parameters that serve to define, classify or measure the quality and quantity of Wastewater.

- 102. Wet Weather shall mean any period of time during which measurable rainfall occurs within EOCWD's service area. This period shall include the time following the cessation of rainfall until EOCWD/OCSD determines that the wet weather event is no longer impacting EOCWD or OCSD's Sewerage System.
- 103. Working Day shall mean the period of time during which production or operation is taking place or any period during which discharge to the sewer is occurring.
- 104. <u>Zero Discharge Certification</u> shall mean a control mechanism that is issued by EOCWD and/or OCSD to insure that specific facilities are not discharging a Pollutant(s) that may otherwise qualify the facility for a discharge permit.
- B. Words used in this Ordinance in the singular may include the plural and the plural the singular. Terms used in the masculine form shall include feminine, and terms used in the feminine form shall include masculine.

103. CONFIDENTIAL INFORMATION

All user information and data on file with EOCWD shall be available to the public and governmental agencies without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of EOCWD that the release of such information would divulge information, processes or methods which would be detrimental to the User's competitive position. The demonstration of the need for confidentiality made by the Permittee must meet the burden necessary for withholding such information from the general public under applicable state and federal law. Any such claim must be made at the time of submittal of the information by marking the submittal "Confidential Business Information" on each page containing such information.

Information which is demonstrated to be confidential shall not be transmitted to anyone other than a governmental agency without prior notification to the User. Wastewater constituents and characteristics and other effluent data, as defined in 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public.

104. SALE OR CHANGE OF OWNERSHIP

A. Permits issued under this Ordinance are for a specific User, for a specific operation at a specific location or for a specific Wastehauler, and create no vested rights. Notwithstanding 104.C, the existing permit will be terminated

upon sale or change of ownership.

- B. No permit may be transferred to allow a discharge to a public sewer from a point other than the location for which the permit was originally issued.
- C. When the permittee is a legal entity (such as a corporation, partnership, limited liability company, or other legal entity), the permittee is deemed to have undergone a change of ownership when any other legal entity or person acquires direct or indirect ownership or control of more than fifty percent (50%) of the total ownership interest in the permittee.
- D. At least thirty (30) days prior to the sale or change of ownership of any business operating under a permit issued by EOCWD or OCSD, the Permittee shall notify EOCWD in writing of the proposed sale or change of ownership. The successor owner shall apply to EOCWD for a new permit at least fifteen (15) days prior to the sale or change of ownership in accordance with the provisions of this Ordinance. A successor owner shall not discharge any Wastewater for which a permit is required by this Ordinance until a new permit is issued by EOCWD to the successor owner.

E.

The written notification of intended sale or change of ownership shall be in a form approved by EOCWD/OCSD and shall include a written certification by the new owner or Authorized Representative, which shall include as a minimum:

- 1. the specific date on which the sale or change of ownership is to occur; and
- 2. an acknowledgement to comply fully with all the terms, conditions, limits, and provisions of this Ordinance and the new permit.

105. RESERVED

106. AUTHORITY

A. EOCWD is regulated by several agencies of the United States Government and the State of California, pursuant to the provisions of federal and state Law. Federal and state laws grant to EOCWD the authority to regulate and/or prohibit, by the adoption of ordinances or resolutions, and by issuance of discharge certifications, or discharge permits, the discharge of any Wastewater, directly or indirectly, to EOCWD's Sewerage Facilities. Said authority includes the right to establish limits, conditions, and prohibitions; to establish flow rates or prohibit flows discharged to EOCWD's Sewerage Facilities; to require the development of compliance schedules for the installation of equipment systems and materials by all Users; and to take all actions necessary to enforce its authority including implementation of the

Enforcement Response Plan, whether within or outside EOCWD's boundaries, including those Users that are tributary to EOCWD or within areas for which EOCWD has contracted to provide sewerage services.

B. EOCWD has the authority pursuant to California Health and Safety Codes 5471 and 5474 to prescribe, revise, and collect all fees and charges for services and facilities furnished by EOCWD either within or without its territorial limits.

107. DELEGATION OF AUTHORITY

Whenever any power is granted to or a duty is imposed upon the General Manager, the power may be exercised or the duty may be performed by any person so authorized by the General Manager.

108. SIGNATORY REQUIREMENTS

Reports and permit applications required by this Ordinance shall contain the following certification statement:

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

The statement shall be signed by an authorized representative of the Industrial User as defined in 40 CFR 403.12(I) or as defined and designated by EOCWD.

109. RECORD KEEPING REQUIREMENTS

Any User subject to EOCWD's reporting requirements shall maintain and make available for inspection and copying records of all information obtained pursuant to, or resulting from, any monitoring activities required by EOCWD, including documentation associated with Best Management Practices, and any additional records or information obtained pursuant to monitoring activities undertaken by the User independent of such requirements. Such records shall include information as shown in 40 CFR 403.12(o)(1) and (2). These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or EOCWD, or where the User has been specifically notified of a longer retention period by the General Manager.

ARTICLE 2. GENERAL PROHIBITIONS, LIMITS AND REQUIREMENTS FOR DISCHARGE

201. PROHIBITED DISCHARGES

These prohibitions apply to all Users of EOCWD's Sewerage Facilities whether or not they are subject to Federal Categorical Pretreatment Standards or any other national, state, or local Pretreatment Standards or requirements.

General Prohibitions.

- No User shall introduce or cause to be introduced into EOCWD's Sewerage Facilities any Pollutant, Wastewater, or flow which causes Pass Through or Interference or would cause EOCWD to violate any federal, state, or local regulatory requirement.
- No User shall increase the contribution of flow, Pollutants, or change the nature of Pollutants where such contribution or change does not meet applicable standards and requirements or where such contribution would cause EOCWD to violate any federal, state, or local regulatory permit.
- 3. No Person shall transport Wastewater from one location or facility to another for the purpose of treating or discharging it directly or indirectly to EOCWD's Sewerage Facilities without written permission from EOCWD.
- 4. No Person shall deliver by vehicular transport, rail car, or dedicated pipeline, directly or indirectly to EOCWD's Sewerage Facilities, Wastewater which contains any substance that is defined as a hazardous waste by the Regulatory Agencies.
- B. Specific Prohibitions. No User shall introduce or cause to be introduced into the Sewerage Facilities, any Pollutant, substance, or Wastewater which:
 - Creates a fire or explosive hazard in the Sewerage Facilities including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Centigrade) using the test methods specified in 40 CFR 261.21; or produces a gaseous mixture that is 10% or greater of the lower explosive limit (LEL).
 - 2. Causes obstruction to the flow in the Sewerage Facilities resulting in interference or damage to the Sewerage Facilities.

- 3. Produces noxious or malodorous liquids, gases, solids, or other Wastewater which, either singly or by interaction with other Wastes, is sufficient to create a public nuisance or a hazard to life, or to prevent entry into the Sewerage Facilities for maintenance or repair.
- 4. Results in toxic gases, vapors, or fumes within the Sewerage Facilities in a quantity that may cause acute worker health and safety problems.
- 5. Contains any radioactive Wastes or isotopes except in compliance with applicable regulations from other governmental agencies empowered to regulate the use of radioactive materials.
- 6. Causes, alone or in conjunction with other sources, EOCWD's treatment plant effluent to fail a toxicity test.
- 7. Causes EOCWD's effluent or any other product of the treatment process, residues, biosolids, or scums, to be unsuitable for reclamation, reuse or disposal. Examples of items which may cause these conditions include, but are not limited, to food packaging, product containers, and non-dispersible products.
- 8. Causes discoloration or any other condition which affects the quality of EOCWD's influent or effluent in such a manner that inhibits EOCWD's ability to meet receiving water quality, biosolids quality, or air quality requirements established by Regulatory Agencies.
- 9. Creates excessive foaming in the Sewerage Facilities.
- 10. Violates any applicable Federal Categorical Pretreatment Standards, statute, regulation, or ordinance of any public agency or Regulatory Agency having jurisdiction over the operation of or discharge of Wastewater through the Sewerage Facilities.
- 11. Has a temperature higher than 140 degrees Fahrenheit, (60 degrees Centigrade), or which causes the temperature at the treatment plant to exceed 104 degrees Fahrenheit (40 degrees Centigrade).
- 12. Has a pH less than 6.0 or greater than 12.0.
- 13. Causes corrosion, fouling, occlusion, or damage to the POTW beyond normal wear and tear.

- 14. Is released in a discharge at a flow rate and/or Pollutant concentration (including oxygen-demanding Pollutant (BOD, etc.)) which will cause interference with EOCWD's Sewerage Facilities.
- 15. Is in excess of the permitted OCSD Mass Emission Rates established in accordance with Section 213, or the concentration limits set forth in Table 1, or the discharge permit.
- 16. Contains material which will readily settle or cause an obstruction to flow in the Sewerage Facilities resulting in interference, such as, but not limited to, sand, mud, glass, metal filings, diatomaceous earth, cat litter, asphalt, wood, bones, hair, fleshings, food packaging, product containers, and non-dispersible products.
- 17. Includes petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or Pass Through.
- 18. Causes the Orange County Water District Groundwater Replenishment System product water to exceed its TOC limit of 0.5 mg/L.

202. PROHIBITION ON DILUTION

No User shall increase the use of water or in any other manner attempt to dilute a discharge as a partial or complete substitute for treatment to achieve compliance with this Ordinance and the User's permit or to establish an artificially high flow rate for permit Mass Emission Rates.

203. PROHIBITION ON SURFACE RUNOFF AND GROUNDWATER

- A. No Person shall discharge groundwater, surface runoff, or subsurface drainage directly or indirectly to EOCWD's Sewerage Facilities except as provided herein. Pursuant to Section 304 or 305, et seq., EOCWD may approve the discharge of such water only when no alternate method of disposal is reasonably available or to mitigate an environmental risk or health hazard.
- B. The discharge of such waters shall require a Dry Weather Urban Runoff Discharge Permit or a Special Purpose Discharge Permit from EOCWD and OCSD.
- C. If a permit is granted for the discharge of such water into a Public Sewer, the User shall pay all applicable charges and shall meet such other conditions as required by EOCWD and OCSD.

204. PROHIBITION ON UNPOLLUTED WATER

- A. No Person shall discharge unpolluted water such as single pass cooling water directly or indirectly to EOCWD's Sewerage Facilities except as provided herein. Pursuant to Section 305, et seq., EOCWD may approve the discharge of such water only when no alternate method of disposal or reuse is reasonably available or to mitigate an environmental risk or health hazard.
- B. The discharge of such waters shall require a Special Purpose Discharge Permit from EOCWD/OCSD.
- C. If a permit is granted for the discharge of such water into a public sewer, the User shall pay all applicable charges and shall meet such other conditions as required by EOCWD/OCSD.

205. PROHIBITION ON SLUG DISCHARGES AND NOTIFICATION REQUIREMENT

EOCWD has the right to control slug discharges, if it is determined to be necessary. All Significant Industrial Users are required to notify EOCWD immediately of any changes at their facilities that could affect the potential for a slug discharge.

206. PROHIBITION ON THE USE OF GRINDERS

- A. Waste from industrial or commercial grinders shall not be discharged into a Public Sewer, except wastes generated in packing or preparing food or food products. Such grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the Public Sewer.
- B. Waste from Food Service Establishments operating a grinder is prohibited and shall not be discharged into a Public Sewer unless written authorization from the General Manager is obtained.

207. PROHIBITION ON POINT OF DISCHARGE

No Person, except Local Sewering Agencies involved in maintenance functions of sanitary sewer facilities, shall discharge any Wastewater directly into a manhole or other opening in a sewer other than through an approved building sewer, unless approved by EOCWD upon written application by the User and payment of the applicable fees and charges established therefor.

208. HAZARDOUS WASTE DISCHARGE NOTIFICATION REQUIREMENT

Any User that discharges any hazardous waste into the Sewerage System shall notify EOCWD immediately as required by 40 CFR 403.12(p).

209. PROHIBITION ON MEDICAL WASTE

- A. No solid Wastes consisting of, but not limited to, hypodermic needles, syringes, instruments, utensils or other paper and plastic items from hospitals, clinics, offices of medical doctors, convalescent homes, medical laboratories or other medical facilities shall be discharged to the Sewerage System, unless prior written approval for such discharges has been granted by the General Manager.
- B. EOCWD shall have the authority to require that any discharge of etiologic agents or infectious agents or substances to the Sewerage System be rendered inactive and noninfectious prior to discharge if the infectious Waste is deemed to pose a threat to the public health and safety, or can become an etiologic agent subsequent to discharge to the Sewerage System, or will result in any violation of applicable Wastewater discharge requirements.
- C. No unused, unwanted, or expired pharmaceuticals (both over the counter and prescription-only medications) shall be disposed of in the Sewerage System, except in accordance with federal and state regulations, or in the absence of such regulations, using Best Management Practices.

210. PROHIBITION ON DISPOSAL OF SPENT SOLUTIONS AND SLUDGES

Spent solutions, sludges, and materials of quantity or quality in violation of, or prohibited by this Ordinance, or any permit issued under this Ordinance must be disposed of in compliance with all regulatory requirements at a permitted point of disposal as defined by EOCWD/OCSD or Regulatory Agency with jurisdiction thereof.

If the point of disposal is at an OCSD-permitted treatment facility, all Waste-Tracking Forms shall be retained for a minimum of three years by the facility and Wastehauler of said Wastewater, and made available for copying for review upon request.

211. RESERVED

212. MASS EMISSION RATE DETERMINATION

A. Mass Emission Rates for non-compatible or Compatible Pollutants that are present or anticipated in the User's Wastewater discharge may be set for each User and made an applicable part of each User's permit. These rates shall be based on Table 1, Maximum Allowable Local Discharge Limits, or Federal Categorical Pretreatment Standards, and the User's average daily Wastewater discharge for the past three years, the most recent representative data, or other data acceptable to the General Manager.

- B. To verify the User's operating data, EOCWD may require the User to submit an inventory of all Wastewater streams and/or records indicating production rates.
- C. EOCWD may revise limits or Mass Emission Rates previously established in the discharger's permit at any time, based on: current or anticipated operating data of the discharger or EOCWD; EOCWD's ability to meet NPDES limits; or changes in the requirements of Regulatory Agencies.
- D. The excess use of water to establish an artificially high flow rate for Mass Emission Rate determination is prohibited.

213. MAXIMUM ALLOWABLE LOCAL DISCHARGE LIMITS

EOCWD's and OCSD's Maximum Allowable Local Discharge Limits are shown in Table 1 below.

TABLE 1

MESTIC DISCHARGE LIMITS(1)				
MILLIGRAMS/LITER				
1.0				
Mass ⁽³⁾				
2.0				
Mass ⁽³⁾				
1.0				
20.0				
3.0				
5.0				
2.0				
0.03				
2.3				
10.0				
0.01				
100.0				
0.01				
3.9				
15.0				
0.5				
5.0				
10.0				
MAXIMUM ALLOWABLE DISCHARGE LIMITS FOR WASTEHAULERS DISCHARGING DOMESTIC SEPTAGE TO THE EOCWD WASTEHAULER STATION				
MILLIGRAMS/LITER				
1.0				
35.0				
25.0				
10.0				

Nickel	10.0
Zinc	50.0

⁽¹⁾ Users subject to Federal Categorical Pretreatment Standards may be required to meet more stringent limits.

^{(2) 1,4-}dioxane is also known as "p-dioxane."

⁽³⁾ BOD and ammonia mass discharged will be tracked by OCSD and Users. It is the Permittee's responsibility to report the intended technically-based mass use to OCSD.

^{(4) &}quot;Oil and Grease of Mineral or Petroleum Origin" is also known as "Petroleum Oil and Grease as Silica Gel Treated n-Hexane Extractable Material" or "SGT-HEM Non-Polar Material."

ARTICLE 3. DISCHARGE PERMITS, CERTIFICATIONS, CHARGES, AND FEES

301. INTRODUCTION

- A. To provide the maximum public benefit from the use of EOCWD's and OCSD's Sewerage Facilities, written authorization to use said facilities is required. This written authorization shall be in the form of a discharge permit or certification. No vested right shall be given by issuance of permits or certifications provided for in this Ordinance. EOCWD/OCSD reserves the right to establish, by Ordinance regulation, or in Wastewater Discharge Permits or certifications, more stringent standards or requirements on discharges to EOCWD Sewerage Facilities if deemed by the General Manager appropriate to comply with this Ordinance and the requirements of Regulatory Agencies.
- B. The discharge permit shall be in one of five forms and is dependent upon the type of discharger, volume, and characteristics of discharge. The five discharge permits are:
 - 1. Class I Wastewater Discharge Permit.
 - Class II Wastewater Discharge Permit.
 - 3. Dry Weather Urban Runoff Discharge Permit.
 - 4. Special Purpose Discharge Permit.
- C. The Discharge Certification is issued to those Users that are discharging regulated Wastewater but are not otherwise required to obtain a discharge permit.
- D. The Zero Discharge Certification is issued to certify that a particular Pollutant or process is not used or discharged to EOCWD and/or OCSD, even though regulated process Wastewater may still be generated on-site and eventually wastehauled or otherwise eliminated. Such a facility does not require a discharge permit, but may require a Zero Discharge Certification.
- **E**. A permit issued under OCSD's Wastewater Discharge Ordinance shall be valid under this Ordinance.

302. CLASS I WASTEWATER DISCHARGE PERMITS

- A. No User requiring a Class I permit shall discharge Wastewater without obtaining a Class I Wastewater Discharge Permit.
- B. Class I Wastewater Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other regulations, charges for use, and fees established by OCSD. The conditions of Wastewater Discharge Permits shall be enforced by OCSD in accordance with this Ordinance and applicable state and federal regulations.
- C. All Class I Users proposing to discharge directly or indirectly into the EOCWD and OCSD Sewerage Facilities shall obtain a Wastewater Discharge Permit by filing an application pursuant to Section ARTICLE 2 and paying the applicable fees pursuant to Section 302.3. For purposes of this Ordinance, a Class I User is any User:
 - 1. Subject to Federal Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; or
 - 2. That discharges an average of 25,000 gallons per day or more of process Wastewater to the EOCWD System and the OCSD POTW (excluding sanitary, noncontact cooling and boiler blowdown Wastewater); or
 - 3. Contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the EOCWD system and/or the OCSD POTW; or
 - 4. That is designated as such by EOCWD/OCSD on the basis that the Industrial User has a reasonable potential for adversely affecting the EOCWD System and/or OCSD's POTW operation or for violating any Pretreatment Standard, local limit or requirement (in accordance with 40 CFR 403.8(f)(6)); or
 - 5. That may cause Pass Through affecting OCSD's ability to comply with its NPDES Permit or other regulations and standards; or
 - 6. That may cause Interference with OCSD's Sewerage Facilities.

302.1 Class I Wastewater Discharge Permit Application

- A. Any User required to obtain a Class I Wastewater Discharge Permit shall complete and file with OCSD, prior to commencing discharge, an application on the form prescribed by OCSD. The applicant shall submit, in units and terms appropriate for evaluation, the following information:
 - 1. Name, address, assessor's parcel number(s), NAICS number(s), description of the manufacturing process or service activity.

- 2. (Whichever is applicable) name, address of any and all principals/owners/major shareholders of company; Articles of Incorporation; most recent Report of the Secretary of State; Business License.
- 3. Volume of Wastewater to be discharged.
- 4. Name of individual who can be served with notices other than officers of corporation.
- 5. Name and address of property owner, landlord and/or manager of the property.
- 6. Water supplier and water account numbers.
- 7. Wastewater constituents and characteristics as required by OCSD, including, but not limited to, those mentioned in Section 213, Mass Emission Rate Determination, and Table 1, Local Discharge Limits, of this Ordinance. These constituents and characteristics shall be determined by a laboratory selected by the discharger and acceptable to OCSD.
- 8. Time and duration of discharge.
- 9. Number of employees per shift and hours of work per employee per day for each shift.
- 10. Waste minimization, best management practices, and water conservation practices.
- 11. Production records, if applicable.
- 12. Waste-Tracking Forms, if applicable.
- 13. Landscaped area in square feet, if applicable.
- 14. Tons of cooling tower capacity, if applicable.
- 15. EPA Hazardous Waste Generator Number, if applicable.
- 16. Any other information as specified.
- B. Applicants may be required to submit site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, spill containment, clarifiers, Pretreatment equipment, and appurtenances by size, location, and elevation for evaluation.

- C. Applicants may also be required to submit information related to the applicant's business operations, processes, and potential discharge as may be requested by OCSD to properly evaluate the permit application.
- D. After evaluation of the data, OCSD may issue a Wastewater Discharge Permit, subject to terms and conditions set forth in this Ordinance and as otherwise determined by the OCSD General Manager to be appropriate to protect EOCWD's and OCSD's Sewerage Facilities.
- E. The permit application may be denied if the applicant fails to establish to OCSD's satisfaction that adequate Pretreatment equipment is included within the applicant's plans to ensure that the discharge limits will be met or if the applicant has, in the past, demonstrated an inability to comply with applicable discharge limits.
- F. The permit application may be denied if the applicant has in the past demonstrated an inability to keep current with OCSD invoices for items such as Permit Fees, Non-Compliance Resampling Fees, Civil Penalties, Administrative Civil Penalties, Charges for Use, and Supplemental Capital Facilities Capacity Charges.

302.2 Class I Permit Conditions, and Limits

- A. A Class I permit shall contain all of the following conditions or limits:
 - Mass Emission Rates and concentration limits regulating noncompatible Pollutants.
 - 2. Requirements to notify OCSD in writing prior to modification to processes or operations through which Industrial Wastewater may be produced.
 - 3. Location of the User's on-site sampling point.
 - 4. Requirements for submission of self-monitoring reports, technical reports, production data, discharge reports, compliance with Pretreatment Standards, BMP-based Categorical Pretreatment Standards and/or local limits, and/or Waste-Tracking Forms.
 - 5. Requirements for maintaining, for a minimum of three (3) years, plant records relating to Wastewater discharge, and Waste-Tracking Forms as specified by OCSD.
 - 6. Requirements to submit copies of tax and water bills.
- B. A Class I permit may contain any of the following conditions and/or limits:

- 1. Requirements for the User to construct and maintain, at his own expense, appropriate Pretreatment equipment, pH control, Flow Monitoring Facilities, and sampling facilities.
- 2. Limits on rate and time of discharge or requirements for flow regulation and equalization.
- 3. Requirements to self-monitor.
- 4. Assumed values for BOD and suspended solids characteristics that typify the Discharger's effluent for determination of the charge for use.
- 5. Other terms and conditions which may be appropriate to ensure compliance with this Ordinance or determined by the General Manager to be appropriate to protect OCSD's Sewerage System.

302.3 Class I Permit Fee

- A. The Class I permit fee shall be in an amount adopted by Ordinance of the Board of Directors. The permit fee shall be payable at the time a permit application is submitted for the issuance of a new permit or a renewed permit. Payment of permit fees must be received by OCSD prior to issuance of either a new permit or a renewed permit. Permittee shall also pay any delinquent invoices in full prior to permit renewal.
- B. Any permit issued for a location wherein the Permittee is not the property owner may be conditioned upon depositing financial security to guarantee payment of all annual fees and charges to be incurred, in accordance with the provisions of Section 623.(E) of this Ordinance.

302.4 Class I Permit Modification of Terms and Conditions

- A. The terms and conditions of an issued permit may be subject to modification and change in the sole determination by the General Manager during the life of the permit based on:
 - 1. The Discharger's current or anticipated operating data;
 - OCSD's current or anticipated operating data;
 - 3. Changes in the requirements of Regulatory Agencies which affect EOCWD and/or OCSD; or
 - 4. A determination by the General Manager that such modification is appropriate to further the objectives of this Ordinance.

- B. New source indirect Dischargers shall be required to install and start up any necessary pollution control equipment before beginning discharge, and comply with applicable Federal Categorical Pretreatment Standards not toexceed thirty (30) days after the commencement of discharge.
- C. Permittee may request a modification to the terms and conditions of an issued permit. The request shall be in writing stating the requested change, and the reasons for the change. OCSD shall review the request, make a determination on the request, and respond in writing.
- D. Permittee shall be informed of any change in the permit limitations, conditions, or requirements at least forty-five (45) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

302.5 Class I Permit Duration and Renewal

Class I permits shall normally be issued for a period not to exceed four (4) years. At least forty-five (45) days prior to the expiration of the permit, the User shall apply for renewal of the permit in accordance with the provisions of this Article 3.

302.6 Class I Permit Charge for Use

- A. The purpose of a charge for use is to ensure that each recipient of sewerage service from OCSD pays its reasonably proportionate share of all the costs of providing that sewerage service. Charges for use to recover the cost of conveying, treating, and disposing of Sewage in OCSD's Sewerage Facilities are exclusive of any fees levied by EOCWD. The charge for use shall be based on the total maintenance, operation, capital expenditures, and reserve requirements for providing Wastewater collection, treatment, and disposal.
- B. A Discharger who is issued a Class I Wastewater Discharge Permit under the provisions of this Ordinance shall pay a charge for use in accordance with the formula contained herein and the unit charge rates adopted by Ordinance of the Board of Directors. These fees shall be invoiced on a quarterly basis. The quarterly invoice shall be based upon an estimate of the annual use as determined by OCSD. OCSD shall compute the charge for use based upon actual use for the preceding fiscal year on an annual reconciliation statement
- C. The charge for use is payable within forty-five (45) days of invoicing by OCSD. A special assessment credit will be allowed for any regional sanitary sewer service charge adopted by the OCSD Board of Directors by separate Ordinance and levied against the permitted property.
- D. In order for OCSD to determine actual annual water use, the User shall provide to OCSD copies of its water bills. If these water bill copies are not

received by August 15th of each year for the 12 month period ended closest to June 30, OCSD will endeavor to obtain the water use data. Data obtained by OCSD will be considered correct and will not be adjusted before the next annual reconciliation statement. There shall be a fee levied for OCSD administrative costs when OCSD obtains water use data. OCSD's Board of Directors shall adopt the amount of the fee.

- E. The charge for use shall be computed by the following formula: Charge for Use
 - = VoV + BoB + SoS Special Assessment Credit
- E. Where V = total annual volume of flow, in millions of gallons

B = total annual discharge of biochemical oxygen demand, in thousands of pounds

S = total annual discharge of suspended solids, in thousands of pounds

Vo, Bo, So = Unit Charge rates established and adopted by Ordinance of OCSD's Board of Directors, based upon the funding requirements of providing sewerage service, in dollars per unit as described in Paragraph F below:

- F. The Unit Charge rates in the charge-for-use formula shall be determined by the following method:
 - 1. An Operations and Maintenance component of the Unit Charge for the total annual operation and maintenance funding requirements of the Sewerage System shall be levied at a rate to be determined from time to time by the OCSD Board of Directors. This Charge shall be allocated among the three Wastewater charge parameters of flow, biochemical oxygen demand and suspended solids in accordance with the General Manager's determination as to the costs associated with each parameter and pursuant to applicable requirements of state and federal Regulatory Agencies.

The operation and maintenance costs as distributed to flow, biochemical oxygen demand and suspended solids shall be divided by the projected annual total flow volume and weights of biochemical oxygen demand and suspended solids to be treated by the Sewerage System in the budgeted year.

2. A Capital Facilities Replacement Service component of the Unit Charge for capital replacement and capital improvement shall be levied at a rate to be determined from time to time by the Board of Directors. This charge shall be allocated among Wastewater charge parameters of flow, biochemical oxygen demand, and suspendedsolids

in accordance with the OCSD General Manager's determination of which portion of the charge predominantly relates to each parameter.

The capital facilities charge distributed to biochemical oxygen demand, and suspended solids shall be divided by the projected annual weights of biochemical oxygen demand and suspended solids to be treated by the Sewerage System in the budgeted year.

- 3. The Unit Charge rates for each respective Wastewater component in (1) and (2) above shall be summed. The Unit Charge rates so determined will be expressed in dollars per million gallons for Vo, and in dollars per thousand pounds for Bo and So.
- G. Other measurements of the organic content of the Wastewater of a Discharger, such as COD or TOC, may be used instead of BOD. However, the Discharger must establish to the General Manager's satisfaction a relationship between the BOD of the Wastewater and the parameter of measure. This relationship shall be used by OCSD in determining the charge for use.

When Wastewater from sanitary facilities is discharged separately from the other Wastewater of a Discharger, the charge for use for discharging the Wastewater may be determined by using the following:

- 1. 25 gallons per employee per eight-hour working day.
- 2. BOD and suspended solids to be calculated at domestic Wastewater strength per employee per year.

The number of employees will be considered as the average number of people employed full time on a daily basis. This may be determined by averaging the number of people employed at the beginning and end of each quarter, or other period that reflects normal employment fluctuations.

303. CLASS II WASTEWATER DISCHARGE PERMITS

- A. No User requiring a Class II permit shall discharge Wastewater without obtaining a Wastewater Discharge Permit.
- B. Class II Wastewater Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other regulations, charges for use and fees established by OCSD. The conditions of Wastewater Discharge Permits shall be enforced by OCSD in accordance with this Ordinance and applicable state and federal regulations.
- C. All Class II Users proposing to discharge directly or indirectly into

EOCWD's and OCSD's Sewerage Facilities shall obtain a Wastewater discharge Permit by filing an application pursuant to Section ARTICLE 1 and paying the applicable fees pursuant to Section 303.3. For purposes of this Ordinance, a Class II User is any User:

- Whose charge for use is greater than the special assessment OCSD Sewer User Fee" included on the County of Orange secured property tax bill exclusive of debt service; and
- 2. Discharging Wastewater other than sanitary; and
- 3. Not otherwise required to obtain a Class I permit.

303.1 Class II Wastewater Discharge Permit Application

- A. Any User required to obtain a Class II Wastewater Discharge Permit shall complete and file with OCSD, prior to commencing discharge, an application on the form prescribed by OCSD. The applicant shall submit, in units and terms appropriate for evaluation, the following information:
 - Name, address, assessor's parcel number(s) and NAICS number(s); description of the manufacturing process or service activity.
 - 2. (Whichever is applicable) Name, address of any and all principals/owners/major shareholders of company; Articles of Incorporation; most recent Report of the Secretary of State; Business License.
 - 3. Volume of Wastewater to be discharged.
 - 4. Name of individual who can be served with notices other than officers of corporation.
 - 5. Name and address of property owner, landlord and/or manager of the property.
 - 6. Water supplier and water account numbers.
 - 7. Wastewater constituents and characteristics as required by OCSD, including, but not limited to, those mentioned in Section 213, Mass Emission Rate Determination, and Table 1, Local Discharge Limits of this Ordinance. These constituents and characteristics shall be determined by a laboratory selected by the Discharger and acceptable to OCSD.
 - 8. Time and duration of discharge.

- 9. Number of employees and average hours of work per employee per day.
- 10. Production records, if applicable.
- 11. Waste-Tracking Forms, if applicable.
- 12. Landscaped area in square feet, if applicable.
- 13. Tons of cooling tower capacity, if applicable.
- 14. EPA Hazardous Waste Generator Number, if applicable.
- 15. Any other information as specified.
- B. Applicants may be required to submit site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, spill containment, clarifiers, Pretreatment systems, and appurtenances by size, location, and elevation for evaluation.
- C. Applicants may also be required to submit other information related to the applicant's business operations, processes, and potential discharge as may be requested to properly evaluate the permit application.
- D. After evaluation of the data furnished, OCSD may issue a Wastewater Discharge Permit, subject to terms and conditions set forth in this Ordinance and as otherwise determined by the General Manager to be appropriate to protect the OCSD system.
- E. The permit application may be denied if the applicant fails to establish to OCSD's satisfaction that adequate Pretreatment equipment is included within the applicant's plans to ensure that the discharge limits will be met or if the applicant has, in the past, demonstrated an inability to comply with applicable discharge limits.

303.2 Class II Permit Conditions and Limits

- A. A Class II permit shall contain all of the following conditions and/or limits:
 - 1. Applicable Mass Emission Rates and concentration limits regulating non-compatible Pollutants.
 - 2. Requirements to notify OCSD in writing prior to modification to processes or operations through which Industrial Wastewater may be produced.

- 3. Location of the User's on-site sample point.
- 4. Requirements for submission of technical reports, production data, discharge reports, and/or Waste-Tracking Forms.
- 5. Requirements to submit copies of tax and water bills.
- B. A Class II permit may contain any of the following conditions and/or limits:
 - 1. Requirements for the User to construct and maintain, at his own expense, appropriate Pretreatment equipment, pH control, flow monitoring and/or sampling facilities.
 - 2. Limits on rate and time of discharge or requirements for flow regulation and equalization.
 - 3. Assumed values for BOD and suspended solids characteristics that typify the Discharger's effluent for determination of the charge for use.
 - 4. Requirements to self-monitor.
 - 5. Requirements for maintaining, for a minimum of three years, plant records relating to Wastewater discharge, and Waste-Tracking Forms as specified by OCSD.
 - 6. Other provisions which may be appropriate to ensure compliance with this Ordinance.
 - 7. Other terms and conditions determined by the General Manager to be appropriate to protect EOCWD's and OCSD's Sewerage Systems.

303.3 Class II Permit Fee

- A. The Class II permit fee shall be in an amount adopted by Ordinance of the Board of Directors. The permit fee shall be payable at the time a permit application is submitted for the issuance of a new permit or a renewed permit. Payment of the permit fee must be received by OCSD prior to issuance of either a new permit or a renewed permit. Permittee shall also pay any delinquent invoices in full prior to permit renewal.
- B. Any permit issued for a location wherein the Permittee is not the property owner may be conditioned upon depositing financial security to guarantee payment of all annual fees and charges to be incurred, in accordance with the provisions of Section 623.(E) of this Ordinance.

303.4 Class II Permit Modification of Terms and Conditions

- A. The terms and conditions of an issued permit may be subject to modification and change in the sole determination by the General Manager during the life of the permit based on:
 - 1. The Discharger's current or anticipated operating data;
 - 2. OCSD's current or anticipated operating data;
 - 3. Changes in the requirements of Regulatory Agencies which affect EOCWD and/or OCSD; or
 - 4. A determination by the General Manager that such modification is appropriate to further the objectives of this Ordinance.
- B. The Permittee may request a modification to the terms and conditions of an issued permit. The request shall be in writing stating the requested change, and the reasons for the change. OCSD shall review the request, make a determination on the request, and respond in writing.
- C. Permittee shall be informed of any change in the permit limitations, conditions, or requirements at least forty-five (45) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

303.5 Class II Permit Duration and Renewal

Class II permits shall normally be issued for a period not to exceed five (5) years. At least forty-five (45) days prior to the expiration of the permit, the User shall apply for renewal of the permit in accordance with the provisions of this Article 3.

303.6 Class II Permit Charge for Use

- A. The purpose of a charge for use is to ensure that each recipient of sewerage service from EOCWD and OCSD pays its reasonably proportionate share of all the costs of providing that sewerage service. Charges for use to recover the cost of conveying, treating, and disposing of Sewage in OCSD's Sewerage Facilities are exclusive of any fees levied by EOCWD. The charge for use shall be based on the total maintenance, operation, capital expenditures, and reserve requirements for providing Wastewater collection, treatment, and disposal.
- B. A Discharger who is issued a Class II Wastewater Discharge Permit under the provisions of this Ordinance shall pay a charge for use in accordance with the formula contained herein and the Unit Charge rates adopted

annually by Ordinance of the Board of Directors. These fees shall be invoiced on a quarterly basis. The quarterly invoice shall be based upon an estimate of the annual use as determined by OCSD.

Annually, OCSD shall compute the charge for use based upon actual use for the preceding fiscal year on an annual reconciliation statement. The charge for use is payable within forty-five (45) days of invoicing by OCSD. A special assessment credit will be allowed for any regional sanitary sewer service charge adopted by the Board of Directors by separate Ordinance and levied against the permitted property.

C. In order for OCSD to determine actual annual water use, the User shall provide to OCSD copies of its water bills. If these water bill copies are not received by August 15th of each year for the 12 month period ended closest to June 30, OCSD will endeavor to obtain the water use data. Data obtained by OCSD will be considered correct and will not be adjusted before the next annual reconciliation statement.

There shall be a fee levied for OCSD administrative costs when water use data is obtained by OCSD. The amount of the fee shall be adopted by the Board of Directors.

D. The charge for use shall be computed by the following formula: Charge

for Use = VoV + BoB + SoS – Special Assessment Credit Where V =

total annual volume of flow, in millions of gallons

B = total annual discharge of biochemical oxygen demand, in thousands of pounds

S = total annual discharge of suspended solids, in thousands of pounds

Vo, Bo, So = Unit Charge rates adopted annually by Ordinance of OCSD's Board of Directors, based upon the funding requirements of providing sewerage service, in dollars per unit as described in Paragraph E below.

- E. The unit charge rates in the charge for use formula shall be established annually and shall be determined by the following method:
 - 1. An Operations and Maintenance component of the Unit Charge for the total annual operation and maintenance funding requirements of the Sewerage System shall be levied at a rate to be determined from time to time by the OCSD Board of Directors. This charge shall be allocated among the three Wastewater charge parameters of flow, biochemical oxygen demand and suspended solids in accordance with the General Manager's determination as to the

costs associated with each parameter and pursuant to applicable requirements of state and federal Regulatory Agencies.

The operation and maintenance costs as distributed to flow, biochemical oxygen demand and suspended solids shall be divided by the projected annual total flow volume and weights of biochemical oxygen demand and suspended solids to be treated by the Sewerage System in the budgeted year.

2. A Capital Facilities Replacement component of the Unit Charge for capital replacement and capital improvement shall be levied at a rate to be determined from time to time by the Board of Directors. This charge shall be allocated among the three Wastewater charge parameters of flow, biochemical oxygen demand and suspended solids in accordance with the General Manager's determination of which portion of the charge predominantly relates to each parameter.

The capital facilities charge distributed to biochemical oxygen demand and suspended solids shall be divided by the projected annual weights of biochemical oxygen demand and suspended solids to be treated by the OCSD Sewerage System in the budgeted year.

- 3. The unit charge rates for each respective Wastewater component in (1) and (2) above shall be summed. The Unit Charge rates so determined will be expressed in dollars per million gallons for Vo, and in dollars per thousand pounds for Bo and So.
- F. Other measurements of the organic content of the Wastewater of a Discharger, such as COD or TOC, may be used instead of BOD. However, the Discharger must establish to the OCSD General Manager's satisfaction a relationship between the BOD of the Wastewater and the other parameter of measure. This relationship shall be used by OCSD in determining the charge for use. When Wastewater from sanitary facilities is discharged separately from the other Wastewater of a Discharger, the charge for use for discharging the sanitary Wastewater may be determined by using the following:
 - 1. 25 gallons per employee per eight-hour working day.
 - 2. BOD and suspended solids to be calculated at domestic Wastewater strength per employee per year.

The number of employees will be considered as the average number of people employed full time on a daily basis. This may be determined by averaging the number of people employed at the beginning and end of each quarter, or other period that reflects normal employment fluctuations.

304. <u>DRY WEATHER URBAN RUNOFF DISCHARGE PERMITS</u>

- A. No User shall discharge urban runoff directly to EOCWD's/OCSD's Sewerage System without obtaining a Dry Weather Urban Runoff Discharge Permit.
- B. EOCWD/OCSD shall determine whether the dry weather urban runoff proposed to be discharged into EOCWD's/OCSD's Sewerage System may cause a potential environmental risk and/or health hazard that cannot be economically or practically controlled by alternative disposal methods.
- C. Dry Weather Urban Runoff Discharge Permits shall be subject to all provisions of this Ordinance and all other regulations, charges for use, and fees established by EOCWD/ OCSD.
- D. All Users required to obtain a Dry Weather Urban Runoff Discharge Permit proposing to discharge directly or indirectly into EOCWD's/OCSD's Sewerage Facilities shall file an application pursuant to Section 304 and pay the applicable fees pursuant to Sections 304.3 and 304.6.

304.1 Dry Weather Urban Runoff Discharge Permit Application

- A. An applicant shall contact EOCWD/OCSD prior to any construction of facilities and discharge of dry weather urban runoff into the Sewerage System to determine if the discharge of dry weather urban runoff to EOCWD's/OCSD's Sewerage Facilities is feasible.
- B. Applicants shall complete and file with EOCWD/OCSD, prior to commencing discharge, an application in the form prescribed by EOCWD/OCSD. This application shall be accompanied by applicable fees, design plans, a detailed analysis of other disposal alternatives, or other data as needed by both agencies for review. The applicant shall provide justification that disposal alternatives for the dry weather urban runoff are not economically or practically feasible in lieu of sewer discharge.
- C. In addition to the discharge permit, EOCWD/OCSD may require that the permit applicant enter into an agreement setting forth the terms under which the dry weather urban runoff discharge is authorized.
- D. Applicants shall provide adequate Pretreatment and/or Best Management Practices included within the applicants' plans to ensure that the applicable discharge limits shall be met.

304.2 Dry Weather Urban Runoff Discharge Permit Condition and Limits

The issuance of a Dry Weather Urban Runoff Discharge Permit may contain any the following conditions or limits:

- A. Mass Emission Rates and concentration limits regulating non-compatible Pollutants.
- B. Requirements for the User to construct and maintain, at the User's expense, appropriate Pretreatment equipment, Flow Monitoring Facilities, and devices to prevent storm water discharge into EOCWD's/OCSD's Sewerage System during a wet weather event (rain event).
- C. Requirements for the User to provide EOCWD/OCSD with its operations and maintenance plan, best management practices, and pollution prevention strategies designed to minimize or eliminate dry weather urban runoff Pollutants.
- D. Limits on rate and time of discharge or requirements for flow regulation and equalization prior to discharge to EOCWD's/OCSD's Sewerage Systems.
- E. Requirements to self-monitor the discharge to EOCWD's/OCSD's Sewerage Systems.
- F. The General Manager may impose additional requirements as may be appropriate to reduce the burden on EOCWD's/OCSD's Sewerage Facilities.
- G. Prohibitions on the discharge, which may cause OCSD's effluent, biosolids, or any other product of its treatment process, to be unsuitable for reclamation, reuse, or disposal.

304.3 Dry Weather Urban Runoff Discharge Permit Fee

The Dry Weather Urban Runoff Discharge Permit fee shall be paid by the applicant in an amount established in the applicable Ordinance adopted by the Board of Directors. Payment of permit fees must be received by EOCWD/ OCSD prior to issuance of either a new permit or a renewed permit. Each Permittee shall also pay delinquent invoices in full prior to permit renewal.

304.4 <u>Dry Weather Urban Runoff Discharge Permit Modification of Terms and Conditions</u>

- A. The terms and conditions of an issued permit may be subject to modification and change in the sole determination by EOCWD/OCSD during the life of the permit based on:
 - 1. The discharger's current or anticipated operating data;

- 2. EOCWD's/OCSD's current or anticipated operating data;
- 3. Changes in the requirements of Regulatory Agencies, which affect EOCWD/OCSD; or
- 4. A determination by the General Manager that such modification is appropriate to further the objectives of this Ordinance.
- B. A Permittee may request a modification to the terms and conditions of an issued permit. The request shall be in writing stating the requested changes and the reasons for the change. EOCWD/OCSD shall review the request, make a determination on the request, and respond accordingly.
- C. A Permittee shall be informed of any changes in the permit at least forty-five (45) days prior to the effective date change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

304.5 Dry Weather Urban Runoff Discharge Permit Duration and Renewal

Dry Weather Urban Runoff Discharge Permit shall normally be issued for a period not to exceed five (5) years. At least forty-five (45) days prior to the expiration of the permit, the User shall apply for renewal of the permit in accordance with the provisions of this Article 3.

304.6 Dry Weather Urban Runoff Discharge Permit Charge for Use

A Discharger who is issued a Dry Weather Urban Runoff Discharge Permit under the provision of this Ordinance shall pay a charge for use in accordance with rates established by Ordinance adopted by the Board of Directors.

305. SPECIAL PURPOSE DISCHARGE PERMITS

- A. No User requiring a Special Purpose Discharge Permit shall discharge Wastewater without obtaining a Special Purpose Discharge Permit. Alternatively, at the discretion of the General Manager and/or Division Head or Department Head, EOCWD/OCSD may issue a Letter to Discharge in lieu of a Special Purpose Discharge Permit.
- B. Special Purpose Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other regulations, charges for use, and fees established by EOCWD/OCSD. The conditions of Special Purpose Discharge Permits shall be enforced by EOCWD/OCSD in accordance with this Ordinance and applicable state and federal regulations.
- C. All Special Purpose Discharge Permit Users proposing to discharge directly

or indirectly into EOCWD's/OCSD's Sewerage Facilities shall obtain a Special Purpose Discharge Permit by filing an application pursuant to Section 305 and paying the applicable fees pursuant to Sections 305.3 and 305.6. This discharge permit may be granted when no alternative method of disposal is reasonably available, or to mitigate an environmental risk or health hazard.

305.1 Special Purpose Discharge Permit Application

- A. Applicants seeking a Special Purpose Discharge Permit shall complete and file with EOCWD/OCSD, prior to commencing discharge, an application in the form prescribed by EOCWD/OCSD. This application shall be accompanied by the applicable fees, plumbing plans, a detailed analysis of the alternatives for water disposal, or other data as needed by EOCWD/OCSD for review.
- B. The permit application may be denied when the applicant has failed to establish to EOCWD's/OCSD's satisfaction that adequate Pretreatment equipment is included within the applicants' plans to ensure that the discharge limits will be met or that the applicant has, in the past, demonstrated an inability to comply with applicable discharge limits.

305.2 Special Purpose Discharge Permit Conditions and Limits

- A. Discharge conditions and limits shall be no less stringent than Section 201(A), General Prohibitions; 201(B), Specific Prohibitions; Section 213, Mass Emission Rate Determination; and Table 1, Local Discharge Limits.
- B. Monitoring requirements for the discharge shall be for those non-compatible Pollutants known to exist in the discharge. At least one set of baseline analysis prior to or upon sewer discharge may be required for all constituents contained in the most current Environmental Protection Agency (EPA) "Priority Pollutant" list, excluding asbestos, as listed in Appendix A of 40 CFR 423, or as subsequently amended.
- C. EOCWD/OCSD may specify and make part of each Special Purpose Discharge Permit specific Pretreatment Requirements or other terms and conditions determined by the General Manager to be appropriate to protect EOCWD's/OCWD's Sewerage Facilities, to comply with Regulatory Agencies' requirements, to ensure compliance with this Ordinance, and to assess a charge for use.

305.3 Special Purpose Discharge Permit Fee

The special purpose discharge permit fee shall be paid by the applicant in an amount adopted by Ordinance of the Board of Directors. Payment of permit fees must be received by EOCWD/OCSD prior to issuance of either a new permit or a renewed permit. Each Permittee shall also pay delinquent invoices in full prior to permit renewal.

305.4 Special Purpose Discharge Permit Modification of Terms and Conditions

- A. The terms and conditions of an issued permit may be subject to modification and change in the determination by EOCWD/OCSD during the life of the permit based on:
 - 1. The Discharger's current or anticipated operating data;
 - EOCWD's/OCSD's current or anticipated operating data;
 - 3. Changes in the requirements of Regulatory Agencies which affect EOCWD/OCSD; or
 - 4. A determination by the General Manager that such modification is appropriate to further the objectives of this Ordinance.
- B. A Permittee may request a modification to the terms and conditions of an issued permit. The request shall be in writing stating the requested change, and the reasons for the change. EOCWD/OCSD shall review the request, make a determination on the request, and respond in writing.
- C. A Permittee shall be informed of any changes in the permit at least forty five
 - (45) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

305.5 Special Purpose Discharge Permit Duration and Renewal

Special purpose discharge permits shall normally be issued for a period not to exceed five (5) years, but may be renewed as determined by the General Manager. Users seeking permit renewal shall comply with all provisions of this Article 3.

305.6 Special Purpose Discharge Permit Charge for Use

The General Manager shall establish a charge for use to cover all costs of EOCWD/OCSD for providing sewerage service and monitoring. A deposit determined by the General Manager to be sufficient to pay the estimated charges for use shall accompany the Special Purpose Discharge Permit application, and said deposit shall be applied to the charges for use.

G. A Zero Discharge Certification shall contain as a minimum:

- 1. A statement that no discharge of regulated Wastewater is permitted;
- 2. Requirements to notify EOCWD/OCSD of any changes in operation resulting in a potential for discharge;
- 3. Requirements to periodically certify that no discharge of regulated Wastewater has occurred;
- 4. Notice that EOCWD/OCSD may inspect the facility as necessary to assess and assure compliance with the "no discharge" requirement; and
- 5. Requirements to comply with Resource Conservation and Recovery Act (RCRA) and state hazardous waste regulations regarding the proper disposal of hazardous waste.

306. OUT OF DISTRICT PERMITS/DISCHARGERS

- A. Industrial Wastewater Discharge Permits for Dischargers located outside EOCWD's boundaries but within the OCSD service area and tributary to EOCWD's Sewerage Facilities, may be issued by OCSD after approval by EOCWD. EOCWD/OCSD shall have the right of inspection and sampling of the User's discharge to determine compliance with Industrial Wastewater discharge regulations. Such inspection and sampling will be performed under a coordinated plan developed with EOCWD. The more stringent of the industrial wastewater discharge regulations and effluent limits of OCSD shall apply to the Discharger.
- B. Pursuant to Article 6 herein, OCSD shall have the right to enforce the Federal Regulations, the provisions of this Ordinance, and permit conditions and limits applicable to any User located outside of EOCWD's service area, but whose discharge is tributary to EOCWD's Sewerage Facilities.
- C. The fees for use shall be determined by EOCWD/OCSD and set forth in a use agreement with EOCWD.

ARTICLE 4. FACILITIES REQUIREMENTS

401. DRAWING SUBMITTAL REQUIREMENTS

Upon request by EOCWD:

- A. Applicants or Users may be required to submit three copies of detailed facility plans. The submittal shall be in a form and content acceptable to EOCWD/OCSD for review of existing or proposed Pretreatment facilities, spill containment facilities, monitoring facilities, metering facilities, and operating procedures. The review of the plans and procedures shall in no way relieve the User of the responsibility of modifying the facilities or procedures in the future, as necessary to produce a discharge acceptable to EOCWD/OCSD, and to meet the requirements of this Ordinance or any requirements of other Regulatory Agencies.
- B. The drawing shall depict as a minimum the manufacturing process (Wastewater generating sources), spill containment, monitoring or metering facilities, and Pretreatment facilities.
- C. The applicant or User shall submit a schematic drawing of the Pretreatment facilities, piping and instrumentation diagram, and Wastewater characterization report.
- D. Users and applicants may also be required to submit for review site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, spill containment, clarifiers, and appurtenances by size, location, and elevation for evaluation.
- E. EOCWD/OCSD may require the drawings be prepared by a California Registered Chemical, Mechanical, or Civil Engineer.
- F. Permittees shall be required to submit updated detailed facility plans.

402. PRETREATMENT FACILITIES

A. All Users shall provide Wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all Categorical Pretreatment Standards, Table 1, Local Discharge Limits, and the prohibitions set out in Sections 201 (A) & (B) of this Ordinance within the time limitations specified by EPA, the state, or EOCWD/OCSD, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated by a qualified operator, and maintained in proper operating condition at the User's expense.

- B. All Users may also be required by EOCWD/OCSD to submit Wastewater analysis plans, contingency plans, and meet other necessary requirements to ensure proper operation of the Pretreatment facilities and compliance with permit limits and this Ordinance.
- C. No User shall increase the use of water or in any other manner attempt to dilute a discharge as a partial or complete substitute for treatment to achieve compliance with this Ordinance and the User's Permit.

403. SPILL CONTAINMENT FACILITIES/ACCIDENTAL SLUG CONTROL PLANS

- A. All Users shall provide spill containment for protection against discharge of prohibited Pollutants, materials or other Wastewaters regulated by this Ordinance. Such protection shall be designed to secure the discharges and to prevent them from entering into the EOCWD/OCSD Sewerage System in accordance with reasonable engineering standards. Such facilities shall be provided and maintained at the User's expense.
- B. The General Manager shall require any Significant Industrial User to develop and implement an accidental discharge/slug control plan. EOCWD/OCSD may evaluate whether each Industrial User needs such a plan. Any User required to develop and implement an accidental discharge/control slug plan shall submit a plan which addresses, at a minimum, the following:
 - 1. Description of discharge practices, including non-routine batch discharges.
 - 2. Description of stored chemicals.
 - 3. Procedures for immediately notifying EOCWD/OCSD of any accidental of slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in Article 2 of this Ordinance.
 - 4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic Pollutants (including solvents), and measures and equipment for emergency response.

404. MONITORING/METERING FACILITIES

All Wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

- A. EOCWD/OCSD may require the User to construct and maintain in proper operating condition at the User's sole expense, flow monitoring, constituent monitoring and/or sampling facilities.
- B. Permittees may be required to install and maintain an appropriate effluent flow monitoring device. Calibration of such flow monitoring device shall be done annually or as specified in the Wastewater discharge permit.
- C. The monitoring or metering facilities may be required to include a security closure that can be locked with an EOCWD/OCSD provided hasp lock during sampling or upon termination of service.
- D. The location of the monitoring or metering facilities shall be subject to approval by EOCWD/OCSD.
- E. The User shall provide immediate, clear, safe and uninterrupted access to EOCWD/OCSD to the User's monitoring and metering facilities.
- F. For all industries permitted by OCSD, domestic Wastewaters shall be kept segregated from all Industrial Wastewaters until the Industrial Wastewaters have passed through any required Pretreatment system or device and the Permittee's sample point.

405. WASTE MINIMIZATION REQUIREMENTS

- A. As required by a User's permit, the User shall provide waste minimization plans to reduce or eliminate Pollutant discharge to the EOCWD/OCSD Sewerage System and conserve water. The User shall investigate product substitution, housekeeping practices, provide inventory control, implement employee education, and other steps as necessary to minimize Wastewater produced.
- B. Upon approval by OCSD, a User may certify that their facility does not discharge any type of Wastewater containing Pollutants that may directly or indirectly discharge into EOCWD's/OCSD's Sewerage System as a form of Best Management Practice (BMP).

ARTICLE 5. MONITORING, REPORTING, NOTIFICATION, AND INSPECTION REQUIREMENTS

501. MONITORING AND REPORTING CONDITIONS

A. Monitoring for Annual Charge for Use

The Wastewater constituents and characteristics of a Discharger needed for determining the annual charge for use shall be submitted in the form of self-monitoring reports by the User to OCSD, if requested. The frequency of analyses and reporting shall be set forth in the User's permit. The analyses of these constituents and characteristics shall be by a laboratory acceptable to OCSD, and at the sole expense of the Permittee. Analyses performed by OCSD's personnel may be used in the determination of the annual charge for use.

B. <u>Monitoring for Compliance with Permit Conditions or Reporting</u> Requirements

OCSD may require reports for self-monitoring of Wastewater constituents and characteristics of the Discharger needed for determining compliance with any limit or requirements as specified in the User's permit, federal or state regulations, or this Ordinance. The federal Pretreatment regulations at 40 CFR 403.12(g)(3) and (4) contain requirements for collecting samples such as requiring that sampling must be representative of conditions occurring during the reporting period and that grab samples must be collected for certain parameters. These reports include:

1. Baseline Monitoring Reports.

Within either one hundred eighty (180) days after the effective a) date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Significant Industrial Users subject to categorical Pretreatment Standard(s) currently discharging to or scheduled to discharge to OCSD shall submit to the General Manager a report which contains the information listed in paragraph b), below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Significant Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the General Manager a report which contains the information listed in paragraph c), below. A New Source shall report the method of Pretreatment it intends to use to meet applicable categorical Pretreatment Standards. A New Source also shall

- give estimates of its anticipated flow and quantity of Pollutants to be discharged.
- b) Users described above shall submit the information set forth below.
 - (1) All information required in Section ARTICLE 23 including requirements in 40 CFR 403.12(b)(1)-(7).
 - (2) Measurement of Pollutants.
 - a) The User shall provide the following information.
 - 1) The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
 - The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the General Manager, of regulated Pollutants in the discharge from each regulated process.
 - 3) Instantaneous, Daily Maximum, and long-term average concentrations or mass, where required, shall be reported.
 - 4) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 501.2 of this Ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the General Manager or the applicable Standards to determine compliance with the Standard.
 - 5) Sampling must be performed in accordance with procedures set out in Section 602 of this Ordinance.
 - b) The User shall take a minimum of one representative sample to compile that data

- necessary to comply with the requirements of this paragraph.
- c) Samples should be taken immediately downstream from Pretreatment facilities if such exist or immediately downstream from the regulated process if no Pretreatment exists. If other Wastewaters are mixed with the regulated Wastewater prior to Pretreatment the User should measure the flows and concentrations necessary to allow use of the Combined Wastestream Formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to OCSD;
- d) Sampling and analysis shall be performed in accordance with this Ordinance;
- e) The General Manager may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial Pretreatment measures;
- f) The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected Pollutant discharges to OCSD.
- (3) Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in this Ordinance and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional Pretreatment is required to meet the Pretreatment Standards and Requirements.
- (4) Compliance Schedule. If additional Pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will

provide such additional Pretreatment and/or O&M must be provided.

The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set forth in this Ordinance.

- (5) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with this Ordinance and signed by an Authorized Representative.
- 2. Compliance Schedule Progress Reports.

The following conditions shall apply to the compliance schedule required by this Ordinance:

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

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a

New Source following commencement of the introduction of Wastewater into EOCWD/OCSD, any User subject to such Pretreatment Standards and Pretreatment Requirements shall submit to the General Manager a report containing the information described in this Ordinance. For Users subject to equivalent mass or concentration limits, this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable Pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with this Ordinance. All sampling will be done in conformance with Section 602.

- 4. Periodic Compliance Reports.
 - Except as otherwise specified in this Ordinance, all Significant a) Industrial Users must, at a frequency determined by the General Manager, submit no less than twice per year on dates specified by EOCWD/OCSD reports indicating the nature, concentration of Pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the General Manager or the Pretreatment Standard necessary to determine the compliance status of the User including documentation associated with Best Management Practices.
 - b) OCSD will meet reporting requirements as specified by 40 CFR Part 3 (Cross-Media Electronic Reporting). Therefore, Users that send electronic (digital) documents to OCSD to satisfy the requirements of this Section must register for the system online and submit a signed Subscriber Agreement to OCSD for review and approval.
- 5. Notification of the Discharge of Hazardous Waste.
 - a) Any User who commences the discharge of hazardous waste shall notify EOCWD/OCSD, the EPA Regional Waste Management Division Director, and state hazardous waste authorities, in writing, of any discharge into EOCWD/OCSD of a substance which, if otherwise disposed of, would be a hazardous waste under 40

CFR Part 261. The User shall receive written approval from the EOCWD/OCSD to discharge hazardous waste. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month EOCWD/OCSD, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes. an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in wastestream expected to be discharged during following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under subdivision 6 below. The notification requirement in this Section does not apply to Pollutants already reported by Users subject to categorical Pretreatment Standards under the self-monitoring requirements of this Ordinance.

- b) Dischargers are exempt from the requirements of paragraph (a), above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.
- c) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the General Manager, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

- d) 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 and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- e) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Ordinance, a permit issued thereunder, or any applicable federal or state law.

6. Reports of Changed Conditions

Each User must notify the General Manager of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its Wastewater in advance of the change. The notification must be made promptly, but normally within 30 days. In certain cases, this period may be longer.

- a) The General Manager may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a Wastewater discharge permit application under this Ordinance.
- b) The General Manager may issue a Wastewater discharge permit under this Ordinance or modify an existing Wastewater discharge permit under this ordinance in response to changed conditions or anticipated changed conditions.

7. Reports of Potential Problems

- a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for EOCWD/OCSD, the User shall follow the notification procedures under Notification of Spill or Slug Loading in Article 5. This notification shall also include the location of the discharge, type of Wastewater, concentration and volume, if known, and corrective actions taken by the User.
- b) Within five (5) days following such discharge, the User shall, unless waived by the General Manager, submit a detailed written report. This written notification shall include, but not be limited to, the date of the incident, the reasons for the discharge or spill, what steps were taken to immediately correct the problem, and what steps are being taken to

prevent the problem from recurring.

- c) Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage or loss to EOCWD/OCSD, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fees, fines, penalties, or other liability which may be imposed pursuant to this Ordinance or other applicable law.
- d) A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph a, above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
- e) Significant Industrial Users are required to notify the General Manager immediately of any changes at its facility affecting the potential for a Slug Discharge.

8. Reports from Unpermitted Users

All Users not required to obtain a Wastewater discharge permit shall provide appropriate reports to the General Manager as the General Manager may require.

9. Notice of Violation/Repeat Sampling and Reporting

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

- 10. Other reports as required by EOCWD/OCSD.
 - a) Monitoring reports of the analyses of Wastewater constituents and characteristics shall be in a manner and form approved by EOCWD/OCSD and shall be submitted upon request of EOCWD/OCSD. When applicable, the self-monitoring

requirement and frequency of reporting may be set forth in the User's permit as directed by EOCWD/OCSD. The analyses of Wastewater constituents and characteristics and the preparation of the monitoring report shall be done at the sole expense of the User.

b) Failure by the User to perform any required monitoring, or to submit monitoring reports required by EOCWD/OCSD constitutes a violation of this Ordinance, may result in determining whether the Permittee is in significant non-compliance, and be cause for EOCWD/OCSD to initiate all necessary tasks and analyses to determine the Wastewater constituents and characteristics for compliance with any limits and requirements specified in the User's permit or in this Ordinance. The User shall be responsible for any and all expenses of EOCWD/OCSD in undertaking such monitoring analyses and preparation of reports.

501.1 Inspection and Sampling Conditions

- A. EOCWD/OCSD may inspect and sample the Wastewater generating and disposal facilities of any User to ascertain whether the intent of this Ordinance is being met and the User is complying with all requirements.
- B. EOCWD/OCSD shall have the right to place on the User's property or other locations as determined by EOCWD/OCSD, such devices as are necessary to conduct sampling or metering operations. Other sampling locations may include downstream manholes, usually in the EOCWD/OCSD Sewerage System, for the purpose of determining the compliance status of an industrial or commercial Discharger.
- C. EOCWD/OCSD may require the User to install and maintain sample points in areas acceptable to EOCWD/OCSD outside the User's facility, within the reasonable control of the User or EOCWD/OCSD. EOCWD/OCSD may also require lockable sample boxes fully containing the sample points. The User shall grant EOCWD/OCSD access to the sample points and sample boxes in accordance with this Ordinance.
- D. In order for EOCWD/OCSD to determine the Wastewater characteristics of the Discharger for purposes of determining the annual use charge and for compliance with permit requirements, the User shall make available for inspection and copying by EOCWD/OCSD all notices, selfmonitoring reports, Waste-Tracking Forms, and records including, but not limited to, those related to production, Wastewater generation, those required Wastewater disposal, and in the Pretreatment Requirements without restriction but subject to the confidentiality provision set forth in Section 103 herein. All such records shall be kept by the User a minimum of three (3) years.

E. If a Discharger falsifies, tampers with, or knowingly renders inaccurate any monitoring device or sample collection method, the Discharger may be subject to imposition of penalties, permit suspension or permit revocation.

501.2 Analytical Requirements

All Pollutant analyses, including sampling techniques, to be submitted as part of a Wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the Pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the Pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including EPA-approved procedures or procedures approved by the General Manager.

501.3 Right of Entry

- A. Persons or occupants of premises where Wastewater is created or discharged shall allow EOCWD/OCSD, or its representatives, reasonable access to all parts of the Wastewater generating and disposal facilities for the purposes of inspection and sampling during all times the Discharger's facility is open, operating, or any other reasonable time. No Person shall interfere with, delay, resist or refuse entrance to authorized EOCWD/OCSD personnel attempting to inspect any facility involved directly or indirectly with a discharge of Wastewater to EOCWD's/OCSD's Sewerage System.
- B. Where a User has security measures in place, the User shall make necessary arrangements so that personnel from EOCWD/OCSD shall be permitted to enter without delay for the purpose of performing their specific responsibilities.

501.4 Notification of Spill or Slug Loading

A. In the event the Discharger is unable to comply with any permit condition due to a breakdown of equipment, accidents, or human error, or the Discharger has reasonable opportunity to know that a discharge will exceed the discharge provisions of the User's permit, Sections 201(A) & (B) or Table 1, Local Discharge Limits, the Discharger shall immediately notify EOCWD/OCSD by telephone. If the Wastewater or material discharged to the sewer has the potential to cause or result in a fire or explosion hazard, the Discharger shall immediately notify the local fire department, EOCWD/OCSD. Also see *Reports of Potential Problems* in this Article.

501.5 Bypass Prohibition; Notification of Bypass

- A. Bypass of Industrial Wastewater to the Sewerage System is prohibited. EOCWD/OCSD may take enforcement action against the User, unless:
 - 1. Bypass was unavoidable because it was done to prevent loss of life, personal injury, or severe property damage;
 - 2. There were no feasible alternatives to the Bypass, such as the use of auxiliary treatment facilities, retention of untreated Wastes, elective slow-down or shut-down of production units or maintenance during periods of production downtime. This condition is not satisfied if adequate backup equipment could have been feasibly installed in the exercise of reasonable engineering judgment to prevent a Bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - 3. The Permittee submitted notices as required under Section 501.4(A).
- B. If a Permittee knows in advance of the need for a Bypass, it shall submit a written request to allow the Bypass to EOCWD/OCSD, if possible, at least ten (10) days before the date of the Bypass.
- C. EOCWD/OCSD may approve an anticipated Bypass at its sole discretion after considering its adverse effects, and EOCWD/OCSD determines that the conditions listed in Section 501.5(A)(1-3) are met.
- D. A Permittee shall provide telephone notification to EOCWD/OCSD of an unanticipated Bypass that exceeds its permitted discharge limits within four hours from the time the Permittee becomes aware of the Bypass. A written report shall also be provided within five (5) days of the time the Permittee becomes aware or could reasonably have been aware of the Bypass. The report shall contain a description of the Bypass and its cause; the duration of the Bypass, including exact dates and times, and, if the Bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the Bypass. Failure to comply with the oral notice or written report may be grounds for permit revocation.

ARTICLE 6. ENFORCEMENT

601. PURPOSE AND SCOPE

- A. The Board finds that in order for EOCWD/OCSD to comply with the laws, regulations, and rules imposed upon it by Regulatory Agencies and to ensure that EOCWD's/OCSD's Sewerage Facilities and treatment processes are protected and are able to operate with the highest degree of efficiency, and to protect the public health and environment, specific enforcement provisions must be adopted to govern the discharges to EOCWD's/OCSD's Sewerage System by Permittees or by facilities required to obtain Zero Discharge Certifications. Certain violations may result in civil or criminal penalties for violation of Pretreatment Standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines.
- B. To ensure that all interested parties are afforded due process of law and that non-compliance and violations are resolved as soon as possible, the general policy of EOCWD/OCSD is that:
 - 1. Any determination relating to a Zero Discharge Certification, Probation Order, Enforcement Compliance Schedule Agreement (ECSA), or Regulatory Compliance Schedule Agreement (RCSA) will be made by the Division Head of the OCSD Pretreatment Program, with a right of appeal by the Permittee to the General Manager pursuant to the procedures set forth in Section 618.
 - 2. Any permit suspension or revocation recommended by the Division Head responsible for the OCSD Pretreatment Program will be heard and a recommendation made to the General Manager by a Department Head or other person designated by the General Manager.
 - Actions and decisions by the Division Head or Department Head are made pursuant to a delegation of authority by the General Manager as authorized by Section 107 of this Ordinance.
 - 4. The Board of Directors may adopt rules of procedure to establish the conduct of certain administrative proceedings.
- C. EOCWD/OCSD, at its discretion, may utilize any one, combination, or all enforcement remedies provided in this Article 6 in response to any permit or Ordinance violation.

602. <u>DETERMINATION OF NON COMPLIANCE WITH DISCHARGE LIMITS</u>

A. Sampling Procedures

- 1. Sampling of all Permittees' facilities, Wastewater and discharges shall be conducted in the time, place, manner, and frequency determined at the sole discretion of OCSD.
- Non-compliance with Mass Emission Rate limits, concentration limits, permit discharge conditions, or any discharge provision of this Ordinance may be determined by an analysis of a grab or composite sample of the effluent of a User. Non-compliance with Mass Emission Rate limits shall be determined by an analysis of a composite sample of the User's effluent, except that a grab sample may be used to determine compliance with Mass Emission Rate limits when the discharge is from a closed (batch) treatment system in which there is no Wastewater flow into the system when the discharge is occurring, the volume of Wastewater contained in the batch system is known, the time interval of discharge is known, and the grab sample is homogeneous and representative of the discharge.
- All Wastewater samples must be representative of the User's discharge. Any sample taken from a sample point is considered to be representative of the discharge to the public sewer.
- 4. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
- 5. If a User subject to the reporting requirement in this section monitors any regulated Pollutant at the appropriate sampling location more frequently than required by the General Manager, using the procedures prescribed in this Ordinance, the results of this monitoring shall be included in the report.

603. ENFORCEMENT PROCEDURES AND APPLICABLE FEES

- A. Self-Monitoring Requirements as a Result of Non-Compliance
 - 1. If analysis of any sample obtained by EOCWD/OCSD shows non-compliance with the applicable Wastewater discharge limits set forth in this Ordinance or in the Permittee's discharge permit, EOCWD/OCSD may impose self-monitoring requirements on the Permittee.

- 2. A Permittee shall perform required self-monitoring of constituents in a frequency, at the specific location, and in a manner directed by OCSD.
- 3. All analyses of self-monitoring samples shall be performed by an independent laboratory acceptable to OCSD and submitted to OCSD in the form and frequency determined by OCSD.
- 4. All self-monitoring costs shall be borne by the Permittee.
- 5. Nothing in this section shall be deemed to limit the authority of EOCWD/OCSD to impose self-monitoring as a permit condition.

B. Purpose of Non-Compliance Resampling Fees

The purpose of the non-compliance resampling fee is to compensate EOCWD/OCSD for costs of additional sampling, monitoring, laboratory analysis, treatment, disposal, and administrative processing incurred as a result of the non- compliance, and shall be in addition to and not in lieu of any penalties as may be assessed pursuant to Sections 616 and 617.

- C. Non Compliance Resampling Fees for Composite Samples
 - 1. Each violation of a Permittee's permit limit or condition is a violation of this Ordinance.
 - a) If analysis of any composite sample of a Permittee's discharge obtained by EOCWD/OCSD shows a major violation by the Permittee of the Mass Emission Rates or concentration limits specified in the Permittee's discharge permit or in this Ordinance, then the Permittee shall pay non-compliance resampling fees to EOCWD/OCSD pursuant to fee schedules adopted by the Board of Directors.
 - b) If analysis of any composite sample of a Permittee's discharge obtained by EOCWD/OCSD shows a minor violation by the Permittee of the Mass Emission Rates or concentration limits specified in the Permittee's discharge permit or in this Ordinance, then EOCWD/OCSD shall impose non-compliance resampling fees pursuant to fee schedules adopted by the Board of Directors.
 - 2. The fees specified in subsection 603.C.1.a), C.1.b) and D herein shall be imposed for each date on which EOCWD/OCSD conducts sampling as a result of a violation by a Permittee.
 - D. Non-Compliance Resampling Fees for Grab Samples and Self-Monitoring Results

- If analysis of any grab sample of a Permittee's discharge shows noncompliance with any concentration limits as set forth in the User's permit or in this Ordinance, EOCWD/OCSD may impose noncompliance resampling fees, pursuant to fee schedules adopted by the Board of Directors, for resampling conducted by EOCWD/OCSD as a result of a violation by the Permittee.
- 2. If any self-monitoring analysis of a Permittee's discharge shows non-compliance with any concentration limits or Mass Emission Rates as set forth in the User's permit or in this Ordinance, EOCWD/OCSD may impose non-compliance resampling fees, pursuant to fee schedules adopted by the Board of Directors, for sampling conducted by EOCWD/OCSD as a result of a violation by the Permittee.

603.1 Probation Order

A. Grounds

In the event the Division Head determines that a Permittee has violated any provision of this Ordinance, or the terms, conditions and limits of its discharge permit, or has not made payment of all amounts owed to OCSD for User charges, non-compliance resampling fees or any other fees, the General Manager may issue a Probation Order, whereby the Permittee must comply with all directives, conditions and requirements therein within the time prescribed.

B. Provisions

The issuance of a Probation Order may contain terms and conditions including, but not limited to, installation of Pretreatment equipment and facilities, requirements for self-monitoring, submittal of drawings or technical reports, operator certification, audit of Waste minimization practices, payment of fees, limits on rate and time of discharge, or other provisions to ensure compliance with this Ordinance.

C. Probation Order - Expiration

A Probation Order issued by the General Manager shall be in effect for a period not to exceed ninety (90) days.

603.2 Enforcement Compliance Schedule Agreement (ECSA)

A. Grounds

Upon determination that a Permittee is in non-compliance with the terms, conditions or limits specified in its permit or any provision of this Ordinance, and needs to construct and/or acquire and install equipment related to Pretreatment, the General Manager may require the Permittee to enter into an ECSA which will, upon the effective date of the ECSA, amend the Permittee's permit. The ECSA shall contain terms and conditions by which a Permittee must operate during its term and shall provide specific dates for achieving compliance with each term and condition for construction and/or acquisition and installation of required equipment related to Pretreatment.

B. Provisions

The issuance of an ECSA may contain terms and conditions including but not limited to requirements for self-monitoring, installation of Pretreatment equipment and facilities, submittal of drawings or reports, operator certification, audit of Waste minimization practices, payment of fees, limits on rate and time of discharge, deposit of performance guarantee, interim limits, or other provisions to ensure compliance with this Ordinance.

C. ECSA - Payment of Amounts Owed

OCSD shall not enter into an ECSA until such time as all amounts owed to OCSD, including User fees, non-compliance resampling fees, deposits, or other amounts due are paid in full, or an agreement for deferred payment secured by collateral or a third party, is approved by the General Manager. Failure to pay all amounts owed to OCSD shall be grounds for permit suspension or permit revocation as set forth in Section 605 and 606.

D. ECSA - Permit Suspension/Revocation

If compliance is not achieved in accordance with the terms and conditions of an ECSA during its term, the General Manager may issue an order suspending or revoking the discharge permit pursuant to Section 605 or 606 of this Ordinance.

604. REGULATORY COMPLIANCE SCHEDULE AGREEMENT (RCSA)

A. Grounds

If at any time subsequent to the issuance of a Wastewater Discharge Permit to an Industrial User, Federal Categorical Pretreatment Standards are adopted or revised by the United States Environmental Protection Agency,

or in the event EOCWD/OCSD enacts revised or new discharge limits, the General Manager, upon determination that an Industrial User would not be in compliance with the adopted revised or new limits, may require the industrial User to enter into a RCSA with EOCWD/OCSD under terms and conditions that would provide for achieving compliance with all new standards by the industrial User on a specific date. The RCSA shall have a maximum term of two hundred-seventy (270) days. The General Manager may approve a longer term, upon a showing of good cause.

B. Provisions

The issuance of a RCSA may contain terms and conditions including but not limited to requirements for installation of Pretreatment equipment and facilities, submittal of drawings or reports, waste minimization practices or other provisions to ensure compliance with this Ordinance.

C. RCSA - Non-Compliance Resampling Fee

During the period a RCSA is in effect, any discharge by Permittee in violation of the RCSA will require payment of non-compliance resampling fees in accordance with this Article 6.

605. PERMIT SUSPENSION

A. Grounds

The General Manager may suspend any permit when it is determined that a Permittee:

- 1. Fails to comply with the terms and conditions of either an ECSA or RCSA.
- 2. Knowingly provides a false statement, representation, record, report, or other document to EOCWD/OCSD.
- Refuses to provide records, reports, plans, or other documents required by EOCWD/OCSD to determine permit terms, conditions, or limits, discharge compliance, or compliance with this Ordinance.
- 4. Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or sample collection method.
- 5. Fails to report significant changes in operations or Wastewater constituents and characteristics.
- 6. Violates a Probation Order.

- 7. Refuses reasonable access to the Permittee's premises for the purpose of inspection and monitoring.
- 8. Does not make timely payment of all amounts owed to OCSD for User charges, non-compliance sampling fees, permit fees, or any other fees imposed pursuant to this Ordinance.
- 9. Violates any condition or limit of its discharge permit or any provision of EOCWD's/OCSD's Ordinances or regulations.

B. Notice/Hearing

When the General Manager has reason to believe that grounds exist for permit suspension, he shall give written notice thereof via personal delivery, mail with proof of delivery, or a similar method to the permittee setting forth a statement of the facts and grounds deemed to exist, together with the time and place where the charges shall be heard by the General Manager's designee. The hearing date shall be not less than fifteen (15) calendar days nor more than forty-five (45) calendar days after the mailing of such notice.

- 1. At the suspension hearing, the Permittee shall have an opportunity to respond to the allegations set forth in the notice by presenting written or oral evidence. The hearing shall be conducted in accordance with procedures established by the General Manager and approved by General Counsel.
- 2. After the conclusion of the hearing, the General Manager's designee shall submit a written report to the General Manager within thirty (30) calendar days after the conclusion of the hearing setting forth a brief statement of facts found to be true, a determination of the issues presented, conclusions, and a recommendation.

Upon receipt of the written report, the General Manager shall make his determination and should he/she find that grounds exist for suspension of the permit, he/she shall issue his/her decision and order in writing within twenty (20) calendar days. The written decision and order of the General Manager shall be sent via personal delivery, mail with proof of delivery, or a similar method to the Permittee or its legal counsel/representative at the Permittee's business address.

C. Effect

1. Upon issuance, an order of permit suspension issued by the General Manager shall be final in all respects.

- 2. The permittee shall immediately cease and desist its discharge of any Wastewater, directly or indirectly to EOCWD's/OCSD's Sewerage System for the duration of the suspension. All costs for physically terminating and reinstating service shall be paid by the Permittee.
- 3. Any owner and responsible management employee of the Permittee shall be bound by the order of suspension.

606. PERMIT REVOCATION

A. Grounds

The General Manager may revoke any permit when it is determined that a Permittee:

- 1. Knowingly provides a false statement, representation, record, report, or other document to EOCWD/OCSD.
- Refuses to provide records, reports, plans, or other documents required by EOCWD/OCSD to determine permit terms, conditions, or limits, discharge compliance, or compliance with this Ordinance.
- 3. Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or sample collection method.
- 4. Fails to report significant changes in operations or Wastewater constituents and characteristics.
- 5. Fails to comply with the terms and conditions of an ECSA, permit suspension, or probation order.
- 6. Discharges effluent to EOCWD's/OCSD's Sewerage Systems while its permit is suspended.
- 7. Refuses reasonable access to the Permittee's premises for the purpose of inspection and monitoring.
- 8. Does not make timely payment of all amounts owed to OCSD for User charges, non-compliance resampling fees, permit fees, or any other fees imposed pursuant to this Ordinance.
- 9. Causes interference with EOCWD's/OCSD's collection, treatment, or disposal system.
- 10. Fails to submit oral notice or written report of a Bypass occurrence.

11. Violates any condition or limit of its discharge permit or any provision of EOCWD's/OCSD's Ordinances or regulations.

B. Notice/Hearing

When the General Manager has reason to believe that grounds exist for the revocation of a permit, he/she shall give written notice via personal delivery, mail with proof of delivery, or a similar method thereof to the Permittee setting forth a statement of the facts and grounds deemed to exist together with the time and place where the charges shall be heard by the General Manager's designee. The hearing date shall be not less than fifteen (15) calendar days nor more than forty five (45) calendar days after the mailing of such notice.

- At the hearing, the Permittee shall have an opportunity to respond to the allegations set forth in the notice by presenting written or oral evidence. The revocation hearing shall be conducted in accordance with the procedures established by the General Manager and approved by General Counsel.
- 2. After the conclusion of the hearing, the General Manager's designee shall submit a written report to the General Manager within thirty (30) calendar days setting forth a brief statement of facts found to be true, a determination of the issues presented, conclusions, and a recommendation.
- 3. Upon receipt of the written report, the General Manager shall make his/her determination and should he/she find that grounds exist for permanent revocation of the permit, he/she shall issue his/her decision and order in writing within twenty (20) calendar days. The written decision and order of the General Manager shall be sent via personal delivery, mail with proof of delivery, or a similar method to the Permittee or its legal counsel/representative at the Permittee's business address.
- 4. In the event the General Manager determines to not revoke the permit, he/she may order other enforcement actions, including, but not limited to, a temporary suspension of the permit, under terms and conditions that he/she deems appropriate.

C. Effect

- 1. Upon issuance, an order of permit revocation issued by the General Manager shall be final in all respects.
- 2. The Permittee shall immediately cease and desist its discharge of

any Wastewater directly or indirectly to EOCWD's/OCSD's Sewerage System. All costs for physical termination shall be paid by the Permittee.

- 3. Any owner or Authorized Representative of the Permittee shall be bound by the order of revocation.
- 4. Any future application for a permit at any location within EOCWD's service area by any Person subject to an order of revocation will be considered by EOCWD/OCSD after fully reviewing the records of the revoked permit, which records may be the basis for denial of a new permit.

607. DAMAGE TO FACILITIES OR INTERRUPTION OF NORMAL OPERATIONS

- A. Any User who discharges any Wastewater which causes or contributes to any obstruction, interference, damage, or any other impairment to EOCWD's/OCSD's Sewerage Facilities or to the operation of those facilities shall be liable for all costs required to clean or repair the facilities together with expenses incurred by EOCWD/OCSD to resume normal operations. Such discharge shall be grounds for permit revocation. A service charge of twenty five percent (25%) of EOCWD's/OCSD's costs shall be added to the costs and charges to reimburse EOCWD/OCSD for miscellaneous overhead, including administrative personnel and record keeping. The total amount shall be payable within forty five (45) days of invoicing by EOCWD/OCSD.
- B. Any User who discharges a Wastewater which causes or contributes to EOCWD/OCSD violating its discharge requirements established by any Regulatory Agency incurring additional expenses or suffering losses or damage to the facilities, shall be liable for any costs or expenses incurred by EOCWD/OCSD, including regulatory fines, penalties, and assessments made by other agencies or a court.

608. <u>INDUSTRIAL WASTEWATER PASS THROUGH</u>

Any User whose discharge results in a Pass Through event affecting EOCWD's/OCSD's Sewerage Facilities shall be liable for all costs associated with the event, including treatment costs, regulatory fines, penalties, assessments, and other indirect costs. The Discharger shall submit to EOCWD/OCSD plans to prevent future recurrences to the satisfaction of EOCWD/OCSD.

609. PUBLICATION OF VIOLATION

Upon a determination in a permit suspension, permit revocation, or civil penalty proceedings that a User has discharged in violation of its permit or any provision under this Ordinance, EOCWD/OCSD may require that the User notify the public and/or other

Users of EOCWD's/OCSD's Sewerage Facilities of such violation, of actions taken to correct such violation, and of any administrative or judicial orders or penalties imposed as a result of such violation.

610. PUBLISHED NOTICES FOR SIGNIFICANT NON-COMPLIANCE

In accordance with Federal Regulations, OCSD shall annually cause to be published the names of all Industrial Users in significant non-compliance. Upon a minimum of a thirty (30) day notification to the User, said publication shall be made in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by EOCWD/OCSD.

611. PUBLIC NUISANCE

Discharge of Wastewater in any manner in violation of this Ordinance or of any order issued by the General Manager, as authorized by this Ordinance, is hereby declared a public nuisance and shall be corrected or abated as directed by the General Manager. Any Person creating a public nuisance is guilty of a misdemeanor.

612. TERMINATION OF SERVICE

- A. EOCWD/OCSD, by order of the General Manager, may physically terminate sewerage service to any property as follows:
 - 1. On a term of any order of emergency suspension or revocation of a permit; or
 - 2. Upon the failure of a Person not holding a valid discharge permit to immediately cease discharge, whether direct or indirect, to EOCWD's/OCSD's Sewerage Facilities; or
 - 3. Upon the failure of a facility not holding a valid discharge permit or certification.
- B. All costs for physical termination shall be paid by the User as well as all costs for reinstating service.

613. EMERGENCY SUSPENSION ORDER

A. EOCWD/OCSD may, by order of the General Manager, suspend sewerage service or Wastehauler discharge service when the General Manager determines that such suspension is necessary in order to stop an actual or impending discharge which presents or may present an imminent or substantial endangerment to the health and welfare of persons, or to the environment, or may cause interference to the EOCWD's/OCSD's Sewerage Facilities, or may cause EOCWD/OCSD to violate any state or federal law or regulation. Any Discharger notified of and subject to an Emergency Suspension Order shall immediately cease and desist the discharge of all Industrial Wastewater to the Sewerage System.

B. As soon as reasonably practicable following the issuance of an Emergency Suspension Order, but in no event more than five (5) days following the issuance of such order, the General Manager shall hold a hearing to provide the User the opportunity to present information in opposition to the issuance of the Emergency Suspension Order. Such a hearing shall not stay the effect of the Emergency Suspension Order. The hearing shall be conducted in accordance with procedures established by the General Manager and approved by General Counsel. The General Manager shall issue a written decision and order within two (2) business days following the hearing, which decision shall be sent via personal delivery, mail with proof of delivery, or a similar method to the User or its legal counsel/representative at that User's business address. The decision of the General Manager following the hearing shall be final in all respects.

614. INJUNCTION

Whenever a Discharger of Wastewater is in violation of or has the reasonable potential to violate any provision of this Ordinance, permit condition, or any Federal Categorical Pretreatment Standards or Pretreatment Requirements as set forth in 40 CFR Section 403.8, et seq., fails to submit required reports, or refuses to allow EOCWD/OCSD entry to inspect or monitor the User's discharge, EOCWD/OCSD may petition the Superior Court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate to restrain the continued violation or to prevent threatened violations by the Discharger.

615. CIVIL PENALTIES

A. Authority

All Users of EOCWD's/OCSD's Sewerage System and facilities are subject to enforcement actions administratively or judicially by EOCWD, OCSD, U.S. EPA, State of California Regional Water Quality Control Board, or the County of Orange District Attorney. Said actions may be taken pursuant to the authority and provisions of several laws, including but not limited to: (1) Federal Water Pollution Control Act, commonly known as the Clean Water Act (33 U.S.C.A. Section 1251, et seq.); (2) California Porter-Cologne Water Quality Control Act (California Water Code Section 13000, et seq.); (3) California Hazardous Waste Control Law (California Health & Safety Code Sections 25100 to 25250); (4) Resource Conservation and Recovery Act of 1976 (42 U.S.C.A Section 6901, et seq.); and (5) California Government Code, Sections 54739-54740.

B. Recovery of Fines or Penalties

In the event EOCWD/OCSD is subject to the payment of fines or penalties pursuant to the legal authority and actions of other Regulatory Agencies or enforcement agencies based on a violation of law or regulation or its permits, and said violation can be established by EOCWD/OCSD, as caused by the discharge of any User of EOCWD's/OCSD's Sewerage

System which is in violation of any provision of this Ordinance or the User's permit, EOCWD/OCSD shall be entitled to recover from the User all costs and expenses, including, but not limited to, the full amount of said fines or penalties to which EOCWD/OCSD has been subjected.

C. Ordinance

Pursuant to the authority of California Government Code Sections 54739 - 54740, any Person who violates any provision of this Ordinance; any permit condition, prohibition or effluent limit; or any suspension or revocation order shall be liable civilly for a sum not to exceed \$25,000.00 per violation for each day in which such violation occurs. Pursuant to the authority of the Clean Water Act, 33 U.S.C. Section 1251, et seq., any Person who violates any provision of this Ordinance, or any permit condition, prohibition, or effluent limit shall be liable civilly for a sum not to exceed \$25,000.00 per violation for each day in which such violation occurs. The General Counsel, upon order of the General Manager, shall petition the Superior Court to impose, assess, and recover such penalties, or such other penalties as EOCWD/OCSD may impose, assess, and recover pursuant to federal and/or state legislative authorization.

D. Administrative Civil Penalties

- 1. Pursuant to the authority of California Government Code Sections 54740.5 and 54740.6, EOCWD/OCSD may issue an administrative complaint to any Person who violates:
 - a) any provision of this Ordinance;
 - b) any permit condition, prohibition, or effluent limit, or certification requirement; or
 - c) any suspension or revocation order.
- 2. The administrative complaint shall be served via personal delivery, mail with proof of delivery, or a similar method on the Person and shall inform the Person that a hearing will be conducted, and shall specify a hearing date within sixty (60) days. The administrative complaint will allege the act or failure to act that constitutes the violation of EOCWD/OCSD requirements, the provisions of law authorizing civil liability to be imposed, and the proposed civil penalty. The matter shall be heard by the General Manager's designee. The Person to whom an administrative complaint has been issued may waive the right to a hearing, in which case a hearing will not be conducted.
- 3. At the hearing, the Person shall have an opportunity to respond to the allegations set forth in the administrative complaint by presenting written or oral evidence. The hearing shall be conducted in accordance with

- the procedures established by the General Manager and approved by General Counsel.
- 4. After the conclusion of the hearing, the General Manager's designee shall submit a written report to the General Manager within thirty (30) calendar days setting forth a brief statement of the facts found to be true, a determination of the issues presented, conclusions, and a recommendation.
- 5. Upon receipt of the written report, the General Manager shall make his/her determination and should he/she find that grounds exist for assessment of a civil penalty against the Person, he/she shall issue his/her decision and order in writing within twenty (20) calendar days.
- 6. If, after the hearing or appeal, if any, it is found that the Person has violated reporting or discharge requirements, the General Manager may assess a civil penalty against that Person. In determining the amount of the civil penalty, the General Manager may take into consideration all relevant circumstances, including but not limited to the extent of harm caused by the violation, the economic benefit derived through any non-compliance, the nature and persistence of the violation, the length of time over which the violation occurs, and corrective action, if any, attempted or taken by the Person involved.
- 7. Civil penalties may be assessed as follows:
 - a) In an amount which shall not exceed two thousand dollars (\$2,000.00) for each day for failing or refusing to furnish technical, monitoring reports, or any other required documents;
 - b) In an amount which shall not exceed three thousand dollars (\$3,000.00) for each day for failing or refusing to timely comply with any compliance schedules established by EOCWD/ OCSD;
 - c) In an amount which shall not exceed five thousand dollars (\$5,000.00) per violation for each day of discharge in violation of any Wastewater discharge limit, permit condition, or requirement issued, reissued, or adopted by EOCWD/OCSD;
 - d) In any amount which does not exceed ten dollars (\$10.00) per gallon for discharges in violation of any suspension, revocation, cease and desist order or other orders, or prohibition issued, reissued, or adopted by EOCWD/OCSD;
 - 8. Any Person aggrieved by an order issued by the General Manager assessing administrative civil penalties may, within fifteen (15) days after the General Manager issues the order, file an appeal with the Governing Board. The evidence on appeal shall consist solely of the General Manager's order and the administrative record

before the hearing officer. The Governing Board shall determine whether to uphold, modify, or reverse the General Manager's order. The decision of the Governing Board shall be set forth in writing and be sent by certified mail to the appellant. The decision of the Governing Board shall be final in all respects. If no appeal of the General Manager's decision is filed within fifteen (15) days of its issuance, the General Manager's order becomes final in all respects.

- 9. Copies of the administrative order shall be served on the party served with the administrative complaint, either by personal service or by registered mail to the Person at his business or residence address, and upon other persons who appeared at the hearing and requested a copy of the order.
- 10. Any Person aggrieved by a final decision issued by the Governing Board, may obtain review in the superior court, pursuant to Government Code Section 54740.6, by filing in the court a petition for writ of mandate within thirty (30) days following the service of a copy of the Governing Board decision.
- 11. Payment of any order setting administrative civil penalties shall be made within thirty (30) days of the date the order becomes final. The amount of any administrative civil penalties imposed which have remained delinquent for a period of sixty (60) days shall constitute a lien against the real property of the Discharger from which the discharge resulting in the imposition of the civil penalty originated. The lien shall have no effect until recorded with the county recorder. EOCWD/OCSD may record the lien for any unpaid administrative civil penalties on the ninety-first (91st) day following the date the order becomes final.
- 12. No administrative civil penalties shall be recoverable under Section 616.D for any violation for which EOCWD/OCSD has recovered civil penalties through a judicial proceeding filed pursuant to Government Code Section 54740.

616. CRIMINAL PENALTIES

Any Person who violates any provision of this Ordinance is guilty of a misdemeanor, which upon conviction is punishable by a fine not to exceed \$1,000.00, or imprisonment for not more than thirty (30) days, or both. Each violation and each day in which a violation occurs may constitute a new and separate violation of this Ordinance and shall be subject to the penalties contained herein.

617. APPEALS TO GENERAL MANAGER

A. General

Any User, permit applicant, or Permittee affected by any decision, action or determination made by the General Manager a written request for an appeal hearing. The request must be received by EOCWD/OCSD within fifteen (15) days of mailing of notice of the decision, action, or determination of EOCWD/OCSD to the appellant. The request for hearing shall set forth in detail all facts supporting the appellant's request. Filing of an appeal shall stay the proceedings and furtherance of the action being appealed

B. Notice

The General Manager shall, within fifteen (15) days of receiving the request for appeal, and pursuant to Section 107, designate a Department Head or other person to hear the appeal and provide written notice to the appellant of the hearing date, time and place via personal delivery, mail with proof of delivery, or a similar method. The hearing date shall not be more than thirty (30) days from the delivery date of such notice to the appellant unless a later date is agreed to by the appellant. If the hearing is not held within said time due to actions or inactions of the appellant, then the staff decision shall be deemed final.

C. Hearing

At the hearing, the appellant shall have the opportunity to present information supporting its position concerning the Division Head's decision, action or determination. The hearing shall be conducted in accordance with procedures established by the General Manager and approved by General Counsel.

D. Written Determination

After the conclusion of the hearing, the Department Head (or other designee) shall submit a written report to the General Manager setting forth a brief statement of facts found to be true, a determination of the issues presented, conclusions, and a recommendation whether to uphold, modify or reverse the Division Head's original decision, action or determination. Upon receipt of the written report, the General Manager shall make his/her determination and shall issue his/her decision and order within thirty (30) calendar days of the hearing by his/her designee. Upon issuance, the order of the General Manager shall be final in all respects. The written decision and order of the General Manager shall be sent via personal delivery, mail with proof of delivery, or a similar method to the appellant or its legal counsel/representative at the appellant's business address.

618. PAYMENT OF CHARGES

- A. Except as otherwise provided, all fees, charges and penalties established by this Ordinance are due and payable upon receipt of notice thereof. All such amounts are delinquent if unpaid forty five (45) days after date of invoice.
- B. Any charge that becomes delinquent shall have added to it a penalty in accordance with the following:
 - 1. Forty six (46) days after date of invoice, a basic penalty of ten percent (10%) of the base invoice amount, not to exceed a maximum of \$1,000.00; and
 - 2. A penalty of one and one-half percent (1.5%) per month of the base invoice amount and basic penalty shall accrue from and after the forty-sixth (46th) day after date of invoice.
- C. Any invoice outstanding and unpaid after ninety (90) days shall be cause for immediate suspension of the permit.
- D. Penalties charged under this Section shall not accrue to those invoices successfully appealed.
- E. Payment of disputed charges is still required by the due date during EOCWD's/ OCSD's review of any appeal submitted by Permittees.

619. COLLECTION OF DELINQUENT ACCOUNTS

Collection of delinquent accounts shall be in accordance with EOCWD's/OCSD's policy resolution establishing procedures for collection of delinquent obligations owed to EOCWD/OCSD, as amended from time to time by the Board of Directors. Any such action for collection may include an application for an injunction to prevent repeated and recurring violations of this Ordinance.

620. APPEAL OF CHARGES AND FEES

Except for non-compliance charges and penalties, any User, permit applicant, or Permittee affected by any decision, action, or determination by EOCWD/OCSD, relating to fiscal issues of EOCWD/OCSD in which the User, applicant, or Permittee is located, including but not limited to the imposition and collection of fees, such as capital facility capacity charges, sewer use charges, special purpose discharge use charges and Wastehauler fees, may request that EOCWD/OCSD reconsider imposition of such fees or charges. Following review of such a request, EOCWD/OCSD shall notify the User, permit applicant, or Permittee via personal delivery mail with proof of delivery, or a similar method of EOCWD's/OCSD's decision on the reconsideration request. Any User, permit applicant, or Permittee adversely affected by EOCWD's/OCSD's decision on the reconsideration request may file an appeal which shall be heard by the Board of Directors. The notice of appeal must be received by EOCWD/OCSD within thirty (30) days of the mailing of OCSD's decision on the reconsideration request.

621. RECOVERY OF COSTS INCURRED BY EOCWD/OCSD

In the event any User, permit applicant, or permittee fails to comply with any of the terms and conditions of this Ordinance, a probationary order, an order of permit suspension or revocation, an ECSA, a RCSA, a certification, or a permit issued hereunder, EOCWD/OCSD shall be entitled to reasonable attorney's fees and costs which may be incurred in order to enforce any of said terms and conditions, with or without filing proceedings in court.

622. FINANCIAL SECURITY/AMENDMENTS TO PERMIT

A. Compliance Deposit

Permittees that have been subject to enforcement and/or collection proceedings may be required to deposit with EOCWD/OCSD an amount determined by the General Manager as necessary to guarantee payment to EOCWD/OCSD of all charges, fees, penalties, costs and expenses that may be incurred in the future, before permission is granted for further discharge to the sewer.

B. Delinquent Accounts

EOCWD/OCSD may require an amendment to the permit of any Permittee who fails to make payment in full of all fees and charges assessed by EOCWD/OCSD, including reconciliation amounts, delinquency penalties, and other costs or fees incurred by Permittee.

C. Bankruptcy

Every Permittee filing any legal action in any court of competent jurisdiction, including the United States Bankruptcy Court, for purposes of discharging its financial debts or obligations or seeking court ordered, protection from its creditors, shall, within ten (10) days of filing such action, apply for and obtain the issuance of an amendment to its permit.

D. Permit Amendments

EOCWD/OCSD shall review and examine Permittee's account to determine whether previously incurred fees and charges have been paid in accordance with time requirements prescribed by this Ordinance. EOCWD/OCSD may thereafter issue an amendment to the User's permit in accordance with the provisions of Article 3 and subsection E below.

E. Security

An amendment to a Wastewater discharge permit issued pursuant to subdivisions (B), (C) and (D) above, may be conditioned upon the Permittee depositing financial security in an amount equal to the average total fees and charges for two (2) calendar quarters during the preceding year. Said deposit shall be used to guarantee payment of all fees and charges incurred for future services and facilities furnished by EOCWD/OCSD and shall not be used by EOCWD/OCSD to recover outstanding fees and charges incurred prior to the Permittee filing and receiving protection from creditors in the United States Bankruptcy Court.

F. Return of Security

In the event the Permittee makes payment in full within the time prescribed by this Ordinance of all fees and charges incurred over a period of two (2) years following the issuance of an amendment to the permit pursuant to subdivisions (B), (C) and (D), EOCWD/OCSD shall either return the security deposit posted by the Permittee or credit their account.

623. <u>JUDICIAL REVIEW</u>

A. Purpose and Effect

Pursuant to Section 1094.6 of the California Code of Civil Procedure, EOCWD/OCSD hereby enacts this part to limit to ninety (90) days following final decisions in adjudicatory administrative hearings the time within which an action can be brought to review such decisions by means of administrative mandamus.

B. Definitions

As used in this Section, the following terms and words shall have the following meanings:

- 1. <u>Decision</u> shall mean and include adjudicatory administrative decisions that are made after hearing, or after revoking, suspending, or denying an application for a permit.
- Complete Record shall mean and include the transcript, if any exists, of the proceedings, all pleadings, all notices and orders, any proposed decision by the General Manager, the final decision, all admitted exhibits, all rejected exhibits in the possession of EOCWD/OCSD or its offices or agents, all written evidence, and any other papers in the case.

3. <u>Party</u> shall mean a Person whose permit has been denied, suspended, or revoked.

C. Time Limit for Judicial Review

Judicial review of any decision of OCSD or its officer or agent may be made pursuant to Section 1094.5 of the Code of Civil Procedure only if the petition for writ of mandate is filed not later than the ninetieth (90th) day following the date on which the decision becomes final. If there is no provision for reconsideration in the procedures governing the proceedings or if the date is not otherwise specified, the decision is final on the date it is made. If there is provision for reconsideration, the decision is final upon the expiration of the period during which such reconsideration can be sought; provided that if reconsideration is sought pursuant to such provision the decision is final for the purposes of this Section on the date that reconsideration is rejected.

D. Preparation of the Record

The complete record of the proceedings shall be prepared by the EOCWD/OCSD officer or agent who made the decision and shall be delivered to the petitioner within ninety (90) days after he/she has filed written request therefor. EOCWD/OCSD may recover from the petitioner its actual costs for transcribing or otherwise preparing the record.

E. Extension

If the petitioner files a request for the record within ten (10) days after the date the decision becomes final, the time within which a petition, pursuant to Section 1094.5 of the Code of Civil Procedure, may be filed shall be extended to not later than the thirtieth (30th) day following the date on which the record is either personally delivered or mailed to the petitioner or the petitioner's attorney of record.

F. Notice

In making a final decision, EOCWD/OCSD shall provide notice to the party that the time within which judicial review must be sought is governed by Section 1094.6 of the Code of Civil Procedure.

G. Administrative Civil Penalties

Notwithstanding the provisions in this Section, and pursuant to Government Code Section 54740.6, judicial review of an order of the General Manager imposing administrative civil penalties pursuant to Section 616.D may be made only if the petition for writ of mandate is filed not later than the thirtieth (30th) day following the day on which the order of the General Manager becomes final.

ARTICLE 7. SEWER SERVICE CHARGES – CAPITAL FACILITY CAPACITY CHARGES

701. SANITARY SEWER SERVICE CHARGE

Every parcel of real property located within EOCWD which is improved with structures designed for residential, commercial, or industrial use, and connected to the EOCWD's Sewerage System, shall pay a sanitary sewer service charge in an amount adopted by the Board of Directors by separate Ordinance.

702. CAPITAL FACILITIES CAPACITY CHARGE

Every parcel of real property located within EOCWD which is improved with structures designed for residential, commercial, or industrial use, and connected to the EOCWD's Sewerage System, shall pay a capital facilities capacity charge in an amount adopted by the Board of Directors by separate Ordinance.

ARTICLE & SEVERABILITY

801. SEVERABILITY

If any provision of these Regulations or the application to any circumstances is held invalid, the remainder of the regulations or the application of such provision to other persons or other circumstances shall not be affected.

802. GENERAL APPLICATION

The provisions of this Ordinance shall apply to all properties within EOCWD including those properties otherwise deemed exempt from payment of taxes or assessments by provisions of the state Constitution or statute, including properties owned by other public agencies or tax-exempt organizations.

- Section 1: This Ordinance is enacted in order to preserve the public health and safety, and in order to continue the provision of sewer services by EOCWD/OCSD. The facts requiring the public health and safety to be preserved are that the regulation of the discharge of industrial and sanitary Sewage is regulated by federal and state law, and protection of individuals' health and the environment require that no discharges of untreated Sewage/Wastewater are allowed to occur that are not in accord with technical specifications and requirements.
- Section II: Effective Date. This Ordinance shall take effect October 1, 2016.
- Section III: The Clerk of the Board shall certify to the adoption of this Ordinance and shall cause a summary to be published in a newspaper of general circulation as required by law.

PASSED AND ADOPTED by the Board of Directors of the East Orange County Water District at a Regular Meeting held the 15th day of September, 2016.

President, Board of Directors
East Orange County Water District

www. morecel

ATTEST:

STATE OF CALIFORNIA)
)SS.
COUNTY OF ORANGE)

I, Joan Arneson, Secretary to the Board of Directors of the East Orange County Water District, do hereby certify that the above and foregoing Ordinance No. 16-1 was introduced for first reading at a regular meeting of said Board on the 18th day of August, 2016, and passed and adopted at a regular meeting of said Board on the 15th day of September, 2016, by the following vote, to wit:

AYES: BELL, DAVERT, DULEBOHN, EVERETT, SEARS

NOES: NONE ABSENT: NONE NONE

INWITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of East Orange County Water District this 15th day of September, 2016.

Secretary to the Board of Directors
East Orange County Water District



APPENDIX E ORDINANCE NO. 2016-2

ORDINANCE NO. 2016-2 (AMENDED 2019)

AN ORDINANCE OF THE BOARD OF DIRECTORS OF EAST ORANGE COUNTY WATER DISTRICT ADOPTING FATS, OILS AND GREASE CONTROL REGULATIONS APPLICABLE TO FOOD SERVICE ESTABLISHMENTS

WHEREAS, pursuant to the California Water Code Section 30000 et. seq., the East Orange County Water District ("District") has the authority to adopt ordinances relating to the provision of sewer services and facilities, and regulations of those services and facilities; and

WHEREAS, the Regional Water Quality Control Board ("RWQCB") for the Santa Ana Region adopted Order RB-2002-0014, which prescribes general waste discharge requirements prohibiting sanitary sewer overflows ("SSOs") by sewer collection agencies; and

WHEREAS, in Order RB-2002-0014, the RWQCB found that one of the leading causes of SSOs within the Santa Ana Region, which encompasses the District's service area is "grease blockages"; and

WHEREAS, SSOs often caused by discharge of wastewater containing high levels of fat, oils and grease ('FOG"), suspended solids, pathogenic organisms, and other pollutants, may cause temporary exceedances of applicable water quality objectives, pose a threat to the public health, adversely affect aquatic life, and impair the public recreational use and aesthetic enjoyment of surface waters within the District's service area; and

WHEREAS, General Waste Discharge Requirements for Sanitary Sewer Systems, Water Quality Order 2006-0003-DWQ requires the District to monitor and control SSOs and to develop a FOG Control Program; and

WHEREAS, the Marcy 26, 2015 Statewide Sanitary Sewer Overflow Reduction Program Annual Compliance Report identifies FOG as one of the primary causes of Sanitary Sewer Overflows in California; and

WHEREAS, in light of the overwhelming evidence that FOG is a primary cause of SSOs, the District desires to implement a FOG Control Program to prevent SSOs; and

WHEREAS, Section 1014 of the 2001 California Plumbing Code, applicable to all occupancies in the State pursuant to the California Building Standards Law, requires the installation of grease traps or interceptors when in the opinion of the Building Official waste pretreatment is required; and

WHEREAS, the foregoing findings indicate that a FOG Control Program is required for Food Service Establishments within the District's jurisdiction to comply with waste discharge regulations and prevent the harmful effects of SSOs; and

WHEREAS, the regulations adopted herein will require existing Food Service Establishments to install grease control devices or interceptors no later than three years from the effective date of this Ordinance, and the Board finds that three years is a reasonable

amortization period for existing Food Service Establishments that are operating without a grease control device or grease interceptor; and

WHEREAS, the Board of Directors finds that specific enforcement provisions must be adopted to govern discharges of wastewater to the District's system by Food Service Establishments.

NOW, THEREFORE, the Board of Directors does hereby ordain as follows:

Best Management Practices

Schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the introduction of FOG to the sewer facilities.

Board

The Board of Directors of the District.

Change in Operations

Any change in the ownership, food types, or operational procedures that have the potential to increase the amount of FOG generated and/or discharged by Food Service Establishments in an amount that alone or collectively causes or creates a potential for SSOs to occur.

Composite Sample

A collection of individual samples obtained at selected intervals based on an increment of either flow or time. The resulting mixture (composite sample) forms a representative sample of the wastestream discharged during the sample period. Samples will be collected when a wastewater discharge occurs.

Discharger

Any person who discharges or causes a discharge of wastewater directly or indirectly to a public sewer. Discharger shall mean the same as User.

District

The East Orange County Water District.

Sewer Facility or System

Any property belonging to the District used in the treatment, reclamation, reuse, transportation, or disposal of wastewater, or sludge.

Effluent

Any liquid outflow from the Food Service Establishment that is discharged to the sewer.

Fats, Oils, and Grease ("FOG")

Any substance such as a vegetable or animal product that is used in, or is a by-product of, the cooking or food preparation process, and that turns or may turn viscous or solidifies with a change in

EOCWD 2016-2 006313.00006 (Amended 2019) 23756836.4 temperature or other conditions.

FOG Control Program

The FOG Control Program required by and developed pursuant to General WDR 2006-0003-DWQ, Section (13)(viii).

FOG Control Program Manager

The individual designated by the District to administer the FOG Control Program. The FOG Control Program Manager is responsible for all determinations of compliance with the program, including approval of discretionary variances and waivers.

FOG Wastewater Discharge Permit

A permit issued by the District subject to the requirements and conditions established by the District authorizing the permittee or discharger to discharge wastewater into the District's facilities or into sewer facilities which ultimately discharge into a District facility.

Food Service Establishment (or "FSE")

Facilities defined in California Uniform Retail Food Service Establishments Law (CURFFL) Section 113785, and any commercial entity within the boundaries of the District, operating in a permanently constructed structure such as a room, building, or place, or portion thereof, maintained, used, or operated for the purpose of storing, preparing, serving, or manufacturing, packaging, or otherwise handling food for sale to other entities, or for consumption by the public, its members or employees, and which has any process or device that uses or produces FOG, or grease vapors, steam, fumes, smoke or odors that are required to be removed by a Type I or Type II hood, as defined in CURFFL Section 113785. A limited food preparation establishment is not considered a Food Service Establishment when engaged only in reheating, hot holding or assembly of ready to eat food products and as a result, there is no wastewater discharge containing a significant amount of FOG. A limited food preparation establishment does not include any operation that changes the form, flavor, or consistency of food.

Food Grinder

Any device installed in the plumbing or sewage system for the purpose of grinding food waste or food preparation by products for the purpose of disposing it in the sewer system.

Grease Control Device

Any grease interceptor, grease trap or other mechanism, device, or process, which attaches to, or is applied to, wastewater plumbing fixtures and lines, the purpose of which is to trap or collect or treat FOG prior to it being discharged into the sewer system. "Grease control device" may also include any other proven method to reduce FOG subject to the approval of the District.

Grease Disposal Mitigation Fee

A fee charged to an Owner/Operator of a Food Service Establishment when there are physical limitations to the property that make the installation of the usual and customary grease interceptor or grease control device for the Food Service Establishment under consideration, impossible or impracticable. The Grease Disposal Mitigation Fee is intended to cover the costs of increased maintenance of the sewer system for inspection and cleaning of FOG and other viscous or solidifying agents that a properly employed grease control device would otherwise prevent from entering the sewer system.

Grease Interceptor

A multi-compartment device that is constructed in different sizes and is generally required to be located, according to the California Plumbing Code, underground between a Food Service Establishment and the connection to the sewer system. These devices primarily use gravity to separate FOG from the wastewater as it moves from one compartment to the next. These devices must be cleaned, maintained, and have the FOG removed and disposed of in a proper manner on regular intervals to be effective.

Grease Trap

A grease control device that is used to serve individual fixtures and have limited effect and should only be used in those cases where the use of a grease interceptor or other grease control device is determined to be impossible or impracticable.

General Manager

The individual duly designated by the Board of Directors of the District to administer this Ordinance.

Grab Sample

A sample taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.

Hot Spots

Areas in sewer lines that have experienced sanitary sewer overflows or that must be cleaned or maintained frequently to avoid blockages of sewer system.

Inflow

Water entering a sewer system through a direct stormwater/ runoff connection to the sanitary sewer, which may cause an almost immediate increase in wastewater flows.

Infiltration

Water entering a sewer system, including sewer service connections, from the ground through such means as defective pipes, pipe joints, connections, or manhole walls.

Inspector

A person authorized by the District to inspect any existing or proposed wastewater generation, conveyance, processing, and disposal facilities.

Interceptor

A grease interceptor.

Interference

Any discharge which, alone or in conjunction with discharges from other sources, inhibits or disrupts the District's sewer system, treatment processes or operations; or is a cause of violation of the District's NPDES or Waste Discharge Requirements or prevents lawful sludge use or disposal.

Local Sewering Agency

Any public agency or private entity responsible for the collection and disposal of wastewater to the District's sewer facilities duly authorized under the laws of the State of California to construct and/or maintain public sewers.

NPDES

The National Pollutant Discharge Elimination System; the permit issued to control the discharge of liquids or other substances or solids to surface waters of the United States as detailed in Public Law 92-500, Section 402.

New Construction

Any structure planned or under construction for which a sewer connection permit has not been issued.

Permittee

23756836.4

A person who has received a permit to discharge wastewater into the District's sewer facilities subject to the requirements and conditions established by

EOCWD 2016-2 006313.00006 (Amended 2019) the District.

Person

Any individual, partnership, firm, association, corporation or public agency, including the State of California and the United States of America.

Public Agency

The State of California and/or any city, county, special district, other local governmental authority or public body of or within this State.

Public Sewer

A sewer owned and operated by the District, or other local Public Agency, which is tributary to the District's sewer facilities.

Regulatory Agencies

Regulatory Agencies shall mean those agencies having regulatory jurisdiction over the operations of the District, including, but not limited to:

- a. United States Environmental Protection Agency, Region IX, San Francisco and Washington, DC (EPA).
- b. California State Water Resources Control Board (SWRCB)
- c. California Regional Water Quality Control Board, Santa Ana Region (RWQCB).
- d. South Coast Air Quality Management District (SCAQMD).
- e. California Department of Health Services (OOHS).

Remodeling

A physical change or operational change causing generation of the amount of FOG that exceed the current amount of FOG discharge to the sewer system by the Food Service Establishment in an amount that alone or collectively causes or create a potential for SSOs to occur; or exceeding a cost of \$50,000 to a Food Service Establishment that requires a building permit, and involves any one or combination of the following: (1) Under slab plumbing in the food processing area, (2) a 30% increase in the net public seating area, (3) a 30% increase in the size of the kitchen area, or (4) any change in the size or type of food preparation equipment.

Sample Point

A location approved by the District, from which wastewater can be collected that is representative in content and consistency of the entire flow of wastewater being sampled.

Sampling Facilities

Structure(s) provided at the user's expense for the District or user to measure and record wastewater constituent mass, concentrations, collect a representative sample, or provide access to plug or terminate the discharge.

Sewage

Wastewater

Sewer Facilities or System

Any and all facilities used for collecting, conveying, pumping, treating, and disposing of wastewater and sludge.

Sewer Lateral

A building sewer as defined in the latest edition of the California Plumbing Code. It is the wastewater connection between the building's wastewater facilities and a public sewer system.

Sludge

Any solid, semi-solid or liquid decant, subnate or supernate from a manufacturing process, utility service, or pretreatment facility.

Twenty-five percent (25%) Rule

Requirement for grease interceptors to be maintained such that the combined FOG and solids accumulation does not exceed 25% of the design hydraulic depth of the grease interceptor. This is to ensure that the minimum hydraulic retention time and required available hydraulic volume is maintained to effectively intercept and retain FOG discharged to the sewer system.

User

Any person who discharges or causes a discharge of wastewater directly or indirectly to a public sewer system. User shall mean the same as Discharger.

Waste

Sewage and any and all other waste substances, liquid, solid, gaseous or radioactive, associated with human habitation or of human or animal nature, including such wastes placed within containers of whatever nature prior to and for the purpose of disposal.

Manifest

That receipt which is retained by the generator of

wastes for disposing recyclable wastes or liquid wastes as required by the District.

Waste Minimization Practices

Plans or programs intended to reduce or eliminate discharges to the sewer system or to conserve water, including, but not limited to, product substitutions, housekeeping practices, inventory control, employee education, and other steps as necessary to minimize wastewater produced.

Wastehauler

Any person carrying on or engaging in vehicular transport of waste as part of, or incidental to, any business for that purpose.

Wastewater

The liquid and water-carried wastes of the community and all constituents thereof, whether treated or untreated, discharged into or permitted to enter a public sewer.

Wastewater Constituents and Characteristics

The individual chemical, physical, bacteriological, and other parameters, including volume and flow rate and such other parameters that serve to define. classify or measure the quality and quantity of wastewater.

ARTICLE 1 - GENERAL PROVISIONS

1.1 PURPOSE AND POLICY

- Α. The purpose of this Ordinance is to facilitate the maximum beneficial public use of the District's sewer services and facilities while preventing blockages of the sewer lines resulting from discharges of FOG to the sewer facilities, and to specify appropriate FOG discharge requirements for Food Service Establishments.
- B. This Ordinance shall be interpreted in accordance with the definitions set forth in Section 1.2. The provisions of this Ordinance shall apply to the direct or indirect discharge of all wastewater or waste containing FOG carried to the sewer facilities of the District.
- C. To comply with Federal, State, and local policies and to allow the District to meet applicable standards, provisions are made in this Ordinance for the regulations of wastewater or waste containing FOG discharges to the sewer facilities.
- D. This Ordinance establishes quantity and quality standards on all wastewater and/or waste discharges containing FOG, which may alone or collectively cause or contribute to FOG accumulation in the sewer facilities causing or potentially causing or contributing to the occurrence of SSOs.

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1.2 **DEFINITIONS**

- A. Unless otherwise defined herein, terms related to water quality shall be as adopted in the latest edition of Standard Methods for Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association and the Water Environment Federation. The testing procedures for waste constituents and characteristics shall be as provided in 40 CFR 136 (Code of Federal Regulations).
- B. Other terms not herein defined are defined as being the same as set forth in the latest adopted applicable editions of the California Codes applicable to building construction adopted pursuant to the California Building Standards Law.
- C. Subject to the foregoing provisions, the following definitions shall apply in this Ordinance:
- D. Words used in this Ordinance in the singular may include the plural and the plural the singular. Use of masculine shall mean feminine and use of feminine shall mean masculine. Shall is mandatory; may is permissive or discretionary.

ARTICLE 2 - GENERAL LIMITATIONS, PROHIBITIONS, AND REQUIREMENTS ON FATS, OILS, AND GREASE ("FOG") DISCHARGES

2.1 FOG DISCHARGE REQUIREMENT

No Food Service establishment shall discharge or cause to be discharged into the sewer system FOG that exceeds a concentration level adopted by the Board or that may accumulate and/or cause or contribute to blockages in the sewer system or at the sewer system lateral which connects the Food Service Establishment to the sewer system.

2.2 PROHIBITIONS

The following prohibitions shall apply to all Food Service Establishments:

- A. Installation of food grinders in the plumbing system of new constructions of Food Service Establishments shall be prohibited. Furthermore, all food grinders shall be removed from all existing Food Service Establishments within 180 days of the effective date of this Ordinance, except when expressly allowed by the FOG Control Program Manager.
- B. Introduction of any additives into a Food Service Establishment's wastewater system for the purpose of emulsifying FOG or biologically/chemically treating FOG for grease remediation or as a supplement to interceptor maintenance, unless a specific written authorization from the FOG Control Program Manager is obtained.
- C. Disposal of waste cooking oil into drainage pipes is prohibited. All waste cooking oils shall be collected and stored properly in receptacles such as barrels or drums for recycling or other acceptable methods of disposal.

- D. Discharge of wastewater from dishwashers to any grease trap or grease interceptor is prohibited.
- E. Discharge of wastewater with temperatures in excess of 140°F to any grease control device, including grease traps and grease interceptors, is prohibited.
- F. Discharge of wastes from toilets, urinals, wash basins, and other fixtures containing fecal materials to sewer lines intended for grease interceptor service, or vice versa, is prohibited.
- G. Discharge of any waste including FOG and solid materials removed from the grease control device to the sewer system is prohibited. Grease removed from grease interceptors shall be wastehauled periodically as part of the operation and maintenance requirements for grease interceptors.
- H. Operation of grease interceptors with FOG and solids accumulation exceeding 25% of the design hydraulic depth of the grease interceptor (25% Rule)

2.3 FOGWASTEWATER DISCHARGE PERMIT REQUIRED

No person shall discharge, or cause to be discharged any wastewater from Food Service Establishments directly or indirectly into the sewer system without first obtaining a FOG Wastewater Discharge Permit pursuant to this Ordinance.

2.4 BEST MANAGEMENT PRACTICES REQUIRED

All Food Services Establishments shall implement Best Management Practices in its operation to minimize the discharge of FOG to the sewer system. Detailed requirements for Best Management Practices shall be specified in the permit. This may include kitchen practices and employee training that are essential in minimizing FOG discharge.

2.5 FOGPRETREATMENT REQUIRED

Food Service Establishments are required to install, operate and maintain an approved type and adequately sized grease interceptor necessary to maintain compliance with the objectives of this Ordinance, subject to the variance and waiver provisions of Section 2.6. The grease interceptor shall be adequate to separate and remove FOG contained in wastewater discharges from Food Service Establishments prior to discharge to the sewer system. Fixtures, equipment, and drain lines located in the food preparation and clean up areas of Food Service Establishments that are sources of FOG discharges shall be connected to the grease interceptor. Compliance shall be established as follows:

A. New Construction of Food Service Establishments

New construction of Food Service Establishments shall include and install grease interceptors prior to commencing discharges of wastewater to the sewer system.

B. Existing Food Service Establishments

- 1. For existing Food Service Establishments, the requirement to install and to properly operate and maintain a grease interceptor may be conditionally stayed, that is, delayed in its implementation by the FOG Control Program Manager for a maximum period of three years from the effective date of this Ordinance (3-year Amortization Period). Terms and conditions for application of a stay to a Food Service Establishment shall be set forth in the permit. The Board finds that three years is a reasonable amortization period for existing Food Service Establishments that are operating without a grease interceptor.
- 2. Existing Food Service Establishments, which have caused or contributed to grease-related blockage in the sewer system, or which have sewer laterals connected to hot spots, or which have been determined to contribute significant FOG to the sewer system by the FOG Control Program Manager based on inspection or sampling, shall be deemed to have reasonable potential to adversely impact the sewer system, and shall install grease interceptors within 180 days upon notification by the District.
- 3. Existing Food Service Establishments or Food Service Establishments that change ownership, that undergo remodeling or a change in operations as defined in Section 1.2 of this Ordinance, shall be required to install a grease interceptor.

2.6 VARIANCE AND WAIVER OF GREASE INTERCEPTOR REQUIREMENT

A. <u>Variance from Grease Interceptor Requirements</u>

An existing Food Service Establishment may obtain a variance from the grease interceptor requirement to allow alternative pretreatment technology that is, at least, equally effective in controlling the FOG discharge in lieu of a grease interceptor, if the Food Service Establishment demonstrates that it is impossible or impracticable to install, operate or maintain a grease interceptor. The FOG Control Program Manager's determination to grant a variance will be based upon, but not limited to, evaluation of the following conditions:

- 1. There is no adequate space for installation and/or maintenance of a grease interceptor.
- There is no adequate slope for gravity flow between kitchen plumbing fixtures and the grease interceptor and/or between the grease interceptor and the private collection lines or the public sewer.
- 3. The Food Service Establishment can justify that the alternative pretreatment technology is equivalent or better than a grease interceptor in controlling its FOG discharge. In addition, the Food Service Establishment must be able to demonstrate, after installation of the proposed alternative pretreatment, its effectiveness to control FOG discharge through downstream visual monitoring of the sewer system, for at least three months, at its own expense. A Variance may be granted if the results show no visible accumulation of FOG in its lateral and/or tributary downstream sewer lines.

B. <u>Conditional Waiver from Installation of Grease Interceptor</u>

An existing Food Service Establishment may obtain a conditional waiver from installation of a grease interceptor, if the Food Service Establishment demonstrates that it has negligible FOG discharge and insignificant impact to the sewer system. Although a waiver from installation of grease interceptor may be granted, the Food Service Establishment may be required to provide space and plumbing segregation for future installation of grease interceptor. The FOG Control Program Manager's determination to grant or revoke a conditional waiver shall be based upon, but not limited to, evaluation of the following conditions:

- Quantity of FOG discharge as measured or as indicated by the size of Food Service Establishment based on seating capacity, number of meals served, menu, water usage, amount of on-site consumption of prepared food and other conditions that may reasonably be shown to contribute to FOG discharges.
- 2. Adequacy of implementation of Best Management Practices and compliance history.
- 3. Sewer size, grade, condition based on visual information, FOG deposition in the sewer by the Food Service Establishment, and history of maintenance and sewage spills in the receiving sewer system.
- 4. Changes in operations that significantly affect FOG discharge.
- 5. Any other condition deemed reasonably related to the generation of FOG discharges by the FOG Control Program Manager.

C. <u>Waiver from Grease Interceptor Installation with a Grease Disposal Mitigation</u> Fee

For Food Service Establishments where the installation of grease interceptor is not feasible and no equivalent alternative pretreatment can be installed, a waiver from the grease interceptor requirement may be granted with the imposition of a Grease Disposal Mitigation Fee as described in Section 2.8. Additional requirements may be imposed to mitigate the discharge of FOG into the sewer system. The FOG Control Program Manager's determination to grant the waiver with a Grease Disposal Mitigation Fee will be based upon, but not limited to, evaluation of the following conditions:

- 1. There is no adequate space for installation and/or maintenance of a grease interceptor.
- 2. There is no adequate slope for gravity flow between kitchen plumbing fixtures and the grease interceptor and/or between the grease interceptor and the private collection lines or the public sewer.
- 3. A variance from grease interceptor installation to allow alternative pretreatment technology cannot be granted.

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D. Application for Waiver or Variance of Requirement for Grease Interceptor

A Food Service Establishment may submit an application for waiver or variance from the grease interceptor requirement to the FOG Control Program Manager. The Food Service Establishment bears the burden of demonstrating, to the FOG Control Program Manager's reasonable satisfaction, that the installation of a grease interceptor is not feasible or applicable. Upon determination by the FOG Control Program Manager that reasons are sufficient to justify a variance or waiver, the permit will be issued or revised to include the variance or waiver and relieve the Food Service Establishment from the requirement.

E. Terms and conditions

A variance or waiver shall contain terms and conditions that serve as basis for its issuance. A waiver or variance may be revoked at any time when any of the terms and conditions for its issuance is not satisfied or if the conditions upon which the waiver was based change so that the justification for the waiver no longer exists. The waiver or variance shall be valid so long as the Food Service Establishment remains in compliance with their terms and conditions until the expiration date specified in the variance or waiver.

2.7 COMMERCIAL PROPERTIES

Property owners of commercial properties or their official designee(s) shall be responsible for the installation and maintenance of the grease interceptor serving multiple Food Service Establishments that are located on a single parcel.

2.8 GREASE DISPOSAL MITIGATION FEE

Food Service Establishments that operate without a grease control interceptor may be required to pay an annual Grease Disposal Mitigation Fee to equitably cover the costs of increased maintenance of the sewer system as a result of the Food Service Establishments' inability to adequately remove FOG from its wastewater discharge. This Section shall not be interpreted to allow the new construction of, or existing Food Service Establishments undergoing remodeling or change in operations to operate without an approved grease interceptor unless the District has determined that it is impossible or impracticable to install or operate a grease control interceptor for the subject facility under the provisions of Section 2.6 of this Ordinance.

- A. The Grease Disposal Mitigation Fee shall be established by ordinance or resolution of the Board of Directors, and shall be based on the estimated annual increased cost of maintaining the sewer system for inspection and removal of FOG and other viscous or solidifying agents attributable to the Food Service Establishment resulting from the lack of a grease interceptor or grease control device.
- B. The Grease Disposal Mitigation Fee may be waived or reduced on a no less than an annual basis when the discharger demonstrates to the reasonable satisfaction of the FOG Control Program Manager that they had used best

- management and waste minimization practices on a regular basis that has significantly reduced the introduction of FOG into the sewer system.
- C. The Grease Disposal Mitigation Fee may not be waived or reduced when the Food Service Establishment does not comply with the minimum requirements of this Ordinance and/or its discharge into the sewer system in the preceding 12 months has caused or potentially caused or contributed alone or collectively, in sewer blockage or SSO in the sewer downstream, or surrounding the Food Service Establishment prior to the waiver request.

2.9 <u>SEWER SYSTEM OVERFLOWS, PUBLIC NUISANCE, ABATEMENT ORDERS AND CLEANUP COSTS</u>

Notwithstanding the three-year amortization period established in Section 2.5, Food Service Establishments found to have contributed to a sewer blockage, SSOs or any sewer system interferences resulting from the discharge of wastewater or waste containing FOG, shall be ordered to install and maintain a grease interceptor, and may be subject to a plan to abate the nuisance and prevent any future health hazards created by sewer line failures and blockages, SSOs or any other sewer system interferences. SSOs may cause threat and injury to public health, safety, and welfare of life and property and are hereby declared public nuisances. Furthermore. sewer lateral failures and SSOs caused by Food Service Establishments alone or collectively, are the responsibility of the private property owner or Food Service Establishment, and individual(s) as a responsible officer or owner of the Food Service Establishment. If the District must act immediately to contain and clean up an SSO caused by blockage of a private or public sewer lateral or system serving a Food Service Establishment, or at the request of the property owner or operator of the Food Service Establishment, or because of the failure of the property owner or Food Service Establishment to abate the condition causing immediate threat of injury to the health, safety, welfare, or property of the public, the District's costs for such abatement may be entirely borne by the property owner or operator of the Food Service Establishment, and individual(s) as a responsible officer or owner of the Food Service Establishment(s) and may constitute a debt to the District and become due and payable upon the District's request for reimbursement of such costs.

ARTICLE 3 - FOG WASTEWATER DISCHARGE PERMITS FOR FOOD SERVICE ESTABLISHMENTS

3.1 FOG WASTEWATER DISCHARGE PERMIT REQUIRED

- A. Food Service Establishments proposing to discharge or currently discharging wastewater containing FOG into the District's sewer system shall obtain a FOG Wastewater Discharge Permit from the District.
- B. FOG Wastewater Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other regulations, charges for use, and fees established by the District. The conditions of FOG Wastewater Discharge Permits shall be enforced by the District in accordance with this Ordinance and applicable State and Federal Regulations.

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3.2 FOG WASTEWATER DISCHARGE PERMIT APPLICATION

- Any person required to obtain a FOG Wastewater Discharge Permit shall Α. complete and file with the District prior to commencing or continuing discharges, an application in a form prescribed by the District. The applicable fees shall accompany this application. The applicant shall submit, in units and terms appropriate for evaluation, the following information at a minimum:
 - 1. Name, address, telephone number, assessor's parcel number(s). description of the Food Service Establishment, operation, cuisine, service activities, or clients using the applicant's services.
 - 2. (Whichever is applicable) Name, address of any and all principals/owners/major shareholders of Food the Service Establishment; Articles of Incorporation; most recent Report of the Secretary of State; Business License.
 - 3. Name and address of property owner or lessor and the property manager where the Food Service Establishment is located.
 - 4. Any other information as specified in the application form.
- B. Applicants may be required to submit site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, FOG control device, grease interceptor or other pretreatment equipment and appurtenances by size, location, and elevation for evaluation.
- C. Other information related to the applicant's business operations and potential discharge may be requested to properly evaluate the permit application.
- D. After evaluation of the data furnished, the District may issue a FOG Wastewater Discharge Permit, subject to terms and conditions set forth inthis Ordinance and as otherwise determined by the FOG Control Program Manager to be appropriate to protect the District's sewer system.

3.3 FOG WASTEWATER DISCHARGE PERMIT CONDITIONS

The issuance of a FOG Wastewater Discharge Permit may contain any of the following conditions or limits:

- A. Limits on discharge of FOG and other priority pollutants.
- B. Requirements for proper operation and maintenance of grease interceptors and other grease control devices.
- C. Grease interceptor maintenance frequency and schedule.
- D. Requirements for implementation of Best Management Practices and installation of adequate grease interceptor and/or grease control device.

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- E. Requirements for maintaining and reporting status of Best Management Practices.
- F. Requirements for maintaining and submitting logs and records, including wastehauling records and waste manifests.
- G. Requirements to self-monitor.
- H. Requirements for the Food Service Establishment to construct, operate and maintain, at its own expense, FOG control device and sampling facilities.
- Additional requirements as otherwise determined to be reasonably appropriate by the FOG Control Program Manager to protect the District's system or as specified by other Regulatory Agencies.
- J. Other terms and conditions, which may be reasonably applicable to ensure compliance with this Ordinance.

3.4 FOG WASTEWATER DISCHARGE PERMIT APPLICATION FEE

The FOG Wastewater Discharge Permit Application fee shall be paid by the applicant in an amount adopted by ordinance or resolution of the Board of Directors of the District. Payment of permit application fee must be received by the District upon submission of the permit application. A permittee shall also pay any delinquent invoices in full prior to permit renewal.

3.5 <u>FOG WASTEWATER DISCHARGE PERMIT MODIFICATION OF TERMS AND CONDITIONS</u>

- A. The terms and conditions of an issued permit may be subject to modification and change by the sole determination of the FOG Control Program Manager during the life of the permit based on:
 - 1. The discharger's current or anticipated operating data;
 - 2. The District's current or anticipated operating data;
 - 3. Changes in the requirements of Regulatory Agencies which affect the District; or
 - 4. A determination by the FOG Control Program Manager that such modification is appropriate to further the objectives of this Ordinance.
- B. The Permittee may request a modification to the terms and conditions of an issued permit. The request shall be in writing stating the requested change, and the reasons for the change. The FOG Control Program Manager shall review the request, make a determination on the request, and respond in writing.
- C. The Permittee shall be informed of any change in the permit limits, conditions, or requirements at least forty-five (45) days prior to the effective

date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

3.6 FOG WASTEWATER DISCHARGE PERMIT DURATION AND RENEWAL

FOG Wastewater Discharge Permits shall be issued for a period not to exceed four (4) years. At least 60 days prior to the expiration of the permit, the user shall apply for renewal of the permit in accordance with the provisions of this Article 3.

3.7 EXEMPTION FROM FOG WASTEWATER DISCHARGE PERMIT

A limited food preparation establishment is not considered a Food Service Establishment and is exempt from obtaining a FOG Wastewater Discharge Permit. Exempted establishments shall be engaged only in reheating, hot holding or assembly of ready to eat food products and as a result, there is no wastewater discharge containing significant amount of FOG. A limited food preparation establishment does not include any operation that changes the form, flavor, or consistency of food.

3.8 NON-TRANSFERABILITY OF PERMITS

FOG Wastewater Discharge Permits issued under this Ordinance are for a specific Food Service Establishment, for a specific operation and create no vested rights.

- A. No permit holder shall assign, transfer, sell any FOG Wastewater Discharge Permit issued under this Ordinance nor use any such permit for or on any premises or for facilities or operations or discharges not expressly encompassed within the underlying permit.
- B. Any permit which is transferred to a new owner or operator or to a new facility is void.

3.9 FOG WASTEWATER DISCHARGE PERMIT CHARGE FOR USE

A charge to cover all costs of the District for providing the sewer service and monitoring shall be established by Ordinance or Resolution of the Board of Directors of the District.

ARTICLE 4 - FACILITIES REQUIREMENTS

4.1 DRAWING SUBMITTAL REQUIREMENTS

Upon request by the District:

A. Food Service Establishments may be required to submit two copies of facility site plans, mechanical and plumbing plans, and details to show all sewer locations and connections. The submittal shall be in a form and content acceptable to the District for review of existing or proposed grease control device, grease interceptor, monitoring facilities, metering facilities, and operating procedures. The review of the plans and procedures shall in no way relieve the Food Service Establishments of the responsibility of modifying the facilities or procedures in the future, as necessary to produce an acceptable

- discharge, and to meet the requirements of this Ordinance or any requirements of other Regulatory Agencies.
- B. Applicants may be required to submit site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, FOG control device, grease interceptor or other pretreatment equipment and appurtenances by size, location, and elevation for evaluation.
- C. Food Service Establishments may be required to submit a schematic drawing of the FOG control device, grease interceptor or other pretreatment equipment, piping and instrumentation diagram, and wastewater characterization report.
- D. The District may require the drawings be prepared by a California Registered Civil, Chemical, Mechanical, or Electrical Engineer.

4.2 GREASE INTERCEPTOR REQUIREMENTS

- A. All Food Service Establishments shall provide wastewater acceptable to the District, under the requirements and standards established herein before discharging to any public sewer. Any Food Service Establishment required to provide FOG pretreatment shall install, operate, and maintain an approved type and adequately sized grease interceptor necessary to maintain compliance with the objectives of this Ordinance.
- B. Grease interceptor sizing and installation shall conform to the current edition of the Uniform Plumbing Code. Grease interceptors shall be constructed in accordance with the design approved by the FOG Control Program Manager and shall have a minimum of two compartments with fittings designed for grease retention.
- C. The grease interceptor shall be installed at a location where it shall be at all times easily accessible for inspection, cleaning, and removal of accumulated grease.
- D. Access manholes, with a m1n1mum diameter of 24 inches, shall be provided over each grease interceptor chamber and sanitary tee. The access manholes shall extend at least to finished grade and be designed and maintained to prevent water inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection, grease removal, and wastewater sampling activities.

4.3 GREASE TRAP REQUIREMENTS

- A. Food Service Establishments may be required to install grease traps in the waste line leading from drains, sink, and other fixtures or equipment where grease may be introduced into the sewer system in quantities that can cause blockage.
- B. Sizing and installation of grease traps shall conform to the current edition of the California Plumbing Code.

- C. Grease traps shall be maintained in efficient operating conditions by removing accumulated grease on a daily basis.
- D. Grease traps shall be maintained free of all food residues and any FOG waste removed during the cleaning and scraping process.
- E. Grease traps shall be inspected periodically to check for leaking seams and pipes, and for effective operation of the baffles and flow regulating device. Grease traps and their baffles shall be maintained free of all caked-on FOG and waste. Removable baffles shall be removed and cleaned during the maintenance process.
- F. Dishwashers and food waste disposal units shall not be connected to or discharged into any grease trap.

4.4 MONITORING FACILITIES REQUIREMENTS

- A. The District may require the Food Service Establishments to construct and maintain in proper operating condition at the Food Service Establishment's sole expense, flow monitoring, constituent monitoring and/or sampling facilities.
- B. The location of the monitoring or metering facilities shall be subject to approval by the FOG Control Program Manager.
- C. Food Service Establishments may be required to provide immediate, clear, safe and uninterrupted access to the FOG Control Program Manager or inspectors to the Food Service Establishment's monitoring and metering facilities.
- D. Food Service Establishments may also be required by the FOG Control Program Manager to submit waste analysis plans, contingency plans, and meet other necessary requirements to ensure proper operation and maintenance of the grease control device or grease interceptor and compliance with this Ordinance.
- E. No Food Service Establishment shall increase the use of water or in any other manner attempt to dilute a discharge as a partial or complete substitute for treatment to achieve compliance with this Ordinance and the FOG Wastewater Discharge Permit.

4.5 REQUIREMENTS FOR BEST MANAGEMENT PRACTICES

- A. All Food Service Establishments shall implement best management practices in accordance with the requirements and guidelines established by the District under its FOG Control Program in an effort to minimize the discharge of FOG to the sewer system.
- B. All Food Service Establishments shall be required, at a minimum, to comply with the following Best Management Practices, when applicable:

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- 1. <u>Installation of drain screens</u>. Drain screens shall be installed on all drainage pipes in food preparation areas.
- 2. Segregation and collection of waste cooking oil. All waste cooking oil shall be collected and stored properly in recycling receptacles such as barrels or drums. Such recycling receptacles shall be maintained properly to ensure that they do not leak. Licensed wastehaulers or an approved recycling facility must be used to dispose of waste cooking oil.
- 3. Disposal of food waste. All food waste shall be disposed of directly into the trash or garbage, and not in sinks. bagging food wastes that have the potential to leak in trash bins is highly recommended.
- 4. Employee training. Employees of the food service establishment shall be trained by ownership/management periodically as specified in the permit, on the following subjects:
 - How to "dry wipe" pots, pans, dishware and work areas before a) washing to remove grease.
 - How to properly dispose of food waste and solids in enclosed b) plastic bags prior to disposal in trash bins or containers to prevent leaking and odors.
 - The location and use of absorption products to clean under fryer c) baskets and other locations where grease may be spilled or dripped.
 - d) How to properly dispose of grease or oils from cooking equipment into a grease receptacle such as a barrel or drum without spilling.

Training shall be documented and employee signatures retained indicating each employee's attendance and understanding of the practices reviewed. Training records shall be available for review at any reasonable time by the FOG Control Program Manager or an inspector.

- 5. Maintenance of kitchen exhaust filters. Filters shall be cleaned as frequently as necessary to be maintained in good operating condition. The wastewater generated from cleaning the exhaust filter shall be disposed properly.
- 6. Kitchen signage. Best management and waste minimization practices shall be posted conspicuously in the food preparation and dishwashing areas at all times.

4.6 GREASE INTERCEPTOR MAINTENANCE REQUIREMENTS

- A. Grease Interceptors shall be maintained in efficient operating condition by periodic removal of the full content of the interceptor which includes wastewater, accumulated FOG, floating materials, sludge and solids.
- B. All existing and newly installed grease interceptors shall be maintained in a manner consistent with a maintenance frequency approved by the FOG Control Program Manager pursuant to this section.
- C. No FOG that has accumulated in a grease interceptor shall be allowed to pass into any sewer lateral, sewer system, storm drain, or public right of way during maintenance activities.
- D. Food Service Establishments with grease interceptors may be required to submit data and information necessary to establish the maintenance frequency grease interceptors.
- E. The maintenance frequency for all Food Service Establishments with a grease interceptor shall be determined in one of the following methods:
 - Grease interceptors shall be fully pumped out and cleaned at a frequency such that the combined FOG and solids accumulation does not exceed 25% of the total design hydraulic depth of the grease interceptor. This is to ensure that the minimum hydraulic retention time and required available hydraulic volume is maintained to effectively intercept and retain FOG discharged to the sewer system.
 - 2. All Food Service Establishments with a Grease Interceptor shall maintain their grease interceptor not less than every 6 months.
 - 3. Grease interceptors shall be fully pumped out and cleaned quarterly when the frequency described in (1) has not been established. The maintenance frequency shall be adjusted when sufficient data have been obtained to establish an average frequency based on the requirements described in (1) and guidelines adopted pursuant to the FOG Control Program. The District may change the maintenance frequency at any time to reflect changes in actual operating conditions in accordance with the FOG Control Program. Based on the actual generation of FOG from the Food Service Establishment, the maintenance frequency may increase or decrease.
 - 4. The owner/operator of a Food Service Establishment may submit a request to the FOG Control Program Manager requesting a change in the maintenance frequency at any time. The Food Service Establishment has the burden of responsibility to demonstrate that the requested change in frequency reflects actual operating conditions based on the average FOG accumulation over time and meets the requirements described in (1), and that it is in full compliance with the conditions of its permit and this Ordinance. Upon determination by the FOG Control Program Manager that requested revision is justified, the permit shall be revised accordingly to reflect the change in maintenance frequency.

- 5. If the grease interceptor, at any time, contains FOG and solids accumulation that does not meet the requirements described in (1), the Food Service Establishment shall be required to have the grease interceptor serviced immediately such that all fats, oils, grease, sludge, and other materials are completely removed from the grease interceptor. If deemed necessary, the FOG Control Program Manager may also increase the maintenance frequency of the grease interceptor from the current frequency.
- F. Wastewater, accumulated FOG, floating materials, sludge/solids, and other materials removed from the grease interceptor shall be disposed off site properly by wastehaulers in accordance with federal, state and/or local laws.

ARTICLE 5 - MONITORING, REPORTING, NOTIFICATION, AND INSPECTION REQUIREMENTS

5.1 MONITORING AND REPORTING CONDITIONS

- A. Monitoring for Compliance with Permit Conditions and Reporting Requirements
 - 1. The FOG Control Program Manager may require periodic reporting of the status of implementation of Best Management Practices, in accordance with the FOG Control Program.
 - 2. The FOG Control Program Manager may require visual monitoring at the sole expense of the Permittee to observe the actual conditions of the Food Service Establishment's sewer lateral and sewer lines downstream.
 - 3. The FOG Control Program Manager may require reports for selfmonitoring of wastewater constituents and FOG characteristics of the Permittee needed for determining compliance with any conditions or requirements as specified in the FOG Wastewater Discharge Permit or this Ordinance. Monitoring reports of the analyses of wastewater constituents and FOG characteristics shall be in a manner and form approved by the FOG Control Program Manager and shall be submitted upon request of the FOG Control Program Manager. Failure by the Permittee to perform any required monitoring, or to submit monitoring reports required by the FOG Control Program Manager constitutes a violation of this Ordinance and be cause for the District to initiate all necessary tasks and analyses to determine the wastewater constituents and FOG characteristics for compliance with any conditions and requirements specified in the FOG Wastewater Discharge Permit or in this Ordinance. The Permittee shall be responsible for any and all expenses of the District in undertaking such monitoring analyses and preparation of reports.
 - 4. Other reports may be required such as compliance schedule progress reports, FOG control monitoring reports, and any other reports deemed reasonably appropriate by the FOG Control Program Manager to ensure compliance with this Ordinance.

B. Record Keeping Requirements

The Permittee shall be required to keep all manifests, receipts and invoices of all cleaning, maintenance, grease removal of/from the grease control device, disposal carrier and disposal site location for no less than two years. The Permittee shall, upon request, make the manifests, receipts and invoices available to any District representative, or inspector. These records may include:

- 1. A logbook of grease interceptor, grease trap or grease control device cleaning and maintenance practices.
- 2. A record of Best Management Practices being implemented including employee training.
- 3. Copies of records and manifests of wastehauling interceptor contents.
- 4. Records of sampling data and sludge height monitoring for FOG and solids accumulation in the grease interceptors.
- 5. Records of any spills and/or cleaning of the lateral or sewer system.
- 6. Any other information deemed appropriate by the FOG Control Program Manager to ensure compliance with this Ordinance.

C. Falsifying Information or Tampering with Process

It shall be unlawful to make any false statement, representation, record, report, plan or other document that is filed with the District, or to tamper with or knowingly render inoperable any grease control device, monitoring device or method or access point required under this Ordinance.

5.2 INSPECTION AND SAMPLING CONDITIONS

- A. The FOG Control Program Manager may inspect or order the inspection and sample the wastewater discharges of any Food Service Establishment to ascertain whether the intent of this Ordinance is being met and the Permittee is complying with all requirements. The Permittee shall allow the District access to the Food Service Establishment premises, during normal business hours, for purposes of inspecting the Food Service Establishment's grease control devices or interceptor, reviewing the manifests, receipts and invoices relating to the cleaning, maintenance and inspection of the grease control devices or interceptor.
- B. The FOG Control Program Manager shall have the right to place or order the placement on the Food Service Establishment's property or other locations as determined by the FOG Control Program Manager, such devices as are necessary to conduct sampling or metering operations. Where a Food Service Establishment has security measures in force, the Permittee shall make necessary arrangements so that representatives of the District shall be

permitted to enter without delay for the purpose of performing their specific responsibilities.

C. In order for the FOG Control Program Manager to determine the wastewater characteristics of the discharger for purposes of determining the annual use charge and for compliance with permit requirements, the Permittee shall make available for inspection and copying by the District all notices, monitoring reports, waste manifests, and records including, but not limited to, those related to wastewater generation, and wastewater disposal without restriction but subject to the confidentiality provision set forth in this Ordinance. All such records shall be kept by the Permittee a minimum of two (2) years.

5.3 RIGHT OF ENTRY

Persons or occupants of premises where wastewater is created or discharged shall allow the FOG Control Program Manager, or District representatives, reasonable access to all parts of the wastewater generating and disposal facilities for the purposes of inspection and sampling during all times the discharger's facility is open, operating, or any other reasonable time. No person shall interfere with, delay, resist or refuse entrance to District representatives attempting to inspect any facility involved directly or indirectly with a discharge of wastewater to the District's sewer system. In the event of an emergency involving actual or imminent sanitary sewer overflow, District's representatives may access adjoining businesses or properties which share a sewer system with a Food Service Establishment in order to prevent or remediate an actual or imminent sanitary overflow.

5.4 NOTIFICATION OF SPILL

- A. In the event a permittee is unable to comply with any permit condition due to a breakdown of equipment, accidents, or human error or the Permittee has reasonable opportunity to know that his/her/its discharge will exceed the discharge provisions of the FOG Wastewater Discharge Permit or this Ordinance, the discharger shall immediately notify the District by telephone at the number specified in the Permit. If the material discharged to the sewer has the potential to cause or result in sewer blockages or SSOs, the discharger shall immediately notify the local Health Department, City or County, and the District.
- B. Confirmation of this notification shall be made in writing to the FOG Control Program Manager at the address specified in the Permit no later than five (5) working days from the date of the incident. The written notification shall state the date of the incident, the reasons for the discharge or spill, what steps were taken to immediately correct the problem, and what steps are being taken to prevent the problem from recurring.
- C. Such notification shall not relieve the Permittee of any expense, loss, damage or other liability which may be incurred as a result of damage or loss to the District or any other damage or loss to person or property; nor shall such notification relieve the Permittee of any fees or other liability which may be imposed by this Ordinance or other applicable law.

5.5 NOTIFICATION OF PLANNED CHANGES

Permittee shall notify the District at least 60 days in advance prior to any facility expansion/remodeling, or process modifications that may result in new or substantially increased FOG discharges or a change in the nature of the discharge. Permittee shall notify the District in writing of the proposed expansion or remodeling and shall submit any information requested by the District for evaluation of the effect of such expansion on Permittee's FOG discharge to the sewer system.

ARTICLE 6 - ENFORCEMENT

6.1 PURPOSES AND SCOPE

- A. The Board of Directors finds that in order for the District to comply with the laws, regulations, and rules imposed upon it by Regulatory Agencies and to ensure that the District's sewer facilities are protected and are able to operate with the highest degree of efficiency, and to protect the public health and environment, specific enforcement provisions must be adopted to govern the discharges to the District's system by Food Service Establishments.
- B. To ensure that all interested parties are afforded due process of law and that violations are resolved as soon as possible, the general policy of the District is that:
 - Any determination relating to a notice of violation and Compliance Schedule Agreement (CSA) will be made by the FOG Control Program Manager, with a right of appeal by the permittee to the General Manager pursuant to the procedures set forth in Section 6.14.
 - A permittee, or applicant for a permit may request the Board of Directors of the District to hear an appeal of the General Manager's decision pursuant to Section 6.15. Such request may be granted or denied by the Board of Directors.
 - 3. Any permit suspension or revocation recommended by the FOG Control Program Manager will be heard and a recommendation made to the General Manager or other person designated by the General Manager with a right of appeal of the General Manager's order by the permittee to the Board of Directors pursuant to the provisions of Section 6.15.
- C. The District, at its discretion, may utilize any one, combination, or all enforcement remedies provided in Article 6 in response to any permit or Ordinance violations.

6.2 FAILURE TO OBTAIN PERMIT

A. Failure of any Discharger to obtain a FOG Wastewater Discharge Permit can lead to an enforcement action, including criminal and/or civil penalties and/or notification of such failure to other relevant enforcement agencies, including, but not limited to, the Orange County Department of Health, at the discretion of the FOG Control Program Manager and/or General Manager. In addition to any

other remedies set forth in this Ordinance, the General Manager and/or FOG Control Program Manager may utilize the following procedure to obtain compliance with this Ordinance:

- The General Manager or FOG Control Program Manager may mail written notice to the unlawful Discharger of their failure to obtain a FOG Wastewater Discharge Permit as required by this Ordinance, a general description of the process necessary to obtain such permit (or reference to this Ordinance); and a deadline for compliance that is at least 20 calendar days from the date such notice is mailed;
- 2. The General Manager or FOG Control Program Manager may, if compliance not is not achieved by the deadline established within the mailed notice, send notice by certified mail to the unlawful Discharger of their failure to obtain a FOG Wastewater Discharge Permit as required by this Ordinance, a general description of the process necessary to obtain such permit (or reference to this Ordinance), and a deadline for compliance that is at least 20 days from the date such notice is mailed. Such notice shall also inform the Discharger that failure to comply with such notice by the established deadline shall subject the Discharger to a fine of Fifty Dollars and 00/100 (\$50.00) in addition to the fee for the FOG Wastewater Discharge Permit, which shall be paid before any such permit will be issued;
- 3. The General Manager or FOG Control Program Manager may, if compliance is not achieved by the deadline established within the notice sent by certified mail, hand-deliver notice to the unlawful Discharger of their failure to obtain a FOG Wastewater Discharge Permit as required by this Ordinance, a general description of the process necessary to obtain such permit (or reference to this Ordinance), and a deadline for compliance and payment of fines that is at least 20 days from the date such notice is delivered. For purposes of this section, it shall be sufficient that such notice is either left with an employee of the Food Service Establishment or posted on the door in the event the Food Service Establishment is closed. Such notice shall also inform the Discharger of the imposition of the fine noticed in Section 6.2(A)(2), and that failure to comply with this final notice by the established deadline may subject the Discharger to further enforcement, including termination of sewer service and those criminal and civil penalties set forth by this Ordinance; and
- 4. In the event the Discharger fails to comply with the hand-delivered notice, then the General Manager (1) shall send written notice of the imposition of such fine, with notice that any fines not paid within 30 days shall be subject to an additional fine equal to the greater of one and one-half percent per month or the maximum interest permitted by law of any unpaid fines pursuant to this Section 6.2; and (2) may enforce the requirements of this Ordinance utilizing any of those civil or criminal enforcement remedies set forth herein, including the potential physical termination of service.
- B. Nothing in this Section 6.2 shall prevent the General Manager and/or FOG Control Program Manager from immediately utilizing those enforcement remedies otherwise permitted by this Ordinance, without regard to this section,

when necessary to address emergency circumstances or otherwise protect public health.

6.3 <u>MINOR DETERMINATIONS OF NON-COMPLIANCE WITH FOG WASTEWATER</u> <u>DISCHARGE PERMIT CONDITIONS</u>

- A. Notwithstanding the remaining provisions of this Ordinance, in the event the FOG Control Program Manager and/or the General Manager determine that minor noncompliance issues exist with respect to any FSE relative to the terms and conditions of the issued FOG Wastewater Discharge Permit, the FOG Control Program Manager or General Manager may seek to obtain compliance through the following informal process, prior to initiating the formal procedures specified in Sections 6.4 through 6.7 and otherwise. Such process, if utilized, shall occur as follows:
 - 1. The District may hand-deliver notice to the Discharger as to their violations of this Ordinance and/or their permit conditions, with a deadline for compliance that is at least 20 days from the date such notice is delivered. For purposes of this section, it shall be sufficient that such notice is either left with an employee of the Food Service Establishment or posted on the door in the event the Food Service Establishment is closed. Such notice shall also inform the Discharger that failure to comply with such notice by the established deadline shall subject the Discharger to a fine of Fifty Dollars and 00/100 (\$50.00), and may subject the Discharger to further enforcement, including termination of sewer service and those criminal and civil penalties set forth by this Ordinance. In the event Noncompliance Fees, as contemplated by Section 6.4(C) are imposed, such penalties shall supersede any fines or penalties imposed by this Section 6.3(A)(3).
- B. Nothing in this Section 6.3 shall prevent the General Manager and/or FOG Control Program Manager from immediately utilizing those enforcement remedies otherwise permitted by this Ordinance, without regard to this section, when necessary to address emergency circumstances or otherwise protect public health, or it is determined that applicable violations do not constitute a minor noncompliance issue.

6.4 <u>DETERMINATION OF NONCOMPLIANCE WITH FOG WASTEWATER</u> <u>DISCHARGE PERMIT CONDITIONS</u>

A. Inspection Procedures

- 1. Inspection of Food Service Establishments shall be conducted in the time, place, manner, and frequency determined at the sole discretion of the FOG Control Program Manager.
- Noncompliance with Best Management Practices, 25% Rule for grease interceptors, maintenance frequency requirements for grease interceptors, permit discharge conditions, or any discharge provisions of this Ordinance may be determined by an inspection of the Food Service Establishment.

B. Sampling Procedures

- Sampling of Food Service Establishments shall be conducted in the time, place, manner, and frequency determined at the sole discretion of the District.
- 2. Non-compliance with mass emission rate limits, concentration limits, permit discharge conditions, or any discharge provision of this Ordinance may be determined by an analysis of a grab or composite sample of the effluent of a user. Non-compliance with mass emission rate limits shall be determined by an analysis of a composite sample of the user's effluent, except that a grab sample may be used to determine compliance with mass emission rate limits when the discharge is from a closed (batch) treatment system in which there is no wastewater flow into the system when the discharge is occurring, the volume of wastewater contained in the batch system is known, the time interval of discharge is known, and the grab sample is homogeneous and representative of the discharge.
- 3. Any sample taken from a sample point is considered to be representative of the discharge to the public sewer.

C. Noncompliance Fees

Any permittee determined to be in noncompliance with the terms and conditions specified in its permit or with any provision of this Ordinance shall pay a noncompliance fee. The purpose of the noncompliance fee is to compensate the District for costs of additional inspection and follow-up, sampling, monitoring, laboratory analysis, treatment, disposal, and administrative processing incurred as a result of the noncompliance, and shall be in addition to and not in lieu of any penalties as may be assessed pursuant to Sections 6.10 and 6.11. Noncompliance fees shall be in the amount adopted by ordinance or resolution by the District's Board of Directors.

6.5 COMPLIANCE SCHEDULE AGREEMENT (CSA)

- A. Upon determination that a permittee is in noncompliance with the terms and conditions specified in its permit or any provision of this Ordinance, or needs to construct and/or acquire and install a grease control device or grease interceptor, the FOG Control Program Manager may require the permittee to enter into a CSA.
- B. The issuance of a CSA may contain terms and conditions including but not limited to requirements for installation of a grease control device, grease interceptor and facilities, submittal of drawings or reports, audit of waste hauling records, best management and waste minimization practices, payment of fees, or other provisions to ensure compliance with this Ordinance.
- C. The FOG Control Program Manager shall not enter into a CSA until such time as all amounts owed to the District, including user fees, noncompliance sampling fees, or other amounts due are paid in full, or an

- agreement for deferred payment secured by collateral or a third party, is approved by the FOG Control Program Manager.
- D. If compliance is not achieved in accordance with the terms and conditions of a CSA during its term, the FOG Control Program Manager may issue an order suspending or revoking the discharge permit pursuant to Section 6.6 or 6.7 of this Ordinance.

6.6 PERMIT SUSPENSION

- A. The General Manager may suspend any permit when it is determined that a permittee:
 - 1. Fails to comply with the terms and conditions of a CSA order.
 - 2. Knowingly provides a false statement, representation, record, report, or other document to the District.
 - 3. Refuses to provide records, reports, plans, or other documents required by the District to determine permit terms or conditions, discharge compliance, or compliance with this Ordinance.
 - 4. Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or sample collection method.
 - 5. Refuses reasonable access to the permittee's premises for the purpose of inspection and monitoring.
 - 6. Does not make timely payment of all amounts owed to the District for user charges, permit fees, or any other fees imposed pursuant to this Ordinance.
 - 7. Causes interference, sewer blockages, or SSOs with the District's collection, treatment, or disposal system.
 - 8. Violates grease interceptor maintenance requirements, any condition or limit of its discharge permit or any provision of the District's Ordinance.
- B. When the FOG Control Program Manager has reason to believe that grounds exist for permit suspension, he/she shall give written notice thereof by certified mail to the permittee setting forth a statement of the facts and grounds deemed to exist, together with the time and place where the charges shall be heard by the General Manager or his/her designee. The hearing date shall be not less than fifteen (15) calendar days nor more than forty-five (45) calendar days after the mailing of such notice.
 - At the suspension hearing, the permittee shall have an opportunity to respond to the allegations set forth in the notice by presenting written or oral evidence. The hearing shall be conducted in accordance with procedures established by the General Manager and approved by the District's General Counsel.

- 2. If the General Manager designated a hearing officer, after the conclusion of the hearing, the hearing officer shall submit a written report to the General Manager setting forth a brief statement of facts found to be true, a determination of the issues presented, conclusions, and a recommendation.
- 3. Upon receipt of the written report of a hearing officer or conclusion of the hearing, if the General Manager conducted the hearing, the General Manager shall make his/her determination and should he/she find that grounds exist for suspension of the permit, he/she shall issue his/her decision and order in writing within thirty (30) calendar days after the conclusion of the hearing. The written decision and order of the General Manager shall be sent by certified mail to the permittee or its legal counsel/representative at the permittee's business address.

C. Effect

- Upon an order of suspension by the General Manager becoming final, the permittee shall immediately cease and desist its discharge and shall have no right to discharge any wastewater containing FOG directly or indirectly to the District's system for the duration of the suspension. All costs for physically terminating and reinstating service shall be paid by the permittee.
- 2. Any owner or responsible management employee of the permittee shall be bound by the order of suspension.
- 3. An order of permit suspension issued by the General Manager shall be final in all respects on the sixteenth (16th) day after it is mailed to the permittee unless a request for hearing is filed with the Board of Directors of the District pursuant to Section 6.15. no later than 5:00 p.m. on the fifteenth (15th) day following such mailing.

6.7 PERMIT REVOCATION

- A. The General Manager may revoke any permit when it is determined that a permittee:
 - 1. Knowingly provides a false statement, representation, record, report, or other document to the District.
 - 2. Refuses to provide records, reports, plans, or other documents required by the District to determine permit terms, conditions, discharge compliance, or compliance with this Ordinance.
 - 3. Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or sample collection method.
 - 4. Fails to comply with the terms and conditions of permit suspension or CSA.

- 5. Discharges effluent to the District's sewer system while its permit is suspended.
- 6. Refuses reasonable access to the permittee's premises for the purpose of inspection and monitoring.
- 7. Does not make timely payment of all amounts owed to the District for user charges, permit fees, or any other fees imposed pursuant to this Ordinance.
- 8. Causes interference, sewer blockages, or SSOs with the District collection, treatment, or disposal system.
- 9. Violates grease interceptor maintenance requirements, any condition or limit of its discharge permit or any provision of the District's Ordinance.
- B. Approval. When the FOG Control Program Manager has reason to believe that grounds exist for the revocation of a permit, he/she shall give written notice by certified mail thereof to the permittee setting forth a statement of the facts and grounds deemed to exist together with the time and place where the charges shall be heard by the General Manager or his/her designee. The hearing date shall be not less than fifteen (15) calendar days nor more than forty-five (45) calendar days after the mailing of such notice.
 - 1. At the hearing, the permittee shall have an opportunity to respond to the allegations set forth in the notice by presenting written or oral evidence. The revocation hearing shall be conducted in accordance with the procedures established by the General Manager and approved by the District's General Counsel.
 - 2. If the General Manager designated a hearing officer, after the conclusion of the hearing, the hearing officer shall submit a written report to the General Manager setting forth a brief statement of facts found to be true, a determination of the issues presented, conclusions, and a recommendation.
 - 3. Upon receipt of the written report by the hearing officer, or conclusion of the hearing, if the General Manager conducted the hearing, the General Manager shall make his/her determination and should he/she find that grounds exist for permanent revocation of the permit, he/she shall issue his/her decision and order in writing within thirty (30) calendar days after the conclusion of the hearing. The written decision and order of the General Manager shall be sent by certified mail to the permittee or its legal counsel/representative at the permittee's business address.

In the event the General Manager determines to not revoke the permit, he/she may order other enforcement actions, including, but not limited to, a temporary suspension of the permit, under terms and conditions that he/she deems appropriate.

C. Effect

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- 1. Upon an order of revocation by the General Manager becoming final, the permittee shall permanently lose all rights to discharge any wastewater containing FOG directly or indirectly to the District's system. All costs for physical termination shall be paid by the permittee.
- 2. Any owner or responsible management employee of the permittee shall be bound by the order of revocation.
- 3. Any future application for a permit at any location within the District by any person associated with an order of revocation will be considered by the District after fully reviewing the records of the revoked permit, which records may be the basis for denial of a new permit.
- 4. An order of permit revocation issued by the General Manager shall be final in all respects on the sixteenth (16th) day after it is mailed to the permittee unless a request for hearing is filed with the Board of Directors pursuant to Section 6.15 no later than 5:00 p.m. on the fifteenth (15th) day following such mailing.

6.8 DAMAGE TO FACILITIES OR INTERRUPTION OF NORMAL OPERATIONS

- Any person who discharges any waste which causes or contributes to any sewer Α. blockage, SSOs, obstruction, interference, damage, or any other impairment to the District's sewer facilities or to the operation of those facilities shall be liable for all costs required to clean or repair the facilities together with expenses incurred by the District to resume normal operations. A service charge of twenty-five percent (25%) of District's costs shall be added to the costs and charges to reimburse the District for miscellaneous overhead, including administrative personnel and record keeping. The total amount shall be payable within forty five (45) days of invoicing by the District.
- Any person who discharges a waste which causes or contributes to the B. District violating its discharge requirements established by any Regulatory Agency incurring additional expenses or suffering losses or damage to the facilities, shall be liable for any costs or expenses incurred by the District, including regulatory fines, penalties, and assessments made by other agencies or a court.

PUBLIC NUISANCE 6.9

Discharge of wastewater in any manner in violation of this Ordinance or of any order issued by the FOG Control Program Manager or General Manager, as authorized by this Ordinance, is hereby declared a public nuisance and shall be corrected or abated as directed by the FOG Control Program Manager or General Manager. Any person creating a public nuisance is guilty of a misdemeanor.

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6.10 TERMINATION OF SERVICE

- A. The District, by order of the General Manager, may physically terminate sewer service to any property as follows:
 - 1. On a term of any order of suspension or revocation of a permit; or
 - Upon the failure of a person not holding a valid FOG Wastewater Discharge Permit to immediately cease the discharge, whether direct or indirect, to the District's sewer facilities after the notice and process in Section 6.7 herein
- B. All costs for physical termination shall be paid by the owner or operator of the Food Service Establishment or permittee as well as all costs for reinstating service.

6.11 EMERGENCY SUSPENSION ORDER

- A. The District may, by order of the General Manager, suspend sewer service when the General Manager determines that such suspension is necessary in order to stop an actual or impending discharge which presents or may present an imminent or substantial endangerment to the health and welfare of persons, or to the environment, or may cause SSOs, sewer blockages, interference to the District's sewer facilities, or may cause the District to violate any State or Federal Law or Regulation. Any discharger notified of and subject to an Emergency Suspension Order shall immediately cease and desist the discharge of all wastewater containing FOG to the sewer system.
- B. As soon as reasonably practicable following the issuance of an Emergency Suspension Order, but in no event more than five (5) business days following the issuance of such order, the General Manager shall hold a hearing to provide the Food Service Establishment or Permittee the opportunity to present information in opposition to the issuance of the Emergency Suspension Order. Such a hearing shall not stay the effect of the Emergency Suspension Order. The hearing shall be conducted in accordance with procedures established by the General Manager and approved by the District's General Counsel. The General Manager shall issue a written decision and order within two (2) business days following the hearing, which decision shall be sent by certified mail to the Food Service Establishment or its legal counsel/representative at that Food Service Establishment's business address. The decision of the General Manager following the hearing shall be final and not appealable to the Board, but may be subject to judicial review pursuant to Section 6.18.

6.12 CIVIL PENALTIES

A. All users of the District's system and facilities are subject to enforcement actions administratively or judicially by the District, U.S. EPA, State of California Regional Water Quality Control Board, the County of Orange or District Attorney. Said actions may be taken pursuant to the authority and provisions of several laws, including but not limited to: (1) Federal Water Pollution Control Act, commonly known as the Clean Water Act (33 U.S.C.A. Section 1251 et seq.); (2) California Porter-Cologne Water Quality Control Act (California Water Code Section 13000 et seq.); (3) California Hazardous Waste Control Law (California Health & Safety Code Sections 25100 to 25250); (4) Resource Conservation and Recovery Act of 1976 (42 U.S.C.A Section 6901 et seq.); and (5) California Government Code, Sections 54739-54740.

- B. In the event the District is subject to the payment of fines or penalties pursuant to the legal authority and actions of other regulatory or enforcement agencies based on a violation of law or regulation or its permits, and said violation can be established by the District, as caused by the discharge of any user of the District's system which is in violation of any provision of the District's Ordinance or the user's permit, the District shall be entitled to recover from the user all costs and expenses, including, but not limited to, the full amount of said fines or penalties to which it has been subjected.
- C. Pursuant to the authority of California Government Code Sections 54739-54740, any person who violates any provision of this Ordinance; any permit condition, prohibition or effluent limit; or any suspension or revocation order shall be liable civilly for a sum not to exceed \$25,000.00 per violation for each day in which such violation occurs. Pursuant to the authority of the Clean Water Act, 33 U.S.C. Section 1251 et seq., any person who violates any provision of this Ordinance, or any permit condition, prohibition, or effluent limit shall be liable civilly for a sum not to exceed \$25,000.00 per violation for each day in which such violation occurs. The General Counsel of the District, upon request of the General Manager, shall petition the Superior Court to impose, assess, and recover such penalties, or such other penalties as the District may impose, assess, and recover pursuant to Federal and/or State legislative authorization.

D. Administrative Civil Penalties

- Pursuant to the authority of California Government Code Sections
 54740.5 and 54740.6, the District may issue an administrative complaint to any person who violates:
 - a) any provision of this Ordinance;
 - b) any permit condition, prohibition, or effluent limit; or
 - c) any suspension or revocation order.
- 2. The administrative complaint shall be served by personal delivery or certified mail on the person and shall inform the person that a hearing will be conducted, and shall specify a hearing date within sixty (60) days following service. The administrative complaint will allege the act or failure to act that constitutes the violation of the District's regulations, the provisions of law authorizing civil liability to be imposed, and the proposed civil penalty. The matter shall be heard

by the General Manager or his/her designee. The person to whom an administrative complaint has been issued may waive the right to a hearing, in which case a hearing will not be conducted.

- 3. At the hearing, the person shall have an opportunity to respond to the allegations set forth in the administrative complaint by presenting written or oral evidence. The hearing shall be conducted in accordance with the procedures established by the General Manager and approved by the District's General Counsel.
- 4. If the General Manager designated a hearing officer, after the conclusion of the hearing, the hearing officer shall submit a written report to the General Manager setting forth a brief statement of the facts found to be true, a determination of the issues presented, conclusions, and a recommendation.
- 5. Upon receipt of the written report by the hearing officer, or conclusion of the hearing if the General Manager conducted the hearing, the General Manager shall make his/her determination and should he/she find that grounds exist for assessment of a civil penalty against the person, he/she shall issue his/her decision and order in writing within thirty (30) calendar days after the conclusion of the hearing.
- 6. If, after the hearing or appeal, if any, it is found that the person has violated reporting or discharge requirements, the General Manager or Board of Directors may assess a civil penalty against that person. In determining the amount of the civil penalty, the General Manager or Board of Directors may take into consideration all relevant circumstances, including but not limited to the extent of harm caused by the violation, the economic benefit derived through any non-compliance, the nature and persistence of the violation, the length of time over which the violation occurs, and corrective action, if any, attempted or taken by the person involved.
- 7. Civil penalties may be assessed as follows:
 - In an amount which shall not exceed two thousand dollars (\$2,000.00) for each day for failing or refusing to furnish required reports;
 - b) In an amount which shall not exceed three thousand dollars (\$3,000.00) for each day for failing or refusing to timely comply with any compliance schedules established by the District;
 - c) In an amount which shall not exceed five thousand dollars (\$5,000.00) per violation for each day of discharge in violation of any waste discharge limit, permit condition, or requirement issued, reissued, or adopted by the District;

- d) In any amount which does not exceed ten dollars (\$10.00) per gallon for discharges in violation of any suspension, revocation, cease and desist order or other orders, or prohibition issued, reissued, or adopted by the District;
- 8. An order assessing administrative civil penalties issued by the General Manager shall be final in all respects on the thirty-first (31st) day after it is served on the person unless an appeal and request for hearing is filed with the Board of Directors pursuant to Section 6.15 no later than the thirtieth (30th) day following such mailing. An order assessing administrative civil penalties issued by the Board of Directors shall be final upon issuance.
- 9. Copies of the administrative order shall be served on the party served with the administrative complaint, either by personal service or by registered mail to the person at his/her/its business or residence address, and upon other persons who appeared at the hearing and requested a copy of the order.
- 10. Any person aggrieved by a final order issued by the Board of Directors, after granting review of the order of the General Manager, may obtain review of the order of the Board of Directors in the superior court, pursuant to Government Code Section 54740.6, by filing in the court a petition for writ of mandate within thirty (30) days following the service of a copy of the decision or order issued by the Board of Directors.
- 11. Payment of any order setting administrative civil penalties shall be made within thirty (30) days of the date the order becomes final. The amount of any administrative civil penalties imposed shall constitute a debt to the District.
- 12. No administrative civil penalties shall be recoverable for any violation for which the District has recovered civil penalties through a judicial proceeding filed pursuant to Government Code Section 54740.

6.13 CRIMINAL PENALTIES

Any person who violates any provision of this Ordinance is guilty of a misdemeanor, which upon conviction is punishable by a fine not to exceed \$1,000.00, or imprisonment for not more than 6 months, or both. Each violation and each day in which a violation occurs may constitute a new and separate violation of this Ordinance and shall be subject to the penalties contained herein.

6.14 APPEALS TO GENERAL MANAGER

A. Any Food Service Establishment, permit applicant or permittee affected by any decision, action or determination made by the FOG Control Program Manager or notice of violation issued by any District inspector may file with the General Manager a written request for an appeal hearing. The request must be received by the District within fifteen (15) days of mailing of notice of the

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decision, action, or determination of the FOG Control Program Manager to the appellant. The request for hearing shall set forth in detail all facts supporting the appellant's request.

- B. The General Manager shall, within fifteen (15) days of receiving the request for appeal, designate a Department Head or other person to hear the appeal and provide written notice to the appellant of the hearing date, time and place. The hearing date shall not be more than thirty (30) days from the mailing of such notice by certified mail to the appellant unless a later date is agreed to by the appellant. If the hearing is not held within said time due to actions or inactions of the appellant, then the staff decision shall be deemed final.
- C. At the hearing, the appellant shall have the opportunity to present information supporting its position concerning the FOG Control Program Manager's decision, action or determination. The hearing shall be conducted in accordance with procedures established by the General Manager and approved by the District's General Counsel.
- D. After the conclusion of the hearing, the Department Head (or other designee) shall submit a written report to the General Manager setting forth a brief statement of facts found to be true, a determination of the issues presented, conclusions, and a recommendation whether to uphold, modify or reverse the FOG Control Program Manager's original decision, action or determination. Upon receipt of the written report, the General Manager shall make his/her determination and shall issue his/her decision and order within thirty (30) calendar days of the hearing by his/her designee. The written decision and order of the General Manager shall be sent by certified mail to the appellant or its legal counsel/representative at the appellant's business address.

The order of the General/City Manager shall be final in all respects on the sixteenth (16th) day after it is mailed to the appellant unless a request for hearing is filed with the Board of Directors pursuant to Section 6.15, no later than 5:00 p.m. on the fifteenth day following such mailing.

6.15 APPEALS TO THE BOARD OF DIRECTORS

A. Any Food Service Establishment, permit applicant, or permittee adversely affected by a decision, action, or determination made by the General Manager may, prior to the date that the General Manager's order becomes final, file a written request for hearing before the Board of Directors accompanied by an appeal fee in the amount established by a separate resolution of the District's Board of Directors. The request for hearing shall set forth in detail all the issues in dispute for which the appellant seeks determination and all facts supporting appellant's request.

No later than sixty (60) days after receipt of the request for hearing, the Board of Directors shall either set the matter for a hearing, or deny the request for a hearing.

A hearing shall be held by the Board of Directors within sixty-five (65) days from the date of determination granting a hearing, unless a later date is

agreed to by the appellant and the Board of Directors. If the matter is not heard within the required time, due to actions or inactions of the appellant, the General Manager's order shall be deemed final.

- B. The Board of Directors shall grant all requests for a hearing on appeals concerning permit suspension, revocation, or denial. Whether to grant or deny the request for a hearing on appeals of other decisions of the General Manager shall be within the sole discretion of the Board of Directors.
- C. The appeal fee shall be refunded if the Board of Directors denies a hearing or reverses or modifies, in favor of the appellant, the order of the General Manager. The fee shall not be refunded if the Board of Directors denies the appeal.
- D. After the hearing, the Board of Directors shall make a determination whether to uphold, modify, or reverse the decision, action, or determination made by the General Manager.

The decision of the Board of Directors shall be set forth in writing within sixty-five (65) days after the close of the hearing and shall contain a finding of the facts found to be true, the determination of issues presented, and the conclusions. The written decision and order of the Board of Directors shall be sent by certified mail to the appellant or its legal counsel/representative at the appellant's business address.

The order of the Board of Directors shall be final upon its adoption. In the event the Board of Directors fails to reverse or modify the General Manager's order, it shall be deemed affirmed.

6.16 PAYMENT OF CHARGES

- A. Except as otherwise provided, all fees, charges and penalties established by this Ordinance are due and payable upon receipt of notice thereof. All such amounts are delinquent if unpaid forty-five (45) days after date of invoice.
- B. Any charge that becomes delinquent shall have added to it a penalty in accordance with the following:
 - 1. Forty-six (46) days after date of invoice, a basic penalty of ten percent (10%) of the base invoice amount, not to exceed a maximum of \$1,000.00; and
 - 2. A penalty of one and one-half percent (1.5%) per month of the base invoice amount and basic penalty shall accrue from and after the forty-sixth (46th) day after date of invoice.
- C. Any invoice outstanding and unpaid after ninety (90) days shall be cause for immediate initiation of permit revocation proceedings or immediate suspension of the permit.

- D. Penalties charged under this Section shall not accrue to those invoices successfully appealed, provided the District receives written notification of said appeal prior to the payment due date.
- E. Payment of disputed charges is still required by the due date during District review of any appeal submitted by permittees.

F. Collection of Delinquent Accounts

Collection of delinquent accounts shall be in accordance with the District's policy resolution establishing procedures for collection of delinquent obligations owed to the District, as amended from time to time by the Board of Directors. Any such action for collection may include an application for an injunction to prevent repeated and recurring violations of this Ordinance.

6.17 FINANCIAL SECURITY/AMENDMENTS TO PERMIT

A. <u>Delinquent Accounts</u>

The District may require an amendment to the permit of any Permittee who fails to make payment in full of all fees and charges assessed by the District, including reconciliation amounts, delinquency penalties, and other costs or fees incurred by the Permittee.

B. Bankruptcy

Every Permittee filing any legal action in any court of competent jurisdiction, including the United States Bankruptcy Court, for purposes of discharging its financial debts or obligations or seeking court-ordered, protection from its creditors, shall, within ten (10) days of filing such action, apply for and obtain the issuance of an amendment to its permit.

C. Security

An amendment to a waste discharge permit issued, may be conditioned upon the Permittee depositing financial security in an amount equal to the average total fees and charges for two (2) calendar quarters during the preceding year. Said deposit shall be used to guarantee payment of all fees and charges incurred for future services and facilities furnished by District and shall not be used by the District to recover outstanding fees and charges incurred prior to the Permittee filing and receiving protection from creditors in the United States Bankruptcy Court.

D. Return of Security

In the event the Permittee makes payment in full within the time prescribed by this Ordinance of all fees and charges incurred over a period of two (2) years following the issuance of an amendment to the permit, the District shall either return the security deposit posted by the Permittee or credit their account.

6.18 JUDICIAL REVIEW

A. Pursuant to Section 1094.6 of the California Code of Civil Procedure, the District hereby enacts this part to limit to ninety (90) days following final decisions in adjudicatory administrative hearings the time within which an action can be brought to review such decisions by means of administrative mandamus.

B. Definitions

As used in this Section, the following terms and words shall have the following meanings:

- Decision shall mean and include adjudicatory administrative decisions that are made after hearing, or after revoking, suspending, or denying an application for a permit.
- 2. Complete Record shall mean and include the transcript, if any exists, of the proceedings, all pleadings, all notices and orders, any proposed decision by the District's officers, agents, or employees, the final decision, all admitted exhibits, all rejected exhibits in the possession of the District or its officers, agents or employees, all written evidence, and any other papers in the case.

C. <u>Time Limit for Judicial Review.</u>

Judicial review of any decision of the District or its officer or agent may be made pursuant to Section 1094.5 of the Code of Civil Procedure only if the petition for writ of mandate is filed not later than the ninetieth (90th) day following the date on which the decision becomes final. If there is no provision for reconsideration in the procedures governing the proceedings or if the date is not otherwise specified, the decision is final on the date it is made. If there is provision for reconsideration, the decision is final upon the expiration of the period during which such reconsideration can be sought; provided that if reconsideration is sought pursuant to such provision the decision is final for the purposes of this Section on the date that reconsideration is rejected.

- D. The complete record of the proceedings shall be prepared by the District officer or agent who made the decision and shall be delivered to the petitioner within ninety (90) days after he/she has filed written request therefor. The District may recover from the petitioner its actual costs for transcribing or otherwise preparing the record.
- E. If the petitioner files a request for the record within ten (10) days after the date the decision becomes final, the time within which a petition, pursuant to Section 1094.5 of the Code of Civil Procedure, may be filed shall be extended to not later than the thirtieth (30th) day following the date on which the record is either personally delivered or mailed to the petitioner or the petitioner's attorney of record, if appropriate.

- F. In making a final decision, the District shall provide notice to the party that Section 1094.6 of the Code of Civil Procedure governs the time within which judicial review must be sought.
- G. Notwithstanding the foregoing in this Section 6.18, and pursuant to Government Code Section 54740.6, judicial review of an order of the Board of Directors imposing administrative civil penalties pursuant to Section 6.12.D may be made only if the petition for writ of mandate is filed not later than the thirtieth (30th) day following the day on which the order of the Board of Directors becomes final.

ARTICLE 7 - SEVERABILITY

If any section, subsection, subdivision, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such invalidity shall not affect the validity of this entire Ordinance or any of the remaining portions hereof. The Board of Directors hereby declares that it would have passed this Ordinance, and each section, subsection, subdivision, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sees, clauses or phrases be declared unconstitutional or otherwise invalid.

ARTICLE 8 - EFFECTIVE DATE

This Ordinance shall take effect, as amended, July 1, 2019 and a summary shall be published in a newspaper of general circulation as provided by law.

PASSED AND ADOPTED by the Board of Directors of East Orange County Water District this 20th day of June, 2019.

President, Board of Directors
East Orange County Water District

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss)

I, JEFFREY A. HOSKINSON, Secretary of the Board of Directors of East Orange County Water District, do hereby certify that the above and foregoing Amended Ordinance No. 2016-2 was passed and adopted at a regular meeting of said Board on the 20th day of June, 2019, by the following vote, to wit:

AYES: BELL, DAVERT, DULEBOHN, MURDOCH, SEARS

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of June, 2019.

Secretary

EAST ORANGE COUNTY WATER DISTRICT

and of the Board of Directors



APPENDIX F

STANDARD SPECIFICATIONS AND DRAWINGS FOR SANITARY SEWERS

STANDARD SPECIFICATIONS AND DRAWINGS for SANITARY SEWERS



SEPTEMBER 2022

1. STANDARD SPECIFICATIONS FOR SANITARY SEWERS

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APPENDIX G STANDARD OPERATIONS AND MAINTENANCE PROCEDURES FOR HYDRO CLEANING, COMBINATION CLEANING TRUCK, AND MANHOLE INSPECTIONS



Collections System

Asset Management and Operations and Maintenance Program

The District's Asset Management / Computerized Maintenance Management System / GIS / Land Records and Records Management System is contained within the SEDARUTM Program. The desktop and tablet versions of SEDARU complement the Preventive Maintenance and Operations & Maintenance Program run by the Division and acts as a comprehensive data and records tool. All asset inventories (pipelines and manholes) have been entered into SEDARU and a sewer Geographic Information System (GIS) map provides spatial location that can be accessed both by management and by the field crews. Other records, including cleaning data, CCTV video and reports, record drawings, land records and FOG permit data are also resident in the system.

There are no district-owned pump stations within the collection system, therefore pump station asset management or O&M are not required for this program.

Map of Collection System

The District maintains a regularly updated collection system map through SEDARU. Using the GIS capability to locate collection system features and assets increases the maps accuracy. Multiple data sets are displayed on the GIS map to visually present information for any number of needs. This includes planning, maintenance activities, scheduling, cleaning, repair and tracking of these activities.

Routine Operation and Maintenance Practices

The District has 2 field personnel and several contract firms dedicated to our sewer asset management and operations and maintenance program. Our primary preventative / corrective maintenance objectives include:

- Minimize the number of overflows per mile of collection system.
- Minimize the number of odor complaints.
- Maximize response time to sewer overflows

Work tasks and responsibilities for both Division staff and contractors is presented in Attachment 1.

Preventative / Corrective Maintenance

The District has an extensive preventative / corrective maintenance program that includes the following:

- Hydro clean all 6-inch to 30-inch sewers at least once annually.
- Inspect all manholes every five (5) years.
- Hydraulic cleaning of hot spots pursuant to an effective frequency

- Root control program
- Mainline / Service line repair and replacement program per the CIP
- Manhole repair / replacement program per the CIP
- Emergency response / investigations program.
- CCTV the entire system at least once every 7 years

The preventative / corrective maintenance activities are prioritized through the District's SEDARU program. Monthly analysis of data collected from SEDARU is used to evaluate the effectiveness of the program. Semi-annual review of the SSMP also is used to direct O&M priorities.

Problem Identification & Sewer Cleaning

The District uses historical information and SEDARU to collect information on SSOs caused by grease. The District uses this information to educate the Food Service Establishments (FSEs) on grease disposal as well as to determine cleaning frequencies in impacted areas. The District has identified the Tustin downtown core area as having the greatest potential FOG problems based on institutional knowledge. The District cleans the downtown core area, as well as other areas in the district that have root issues as part of the hot spots program - an integral part of the preventative maintenance program. The remaining sewer system is currently cleaned on an annual basis.

Collection System Inspection Program

The District uses Closed Circuit Television (CCTV) on sewers in the problem areas when required. The District's goal is to perform a complete CCTV of the entire system every seven (7) years. The District begins the CCTV cycle on the oldest collections lines and the reinforced concrete pipe sewer trunk lines. Manhole inspections and updates of invert measurements are done routinely (every 12 to 18 months) when hydro cleaning is being performed on the collection system, including CCTV via a nozzle mounted HDTV camera operated by District staff. A CCTV crew generates a PACP Report at least 1-2 days/week.

Collection System Capacity

The District has developed a dynamic sewer hydraulic model as part of its Master Plan / Condition Assessment Study that was completed in 2018. Sewer capacity was assessed by the use of land planning and land use records and supplemented with direct measurements of wastewater flow and/or water demand. Growth within the sewer service area is significantly below regional figures as the area is largely built out, however, the lack of / of housing may lead to densification in some areas. The District receives planning amendment data (EIRs) from the three local jurisdictions that oversee development (Cities of Tustin and Orange, and in the unincorporated area, the County of Orange). The 2018 Master Plan and Condition Assessment identified six areas with future capacity limitations; the District is assembling a engineering and construction team to address these issues early.

Contingency Planning

The District has adequate equipment for its operations and maintenance and keeps adequate parts for critical assets (manhole frames and covers).

Staff Training

Staff training is conducted on the following elements:

- Federal and State wastewater laws
- California General Collection System Permit
- Standard Specifications and Design Standards for EOCWD sewers
- Safety training included confined space entry and rescue, personal protective equipment, traffic control, chemical storage and handling, fall protection
- Laboratory/Sampling procedures
- Collection systems management (asset management, O&M)
- Collection systems operations
- Collection systems math

The District has developed standard operations and maintenance procedures for hydro cleaning, combination cleaning truck and manhole inspections.

Staff routinely attends conferences, seminars and classes that provide training on SSMP, SSOs, FOG, sewer cleaning, pretreatment issues or related subjects.

SEDARU (CMMS)

The District uses SEDARU as its Computerized Maintenance Management System (CMMS to manage its maintenance program. All of the collection system assets (sewers, and manholes) are identified in SEDARU. The size and length of sewers, slope, invert elevations, date of installation, detailed cleaning history and notes as well as other pertinent records are recorded in the SEDARU. SEDARU also schedules and generate work orders.

The District also uses SEDARU as a repository for asset history. Through SEDARU, staff have access to a variety of information and reports (including CCTV data and historical drawings) pertaining to asset condition. SEDARU data is used on a daily basis to operate and maintain the system, as well as on other periodic bases as a tool to assist management in long-range planning for the system.

Collection Systems Rehabilitation & Replacement Plan Duties & Responsibilities

Annual Hydrocleaning Responsibilities	Hot Spots Hydrocleaning Responsibilities	CCTV Inspection	Manhole Repair	Root Control	Insect/Vermin Control	Cured-In-Place Pipe Repairs
Performance Pipeline Technologies	EOCWD Sewer Division Staff Vehicles: Hydro Jet, Vactor	EOCWD Sewer Division	Ayala Brothers	Duke's	Golden Bell	Sancon Engineering
Vehicles: Hydro Jet, Vactor	Investigate SSOs and Provide Emergency Response to public and private spills	CCTV Van/Equipment	Various equipment	Various Equipment	Various Equipment	Various Equipment
Assist with Emergency Response (if needed)	Hydro-clean hot spots on 4 week-26 week frequency as assigned by SEDARU Enter cleaning data into SEDARU Enter root/grease/insect/vermin data into SEDARU Inspect manholes & report condition	Provide NASSCO- trained inspectors and conduct CCTV inspection on 14% of system annually		e Provides scheduled and on-demand chemical root foaming for root control	Provides scheduled and on-demand insect/vermin control for system	Provides routine and emergency maintenance and rehabilitation of system pipelines
Hydro-clean all mains and manholes annually as assigned by SEDARU Enter cleaniing data into SEDARU Enter root/grease/insect/ vermin data into SEDARU Inspect manholes & report	Respond to RFIs from engineers and contractors Assist with engineering field studies (flow monitoring, flow diversion) Assist with septic system questions and septic conversion analysis Provide sewer potholing services	Provide emergency/ rapid CCTV inspection for field staff encountering excessive roots/obstructions/FOG				
condition Advise on mapping anomolies	Advise on mapping anomolies Inspect FSEs as assigned by SEDARU Enter FOG inspection data into SEDARU Flow monitor as needed CCTV as needed to assist maitnenance program Respond to odor complaints Run USA tickets HS ² testing					



APPENDIX H 2025 EOCWD SEWER MASTER PLAN UPDATE



APPENDIX I EOCWD'S SEWER USE ORDINANCE 16-01

ORDINANCE NO. 2016-01

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE EAST ORANGE COUNTY WATER DISTRICT ESTABLISHING WASTEWATER DISCHARGE REGULATIONS

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The Board of Directors of the East Orange County Water District (EOCWD) does hereby FIND:

- A. That EOCWD is required by federal and state law, including the Clean Water Act (33 U.S.C. 1251, et seq.), the General Pretreatment Regulations (40 CFR 403), and the Porter-Cologne Water Quality Control Act (Water Code Sections 13000, et seq.), to implement and enforce a program for the regulation of Wastewater discharges to EOCWD's sewers; and
- B. That EOCWD is required by federal, state, and local law to meet applicable standards of treatment plant effluent quality; and
- C. That the adoption of this Ordinance is statutorily exempt under the California Environmental Quality Act pursuant to the provisions of Public Resources Code Section 21080(b)(8) and California Code of Regulations Section 15273(a) and categorically exempt pursuant to California Code of Regulations Sections 15307 and 15308; and
- D. That pending the actions of the Local Agency Formation Commission to form Improvement District No. 1 ("ID 1") of EOCWD, activate EOCWD sewer powers and transfer the sewer collection system of Orange County Sanitation District ("OCSD") "San 7" to EOCWD, this Board of Directors, on July 21, 2016, declared its intention to retain in full force and effect in ID 1 of EOCWD, OCSD's Ordinance Establishing Wastewater Discharge Regulations, as amended from time to time; and
- E. This Board of Directors wishes at this time to adopt EOCWD wastewater discharge regulations for ID 1, which, upon becoming effective, shall be implemented in coordination with OCSD's implementation of its Ordinance Establishing Wastewater Discharge Regulations within ID 1.

NOW, THEREFORE, the Board of Directors of the East Orange County Water District does ORDAIN:

<u>Section I</u>: Wastewater Discharge Regulations governing the use of EOCWD's sewerage Facilities are hereby adopted to provide as follows:

ARTICLE 1. GENERAL PROVISIONS

101. PURPOSE AND POLICY

This ordinance sets uniform requirements for Users of EOCWD's Sewerage Facilities and enables EOCWD to comply with all applicable state and federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251, et seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations [CFR] Part 403). This Ordinance shall be interpreted in accordance with the definitions set forth in Section

- 102. The provisions of the Ordinance shall apply to the direct or indirect discharge of all liquid wastes carried to facilities of EOCWD.
 - A. The purpose of this Ordinance is to provide for the maximum public benefit from the use of EOCWD's Sewerage Facilities. This shall be accomplished by regulating sewer use and Wastewater discharges; by providing equitable distribution of costs, in compliance with applicable federal, state, and local regulations; and by supporting the proper disposal of Prescription Drugs as noted in the guidelines published by the Office of National Drug Control Policy. The revenues to be derived from the application of this Ordinance shall be used to defray all costs of providing sewerage service by EOCWD, including, but not limited to, administration, operation, monitoring, maintenance, financing, capital construction, replacement and recovery,

- and provisions for necessary reserves;
- B. This ordinance is meant to protect both EOCWD personnel who may be affected by Wastewater in the course of their employment and the general public.
- C. To comply with federal, state, and local policies and to allow EOCWD and OCSD to meet applicable standards of treatment plant effluent quality, biosolids quality, and air quality, provisions are made in this Ordinance for the regulation of Wastewater discharges to the public sewer. This Ordinance establishes quantity and quality limits on all Wastewater discharges which may adversely affect EOCWD's Sewerage System, as well as OCSD treatment processes, effluent quality, biosolids quality, air emission characteristics, or inhibit EOCWD's and/or OCSD's ability to beneficially reuse or dispose of treated Wastewater, biosolids or meet biosolids discharge criteria.
- D. It is the intent of these limits to improve the quality of Wastewater being received for treatment and to encourage water conservation and Wastewater minimization by all Users connected to a public sewer. This Ordinance also provides for regulation of the degree of Wastewater Pretreatment required, the issuance of permits for Wastewater discharge and connections and other miscellaneous permits, and establishes penalties for violation of the Ordinance.
- E. EOCWD is committed to: 1) a policy of support for Wastewater reuse through groundwater recharge; and 2) a policy for the protection of groundwater. EOCWD is also committed to help protect groundwater goals as established by various water quality and water purveyor agencies. To fulfill these commitments, EOCWD may implement more stringent quality requirements on Wastewater discharges through regulation, including revisions to this Ordinance.
- F. EOCWD is committed to a policy for the beneficial use of biosolids, the implementation of programs to land-apply or provide for the marketing and distribution of biosolids, which may necessitate more stringent quality requirements on Wastewater discharges.
- G. EOCWD is also committed to meet applicable air quality goals established by the South Coast Air Quality Management District, which may further necessitate more stringent quality requirements on Wastewater discharges.

102. <u>DEFINITIONS</u>

A. Unless otherwise defined herein, terms related to water quality shall be as adopted in the latest edition of *Standard Methods for the Examination of*

Water and Wastewater, published by the American Public Health Association, the American Water Works Association, and the Water Environment Federation.

The testing procedures for Wastewater constituents and characteristics shall be as provided in 40 CFR 136 (Code of Federal Regulations; Title 40; Protection of Environment; Chapter I, Environmental Protection Agency; Part 136, Guidelines Establishing Test Procedures for the Analyses of Pollutants), or as specified.

Other terms not herein defined shall have the same meaning as defined in the latest California Building and Construction Codes, Title 24, California Code of Regulations.

- 1. <u>Act or "the Act"</u> shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251, et seq.
- 2. <u>Approved POTW Pretreatment Program or Program or POTW Pretreatment Program</u> shall mean a program administered by a POTW that meets the criteria established in 40 CFR 403.8 and 403.9 and which has been approved by a Regional Administrator or State Director in accordance with 40 CFR 403.11.
- 3. <u>Authorized Representative or Designated Signatory</u> shall mean:
 - a) If the applicant or User is a corporation:
 - (1) The president, secretary, treasurer, or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or
 - (2) The manager of one or more manufacturing, production, or operation facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual Wastewater discharge permit requirements;

and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- b) If the applicant or User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- c) If the applicant or User is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or the designee.
- d) The individuals described in paragraphs (a) through (c) above, as Responsible Officers, may designate an Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company or organization, and the written authorization is submitted to EOCWD.
- e) An applicant or User not falling within one of the above categories must designate as the Responsible Officer an individual responsible for the overall operation of the facility. The Responsible Officer may designate an Authorized Representative.
- 4. <u>Best Management Practices (BMPs)</u> shall mean schedules of activities, prohibitions of practices, maintenance procedures, operating procedures, and practices to control spillage or leaks, treatment requirements, and other management practices to prevent or reduce pollution or to meet Article 2 standards. Such BMPs shall be considered local limits and Pretreatment Standards as stated in 40 CFR 403.5(c)(4).
- 5. <u>Biochemical Oxygen Demand (BOD)</u> shall mean a measurement of oxygen utilized by the decomposition of organic material, over a specified time period (usually 5 days) in a Wastewater sample. It is used as a measurement of the readily decomposable organic content of Wastewater.
- 6. <u>Board</u> shall mean the Board of Directors of the East Orange County Water District.
- 7. <u>Bypass</u> shall mean the intentional diversion of wastestreams from any portion of a User's treatment facility.

- 8. <u>Capital Facilities Capacity Charge</u> shall mean the payment of a fee, imposed by the governing Board of OCSD, to pay for the future costs of constructing new sewerage collection, treatment, and disposal facilities; and as a contributive share of the cost of the existing facilities. This charge shall be paid by all property owners at the time they develop the property and connect directly or indirectly to EOCWD's and OCSD's Sewerage Facilities as a new system User. This charge, which rates are set forth in a separate Ordinance, is expressly authorized by the provisions of California Health & Safety Code Sections 5471 and 5474.
- 9. Charge For Use shall mean EOCWD's sanitary sewer service charge, a charge established and levied by EOCWD upon residential, commercial, and industrial Users of EOCWD's Sewerage System, pursuant to Sections 302.6(F), or 303.6(E) of this Ordinance, in proportion to the use of the treatment works by their respective class, that provides for the recovery of the costs of operation and maintenance expenses, capital facilities rehabilitation or replacement, and adequate reserves for the POTW. The minimum charge for use is the Annual Sewer Service Fee Residential Users.
- 10. <u>Chemical Oxygen Demand (COD)</u> shall mean a measure of the oxygen required to oxidize all compounds, both organic and inorganic, in Wastewater.
- 11. Class I User shall mean any User who discharges Wastewater that:
 - a) is a Significant Industrial User; or
 - b) Is determined to have a reasonable potential for adversely affecting EOCWD's operation or for violating any Pretreatment Standard, Local Limit, or discharge requirement, or may cause Pass Through affecting EOCWD's ability to comply with its NPDES Permit or other regulations and standards; or
 - c) may cause pass through or Interference with EOCWD's and/or OCSD's Sewerage Facilities.
- 12. <u>Class II User</u> shall mean any User whose charge for use is greater than the special assessment "EOCWD Sewer User Fee" included on the County of Orange secured property tax bill exclusive of debt service, that discharges wastes other than sanitary, and that is not otherwise required to obtain a Class I permit.
- 13. Code of Federal Regulations (CFR) shall mean the codification of the

- general and permanent regulations published in the Federal Register by the executive departments and agencies of the federal government.
- 14. Compatible Pollutant shall mean a combination of biochemical oxygen demand, suspended solids, pH, fecal coliform bacteria, plus other Pollutants that OCSD's treatment facilities are designed to accept and/or remove. Compatible Pollutants are non-compatible when discharged in quantities that have an adverse effect on EOCWD's and/or OCSD's Sewerage System or NPDES permit, or when discharged in qualities or quantities violating any Federal Categorical Pretreatment Standards, local limit, or other discharge requirement.
- 15. <u>Composite Sample</u> shall mean a collection of individual samples obtained at selected intervals based on an increment of either flow or time. The resulting mixture (composite sample) forms a representative sample of the Wastestream discharged during the sample period.
- 16. Connection Permit shall mean a permit issued by EOCWD/OCWD, upon payment of a capital facilities capacity charge, authorizing the Permittee to connect directly to an EOCWD's and OCWD's Sewerage Facilities or to a sewer which ultimately discharges into an EOCWD's Sewerage Facilities.
- 17. <u>Department Head</u> shall mean that person duly designated by the General Manager to perform those delegated duties as specified in this Ordinance.
- 18. <u>Discharger</u> shall mean any Person who discharges or causes a discharge of Wastewater directly or indirectly to a public sewer. Discharger shall mean the same as User.
- 19. <u>District shall mean the East Orange County Water District or EOCWD.</u>
- 20. <u>Division Head</u> shall mean that person duly designated by the General Manager to implement the Pretreatment Program and perform the duties as specified in this Ordinance.
- 21. <u>Domestic Septage</u> shall mean the liquid and solid material removed from food service establishments, or a septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar treatment works that receives only domestic Wastewater.
- 22. <u>Domestic Wastewater</u> shall mean the liquid and solid waterborne wastes derived from the ordinary living processes of humans of such Character as to permit satisfactory disposal, without special treatment, into the public sewer or by means of a private disposal system.

- 23. <u>Downstream Sampling or Monitoring</u> shall mean sampling or monitoring usually conducted in a city or agency owned sewer for the purpose of determining the compliance status of an industrial or commercial Discharger.
- 24. <u>Dry Weather Urban Runoff</u> shall mean surface runoff flow that is generated from any drainage area within EOCWD's service area during a period that does not fall within the definition of Wet Weather. It is surface runoff that contains Pollutants that interfere with or prohibit the recreational use and enjoyment of public beaches or cause an environmental risk or health hazard.
- 25. <u>Enforcement Compliance Schedule Agreement (ECSA)</u> shall mean a mutual agreement between EOCWD/OCSD and Permittee requiring implementation of necessary Pretreatment practices and/or installation of equipment to ensure permit compliance.
- 26. <u>Enforcement Response Plan</u> shall mean a plan containing detailed procedures indicating how EOCWD/OCSD will investigate and respond to instances of Industrial User non-compliance in accordance with 40 CFR 403.8(f)(1) or other Users in accordance with EOCWD non- compliance procedures.
- 27. <u>EOCWD</u> shall mean East Orange County Water District.
- 28. <u>EOCWD/OCSD</u> shall mean either or both of EOCWD and OCSD acting in coordination with one another, as they shall determine.
- 29. <u>EOCWD's Sewerage Facilities or System</u> shall mean any property belonging to EOCWD used in the collection and transportation of Wastewater.
- 30. Federal Categorical Pretreatment Standards shall mean any regulation containing Pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307(b) and (c) of the Clean Water Act (33 U.S.C. 1317) which apply to a specific category of Industrial Users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- 31. <u>Federal Regulations</u> shall mean any applicable provision of the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, Title 33, United States Code, Section 1251 and following, and any regulation promulgated by the United States Environmental Protection Agency under Title 40 CFR implementing that act.

- 32. <u>Flow Monitoring Facilities</u> shall mean equipment and structures provided at a User's expense to measure, totalize, and/or record, the incoming water to the facility or the Wastewater discharged to the sewer.
- 33. <u>General Manager</u> shall mean the individual duly designated by the Board of Directors of EOCWD or the individual duly designated by Board of Directors of EOCWD to administer a provision of this Ordinance (see also Section 107).
- 34. <u>Grab Sample</u> shall mean a sample taken from a wastestream on a one-time basis without regard to the flow in the wastestream and without consideration of time.
- 35. <u>Indirect Discharge or Discharge</u> shall mean the introduction of Pollutants into a POTW from any non-domestic source regulated under section 307(b), (c) or (d) of the Act.
- 36. <u>Industrial User</u> shall mean any User that discharges Industrial Wastewater.
- 37. <u>Industrial Wastewater</u> shall mean all liquid carried wastes and Wastewater of the community, excluding domestic Wastewater and domestic septage, and shall include all Wastewater from any producing, manufacturing, processing, agricultural, or other operation.
- 38. <u>Inspector</u> shall mean a person authorized by the General Manager to inspect any existing or proposed Wastewater generation, conveyance, processing, and disposal facilities.
- 39. Instantaneous Limit (see the Maximum Allowable Discharge Limit)
- 40. <u>Interference</u> shall mean any discharge which, alone or in conjunction with a discharge or discharges from other sources, either:
 - a) inhibits or disrupts EOCWD or OCSD, either of their respective treatment processes or operations, or either of their respective biosolids processes, use, or disposal; or
 - b) is a cause of a violation of any requirement of EOCWD's WDR and/or OCSD's NPDES permit or prevents lawful biosolids or treated effluent use or disposal.
- 41. <u>LEL (Lower Explosive Limit)</u> shall mean the minimum concentration of a combustible gas or vapor in air (usually expressed in percent by volume at sea level) which will ignite if an ignition source (sufficient ignition energy) is present.

- 42. <u>Letter to Discharge</u> shall mean a letter authorizing a User to discharge to the sewer without having to obtain a Special Purpose Discharge Permit. The discharge volume is generally limited to less than 1 million gallons.
- 43. <u>Local Limit shall mean specific discharge limits developed and enforced by EOCWD and/or OCSD upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).</u>
- 44. <u>Local Sewering Agency</u> shall mean any public agency or private corporation responsible for the collection and disposal of Wastewater to OCSD's Sewerage Facilities duly authorized under the laws of the State of California to construct and/or maintain public sewers. EOCWD is a Local Sewering Agency.
- 45. <u>Major Violation</u> shall mean a discharge over the permitted discharge limit, as determined by the result of a sample analysis, as follows:
 - a) a discharge exceeding a Mass Emission Rate limit by 20% or more, or
 - b) a discharge exceeding a concentration limit by 20% or more, or
 - c) a pH discharge less than 5.0.
- 46. <u>Mass Emission Rate</u> shall mean the weight of material discharged to the sewer system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of a particular constituent or combination of constituents.
- 47. <u>Maximum Allowable Discharge Limit</u> shall mean the maximum quantity or concentration of a Pollutant allowed to be discharged at any period of time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- 48. <u>Medical Waste</u> shall mean the discharge of isolation wastes, infectious agents human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- 49. <u>Milligrams Per Liter (mg/L or mg/l)</u> shall mean a unit of the concentration of a constituent or compound that is found in water or

- Wastewater. It is 1 milligram of the constituent or compound in 1 liter of water or Wastewater.
- 50. <u>Minor Violation</u> shall mean a discharge over the permitted discharge limit as determined by the result of a sample analysis, as follows:
 - a) a discharge exceeding a Mass Emission Rate limit by less than 20%, or
 - b) a discharge exceeding a concentration limit by less than 20%, or.
 - c) a pH discharge equal to or greater than 5.0, but less than 6.0, or
 - d) a pH discharge greater than 12.0.
- 51. <u>National Pretreatment Standard, Pretreatment Standard, or Standard</u> shall mean any regulation containing Pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharges and categorical standards established pursuant to 40 CFR 403.5 and 40 CFR 403.6.
- 52. <u>North American Industry Classification System (NAICS)</u> shall mean an industry classification system that groups establishments into industries based on the activities in which they are primarily engaged.
- 53. National Pollutant Discharge Elimination System Permit (NPDES Permit) shall mean the permit issued to control the discharge to surface waters of the United States as detailed in Public Law 92 500, Section 402.
- 54. New Source shall mean those sources that are new as defined by 40 CFR 403.3(m) as revised.
- 55. <u>Non-compatible Pollutant</u> shall mean any Pollutant which is not a Compatible Pollutant as defined herein.
- 56. OCSD shall mean Orange County Sanitation District.
- 57. OCSD's Sewerage Facilities or System shall mean any property belonging to OCSD used in the collection, transportation, treatment and disposal of Wastewater.
- 58. <u>Ordinance</u> shall mean that document entitled "Wastewater Discharge Regulations" containing EOCWD requirements, conditions, and limits

- for connecting and discharging to the sewer system, as may be amended and modified.
- 59. <u>pH</u> shall mean both acidity and alkalinity on a scale ranging from 0 to 14 where 7 represents neutrality, numbers less than 7 increasing acidity, and more than 7 increasing alkalinity, and is the logarithm of the reciprocal of the quantity of hydrogen ions in moles per liter of solution.
- 60. <u>Pass Through</u> shall mean discharge through OCSD's Sewerage Facilities to Waters of the U.S. which, alone or in conjunction with discharges from other sources, is a cause of a violation of OCSD's NPDES permit.
- 61. <u>Permittee</u> shall mean a Person who has received a permit to discharge Wastewater into EOCWD's Sewerage Facilities subject to the requirements and conditions established by EOCWD.
- 62. <u>Person</u> shall mean any individual, partnership, co-partnership, company, firm, association, corporation or public agency, joint stock company, trust, estate, or any other legal entity; or their legal representatives, agents, assigns, including all federal, state, and local governmental entities.
- 63. Pesticides shall mean those compounds classified as such under federal or state law or regulations including, but not limited to DDT (dichlorodiphenyltrichloro-ethane, both isomers); DDE DDD (dichlorodiphenyl-ethylene); (dichlorodiphenyldichloroethane); aldrin, benzene hexachloride (alpha [α], beta [β], and gamma [γ] 2,3,7,8isomers): chlordane: endrin; endrin aldehyde; tetrachlorodibenzo-p-dioxin (TCDD); toxaphene; α-endosulfan; βendosulfan; endosulfan sulfate; heptachlor; heptachlor epoxide; dieldrin; demeton; guthion; malathion; methoxychlor; mirex; and parathion.
- 64. <u>Pollutant</u> shall mean any constituent, compound, or characteristic of Wastewaters on which a discharge limit or requirement may be imposed either by EOCWD or the regulatory bodies empowered to regulate EOCWD.
- 65. <u>Polychlorinated Biphenyls (PCB)</u> shall mean those compounds classified as such under federal or state law including, but not limited to Aroclors 1016, 1221, 1228, 1232, 1242, 1248, 1254, 1260, and 1262.
- 66. <u>Pretreatment shall mean the reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutant</u>

- properties in Wastewater to a level authorized by EOCWD prior to, or in lieu of, discharge of the Wastewater into EOCWD's Sewerage System. The reduction or alteration can be obtained by physical, chemical or biological processes, by process changes, or by other means.
- 67. <u>Pretreatment Facility</u> shall mean any works or devices that the General Manager determines are appropriate to treat, restrict, or prevent the flow of Industrial Wastewater prior to discharge into a public sewer.
- 68. <u>Pretreatment Requirements</u> shall mean any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.
- 69. <u>Priority Pollutants</u> shall mean the most recently adopted list of toxic Pollutants identified and listed by EPA as having the greatest environmental impact. They are classified as Non-compatible Pollutants and may require Pretreatment prior to discharge to prevent:
 - a) Interference with EOCWD's and/or OCSD's operation; or
 - b) biosolids contamination; or
 - c) Pass Through into receiving waters or into the atmosphere.
- 70. <u>Public Agency</u> shall mean the State of California and any city, county, district, other local authority or public body of or within this state.
- 71. Public Sewer shall mean a sewer owned and operated by EOCWD.
- 72. Publicly Owned Treatment Works or POTW shall mean a treatment works as defined by section 212 of the Act, which is owned by a state or municipality (as defined by section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal Sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey Wastewater to a POTW Treatment Plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.
- 73. RCRA shall mean Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901, et seq.) and as amended.

- 74. Regulatory Agencies shall mean those agencies having jurisdiction over the operation of EOCWD including, but not limited to, the following:
 - a) United States Environmental Protection Agency, Region IX, San Francisco and Washington, DC (EPA).
 - b) California State Water Resources Control Board (SWRCB).
 - c) California Regional Water Quality Control Board, Santa Ana Region (RWQCB).
 - d) South Coast Air Quality Management District (SCAQMD).
 - e) California Environmental Protection Agency (Cal-EPA).
- 75. Regulatory Compliance Schedule Agreement (RCSA) shall mean an agreement between EOCWD/OCSD and Permittee requiring the Permittee to implement Pretreatment practices and/or install equipment to ensure compliance with future revised categorical Pretreatment Standards or revised discharge limits.
- 76. Responsible Officer shall mean:
 - a) If the applicant or User is a corporation:
 - (1) The president, secretary, treasurer, or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or
 - The manager of one or more manufacturing, production, (2) or operation facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual Wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- b) If the applicant or User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- c) If the applicant or User is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or the designee.
- d) An applicant or User not falling within one of the above categories must designate as the Responsible Officer an individual responsible for the overall operation of the facility.
- 77. <u>Sample Point shall mean a location accepted by EOCWD/OCSD, from which Wastewater can be collected that is representative in content and consistency of the entire flow of Wastewater being sampled.</u>
- 78. <u>Sampling Facilities</u> shall mean structure(s) provided at a User's expense for EOCWD/OCSD or User to measure and record Wastewater constituent mass, concentrations, collect a representative sample, or provide access to plug or terminate the discharge.
- 79. <u>Sanitary Waste</u> shall mean domestic Wastewater, human excrement, and gray water (e.g., water from household showers, dishwashing operations, etc.).
- 80. <u>Septic Waste</u> shall mean any Sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- 81. <u>Service Area</u> shall mean an area for which EOCWD has agreed to provide sewer service.
- 82. Sewage shall mean Wastewater.
- 83. <u>Sewerage Facilities or System</u> shall mean any and all facilities owned by EOCWD and used for the collection and conveyance of Wastewater.
- 84. Significant Industrial User, except as provided in 40 CFR 403.3 (v)(2) and (v)(3), shall mean: (i) All Industrial Users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and (ii) Any other Industrial User that: discharges an average of 25,000 gallons per day or more of process Wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown Wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW Treatment plant; or is designated as such by EOCWD/OCSD on the basis that the Industrial User has a reasonable

- potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement (in accordance with 40 CFR 403.8(f)(6)).
- 85. <u>Significant Non-Compliance (SNC)</u> shall mean the compliance status of an Industrial User who is in violation of one or more of the criteria as described in 40 CFR 403.8(f)(2)(viii).
- 86. <u>Slug Load or Slug Discharge</u> shall mean any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 201 of this Ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits, or Permit conditions.
- 87. <u>Sludge shall</u> mean any solid, semi-solid or liquid decant, subnate or supernate from a manufacturing process, utility service, or Pretreatment Facility.
- 88. <u>Special Assessment Credit</u> shall mean the portion of the secured property tax bill that represents the regional special assessment sewer User fee as defined by OCSD or EOCWD.
- 89. <u>Special Purpose User</u> shall mean any Discharger who is granted a Special Purpose Discharge Permit by EOCWD to discharge unpolluted water, storm runoff, or groundwater to EOCWD's Sewerage Facilities.
- 90. <u>Spent Solutions</u> shall mean any concentrated Industrial Wastewater or Wastewater that is not authorized to be discharged to a Sewage facility until appropriately treated.
- 91. <u>Spill Containment</u> shall mean a protection system installed by the Permittee to prohibit the discharge to the sewer of non-compatible Pollutants.
- 92. <u>Standard Methods</u> shall mean procedures described in the current edition of *Standard Methods for the Examination of Water and Wastewater*, as published by the American Public Health Association, the American Water Works Association and Water Pollution Control Federation.
- 93. <u>Suspended Solids</u> shall mean any insoluble material contained as a component of Wastewater and capable of separation from the liquid portion of said Wastewater by laboratory filtration as determined by the

- appropriate testing procedure and expressed in terms of milligrams per liter.
- 94. <u>Total Organic Carbon (TOC)</u> shall mean the measure of total organic carbon in mg/L using heat, oxygen, ultraviolet irradiation, chemical oxidants, or combinations of these oxidants that convert organic carbon to carbon dioxide, rounded to two significant figures. As such, Total Toxic Organics is a subset of TOC.
- 95. <u>Total Toxic Organics (TTO)</u> shall mean the summation of all quantifiable values greater than 0.01 milligrams per liter for the organics regulated by the EPA or EOCWD/OCWD for a specific industrial category.
- 96. <u>Unpolluted Water</u> shall mean water to which no Pollutant has been added either intentionally or accidentally.
- 97. <u>User</u> shall mean any Person who discharges or causes a discharge of Wastewater directly or indirectly to a public sewer. User shall mean the same as Discharger. User includes Industrial Users as a type of User.
- 98. Waste-Tracking Form shall mean that receipt which is retained by the generator of hazardous wastes as required by the State of California or the United States Government pursuant to RCRA, or the California Hazardous Materials Act, or that receipt which is retained by the generator for recyclable wastes or liquid non- hazardous wastes as required by EOCWD/OCSD. The Waste-Tracking Form is typically known as a "waste manifest."
- 99. <u>Wastehauler</u> shall mean any Person carrying on or engaging in vehicular transport of brine, domestic septage (except the SAWPA Sewer Service Area in compliance with the 1996 OCSD/SAWPA Agreement), or Wastewater as part of, or incidental to, any business for the purpose of discharging directly or indirectly said Wastewater into OCSD's Sewerage System.
- 100. <u>Wastewater</u> shall mean the liquid and water-carried wastes of the community and all constituents thereof, whether treated or untreated, discharged into or permitted to enter a public sewer.
- 101. <u>Wastewater Constituents and Characteristics</u> shall mean the individual chemical, physical, bacteriological, and radiological parameters, including volume and flow rate and such other parameters that serve to define, classify or measure the quality and quantity of Wastewater.

- 102. Wet Weather shall mean any period of time during which measurable rainfall occurs within EOCWD's service area. This period shall include the time following the cessation of rainfall until EOCWD/OCSD determines that the wet weather event is no longer impacting EOCWD or OCSD's Sewerage System.
- 103. Working Day shall mean the period of time during which production or operation is taking place or any period during which discharge to the sewer is occurring.
- 104. <u>Zero Discharge Certification</u> shall mean a control mechanism that is issued by EOCWD and/or OCSD to insure that specific facilities are not discharging a Pollutant(s) that may otherwise qualify the facility for a discharge permit.
- B. Words used in this Ordinance in the singular may include the plural and the plural the singular. Terms used in the masculine form shall include feminine, and terms used in the feminine form shall include masculine.

103. CONFIDENTIAL INFORMATION

All user information and data on file with EOCWD shall be available to the public and governmental agencies without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of EOCWD that the release of such information would divulge information, processes or methods which would be detrimental to the User's competitive position. The demonstration of the need for confidentiality made by the Permittee must meet the burden necessary for withholding such information from the general public under applicable state and federal law. Any such claim must be made at the time of submittal of the information by marking the submittal "Confidential Business Information" on each page containing such information.

Information which is demonstrated to be confidential shall not be transmitted to anyone other than a governmental agency without prior notification to the User. Wastewater constituents and characteristics and other effluent data, as defined in 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public.

104. SALE OR CHANGE OF OWNERSHIP

A. Permits issued under this Ordinance are for a specific User, for a specific operation at a specific location or for a specific Wastehauler, and create no vested rights. Notwithstanding 104.C, the existing permit will be terminated

upon sale or change of ownership.

- B. No permit may be transferred to allow a discharge to a public sewer from a point other than the location for which the permit was originally issued.
- C. When the permittee is a legal entity (such as a corporation, partnership, limited liability company, or other legal entity), the permittee is deemed to have undergone a change of ownership when any other legal entity or person acquires direct or indirect ownership or control of more than fifty percent (50%) of the total ownership interest in the permittee.
- D. At least thirty (30) days prior to the sale or change of ownership of any business operating under a permit issued by EOCWD or OCSD, the Permittee shall notify EOCWD in writing of the proposed sale or change of ownership. The successor owner shall apply to EOCWD for a new permit at least fifteen (15) days prior to the sale or change of ownership in accordance with the provisions of this Ordinance. A successor owner shall not discharge any Wastewater for which a permit is required by this Ordinance until a new permit is issued by EOCWD to the successor owner.

E.

The written notification of intended sale or change of ownership shall be in a form approved by EOCWD/OCSD and shall include a written certification by the new owner or Authorized Representative, which shall include as a minimum:

- 1. the specific date on which the sale or change of ownership is to occur; and
- 2. an acknowledgement to comply fully with all the terms, conditions, limits, and provisions of this Ordinance and the new permit.

105. RESERVED

106. <u>AUTHORITY</u>

A. EOCWD is regulated by several agencies of the United States Government and the State of California, pursuant to the provisions of federal and state Law. Federal and state laws grant to EOCWD the authority to regulate and/or prohibit, by the adoption of ordinances or resolutions, and by issuance of discharge certifications, or discharge permits, the discharge of any Wastewater, directly or indirectly, to EOCWD's Sewerage Facilities. Said authority includes the right to establish limits, conditions, and prohibitions; to establish flow rates or prohibit flows discharged to EOCWD's Sewerage Facilities; to require the development of compliance schedules for the installation of equipment systems and materials by all Users; and to take all actions necessary to enforce its authority including implementation of the

Enforcement Response Plan, whether within or outside EOCWD's boundaries, including those Users that are tributary to EOCWD or within areas for which EOCWD has contracted to provide sewerage services.

B. EOCWD has the authority pursuant to California Health and Safety Codes 5471 and 5474 to prescribe, revise, and collect all fees and charges for services and facilities furnished by EOCWD either within or without its territorial limits.

107. DELEGATION OF AUTHORITY

Whenever any power is granted to or a duty is imposed upon the General Manager, the power may be exercised or the duty may be performed by any person so authorized by the General Manager.

108. SIGNATORY REQUIREMENTS

Reports and permit applications required by this Ordinance shall contain the following certification statement:

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

The statement shall be signed by an authorized representative of the Industrial User as defined in 40 CFR 403.12(I) or as defined and designated by EOCWD.

109. RECORD KEEPING REQUIREMENTS

Any User subject to EOCWD's reporting requirements shall maintain and make available for inspection and copying records of all information obtained pursuant to, or resulting from, any monitoring activities required by EOCWD, including documentation associated with Best Management Practices, and any additional records or information obtained pursuant to monitoring activities undertaken by the User independent of such requirements. Such records shall include information as shown in 40 CFR 403.12(o)(1) and (2). These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or EOCWD, or where the User has been specifically notified of a longer retention period by the General Manager.

ARTICLE 2. GENERAL PROHIBITIONS, LIMITS AND REQUIREMENTS FOR DISCHARGE

201. PROHIBITED DISCHARGES

These prohibitions apply to all Users of EOCWD's Sewerage Facilities whether or not they are subject to Federal Categorical Pretreatment Standards or any other national, state, or local Pretreatment Standards or requirements.

General Prohibitions.

- No User shall introduce or cause to be introduced into EOCWD's Sewerage Facilities any Pollutant, Wastewater, or flow which causes Pass Through or Interference or would cause EOCWD to violate any federal, state, or local regulatory requirement.
- No User shall increase the contribution of flow, Pollutants, or change the nature of Pollutants where such contribution or change does not meet applicable standards and requirements or where such contribution would cause EOCWD to violate any federal, state, or local regulatory permit.
- 3. No Person shall transport Wastewater from one location or facility to another for the purpose of treating or discharging it directly or indirectly to EOCWD's Sewerage Facilities without written permission from EOCWD.
- 4. No Person shall deliver by vehicular transport, rail car, or dedicated pipeline, directly or indirectly to EOCWD's Sewerage Facilities, Wastewater which contains any substance that is defined as a hazardous waste by the Regulatory Agencies.
- B. Specific Prohibitions. No User shall introduce or cause to be introduced into the Sewerage Facilities, any Pollutant, substance, or Wastewater which:
 - Creates a fire or explosive hazard in the Sewerage Facilities including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Centigrade) using the test methods specified in 40 CFR 261.21; or produces a gaseous mixture that is 10% or greater of the lower explosive limit (LEL).
 - 2. Causes obstruction to the flow in the Sewerage Facilities resulting in interference or damage to the Sewerage Facilities.

- 3. Produces noxious or malodorous liquids, gases, solids, or other Wastewater which, either singly or by interaction with other Wastes, is sufficient to create a public nuisance or a hazard to life, or to prevent entry into the Sewerage Facilities for maintenance or repair.
- 4. Results in toxic gases, vapors, or fumes within the Sewerage Facilities in a quantity that may cause acute worker health and safety problems.
- 5. Contains any radioactive Wastes or isotopes except in compliance with applicable regulations from other governmental agencies empowered to regulate the use of radioactive materials.
- 6. Causes, alone or in conjunction with other sources, EOCWD's treatment plant effluent to fail a toxicity test.
- 7. Causes EOCWD's effluent or any other product of the treatment process, residues, biosolids, or scums, to be unsuitable for reclamation, reuse or disposal. Examples of items which may cause these conditions include, but are not limited, to food packaging, product containers, and non-dispersible products.
- 8. Causes discoloration or any other condition which affects the quality of EOCWD's influent or effluent in such a manner that inhibits EOCWD's ability to meet receiving water quality, biosolids quality, or air quality requirements established by Regulatory Agencies.
- 9. Creates excessive foaming in the Sewerage Facilities.
- 10. Violates any applicable Federal Categorical Pretreatment Standards, statute, regulation, or ordinance of any public agency or Regulatory Agency having jurisdiction over the operation of or discharge of Wastewater through the Sewerage Facilities.
- 11. Has a temperature higher than 140 degrees Fahrenheit, (60 degrees Centigrade), or which causes the temperature at the treatment plant to exceed 104 degrees Fahrenheit (40 degrees Centigrade).
- 12. Has a pH less than 6.0 or greater than 12.0.
- 13. Causes corrosion, fouling, occlusion, or damage to the POTW beyond normal wear and tear.

- 14. Is released in a discharge at a flow rate and/or Pollutant concentration (including oxygen-demanding Pollutant (BOD, etc.)) which will cause interference with EOCWD's Sewerage Facilities.
- 15. Is in excess of the permitted OCSD Mass Emission Rates established in accordance with Section 213, or the concentration limits set forth in Table 1, or the discharge permit.
- 16. Contains material which will readily settle or cause an obstruction to flow in the Sewerage Facilities resulting in interference, such as, but not limited to, sand, mud, glass, metal filings, diatomaceous earth, cat litter, asphalt, wood, bones, hair, fleshings, food packaging, product containers, and non-dispersible products.
- 17. Includes petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or Pass Through.
- 18. Causes the Orange County Water District Groundwater Replenishment System product water to exceed its TOC limit of 0.5 mg/L.

202. PROHIBITION ON DILUTION

No User shall increase the use of water or in any other manner attempt to dilute a discharge as a partial or complete substitute for treatment to achieve compliance with this Ordinance and the User's permit or to establish an artificially high flow rate for permit Mass Emission Rates.

203. PROHIBITION ON SURFACE RUNOFF AND GROUNDWATER

- A. No Person shall discharge groundwater, surface runoff, or subsurface drainage directly or indirectly to EOCWD's Sewerage Facilities except as provided herein. Pursuant to Section 304 or 305, et seq., EOCWD may approve the discharge of such water only when no alternate method of disposal is reasonably available or to mitigate an environmental risk or health hazard.
- B. The discharge of such waters shall require a Dry Weather Urban Runoff Discharge Permit or a Special Purpose Discharge Permit from EOCWD and OCSD.
- C. If a permit is granted for the discharge of such water into a Public Sewer, the User shall pay all applicable charges and shall meet such other conditions as required by EOCWD and OCSD.

204. PROHIBITION ON UNPOLLUTED WATER

- A. No Person shall discharge unpolluted water such as single pass cooling water directly or indirectly to EOCWD's Sewerage Facilities except as provided herein. Pursuant to Section 305, et seq., EOCWD may approve the discharge of such water only when no alternate method of disposal or reuse is reasonably available or to mitigate an environmental risk or health hazard.
- B. The discharge of such waters shall require a Special Purpose Discharge Permit from EOCWD/OCSD.
- C. If a permit is granted for the discharge of such water into a public sewer, the User shall pay all applicable charges and shall meet such other conditions as required by EOCWD/OCSD.

205. PROHIBITION ON SLUG DISCHARGES AND NOTIFICATION REQUIREMENT

EOCWD has the right to control slug discharges, if it is determined to be necessary. All Significant Industrial Users are required to notify EOCWD immediately of any changes at their facilities that could affect the potential for a slug discharge.

206. PROHIBITION ON THE USE OF GRINDERS

- A. Waste from industrial or commercial grinders shall not be discharged into a Public Sewer, except wastes generated in packing or preparing food or food products. Such grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the Public Sewer.
- B. Waste from Food Service Establishments operating a grinder is prohibited and shall not be discharged into a Public Sewer unless written authorization from the General Manager is obtained.

207. PROHIBITION ON POINT OF DISCHARGE

No Person, except Local Sewering Agencies involved in maintenance functions of sanitary sewer facilities, shall discharge any Wastewater directly into a manhole or other opening in a sewer other than through an approved building sewer, unless approved by EOCWD upon written application by the User and payment of the applicable fees and charges established therefor.

208. HAZARDOUS WASTE DISCHARGE NOTIFICATION REQUIREMENT

Any User that discharges any hazardous waste into the Sewerage System shall notify EOCWD immediately as required by 40 CFR 403.12(p).

209. PROHIBITION ON MEDICAL WASTE

- A. No solid Wastes consisting of, but not limited to, hypodermic needles, syringes, instruments, utensils or other paper and plastic items from hospitals, clinics, offices of medical doctors, convalescent homes, medical laboratories or other medical facilities shall be discharged to the Sewerage System, unless prior written approval for such discharges has been granted by the General Manager.
- B. EOCWD shall have the authority to require that any discharge of etiologic agents or infectious agents or substances to the Sewerage System be rendered inactive and noninfectious prior to discharge if the infectious Waste is deemed to pose a threat to the public health and safety, or can become an etiologic agent subsequent to discharge to the Sewerage System, or will result in any violation of applicable Wastewater discharge requirements.
- C. No unused, unwanted, or expired pharmaceuticals (both over the counter and prescription-only medications) shall be disposed of in the Sewerage System, except in accordance with federal and state regulations, or in the absence of such regulations, using Best Management Practices.

210. PROHIBITION ON DISPOSAL OF SPENT SOLUTIONS AND SLUDGES

Spent solutions, sludges, and materials of quantity or quality in violation of, or prohibited by this Ordinance, or any permit issued under this Ordinance must be disposed of in compliance with all regulatory requirements at a permitted point of disposal as defined by EOCWD/OCSD or Regulatory Agency with jurisdiction thereof.

If the point of disposal is at an OCSD-permitted treatment facility, all Waste-Tracking Forms shall be retained for a minimum of three years by the facility and Wastehauler of said Wastewater, and made available for copying for review upon request.

211. RESERVED

212. MASS EMISSION RATE DETERMINATION

A. Mass Emission Rates for non-compatible or Compatible Pollutants that are present or anticipated in the User's Wastewater discharge may be set for each User and made an applicable part of each User's permit. These rates shall be based on Table 1, Maximum Allowable Local Discharge Limits, or Federal Categorical Pretreatment Standards, and the User's average daily Wastewater discharge for the past three years, the most recent representative data, or other data acceptable to the General Manager.

- B. To verify the User's operating data, EOCWD may require the User to submit an inventory of all Wastewater streams and/or records indicating production rates.
- C. EOCWD may revise limits or Mass Emission Rates previously established in the discharger's permit at any time, based on: current or anticipated operating data of the discharger or EOCWD; EOCWD's ability to meet NPDES limits; or changes in the requirements of Regulatory Agencies.
- D. The excess use of water to establish an artificially high flow rate for Mass Emission Rate determination is prohibited.

213. MAXIMUM ALLOWABLE LOCAL DISCHARGE LIMITS

EOCWD's and OCSD's Maximum Allowable Local Discharge Limits are shown in Table 1 below.

TABLE 1

MAXIMUM ALLOWABLE LOCAL NON-DOMESTIC DISCHARGE LIMITS(1)				
CONSTITUENT	MILLIGRAMS/LITER			
1,4-dioxane ⁽²⁾	1.0			
Ammonia	Mass ⁽³⁾			
Arsenic	2.0			
Biochemical Oxygen Demand (BOD)	Mass ⁽³⁾			
Cadmium	1.0			
Chromium (Total)	20.0			
Copper	3.0			
Cyanide (Total)	5.0			
Lead	2.0			
Mercury	0.03			
Molybdenum	2.3			
Nickel	10.0			
Pesticides	0.01			
Oil and Grease of Mineral or Petroleum Origin ⁽⁴⁾	100.0			
Polychlorinated Biphenyls (PCB)	0.01			
Selenium	3.9			
Silver	15.0			
Sulfide (Dissolved)	0.5			
Sulfide (Total)	5.0			
Zinc	10.0			
MAXIMUM ALLOWABLE DISCHARGE LIMITS FOR WASTEHAULERS DISCHARGING DOMESTIC SEPTAGE TO THE EOCWD WASTEHAULER STATION				
<u>CONSTITUENT</u>	MILLIGRAMS/LITER			
Cadmium	1.0			
Chromium	35.0			
Copper	25.0			
Lead	10.0			

Nickel	10.0
Zinc	50.0

⁽¹⁾ Users subject to Federal Categorical Pretreatment Standards may be required to meet more stringent limits.

^{(2) 1,4-}dioxane is also known as "p-dioxane."

⁽³⁾ BOD and ammonia mass discharged will be tracked by OCSD and Users. It is the Permittee's responsibility to report the intended technically-based mass use to OCSD.

^{(4) &}quot;Oil and Grease of Mineral or Petroleum Origin" is also known as "Petroleum Oil and Grease as Silica Gel Treated n-Hexane Extractable Material" or "SGT-HEM Non-Polar Material."

ARTICLE 3. DISCHARGE PERMITS, CERTIFICATIONS, CHARGES, AND FEES

301. INTRODUCTION

- A. To provide the maximum public benefit from the use of EOCWD's and OCSD's Sewerage Facilities, written authorization to use said facilities is required. This written authorization shall be in the form of a discharge permit or certification. No vested right shall be given by issuance of permits or certifications provided for in this Ordinance. EOCWD/OCSD reserves the right to establish, by Ordinance regulation, or in Wastewater Discharge Permits or certifications, more stringent standards or requirements on discharges to EOCWD Sewerage Facilities if deemed by the General Manager appropriate to comply with this Ordinance and the requirements of Regulatory Agencies.
- B. The discharge permit shall be in one of five forms and is dependent upon the type of discharger, volume, and characteristics of discharge. The five discharge permits are:
 - 1. Class I Wastewater Discharge Permit.
 - Class II Wastewater Discharge Permit.
 - 3. Dry Weather Urban Runoff Discharge Permit.
 - 4. Special Purpose Discharge Permit.
- C. The Discharge Certification is issued to those Users that are discharging regulated Wastewater but are not otherwise required to obtain a discharge permit.
- D. The Zero Discharge Certification is issued to certify that a particular Pollutant or process is not used or discharged to EOCWD and/or OCSD, even though regulated process Wastewater may still be generated on-site and eventually wastehauled or otherwise eliminated. Such a facility does not require a discharge permit, but may require a Zero Discharge Certification.
- **E**. A permit issued under OCSD's Wastewater Discharge Ordinance shall be valid under this Ordinance.

302. CLASS I WASTEWATER DISCHARGE PERMITS

- A. No User requiring a Class I permit shall discharge Wastewater without obtaining a Class I Wastewater Discharge Permit.
- B. Class I Wastewater Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other regulations, charges for use, and fees established by OCSD. The conditions of Wastewater Discharge Permits shall be enforced by OCSD in accordance with this Ordinance and applicable state and federal regulations.
- C. All Class I Users proposing to discharge directly or indirectly into the EOCWD and OCSD Sewerage Facilities shall obtain a Wastewater Discharge Permit by filing an application pursuant to Section ARTICLE 2 and paying the applicable fees pursuant to Section 302.3. For purposes of this Ordinance, a Class I User is any User:
 - 1. Subject to Federal Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; or
 - 2. That discharges an average of 25,000 gallons per day or more of process Wastewater to the EOCWD System and the OCSD POTW (excluding sanitary, noncontact cooling and boiler blowdown Wastewater); or
 - 3. Contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the EOCWD system and/or the OCSD POTW; or
 - 4. That is designated as such by EOCWD/OCSD on the basis that the Industrial User has a reasonable potential for adversely affecting the EOCWD System and/or OCSD's POTW operation or for violating any Pretreatment Standard, local limit or requirement (in accordance with 40 CFR 403.8(f)(6)); or
 - 5. That may cause Pass Through affecting OCSD's ability to comply with its NPDES Permit or other regulations and standards; or
 - 6. That may cause Interference with OCSD's Sewerage Facilities.

302.1 Class I Wastewater Discharge Permit Application

- A. Any User required to obtain a Class I Wastewater Discharge Permit shall complete and file with OCSD, prior to commencing discharge, an application on the form prescribed by OCSD. The applicant shall submit, in units and terms appropriate for evaluation, the following information:
 - 1. Name, address, assessor's parcel number(s), NAICS number(s), description of the manufacturing process or service activity.

- 2. (Whichever is applicable) name, address of any and all principals/owners/major shareholders of company; Articles of Incorporation; most recent Report of the Secretary of State; Business License.
- 3. Volume of Wastewater to be discharged.
- 4. Name of individual who can be served with notices other than officers of corporation.
- 5. Name and address of property owner, landlord and/or manager of the property.
- 6. Water supplier and water account numbers.
- 7. Wastewater constituents and characteristics as required by OCSD, including, but not limited to, those mentioned in Section 213, Mass Emission Rate Determination, and Table 1, Local Discharge Limits, of this Ordinance. These constituents and characteristics shall be determined by a laboratory selected by the discharger and acceptable to OCSD.
- 8. Time and duration of discharge.
- 9. Number of employees per shift and hours of work per employee per day for each shift.
- 10. Waste minimization, best management practices, and water conservation practices.
- 11. Production records, if applicable.
- 12. Waste-Tracking Forms, if applicable.
- 13. Landscaped area in square feet, if applicable.
- 14. Tons of cooling tower capacity, if applicable.
- 15. EPA Hazardous Waste Generator Number, if applicable.
- 16. Any other information as specified.
- B. Applicants may be required to submit site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, spill containment, clarifiers, Pretreatment equipment, and appurtenances by size, location, and elevation for evaluation.

- C. Applicants may also be required to submit information related to the applicant's business operations, processes, and potential discharge as may be requested by OCSD to properly evaluate the permit application.
- D. After evaluation of the data, OCSD may issue a Wastewater Discharge Permit, subject to terms and conditions set forth in this Ordinance and as otherwise determined by the OCSD General Manager to be appropriate to protect EOCWD's and OCSD's Sewerage Facilities.
- E. The permit application may be denied if the applicant fails to establish to OCSD's satisfaction that adequate Pretreatment equipment is included within the applicant's plans to ensure that the discharge limits will be met or if the applicant has, in the past, demonstrated an inability to comply with applicable discharge limits.
- F. The permit application may be denied if the applicant has in the past demonstrated an inability to keep current with OCSD invoices for items such as Permit Fees, Non-Compliance Resampling Fees, Civil Penalties, Administrative Civil Penalties, Charges for Use, and Supplemental Capital Facilities Capacity Charges.

302.2 Class I Permit Conditions, and Limits

- A. A Class I permit shall contain all of the following conditions or limits:
 - Mass Emission Rates and concentration limits regulating noncompatible Pollutants.
 - 2. Requirements to notify OCSD in writing prior to modification to processes or operations through which Industrial Wastewater may be produced.
 - 3. Location of the User's on-site sampling point.
 - 4. Requirements for submission of self-monitoring reports, technical reports, production data, discharge reports, compliance with Pretreatment Standards, BMP-based Categorical Pretreatment Standards and/or local limits, and/or Waste-Tracking Forms.
 - 5. Requirements for maintaining, for a minimum of three (3) years, plant records relating to Wastewater discharge, and Waste-Tracking Forms as specified by OCSD.
 - 6. Requirements to submit copies of tax and water bills.
- B. A Class I permit may contain any of the following conditions and/or limits:

- 1. Requirements for the User to construct and maintain, at his own expense, appropriate Pretreatment equipment, pH control, Flow Monitoring Facilities, and sampling facilities.
- 2. Limits on rate and time of discharge or requirements for flow regulation and equalization.
- 3. Requirements to self-monitor.
- 4. Assumed values for BOD and suspended solids characteristics that typify the Discharger's effluent for determination of the charge for use.
- 5. Other terms and conditions which may be appropriate to ensure compliance with this Ordinance or determined by the General Manager to be appropriate to protect OCSD's Sewerage System.

302.3 Class I Permit Fee

- A. The Class I permit fee shall be in an amount adopted by Ordinance of the Board of Directors. The permit fee shall be payable at the time a permit application is submitted for the issuance of a new permit or a renewed permit. Payment of permit fees must be received by OCSD prior to issuance of either a new permit or a renewed permit. Permittee shall also pay any delinquent invoices in full prior to permit renewal.
- B. Any permit issued for a location wherein the Permittee is not the property owner may be conditioned upon depositing financial security to guarantee payment of all annual fees and charges to be incurred, in accordance with the provisions of Section 623.(E) of this Ordinance.

302.4 Class I Permit Modification of Terms and Conditions

- A. The terms and conditions of an issued permit may be subject to modification and change in the sole determination by the General Manager during the life of the permit based on:
 - 1. The Discharger's current or anticipated operating data;
 - OCSD's current or anticipated operating data;
 - 3. Changes in the requirements of Regulatory Agencies which affect EOCWD and/or OCSD; or
 - 4. A determination by the General Manager that such modification is appropriate to further the objectives of this Ordinance.

- B. New source indirect Dischargers shall be required to install and start up any necessary pollution control equipment before beginning discharge, and comply with applicable Federal Categorical Pretreatment Standards not toexceed thirty (30) days after the commencement of discharge.
- C. Permittee may request a modification to the terms and conditions of an issued permit. The request shall be in writing stating the requested change, and the reasons for the change. OCSD shall review the request, make a determination on the request, and respond in writing.
- D. Permittee shall be informed of any change in the permit limitations, conditions, or requirements at least forty-five (45) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

302.5 Class I Permit Duration and Renewal

Class I permits shall normally be issued for a period not to exceed four (4) years. At least forty-five (45) days prior to the expiration of the permit, the User shall apply for renewal of the permit in accordance with the provisions of this Article 3.

302.6 Class I Permit Charge for Use

- A. The purpose of a charge for use is to ensure that each recipient of sewerage service from OCSD pays its reasonably proportionate share of all the costs of providing that sewerage service. Charges for use to recover the cost of conveying, treating, and disposing of Sewage in OCSD's Sewerage Facilities are exclusive of any fees levied by EOCWD. The charge for use shall be based on the total maintenance, operation, capital expenditures, and reserve requirements for providing Wastewater collection, treatment, and disposal.
- B. A Discharger who is issued a Class I Wastewater Discharge Permit under the provisions of this Ordinance shall pay a charge for use in accordance with the formula contained herein and the unit charge rates adopted by Ordinance of the Board of Directors. These fees shall be invoiced on a quarterly basis. The quarterly invoice shall be based upon an estimate of the annual use as determined by OCSD. OCSD shall compute the charge for use based upon actual use for the preceding fiscal year on an annual reconciliation statement
- C. The charge for use is payable within forty-five (45) days of invoicing by OCSD. A special assessment credit will be allowed for any regional sanitary sewer service charge adopted by the OCSD Board of Directors by separate Ordinance and levied against the permitted property.
- D. In order for OCSD to determine actual annual water use, the User shall provide to OCSD copies of its water bills. If these water bill copies are not

received by August 15th of each year for the 12 month period ended closest to June 30, OCSD will endeavor to obtain the water use data. Data obtained by OCSD will be considered correct and will not be adjusted before the next annual reconciliation statement. There shall be a fee levied for OCSD administrative costs when OCSD obtains water use data. OCSD's Board of Directors shall adopt the amount of the fee.

- E. The charge for use shall be computed by the following formula: Charge for Use
 - = VoV + BoB + SoS Special Assessment Credit
- E. Where V = total annual volume of flow, in millions of gallons

B = total annual discharge of biochemical oxygen demand, in thousands of pounds

S = total annual discharge of suspended solids, in thousands of pounds

Vo, Bo, So = Unit Charge rates established and adopted by Ordinance of OCSD's Board of Directors, based upon the funding requirements of providing sewerage service, in dollars per unit as described in Paragraph F below:

- F. The Unit Charge rates in the charge-for-use formula shall be determined by the following method:
 - 1. An Operations and Maintenance component of the Unit Charge for the total annual operation and maintenance funding requirements of the Sewerage System shall be levied at a rate to be determined from time to time by the OCSD Board of Directors. This Charge shall be allocated among the three Wastewater charge parameters of flow, biochemical oxygen demand and suspended solids in accordance with the General Manager's determination as to the costs associated with each parameter and pursuant to applicable requirements of state and federal Regulatory Agencies.

The operation and maintenance costs as distributed to flow, biochemical oxygen demand and suspended solids shall be divided by the projected annual total flow volume and weights of biochemical oxygen demand and suspended solids to be treated by the Sewerage System in the budgeted year.

2. A Capital Facilities Replacement Service component of the Unit Charge for capital replacement and capital improvement shall be levied at a rate to be determined from time to time by the Board of Directors. This charge shall be allocated among Wastewater charge parameters of flow, biochemical oxygen demand, and suspendedsolids

in accordance with the OCSD General Manager's determination of which portion of the charge predominantly relates to each parameter.

The capital facilities charge distributed to biochemical oxygen demand, and suspended solids shall be divided by the projected annual weights of biochemical oxygen demand and suspended solids to be treated by the Sewerage System in the budgeted year.

- 3. The Unit Charge rates for each respective Wastewater component in (1) and (2) above shall be summed. The Unit Charge rates so determined will be expressed in dollars per million gallons for Vo, and in dollars per thousand pounds for Bo and So.
- G. Other measurements of the organic content of the Wastewater of a Discharger, such as COD or TOC, may be used instead of BOD. However, the Discharger must establish to the General Manager's satisfaction a relationship between the BOD of the Wastewater and the parameter of measure. This relationship shall be used by OCSD in determining the charge for use.

When Wastewater from sanitary facilities is discharged separately from the other Wastewater of a Discharger, the charge for use for discharging the Wastewater may be determined by using the following:

- 1. 25 gallons per employee per eight-hour working day.
- 2. BOD and suspended solids to be calculated at domestic Wastewater strength per employee per year.

The number of employees will be considered as the average number of people employed full time on a daily basis. This may be determined by averaging the number of people employed at the beginning and end of each quarter, or other period that reflects normal employment fluctuations.

303. CLASS II WASTEWATER DISCHARGE PERMITS

- A. No User requiring a Class II permit shall discharge Wastewater without obtaining a Wastewater Discharge Permit.
- B. Class II Wastewater Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other regulations, charges for use and fees established by OCSD. The conditions of Wastewater Discharge Permits shall be enforced by OCSD in accordance with this Ordinance and applicable state and federal regulations.
- C. All Class II Users proposing to discharge directly or indirectly into

EOCWD's and OCSD's Sewerage Facilities shall obtain a Wastewater discharge Permit by filing an application pursuant to Section ARTICLE 1 and paying the applicable fees pursuant to Section 303.3. For purposes of this Ordinance, a Class II User is any User:

- Whose charge for use is greater than the special assessment OCSD Sewer User Fee" included on the County of Orange secured property tax bill exclusive of debt service; and
- 2. Discharging Wastewater other than sanitary; and
- 3. Not otherwise required to obtain a Class I permit.

303.1 Class II Wastewater Discharge Permit Application

- A. Any User required to obtain a Class II Wastewater Discharge Permit shall complete and file with OCSD, prior to commencing discharge, an application on the form prescribed by OCSD. The applicant shall submit, in units and terms appropriate for evaluation, the following information:
 - Name, address, assessor's parcel number(s) and NAICS number(s); description of the manufacturing process or service activity.
 - 2. (Whichever is applicable) Name, address of any and all principals/owners/major shareholders of company; Articles of Incorporation; most recent Report of the Secretary of State; Business License.
 - 3. Volume of Wastewater to be discharged.
 - 4. Name of individual who can be served with notices other than officers of corporation.
 - 5. Name and address of property owner, landlord and/or manager of the property.
 - 6. Water supplier and water account numbers.
 - 7. Wastewater constituents and characteristics as required by OCSD, including, but not limited to, those mentioned in Section 213, Mass Emission Rate Determination, and Table 1, Local Discharge Limits of this Ordinance. These constituents and characteristics shall be determined by a laboratory selected by the Discharger and acceptable to OCSD.
 - 8. Time and duration of discharge.

- 9. Number of employees and average hours of work per employee per day.
- 10. Production records, if applicable.
- 11. Waste-Tracking Forms, if applicable.
- 12. Landscaped area in square feet, if applicable.
- 13. Tons of cooling tower capacity, if applicable.
- 14. EPA Hazardous Waste Generator Number, if applicable.
- 15. Any other information as specified.
- B. Applicants may be required to submit site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, spill containment, clarifiers, Pretreatment systems, and appurtenances by size, location, and elevation for evaluation.
- C. Applicants may also be required to submit other information related to the applicant's business operations, processes, and potential discharge as may be requested to properly evaluate the permit application.
- D. After evaluation of the data furnished, OCSD may issue a Wastewater Discharge Permit, subject to terms and conditions set forth in this Ordinance and as otherwise determined by the General Manager to be appropriate to protect the OCSD system.
- E. The permit application may be denied if the applicant fails to establish to OCSD's satisfaction that adequate Pretreatment equipment is included within the applicant's plans to ensure that the discharge limits will be met or if the applicant has, in the past, demonstrated an inability to comply with applicable discharge limits.

303.2 Class II Permit Conditions and Limits

- A. A Class II permit shall contain all of the following conditions and/or limits:
 - 1. Applicable Mass Emission Rates and concentration limits regulating non-compatible Pollutants.
 - 2. Requirements to notify OCSD in writing prior to modification to processes or operations through which Industrial Wastewater may be produced.

- 3. Location of the User's on-site sample point.
- 4. Requirements for submission of technical reports, production data, discharge reports, and/or Waste-Tracking Forms.
- 5. Requirements to submit copies of tax and water bills.
- B. A Class II permit may contain any of the following conditions and/or limits:
 - 1. Requirements for the User to construct and maintain, at his own expense, appropriate Pretreatment equipment, pH control, flow monitoring and/or sampling facilities.
 - 2. Limits on rate and time of discharge or requirements for flow regulation and equalization.
 - 3. Assumed values for BOD and suspended solids characteristics that typify the Discharger's effluent for determination of the charge for use.
 - 4. Requirements to self-monitor.
 - 5. Requirements for maintaining, for a minimum of three years, plant records relating to Wastewater discharge, and Waste-Tracking Forms as specified by OCSD.
 - 6. Other provisions which may be appropriate to ensure compliance with this Ordinance.
 - 7. Other terms and conditions determined by the General Manager to be appropriate to protect EOCWD's and OCSD's Sewerage Systems.

303.3 Class II Permit Fee

- A. The Class II permit fee shall be in an amount adopted by Ordinance of the Board of Directors. The permit fee shall be payable at the time a permit application is submitted for the issuance of a new permit or a renewed permit. Payment of the permit fee must be received by OCSD prior to issuance of either a new permit or a renewed permit. Permittee shall also pay any delinquent invoices in full prior to permit renewal.
- B. Any permit issued for a location wherein the Permittee is not the property owner may be conditioned upon depositing financial security to guarantee payment of all annual fees and charges to be incurred, in accordance with the provisions of Section 623.(E) of this Ordinance.

303.4 Class II Permit Modification of Terms and Conditions

- A. The terms and conditions of an issued permit may be subject to modification and change in the sole determination by the General Manager during the life of the permit based on:
 - 1. The Discharger's current or anticipated operating data;
 - 2. OCSD's current or anticipated operating data;
 - 3. Changes in the requirements of Regulatory Agencies which affect EOCWD and/or OCSD; or
 - 4. A determination by the General Manager that such modification is appropriate to further the objectives of this Ordinance.
- B. The Permittee may request a modification to the terms and conditions of an issued permit. The request shall be in writing stating the requested change, and the reasons for the change. OCSD shall review the request, make a determination on the request, and respond in writing.
- C. Permittee shall be informed of any change in the permit limitations, conditions, or requirements at least forty-five (45) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

303.5 Class II Permit Duration and Renewal

Class II permits shall normally be issued for a period not to exceed five (5) years. At least forty-five (45) days prior to the expiration of the permit, the User shall apply for renewal of the permit in accordance with the provisions of this Article 3.

303.6 Class II Permit Charge for Use

- A. The purpose of a charge for use is to ensure that each recipient of sewerage service from EOCWD and OCSD pays its reasonably proportionate share of all the costs of providing that sewerage service. Charges for use to recover the cost of conveying, treating, and disposing of Sewage in OCSD's Sewerage Facilities are exclusive of any fees levied by EOCWD. The charge for use shall be based on the total maintenance, operation, capital expenditures, and reserve requirements for providing Wastewater collection, treatment, and disposal.
- B. A Discharger who is issued a Class II Wastewater Discharge Permit under the provisions of this Ordinance shall pay a charge for use in accordance with the formula contained herein and the Unit Charge rates adopted

annually by Ordinance of the Board of Directors. These fees shall be invoiced on a quarterly basis. The quarterly invoice shall be based upon an estimate of the annual use as determined by OCSD.

Annually, OCSD shall compute the charge for use based upon actual use for the preceding fiscal year on an annual reconciliation statement. The charge for use is payable within forty-five (45) days of invoicing by OCSD. A special assessment credit will be allowed for any regional sanitary sewer service charge adopted by the Board of Directors by separate Ordinance and levied against the permitted property.

C. In order for OCSD to determine actual annual water use, the User shall provide to OCSD copies of its water bills. If these water bill copies are not received by August 15th of each year for the 12 month period ended closest to June 30, OCSD will endeavor to obtain the water use data. Data obtained by OCSD will be considered correct and will not be adjusted before the next annual reconciliation statement.

There shall be a fee levied for OCSD administrative costs when water use data is obtained by OCSD. The amount of the fee shall be adopted by the Board of Directors.

D. The charge for use shall be computed by the following formula: Charge

for Use = VoV + BoB + SoS – Special Assessment Credit Where V =

total annual volume of flow, in millions of gallons

B = total annual discharge of biochemical oxygen demand, in thousands of pounds

S = total annual discharge of suspended solids, in thousands of pounds

Vo, Bo, So = Unit Charge rates adopted annually by Ordinance of OCSD's Board of Directors, based upon the funding requirements of providing sewerage service, in dollars per unit as described in Paragraph E below.

- E. The unit charge rates in the charge for use formula shall be established annually and shall be determined by the following method:
 - 1. An Operations and Maintenance component of the Unit Charge for the total annual operation and maintenance funding requirements of the Sewerage System shall be levied at a rate to be determined from time to time by the OCSD Board of Directors. This charge shall be allocated among the three Wastewater charge parameters of flow, biochemical oxygen demand and suspended solids in accordance with the General Manager's determination as to the

costs associated with each parameter and pursuant to applicable requirements of state and federal Regulatory Agencies.

The operation and maintenance costs as distributed to flow, biochemical oxygen demand and suspended solids shall be divided by the projected annual total flow volume and weights of biochemical oxygen demand and suspended solids to be treated by the Sewerage System in the budgeted year.

2. A Capital Facilities Replacement component of the Unit Charge for capital replacement and capital improvement shall be levied at a rate to be determined from time to time by the Board of Directors. This charge shall be allocated among the three Wastewater charge parameters of flow, biochemical oxygen demand and suspended solids in accordance with the General Manager's determination of which portion of the charge predominantly relates to each parameter.

The capital facilities charge distributed to biochemical oxygen demand and suspended solids shall be divided by the projected annual weights of biochemical oxygen demand and suspended solids to be treated by the OCSD Sewerage System in the budgeted year.

- 3. The unit charge rates for each respective Wastewater component in (1) and (2) above shall be summed. The Unit Charge rates so determined will be expressed in dollars per million gallons for Vo, and in dollars per thousand pounds for Bo and So.
- F. Other measurements of the organic content of the Wastewater of a Discharger, such as COD or TOC, may be used instead of BOD. However, the Discharger must establish to the OCSD General Manager's satisfaction a relationship between the BOD of the Wastewater and the other parameter of measure. This relationship shall be used by OCSD in determining the charge for use. When Wastewater from sanitary facilities is discharged separately from the other Wastewater of a Discharger, the charge for use for discharging the sanitary Wastewater may be determined by using the following:
 - 1. 25 gallons per employee per eight-hour working day.
 - 2. BOD and suspended solids to be calculated at domestic Wastewater strength per employee per year.

The number of employees will be considered as the average number of people employed full time on a daily basis. This may be determined by averaging the number of people employed at the beginning and end of each quarter, or other period that reflects normal employment fluctuations.

304. <u>DRY WEATHER URBAN RUNOFF DISCHARGE PERMITS</u>

- A. No User shall discharge urban runoff directly to EOCWD's/ OCSD's Sewerage System without obtaining a Dry Weather Urban Runoff Discharge Permit.
- B. EOCWD/OCSD shall determine whether the dry weather urban runoff proposed to be discharged into EOCWD's/OCSD's Sewerage System may cause a potential environmental risk and/or health hazard that cannot be economically or practically controlled by alternative disposal methods.
- C. Dry Weather Urban Runoff Discharge Permits shall be subject to all provisions of this Ordinance and all other regulations, charges for use, and fees established by EOCWD/ OCSD.
- D. All Users required to obtain a Dry Weather Urban Runoff Discharge Permit proposing to discharge directly or indirectly into EOCWD's/OCSD's Sewerage Facilities shall file an application pursuant to Section 304 and pay the applicable fees pursuant to Sections 304.3 and 304.6.

304.1 Dry Weather Urban Runoff Discharge Permit Application

- A. An applicant shall contact EOCWD/OCSD prior to any construction of facilities and discharge of dry weather urban runoff into the Sewerage System to determine if the discharge of dry weather urban runoff to EOCWD's/OCSD's Sewerage Facilities is feasible.
- B. Applicants shall complete and file with EOCWD/OCSD, prior to commencing discharge, an application in the form prescribed by EOCWD/OCSD. This application shall be accompanied by applicable fees, design plans, a detailed analysis of other disposal alternatives, or other data as needed by both agencies for review. The applicant shall provide justification that disposal alternatives for the dry weather urban runoff are not economically or practically feasible in lieu of sewer discharge.
- C. In addition to the discharge permit, EOCWD/OCSD may require that the permit applicant enter into an agreement setting forth the terms under which the dry weather urban runoff discharge is authorized.
- D. Applicants shall provide adequate Pretreatment and/or Best Management Practices included within the applicants' plans to ensure that the applicable discharge limits shall be met.

304.2 Dry Weather Urban Runoff Discharge Permit Condition and Limits

The issuance of a Dry Weather Urban Runoff Discharge Permit may contain any the following conditions or limits:

- A. Mass Emission Rates and concentration limits regulating non-compatible Pollutants.
- B. Requirements for the User to construct and maintain, at the User's expense, appropriate Pretreatment equipment, Flow Monitoring Facilities, and devices to prevent storm water discharge into EOCWD's/OCSD's Sewerage System during a wet weather event (rain event).
- C. Requirements for the User to provide EOCWD/OCSD with its operations and maintenance plan, best management practices, and pollution prevention strategies designed to minimize or eliminate dry weather urban runoff Pollutants.
- D. Limits on rate and time of discharge or requirements for flow regulation and equalization prior to discharge to EOCWD's/OCSD's Sewerage Systems.
- E. Requirements to self-monitor the discharge to EOCWD's/OCSD's Sewerage Systems.
- F. The General Manager may impose additional requirements as may be appropriate to reduce the burden on EOCWD's/OCSD's Sewerage Facilities.
- G. Prohibitions on the discharge, which may cause OCSD's effluent, biosolids, or any other product of its treatment process, to be unsuitable for reclamation, reuse, or disposal.

304.3 Dry Weather Urban Runoff Discharge Permit Fee

The Dry Weather Urban Runoff Discharge Permit fee shall be paid by the applicant in an amount established in the applicable Ordinance adopted by the Board of Directors. Payment of permit fees must be received by EOCWD/ OCSD prior to issuance of either a new permit or a renewed permit. Each Permittee shall also pay delinquent invoices in full prior to permit renewal.

304.4 <u>Dry Weather Urban Runoff Discharge Permit Modification of Terms and Conditions</u>

- A. The terms and conditions of an issued permit may be subject to modification and change in the sole determination by EOCWD/OCSD during the life of the permit based on:
 - 1. The discharger's current or anticipated operating data;

- 2. EOCWD's/OCSD's current or anticipated operating data;
- 3. Changes in the requirements of Regulatory Agencies, which affect EOCWD/OCSD; or
- 4. A determination by the General Manager that such modification is appropriate to further the objectives of this Ordinance.
- B. A Permittee may request a modification to the terms and conditions of an issued permit. The request shall be in writing stating the requested changes and the reasons for the change. EOCWD/OCSD shall review the request, make a determination on the request, and respond accordingly.
- C. A Permittee shall be informed of any changes in the permit at least forty-five (45) days prior to the effective date change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

304.5 Dry Weather Urban Runoff Discharge Permit Duration and Renewal

Dry Weather Urban Runoff Discharge Permit shall normally be issued for a period not to exceed five (5) years. At least forty-five (45) days prior to the expiration of the permit, the User shall apply for renewal of the permit in accordance with the provisions of this Article 3.

304.6 Dry Weather Urban Runoff Discharge Permit Charge for Use

A Discharger who is issued a Dry Weather Urban Runoff Discharge Permit under the provision of this Ordinance shall pay a charge for use in accordance with rates established by Ordinance adopted by the Board of Directors.

305. SPECIAL PURPOSE DISCHARGE PERMITS

- A. No User requiring a Special Purpose Discharge Permit shall discharge Wastewater without obtaining a Special Purpose Discharge Permit. Alternatively, at the discretion of the General Manager and/or Division Head or Department Head, EOCWD/OCSD may issue a Letter to Discharge in lieu of a Special Purpose Discharge Permit.
- B. Special Purpose Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other regulations, charges for use, and fees established by EOCWD/OCSD. The conditions of Special Purpose Discharge Permits shall be enforced by EOCWD/OCSD in accordance with this Ordinance and applicable state and federal regulations.
- C. All Special Purpose Discharge Permit Users proposing to discharge directly

or indirectly into EOCWD's/OCSD's Sewerage Facilities shall obtain a Special Purpose Discharge Permit by filing an application pursuant to Section 305 and paying the applicable fees pursuant to Sections 305.3 and 305.6. This discharge permit may be granted when no alternative method of disposal is reasonably available, or to mitigate an environmental risk or health hazard.

305.1 Special Purpose Discharge Permit Application

- A. Applicants seeking a Special Purpose Discharge Permit shall complete and file with EOCWD/OCSD, prior to commencing discharge, an application in the form prescribed by EOCWD/OCSD. This application shall be accompanied by the applicable fees, plumbing plans, a detailed analysis of the alternatives for water disposal, or other data as needed by EOCWD/OCSD for review.
- B. The permit application may be denied when the applicant has failed to establish to EOCWD's/OCSD's satisfaction that adequate Pretreatment equipment is included within the applicants' plans to ensure that the discharge limits will be met or that the applicant has, in the past, demonstrated an inability to comply with applicable discharge limits.

305.2 Special Purpose Discharge Permit Conditions and Limits

- A. Discharge conditions and limits shall be no less stringent than Section 201(A), General Prohibitions; 201(B), Specific Prohibitions; Section 213, Mass Emission Rate Determination; and Table 1, Local Discharge Limits.
- B. Monitoring requirements for the discharge shall be for those non-compatible Pollutants known to exist in the discharge. At least one set of baseline analysis prior to or upon sewer discharge may be required for all constituents contained in the most current Environmental Protection Agency (EPA) "Priority Pollutant" list, excluding asbestos, as listed in Appendix A of 40 CFR 423, or as subsequently amended.
- C. EOCWD/OCSD may specify and make part of each Special Purpose Discharge Permit specific Pretreatment Requirements or other terms and conditions determined by the General Manager to be appropriate to protect EOCWD's/OCWD's Sewerage Facilities, to comply with Regulatory Agencies' requirements, to ensure compliance with this Ordinance, and to assess a charge for use.

305.3 Special Purpose Discharge Permit Fee

The special purpose discharge permit fee shall be paid by the applicant in an amount adopted by Ordinance of the Board of Directors. Payment of permit fees must be received by EOCWD/OCSD prior to issuance of either a new permit or a renewed permit. Each Permittee shall also pay delinquent invoices in full prior to permit renewal.

305.4 Special Purpose Discharge Permit Modification of Terms and Conditions

- A. The terms and conditions of an issued permit may be subject to modification and change in the determination by EOCWD/OCSD during the life of the permit based on:
 - 1. The Discharger's current or anticipated operating data;
 - EOCWD's/OCSD's current or anticipated operating data;
 - 3. Changes in the requirements of Regulatory Agencies which affect EOCWD/OCSD; or
 - 4. A determination by the General Manager that such modification is appropriate to further the objectives of this Ordinance.
- B. A Permittee may request a modification to the terms and conditions of an issued permit. The request shall be in writing stating the requested change, and the reasons for the change. EOCWD/OCSD shall review the request, make a determination on the request, and respond in writing.
- C. A Permittee shall be informed of any changes in the permit at least forty five
 - (45) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

305.5 Special Purpose Discharge Permit Duration and Renewal

Special purpose discharge permits shall normally be issued for a period not to exceed five (5) years, but may be renewed as determined by the General Manager. Users seeking permit renewal shall comply with all provisions of this Article 3.

305.6 Special Purpose Discharge Permit Charge for Use

The General Manager shall establish a charge for use to cover all costs of EOCWD/OCSD for providing sewerage service and monitoring. A deposit determined by the General Manager to be sufficient to pay the estimated charges for use shall accompany the Special Purpose Discharge Permit application, and said deposit shall be applied to the charges for use.

G. A Zero Discharge Certification shall contain as a minimum:

- 1. A statement that no discharge of regulated Wastewater is permitted;
- 2. Requirements to notify EOCWD/OCSD of any changes in operation resulting in a potential for discharge;
- 3. Requirements to periodically certify that no discharge of regulated Wastewater has occurred;
- 4. Notice that EOCWD/OCSD may inspect the facility as necessary to assess and assure compliance with the "no discharge" requirement; and
- 5. Requirements to comply with Resource Conservation and Recovery Act (RCRA) and state hazardous waste regulations regarding the proper disposal of hazardous waste.

306. OUT OF DISTRICT PERMITS/DISCHARGERS

- A. Industrial Wastewater Discharge Permits for Dischargers located outside EOCWD's boundaries but within the OCSD service area and tributary to EOCWD's Sewerage Facilities, may be issued by OCSD after approval by EOCWD. EOCWD/OCSD shall have the right of inspection and sampling of the User's discharge to determine compliance with Industrial Wastewater discharge regulations. Such inspection and sampling will be performed under a coordinated plan developed with EOCWD. The more stringent of the industrial wastewater discharge regulations and effluent limits of OCSD shall apply to the Discharger.
- B. Pursuant to Article 6 herein, OCSD shall have the right to enforce the Federal Regulations, the provisions of this Ordinance, and permit conditions and limits applicable to any User located outside of EOCWD's service area, but whose discharge is tributary to EOCWD's Sewerage Facilities.
- C. The fees for use shall be determined by EOCWD/OCSD and set forth in a use agreement with EOCWD.

ARTICLE 4. FACILITIES REQUIREMENTS

401. DRAWING SUBMITTAL REQUIREMENTS

Upon request by EOCWD:

- A. Applicants or Users may be required to submit three copies of detailed facility plans. The submittal shall be in a form and content acceptable to EOCWD/OCSD for review of existing or proposed Pretreatment facilities, spill containment facilities, monitoring facilities, metering facilities, and operating procedures. The review of the plans and procedures shall in no way relieve the User of the responsibility of modifying the facilities or procedures in the future, as necessary to produce a discharge acceptable to EOCWD/OCSD, and to meet the requirements of this Ordinance or any requirements of other Regulatory Agencies.
- B. The drawing shall depict as a minimum the manufacturing process (Wastewater generating sources), spill containment, monitoring or metering facilities, and Pretreatment facilities.
- C. The applicant or User shall submit a schematic drawing of the Pretreatment facilities, piping and instrumentation diagram, and Wastewater characterization report.
- D. Users and applicants may also be required to submit for review site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, spill containment, clarifiers, and appurtenances by size, location, and elevation for evaluation.
- E. EOCWD/OCSD may require the drawings be prepared by a California Registered Chemical, Mechanical, or Civil Engineer.
- F. Permittees shall be required to submit updated detailed facility plans.

402. PRETREATMENT FACILITIES

A. All Users shall provide Wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all Categorical Pretreatment Standards, Table 1, Local Discharge Limits, and the prohibitions set out in Sections 201 (A) & (B) of this Ordinance within the time limitations specified by EPA, the state, or EOCWD/OCSD, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated by a qualified operator, and maintained in proper operating condition at the User's expense.

- B. All Users may also be required by EOCWD/OCSD to submit Wastewater analysis plans, contingency plans, and meet other necessary requirements to ensure proper operation of the Pretreatment facilities and compliance with permit limits and this Ordinance.
- C. No User shall increase the use of water or in any other manner attempt to dilute a discharge as a partial or complete substitute for treatment to achieve compliance with this Ordinance and the User's Permit.

403. SPILL CONTAINMENT FACILITIES/ACCIDENTAL SLUG CONTROL PLANS

- A. All Users shall provide spill containment for protection against discharge of prohibited Pollutants, materials or other Wastewaters regulated by this Ordinance. Such protection shall be designed to secure the discharges and to prevent them from entering into the EOCWD/OCSD Sewerage System in accordance with reasonable engineering standards. Such facilities shall be provided and maintained at the User's expense.
- B. The General Manager shall require any Significant Industrial User to develop and implement an accidental discharge/slug control plan. EOCWD/OCSD may evaluate whether each Industrial User needs such a plan. Any User required to develop and implement an accidental discharge/control slug plan shall submit a plan which addresses, at a minimum, the following:
 - 1. Description of discharge practices, including non-routine batch discharges.
 - 2. Description of stored chemicals.
 - 3. Procedures for immediately notifying EOCWD/OCSD of any accidental of slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in Article 2 of this Ordinance.
 - 4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic Pollutants (including solvents), and measures and equipment for emergency response.

404. MONITORING/METERING FACILITIES

All Wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

- A. EOCWD/OCSD may require the User to construct and maintain in proper operating condition at the User's sole expense, flow monitoring, constituent monitoring and/or sampling facilities.
- B. Permittees may be required to install and maintain an appropriate effluent flow monitoring device. Calibration of such flow monitoring device shall be done annually or as specified in the Wastewater discharge permit.
- C. The monitoring or metering facilities may be required to include a security closure that can be locked with an EOCWD/OCSD provided hasp lock during sampling or upon termination of service.
- D. The location of the monitoring or metering facilities shall be subject to approval by EOCWD/OCSD.
- E. The User shall provide immediate, clear, safe and uninterrupted access to EOCWD/OCSD to the User's monitoring and metering facilities.
- F. For all industries permitted by OCSD, domestic Wastewaters shall be kept segregated from all Industrial Wastewaters until the Industrial Wastewaters have passed through any required Pretreatment system or device and the Permittee's sample point.

405. WASTE MINIMIZATION REQUIREMENTS

- A. As required by a User's permit, the User shall provide waste minimization plans to reduce or eliminate Pollutant discharge to the EOCWD/OCSD Sewerage System and conserve water. The User shall investigate product substitution, housekeeping practices, provide inventory control, implement employee education, and other steps as necessary to minimize Wastewater produced.
- B. Upon approval by OCSD, a User may certify that their facility does not discharge any type of Wastewater containing Pollutants that may directly or indirectly discharge into EOCWD's/OCSD's Sewerage System as a form of Best Management Practice (BMP).

ARTICLE 5. MONITORING, REPORTING, NOTIFICATION, AND INSPECTION REQUIREMENTS

501. MONITORING AND REPORTING CONDITIONS

A. Monitoring for Annual Charge for Use

The Wastewater constituents and characteristics of a Discharger needed for determining the annual charge for use shall be submitted in the form of self-monitoring reports by the User to OCSD, if requested. The frequency of analyses and reporting shall be set forth in the User's permit. The analyses of these constituents and characteristics shall be by a laboratory acceptable to OCSD, and at the sole expense of the Permittee. Analyses performed by OCSD's personnel may be used in the determination of the annual charge for use.

B. <u>Monitoring for Compliance with Permit Conditions or Reporting</u> Requirements

OCSD may require reports for self-monitoring of Wastewater constituents and characteristics of the Discharger needed for determining compliance with any limit or requirements as specified in the User's permit, federal or state regulations, or this Ordinance. The federal Pretreatment regulations at 40 CFR 403.12(g)(3) and (4) contain requirements for collecting samples such as requiring that sampling must be representative of conditions occurring during the reporting period and that grab samples must be collected for certain parameters. These reports include:

1. Baseline Monitoring Reports.

Within either one hundred eighty (180) days after the effective a) date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Significant Industrial Users subject to categorical Pretreatment Standard(s) currently discharging to or scheduled to discharge to OCSD shall submit to the General Manager a report which contains the information listed in paragraph b), below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Significant Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the General Manager a report which contains the information listed in paragraph c), below. A New Source shall report the method of Pretreatment it intends to use to meet applicable categorical Pretreatment Standards. A New Source also shall

- give estimates of its anticipated flow and quantity of Pollutants to be discharged.
- b) Users described above shall submit the information set forth below.
 - (1) All information required in Section ARTICLE 23 including requirements in 40 CFR 403.12(b)(1)-(7).
 - (2) Measurement of Pollutants.
 - a) The User shall provide the following information.
 - 1) The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
 - The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the General Manager, of regulated Pollutants in the discharge from each regulated process.
 - 3) Instantaneous, Daily Maximum, and long-term average concentrations or mass, where required, shall be reported.
 - 4) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 501.2 of this Ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the General Manager or the applicable Standards to determine compliance with the Standard.
 - 5) Sampling must be performed in accordance with procedures set out in Section 602 of this Ordinance.
 - b) The User shall take a minimum of one representative sample to compile that data

- necessary to comply with the requirements of this paragraph.
- c) Samples should be taken immediately downstream from Pretreatment facilities if such exist or immediately downstream from the regulated process if no Pretreatment exists. If other Wastewaters are mixed with the regulated Wastewater prior to Pretreatment the User should measure the flows and concentrations necessary to allow use of the Combined Wastestream Formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to OCSD;
- d) Sampling and analysis shall be performed in accordance with this Ordinance;
- e) The General Manager may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial Pretreatment measures;
- f) The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected Pollutant discharges to OCSD.
- (3) Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in this Ordinance and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional Pretreatment is required to meet the Pretreatment Standards and Requirements.
- (4) Compliance Schedule. If additional Pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will

provide such additional Pretreatment and/or O&M must be provided.

The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set forth in this Ordinance.

- (5) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with this Ordinance and signed by an Authorized Representative.
- 2. Compliance Schedule Progress Reports.

The following conditions shall apply to the compliance schedule required by this Ordinance:

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

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a

New Source following commencement of the introduction of Wastewater into EOCWD/OCSD, any User subject to such Pretreatment Standards and Pretreatment Requirements shall submit to the General Manager a report containing the information described in this Ordinance. For Users subject to equivalent mass or concentration limits, this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable Pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with this Ordinance. All sampling will be done in conformance with Section 602.

- 4. Periodic Compliance Reports.
 - Except as otherwise specified in this Ordinance, all Significant a) Industrial Users must, at a frequency determined by the General Manager, submit no less than twice per year on dates specified by EOCWD/OCSD reports indicating the nature, concentration of Pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the General Manager or the Pretreatment Standard necessary to determine the compliance status of the User including documentation associated with Best Management Practices.
 - b) OCSD will meet reporting requirements as specified by 40 CFR Part 3 (Cross-Media Electronic Reporting). Therefore, Users that send electronic (digital) documents to OCSD to satisfy the requirements of this Section must register for the system online and submit a signed Subscriber Agreement to OCSD for review and approval.
- 5. Notification of the Discharge of Hazardous Waste.
 - a) Any User who commences the discharge of hazardous waste shall notify EOCWD/OCSD, the EPA Regional Waste Management Division Director, and state hazardous waste authorities, in writing, of any discharge into EOCWD/OCSD of a substance which, if otherwise disposed of, would be a hazardous waste under 40

CFR Part 261. The User shall receive written approval from the EOCWD/OCSD to discharge hazardous waste. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month EOCWD/OCSD, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes. an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in wastestream expected to be discharged during following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under subdivision 6 below. The notification requirement in this Section does not apply to Pollutants already reported by Users subject to categorical Pretreatment Standards under the self-monitoring requirements of this Ordinance.

- b) Dischargers are exempt from the requirements of paragraph (a), above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.
- c) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the General Manager, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

- d) 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 and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- e) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Ordinance, a permit issued thereunder, or any applicable federal or state law.

6. Reports of Changed Conditions

Each User must notify the General Manager of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its Wastewater in advance of the change. The notification must be made promptly, but normally within 30 days. In certain cases, this period may be longer.

- a) The General Manager may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a Wastewater discharge permit application under this Ordinance.
- b) The General Manager may issue a Wastewater discharge permit under this Ordinance or modify an existing Wastewater discharge permit under this ordinance in response to changed conditions or anticipated changed conditions.

7. Reports of Potential Problems

- a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for EOCWD/OCSD, the User shall follow the notification procedures under Notification of Spill or Slug Loading in Article 5. This notification shall also include the location of the discharge, type of Wastewater, concentration and volume, if known, and corrective actions taken by the User.
- b) Within five (5) days following such discharge, the User shall, unless waived by the General Manager, submit a detailed written report. This written notification shall include, but not be limited to, the date of the incident, the reasons for the discharge or spill, what steps were taken to immediately correct the problem, and what steps are being taken to

prevent the problem from recurring.

- c) Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage or loss to EOCWD/OCSD, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fees, fines, penalties, or other liability which may be imposed pursuant to this Ordinance or other applicable law.
- d) A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph a, above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
- e) Significant Industrial Users are required to notify the General Manager immediately of any changes at its facility affecting the potential for a Slug Discharge.

8. Reports from Unpermitted Users

All Users not required to obtain a Wastewater discharge permit shall provide appropriate reports to the General Manager as the General Manager may require.

9. Notice of Violation/Repeat Sampling and Reporting

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

- 10. Other reports as required by EOCWD/OCSD.
 - a) Monitoring reports of the analyses of Wastewater constituents and characteristics shall be in a manner and form approved by EOCWD/OCSD and shall be submitted upon request of EOCWD/OCSD. When applicable, the self-monitoring

requirement and frequency of reporting may be set forth in the User's permit as directed by EOCWD/OCSD. The analyses of Wastewater constituents and characteristics and the preparation of the monitoring report shall be done at the sole expense of the User.

b) Failure by the User to perform any required monitoring, or to submit monitoring reports required by EOCWD/OCSD constitutes a violation of this Ordinance, may result in determining whether the Permittee is in significant non-compliance, and be cause for EOCWD/OCSD to initiate all necessary tasks and analyses to determine the Wastewater constituents and characteristics for compliance with any limits and requirements specified in the User's permit or in this Ordinance. The User shall be responsible for any and all expenses of EOCWD/OCSD in undertaking such monitoring analyses and preparation of reports.

501.1 Inspection and Sampling Conditions

- A. EOCWD/OCSD may inspect and sample the Wastewater generating and disposal facilities of any User to ascertain whether the intent of this Ordinance is being met and the User is complying with all requirements.
- B. EOCWD/OCSD shall have the right to place on the User's property or other locations as determined by EOCWD/OCSD, such devices as are necessary to conduct sampling or metering operations. Other sampling locations may include downstream manholes, usually in the EOCWD/OCSD Sewerage System, for the purpose of determining the compliance status of an industrial or commercial Discharger.
- C. EOCWD/OCSD may require the User to install and maintain sample points in areas acceptable to EOCWD/OCSD outside the User's facility, within the reasonable control of the User or EOCWD/OCSD. EOCWD/OCSD may also require lockable sample boxes fully containing the sample points. The User shall grant EOCWD/OCSD access to the sample points and sample boxes in accordance with this Ordinance.
- D. In order for EOCWD/OCSD to determine the Wastewater characteristics of the Discharger for purposes of determining the annual use charge and for compliance with permit requirements, the User shall make available for inspection and copying by EOCWD/OCSD all notices, selfmonitoring reports, Waste-Tracking Forms, and records including, but not limited to, those related to production, Wastewater generation, those required Wastewater disposal, and in the Pretreatment Requirements without restriction but subject to the confidentiality provision set forth in Section 103 herein. All such records shall be kept by the User a minimum of three (3) years.

E. If a Discharger falsifies, tampers with, or knowingly renders inaccurate any monitoring device or sample collection method, the Discharger may be subject to imposition of penalties, permit suspension or permit revocation.

501.2 Analytical Requirements

All Pollutant analyses, including sampling techniques, to be submitted as part of a Wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the Pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the Pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including EPA-approved procedures or procedures approved by the General Manager.

501.3 Right of Entry

- A. Persons or occupants of premises where Wastewater is created or discharged shall allow EOCWD/OCSD, or its representatives, reasonable access to all parts of the Wastewater generating and disposal facilities for the purposes of inspection and sampling during all times the Discharger's facility is open, operating, or any other reasonable time. No Person shall interfere with, delay, resist or refuse entrance to authorized EOCWD/OCSD personnel attempting to inspect any facility involved directly or indirectly with a discharge of Wastewater to EOCWD's/OCSD's Sewerage System.
- B. Where a User has security measures in place, the User shall make necessary arrangements so that personnel from EOCWD/OCSD shall be permitted to enter without delay for the purpose of performing their specific responsibilities.

501.4 Notification of Spill or Slug Loading

A. In the event the Discharger is unable to comply with any permit condition due to a breakdown of equipment, accidents, or human error, or the Discharger has reasonable opportunity to know that a discharge will exceed the discharge provisions of the User's permit, Sections 201(A) & (B) or Table 1, Local Discharge Limits, the Discharger shall immediately notify EOCWD/OCSD by telephone. If the Wastewater or material discharged to the sewer has the potential to cause or result in a fire or explosion hazard, the Discharger shall immediately notify the local fire department, EOCWD/OCSD. Also see *Reports of Potential Problems* in this Article.

501.5 Bypass Prohibition; Notification of Bypass

- A. Bypass of Industrial Wastewater to the Sewerage System is prohibited. EOCWD/OCSD may take enforcement action against the User, unless:
 - 1. Bypass was unavoidable because it was done to prevent loss of life, personal injury, or severe property damage;
 - 2. There were no feasible alternatives to the Bypass, such as the use of auxiliary treatment facilities, retention of untreated Wastes, elective slow-down or shut-down of production units or maintenance during periods of production downtime. This condition is not satisfied if adequate backup equipment could have been feasibly installed in the exercise of reasonable engineering judgment to prevent a Bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - 3. The Permittee submitted notices as required under Section 501.4(A).
- B. If a Permittee knows in advance of the need for a Bypass, it shall submit a written request to allow the Bypass to EOCWD/OCSD, if possible, at least ten (10) days before the date of the Bypass.
- C. EOCWD/OCSD may approve an anticipated Bypass at its sole discretion after considering its adverse effects, and EOCWD/OCSD determines that the conditions listed in Section 501.5(A)(1-3) are met.
- D. A Permittee shall provide telephone notification to EOCWD/OCSD of an unanticipated Bypass that exceeds its permitted discharge limits within four hours from the time the Permittee becomes aware of the Bypass. A written report shall also be provided within five (5) days of the time the Permittee becomes aware or could reasonably have been aware of the Bypass. The report shall contain a description of the Bypass and its cause; the duration of the Bypass, including exact dates and times, and, if the Bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the Bypass. Failure to comply with the oral notice or written report may be grounds for permit revocation.

ARTICLE 6. ENFORCEMENT

601. PURPOSE AND SCOPE

- A. The Board finds that in order for EOCWD/OCSD to comply with the laws, regulations, and rules imposed upon it by Regulatory Agencies and to ensure that EOCWD's/OCSD's Sewerage Facilities and treatment processes are protected and are able to operate with the highest degree of efficiency, and to protect the public health and environment, specific enforcement provisions must be adopted to govern the discharges to EOCWD's/OCSD's Sewerage System by Permittees or by facilities required to obtain Zero Discharge Certifications. Certain violations may result in civil or criminal penalties for violation of Pretreatment Standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines.
- B. To ensure that all interested parties are afforded due process of law and that non-compliance and violations are resolved as soon as possible, the general policy of EOCWD/OCSD is that:
 - 1. Any determination relating to a Zero Discharge Certification, Probation Order, Enforcement Compliance Schedule Agreement (ECSA), or Regulatory Compliance Schedule Agreement (RCSA) will be made by the Division Head of the OCSD Pretreatment Program, with a right of appeal by the Permittee to the General Manager pursuant to the procedures set forth in Section 618.
 - 2. Any permit suspension or revocation recommended by the Division Head responsible for the OCSD Pretreatment Program will be heard and a recommendation made to the General Manager by a Department Head or other person designated by the General Manager.
 - Actions and decisions by the Division Head or Department Head are made pursuant to a delegation of authority by the General Manager as authorized by Section 107 of this Ordinance.
 - 4. The Board of Directors may adopt rules of procedure to establish the conduct of certain administrative proceedings.
- C. EOCWD/OCSD, at its discretion, may utilize any one, combination, or all enforcement remedies provided in this Article 6 in response to any permit or Ordinance violation.

602. <u>DETERMINATION OF NON COMPLIANCE WITH DISCHARGE LIMITS</u>

A. Sampling Procedures

- 1. Sampling of all Permittees' facilities, Wastewater and discharges shall be conducted in the time, place, manner, and frequency determined at the sole discretion of OCSD.
- Non-compliance with Mass Emission Rate limits, concentration limits, permit discharge conditions, or any discharge provision of this Ordinance may be determined by an analysis of a grab or composite sample of the effluent of a User. Non-compliance with Mass Emission Rate limits shall be determined by an analysis of a composite sample of the User's effluent, except that a grab sample may be used to determine compliance with Mass Emission Rate limits when the discharge is from a closed (batch) treatment system in which there is no Wastewater flow into the system when the discharge is occurring, the volume of Wastewater contained in the batch system is known, the time interval of discharge is known, and the grab sample is homogeneous and representative of the discharge.
- All Wastewater samples must be representative of the User's discharge. Any sample taken from a sample point is considered to be representative of the discharge to the public sewer.
- 4. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
- 5. If a User subject to the reporting requirement in this section monitors any regulated Pollutant at the appropriate sampling location more frequently than required by the General Manager, using the procedures prescribed in this Ordinance, the results of this monitoring shall be included in the report.

603. ENFORCEMENT PROCEDURES AND APPLICABLE FEES

- A. Self-Monitoring Requirements as a Result of Non-Compliance
 - 1. If analysis of any sample obtained by EOCWD/OCSD shows non-compliance with the applicable Wastewater discharge limits set forth in this Ordinance or in the Permittee's discharge permit, EOCWD/OCSD may impose self-monitoring requirements on the Permittee.

- 2. A Permittee shall perform required self-monitoring of constituents in a frequency, at the specific location, and in a manner directed by OCSD.
- 3. All analyses of self-monitoring samples shall be performed by an independent laboratory acceptable to OCSD and submitted to OCSD in the form and frequency determined by OCSD.
- 4. All self-monitoring costs shall be borne by the Permittee.
- 5. Nothing in this section shall be deemed to limit the authority of EOCWD/OCSD to impose self-monitoring as a permit condition.

B. Purpose of Non-Compliance Resampling Fees

The purpose of the non-compliance resampling fee is to compensate EOCWD/OCSD for costs of additional sampling, monitoring, laboratory analysis, treatment, disposal, and administrative processing incurred as a result of the non- compliance, and shall be in addition to and not in lieu of any penalties as may be assessed pursuant to Sections 616 and 617.

- C. Non Compliance Resampling Fees for Composite Samples
 - 1. Each violation of a Permittee's permit limit or condition is a violation of this Ordinance.
 - a) If analysis of any composite sample of a Permittee's discharge obtained by EOCWD/OCSD shows a major violation by the Permittee of the Mass Emission Rates or concentration limits specified in the Permittee's discharge permit or in this Ordinance, then the Permittee shall pay non-compliance resampling fees to EOCWD/OCSD pursuant to fee schedules adopted by the Board of Directors.
 - b) If analysis of any composite sample of a Permittee's discharge obtained by EOCWD/OCSD shows a minor violation by the Permittee of the Mass Emission Rates or concentration limits specified in the Permittee's discharge permit or in this Ordinance, then EOCWD/OCSD shall impose non-compliance resampling fees pursuant to fee schedules adopted by the Board of Directors.
 - 2. The fees specified in subsection 603.C.1.a), C.1.b) and D herein shall be imposed for each date on which EOCWD/OCSD conducts sampling as a result of a violation by a Permittee.
 - D. Non-Compliance Resampling Fees for Grab Samples and Self-Monitoring Results

- If analysis of any grab sample of a Permittee's discharge shows noncompliance with any concentration limits as set forth in the User's permit or in this Ordinance, EOCWD/OCSD may impose noncompliance resampling fees, pursuant to fee schedules adopted by the Board of Directors, for resampling conducted by EOCWD/OCSD as a result of a violation by the Permittee.
- 2. If any self-monitoring analysis of a Permittee's discharge shows non-compliance with any concentration limits or Mass Emission Rates as set forth in the User's permit or in this Ordinance, EOCWD/OCSD may impose non-compliance resampling fees, pursuant to fee schedules adopted by the Board of Directors, for sampling conducted by EOCWD/OCSD as a result of a violation by the Permittee.

603.1 Probation Order

A. Grounds

In the event the Division Head determines that a Permittee has violated any provision of this Ordinance, or the terms, conditions and limits of its discharge permit, or has not made payment of all amounts owed to OCSD for User charges, non-compliance resampling fees or any other fees, the General Manager may issue a Probation Order, whereby the Permittee must comply with all directives, conditions and requirements therein within the time prescribed.

B. Provisions

The issuance of a Probation Order may contain terms and conditions including, but not limited to, installation of Pretreatment equipment and facilities, requirements for self-monitoring, submittal of drawings or technical reports, operator certification, audit of Waste minimization practices, payment of fees, limits on rate and time of discharge, or other provisions to ensure compliance with this Ordinance.

C. Probation Order - Expiration

A Probation Order issued by the General Manager shall be in effect for a period not to exceed ninety (90) days.

603.2 Enforcement Compliance Schedule Agreement (ECSA)

A. Grounds

Upon determination that a Permittee is in non-compliance with the terms, conditions or limits specified in its permit or any provision of this Ordinance, and needs to construct and/or acquire and install equipment related to Pretreatment, the General Manager may require the Permittee to enter into an ECSA which will, upon the effective date of the ECSA, amend the Permittee's permit. The ECSA shall contain terms and conditions by which a Permittee must operate during its term and shall provide specific dates for achieving compliance with each term and condition for construction and/or acquisition and installation of required equipment related to Pretreatment.

B. Provisions

The issuance of an ECSA may contain terms and conditions including but not limited to requirements for self-monitoring, installation of Pretreatment equipment and facilities, submittal of drawings or reports, operator certification, audit of Waste minimization practices, payment of fees, limits on rate and time of discharge, deposit of performance guarantee, interim limits, or other provisions to ensure compliance with this Ordinance.

C. ECSA - Payment of Amounts Owed

OCSD shall not enter into an ECSA until such time as all amounts owed to OCSD, including User fees, non-compliance resampling fees, deposits, or other amounts due are paid in full, or an agreement for deferred payment secured by collateral or a third party, is approved by the General Manager. Failure to pay all amounts owed to OCSD shall be grounds for permit suspension or permit revocation as set forth in Section 605 and 606.

D. ECSA - Permit Suspension/Revocation

If compliance is not achieved in accordance with the terms and conditions of an ECSA during its term, the General Manager may issue an order suspending or revoking the discharge permit pursuant to Section 605 or 606 of this Ordinance.

604. REGULATORY COMPLIANCE SCHEDULE AGREEMENT (RCSA)

A. Grounds

If at any time subsequent to the issuance of a Wastewater Discharge Permit to an Industrial User, Federal Categorical Pretreatment Standards are adopted or revised by the United States Environmental Protection Agency,

or in the event EOCWD/OCSD enacts revised or new discharge limits, the General Manager, upon determination that an Industrial User would not be in compliance with the adopted revised or new limits, may require the industrial User to enter into a RCSA with EOCWD/OCSD under terms and conditions that would provide for achieving compliance with all new standards by the industrial User on a specific date. The RCSA shall have a maximum term of two hundred-seventy (270) days. The General Manager may approve a longer term, upon a showing of good cause.

B. Provisions

The issuance of a RCSA may contain terms and conditions including but not limited to requirements for installation of Pretreatment equipment and facilities, submittal of drawings or reports, waste minimization practices or other provisions to ensure compliance with this Ordinance.

C. RCSA - Non-Compliance Resampling Fee

During the period a RCSA is in effect, any discharge by Permittee in violation of the RCSA will require payment of non-compliance resampling fees in accordance with this Article 6.

605. PERMIT SUSPENSION

A. Grounds

The General Manager may suspend any permit when it is determined that a Permittee:

- 1. Fails to comply with the terms and conditions of either an ECSA or RCSA.
- 2. Knowingly provides a false statement, representation, record, report, or other document to EOCWD/OCSD.
- Refuses to provide records, reports, plans, or other documents required by EOCWD/OCSD to determine permit terms, conditions, or limits, discharge compliance, or compliance with this Ordinance.
- 4. Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or sample collection method.
- 5. Fails to report significant changes in operations or Wastewater constituents and characteristics.
- 6. Violates a Probation Order.

- 7. Refuses reasonable access to the Permittee's premises for the purpose of inspection and monitoring.
- 8. Does not make timely payment of all amounts owed to OCSD for User charges, non-compliance sampling fees, permit fees, or any other fees imposed pursuant to this Ordinance.
- 9. Violates any condition or limit of its discharge permit or any provision of EOCWD's/OCSD's Ordinances or regulations.

B. Notice/Hearing

When the General Manager has reason to believe that grounds exist for permit suspension, he shall give written notice thereof via personal delivery, mail with proof of delivery, or a similar method to the permittee setting forth a statement of the facts and grounds deemed to exist, together with the time and place where the charges shall be heard by the General Manager's designee. The hearing date shall be not less than fifteen (15) calendar days nor more than forty-five (45) calendar days after the mailing of such notice.

- 1. At the suspension hearing, the Permittee shall have an opportunity to respond to the allegations set forth in the notice by presenting written or oral evidence. The hearing shall be conducted in accordance with procedures established by the General Manager and approved by General Counsel.
- 2. After the conclusion of the hearing, the General Manager's designee shall submit a written report to the General Manager within thirty (30) calendar days after the conclusion of the hearing setting forth a brief statement of facts found to be true, a determination of the issues presented, conclusions, and a recommendation.

Upon receipt of the written report, the General Manager shall make his determination and should he/she find that grounds exist for suspension of the permit, he/she shall issue his/her decision and order in writing within twenty (20) calendar days. The written decision and order of the General Manager shall be sent via personal delivery, mail with proof of delivery, or a similar method to the Permittee or its legal counsel/representative at the Permittee's business address.

C. Effect

1. Upon issuance, an order of permit suspension issued by the General Manager shall be final in all respects.

- 2. The permittee shall immediately cease and desist its discharge of any Wastewater, directly or indirectly to EOCWD's/OCSD's Sewerage System for the duration of the suspension. All costs for physically terminating and reinstating service shall be paid by the Permittee.
- 3. Any owner and responsible management employee of the Permittee shall be bound by the order of suspension.

606. PERMIT REVOCATION

A. Grounds

The General Manager may revoke any permit when it is determined that a Permittee:

- 1. Knowingly provides a false statement, representation, record, report, or other document to EOCWD/OCSD.
- Refuses to provide records, reports, plans, or other documents required by EOCWD/OCSD to determine permit terms, conditions, or limits, discharge compliance, or compliance with this Ordinance.
- 3. Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or sample collection method.
- 4. Fails to report significant changes in operations or Wastewater constituents and characteristics.
- 5. Fails to comply with the terms and conditions of an ECSA, permit suspension, or probation order.
- 6. Discharges effluent to EOCWD's/OCSD's Sewerage Systems while its permit is suspended.
- 7. Refuses reasonable access to the Permittee's premises for the purpose of inspection and monitoring.
- 8. Does not make timely payment of all amounts owed to OCSD for User charges, non-compliance resampling fees, permit fees, or any other fees imposed pursuant to this Ordinance.
- 9. Causes interference with EOCWD's/OCSD's collection, treatment, or disposal system.
- 10. Fails to submit oral notice or written report of a Bypass occurrence.

11. Violates any condition or limit of its discharge permit or any provision of EOCWD's/OCSD's Ordinances or regulations.

B. Notice/Hearing

When the General Manager has reason to believe that grounds exist for the revocation of a permit, he/she shall give written notice via personal delivery, mail with proof of delivery, or a similar method thereof to the Permittee setting forth a statement of the facts and grounds deemed to exist together with the time and place where the charges shall be heard by the General Manager's designee. The hearing date shall be not less than fifteen (15) calendar days nor more than forty five (45) calendar days after the mailing of such notice.

- At the hearing, the Permittee shall have an opportunity to respond to the allegations set forth in the notice by presenting written or oral evidence. The revocation hearing shall be conducted in accordance with the procedures established by the General Manager and approved by General Counsel.
- 2. After the conclusion of the hearing, the General Manager's designee shall submit a written report to the General Manager within thirty (30) calendar days setting forth a brief statement of facts found to be true, a determination of the issues presented, conclusions, and a recommendation.
- 3. Upon receipt of the written report, the General Manager shall make his/her determination and should he/she find that grounds exist for permanent revocation of the permit, he/she shall issue his/her decision and order in writing within twenty (20) calendar days. The written decision and order of the General Manager shall be sent via personal delivery, mail with proof of delivery, or a similar method to the Permittee or its legal counsel/representative at the Permittee's business address.
- 4. In the event the General Manager determines to not revoke the permit, he/she may order other enforcement actions, including, but not limited to, a temporary suspension of the permit, under terms and conditions that he/she deems appropriate.

C. Effect

- 1. Upon issuance, an order of permit revocation issued by the General Manager shall be final in all respects.
- 2. The Permittee shall immediately cease and desist its discharge of

any Wastewater directly or indirectly to EOCWD's/OCSD's Sewerage System. All costs for physical termination shall be paid by the Permittee.

- 3. Any owner or Authorized Representative of the Permittee shall be bound by the order of revocation.
- 4. Any future application for a permit at any location within EOCWD's service area by any Person subject to an order of revocation will be considered by EOCWD/OCSD after fully reviewing the records of the revoked permit, which records may be the basis for denial of a new permit.

607. DAMAGE TO FACILITIES OR INTERRUPTION OF NORMAL OPERATIONS

- A. Any User who discharges any Wastewater which causes or contributes to any obstruction, interference, damage, or any other impairment to EOCWD's/OCSD's Sewerage Facilities or to the operation of those facilities shall be liable for all costs required to clean or repair the facilities together with expenses incurred by EOCWD/OCSD to resume normal operations. Such discharge shall be grounds for permit revocation. A service charge of twenty five percent (25%) of EOCWD's/OCSD's costs shall be added to the costs and charges to reimburse EOCWD/OCSD for miscellaneous overhead, including administrative personnel and record keeping. The total amount shall be payable within forty five (45) days of invoicing by EOCWD/OCSD.
- B. Any User who discharges a Wastewater which causes or contributes to EOCWD/OCSD violating its discharge requirements established by any Regulatory Agency incurring additional expenses or suffering losses or damage to the facilities, shall be liable for any costs or expenses incurred by EOCWD/OCSD, including regulatory fines, penalties, and assessments made by other agencies or a court.

608. <u>INDUSTRIAL WASTEWATER PASS THROUGH</u>

Any User whose discharge results in a Pass Through event affecting EOCWD's/OCSD's Sewerage Facilities shall be liable for all costs associated with the event, including treatment costs, regulatory fines, penalties, assessments, and other indirect costs. The Discharger shall submit to EOCWD/OCSD plans to prevent future recurrences to the satisfaction of EOCWD/OCSD.

609. PUBLICATION OF VIOLATION

Upon a determination in a permit suspension, permit revocation, or civil penalty proceedings that a User has discharged in violation of its permit or any provision under this Ordinance, EOCWD/OCSD may require that the User notify the public and/or other

Users of EOCWD's/OCSD's Sewerage Facilities of such violation, of actions taken to correct such violation, and of any administrative or judicial orders or penalties imposed as a result of such violation.

610. PUBLISHED NOTICES FOR SIGNIFICANT NON-COMPLIANCE

In accordance with Federal Regulations, OCSD shall annually cause to be published the names of all Industrial Users in significant non-compliance. Upon a minimum of a thirty (30) day notification to the User, said publication shall be made in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by EOCWD/OCSD.

611. PUBLIC NUISANCE

Discharge of Wastewater in any manner in violation of this Ordinance or of any order issued by the General Manager, as authorized by this Ordinance, is hereby declared a public nuisance and shall be corrected or abated as directed by the General Manager. Any Person creating a public nuisance is guilty of a misdemeanor.

612. TERMINATION OF SERVICE

- A. EOCWD/OCSD, by order of the General Manager, may physically terminate sewerage service to any property as follows:
 - 1. On a term of any order of emergency suspension or revocation of a permit; or
 - 2. Upon the failure of a Person not holding a valid discharge permit to immediately cease discharge, whether direct or indirect, to EOCWD's/OCSD's Sewerage Facilities; or
 - 3. Upon the failure of a facility not holding a valid discharge permit or certification.
- B. All costs for physical termination shall be paid by the User as well as all costs for reinstating service.

613. EMERGENCY SUSPENSION ORDER

A. EOCWD/OCSD may, by order of the General Manager, suspend sewerage service or Wastehauler discharge service when the General Manager determines that such suspension is necessary in order to stop an actual or impending discharge which presents or may present an imminent or substantial endangerment to the health and welfare of persons, or to the environment, or may cause interference to the EOCWD's/OCSD's Sewerage Facilities, or may cause EOCWD/OCSD to violate any state or federal law or regulation. Any Discharger notified of and subject to an Emergency Suspension Order shall immediately cease and desist the discharge of all Industrial Wastewater to the Sewerage System.

B. As soon as reasonably practicable following the issuance of an Emergency Suspension Order, but in no event more than five (5) days following the issuance of such order, the General Manager shall hold a hearing to provide the User the opportunity to present information in opposition to the issuance of the Emergency Suspension Order. Such a hearing shall not stay the effect of the Emergency Suspension Order. The hearing shall be conducted in accordance with procedures established by the General Manager and approved by General Counsel. The General Manager shall issue a written decision and order within two (2) business days following the hearing, which decision shall be sent via personal delivery, mail with proof of delivery, or a similar method to the User or its legal counsel/representative at that User's business address. The decision of the General Manager following the hearing shall be final in all respects.

614. INJUNCTION

Whenever a Discharger of Wastewater is in violation of or has the reasonable potential to violate any provision of this Ordinance, permit condition, or any Federal Categorical Pretreatment Standards or Pretreatment Requirements as set forth in 40 CFR Section 403.8, et seq., fails to submit required reports, or refuses to allow EOCWD/OCSD entry to inspect or monitor the User's discharge, EOCWD/OCSD may petition the Superior Court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate to restrain the continued violation or to prevent threatened violations by the Discharger.

615. CIVIL PENALTIES

A. Authority

All Users of EOCWD's/OCSD's Sewerage System and facilities are subject to enforcement actions administratively or judicially by EOCWD, OCSD, U.S. EPA, State of California Regional Water Quality Control Board, or the County of Orange District Attorney. Said actions may be taken pursuant to the authority and provisions of several laws, including but not limited to: (1) Federal Water Pollution Control Act, commonly known as the Clean Water Act (33 U.S.C.A. Section 1251, et seq.); (2) California Porter-Cologne Water Quality Control Act (California Water Code Section 13000, et seq.); (3) California Hazardous Waste Control Law (California Health & Safety Code Sections 25100 to 25250); (4) Resource Conservation and Recovery Act of 1976 (42 U.S.C.A Section 6901, et seq.); and (5) California Government Code, Sections 54739-54740.

B. Recovery of Fines or Penalties

In the event EOCWD/OCSD is subject to the payment of fines or penalties pursuant to the legal authority and actions of other Regulatory Agencies or enforcement agencies based on a violation of law or regulation or its permits, and said violation can be established by EOCWD/OCSD, as caused by the discharge of any User of EOCWD's/OCSD's Sewerage

System which is in violation of any provision of this Ordinance or the User's permit, EOCWD/OCSD shall be entitled to recover from the User all costs and expenses, including, but not limited to, the full amount of said fines or penalties to which EOCWD/OCSD has been subjected.

C. Ordinance

Pursuant to the authority of California Government Code Sections 54739 - 54740, any Person who violates any provision of this Ordinance; any permit condition, prohibition or effluent limit; or any suspension or revocation order shall be liable civilly for a sum not to exceed \$25,000.00 per violation for each day in which such violation occurs. Pursuant to the authority of the Clean Water Act, 33 U.S.C. Section 1251, et seq., any Person who violates any provision of this Ordinance, or any permit condition, prohibition, or effluent limit shall be liable civilly for a sum not to exceed \$25,000.00 per violation for each day in which such violation occurs. The General Counsel, upon order of the General Manager, shall petition the Superior Court to impose, assess, and recover such penalties, or such other penalties as EOCWD/OCSD may impose, assess, and recover pursuant to federal and/or state legislative authorization.

D. Administrative Civil Penalties

- 1. Pursuant to the authority of California Government Code Sections 54740.5 and 54740.6, EOCWD/OCSD may issue an administrative complaint to any Person who violates:
 - a) any provision of this Ordinance;
 - b) any permit condition, prohibition, or effluent limit, or certification requirement; or
 - c) any suspension or revocation order.
- 2. The administrative complaint shall be served via personal delivery, mail with proof of delivery, or a similar method on the Person and shall inform the Person that a hearing will be conducted, and shall specify a hearing date within sixty (60) days. The administrative complaint will allege the act or failure to act that constitutes the violation of EOCWD/OCSD requirements, the provisions of law authorizing civil liability to be imposed, and the proposed civil penalty. The matter shall be heard by the General Manager's designee. The Person to whom an administrative complaint has been issued may waive the right to a hearing, in which case a hearing will not be conducted.
- 3. At the hearing, the Person shall have an opportunity to respond to the allegations set forth in the administrative complaint by presenting written or oral evidence. The hearing shall be conducted in accordance with

- the procedures established by the General Manager and approved by General Counsel.
- 4. After the conclusion of the hearing, the General Manager's designee shall submit a written report to the General Manager within thirty (30) calendar days setting forth a brief statement of the facts found to be true, a determination of the issues presented, conclusions, and a recommendation.
- 5. Upon receipt of the written report, the General Manager shall make his/her determination and should he/she find that grounds exist for assessment of a civil penalty against the Person, he/she shall issue his/her decision and order in writing within twenty (20) calendar days.
- 6. If, after the hearing or appeal, if any, it is found that the Person has violated reporting or discharge requirements, the General Manager may assess a civil penalty against that Person. In determining the amount of the civil penalty, the General Manager may take into consideration all relevant circumstances, including but not limited to the extent of harm caused by the violation, the economic benefit derived through any non-compliance, the nature and persistence of the violation, the length of time over which the violation occurs, and corrective action, if any, attempted or taken by the Person involved.
- 7. Civil penalties may be assessed as follows:
 - a) In an amount which shall not exceed two thousand dollars (\$2,000.00) for each day for failing or refusing to furnish technical, monitoring reports, or any other required documents;
 - b) In an amount which shall not exceed three thousand dollars (\$3,000.00) for each day for failing or refusing to timely comply with any compliance schedules established by EOCWD/ OCSD;
 - c) In an amount which shall not exceed five thousand dollars (\$5,000.00) per violation for each day of discharge in violation of any Wastewater discharge limit, permit condition, or requirement issued, reissued, or adopted by EOCWD/OCSD;
 - d) In any amount which does not exceed ten dollars (\$10.00) per gallon for discharges in violation of any suspension, revocation, cease and desist order or other orders, or prohibition issued, reissued, or adopted by EOCWD/OCSD;
 - 8. Any Person aggrieved by an order issued by the General Manager assessing administrative civil penalties may, within fifteen (15) days after the General Manager issues the order, file an appeal with the Governing Board. The evidence on appeal shall consist solely of the General Manager's order and the administrative record

before the hearing officer. The Governing Board shall determine whether to uphold, modify, or reverse the General Manager's order. The decision of the Governing Board shall be set forth in writing and be sent by certified mail to the appellant. The decision of the Governing Board shall be final in all respects. If no appeal of the General Manager's decision is filed within fifteen (15) days of its issuance, the General Manager's order becomes final in all respects.

- 9. Copies of the administrative order shall be served on the party served with the administrative complaint, either by personal service or by registered mail to the Person at his business or residence address, and upon other persons who appeared at the hearing and requested a copy of the order.
- 10. Any Person aggrieved by a final decision issued by the Governing Board, may obtain review in the superior court, pursuant to Government Code Section 54740.6, by filing in the court a petition for writ of mandate within thirty (30) days following the service of a copy of the Governing Board decision.
- 11. Payment of any order setting administrative civil penalties shall be made within thirty (30) days of the date the order becomes final. The amount of any administrative civil penalties imposed which have remained delinquent for a period of sixty (60) days shall constitute a lien against the real property of the Discharger from which the discharge resulting in the imposition of the civil penalty originated. The lien shall have no effect until recorded with the county recorder. EOCWD/OCSD may record the lien for any unpaid administrative civil penalties on the ninety-first (91st) day following the date the order becomes final.
- 12. No administrative civil penalties shall be recoverable under Section 616.D for any violation for which EOCWD/OCSD has recovered civil penalties through a judicial proceeding filed pursuant to Government Code Section 54740.

616. CRIMINAL PENALTIES

Any Person who violates any provision of this Ordinance is guilty of a misdemeanor, which upon conviction is punishable by a fine not to exceed \$1,000.00, or imprisonment for not more than thirty (30) days, or both. Each violation and each day in which a violation occurs may constitute a new and separate violation of this Ordinance and shall be subject to the penalties contained herein.

617. APPEALS TO GENERAL MANAGER

A. General

Any User, permit applicant, or Permittee affected by any decision, action or determination made by the General Manager a written request for an appeal hearing. The request must be received by EOCWD/OCSD within fifteen (15) days of mailing of notice of the decision, action, or determination of EOCWD/OCSD to the appellant. The request for hearing shall set forth in detail all facts supporting the appellant's request. Filing of an appeal shall stay the proceedings and furtherance of the action being appealed

B. Notice

The General Manager shall, within fifteen (15) days of receiving the request for appeal, and pursuant to Section 107, designate a Department Head or other person to hear the appeal and provide written notice to the appellant of the hearing date, time and place via personal delivery, mail with proof of delivery, or a similar method. The hearing date shall not be more than thirty (30) days from the delivery date of such notice to the appellant unless a later date is agreed to by the appellant. If the hearing is not held within said time due to actions or inactions of the appellant, then the staff decision shall be deemed final.

C. Hearing

At the hearing, the appellant shall have the opportunity to present information supporting its position concerning the Division Head's decision, action or determination. The hearing shall be conducted in accordance with procedures established by the General Manager and approved by General Counsel.

D. Written Determination

After the conclusion of the hearing, the Department Head (or other designee) shall submit a written report to the General Manager setting forth a brief statement of facts found to be true, a determination of the issues presented, conclusions, and a recommendation whether to uphold, modify or reverse the Division Head's original decision, action or determination. Upon receipt of the written report, the General Manager shall make his/her determination and shall issue his/her decision and order within thirty (30) calendar days of the hearing by his/her designee. Upon issuance, the order of the General Manager shall be final in all respects. The written decision and order of the General Manager shall be sent via personal delivery, mail with proof of delivery, or a similar method to the appellant or its legal counsel/representative at the appellant's business address.

618. PAYMENT OF CHARGES

- A. Except as otherwise provided, all fees, charges and penalties established by this Ordinance are due and payable upon receipt of notice thereof. All such amounts are delinquent if unpaid forty five (45) days after date of invoice.
- B. Any charge that becomes delinquent shall have added to it a penalty in accordance with the following:
 - 1. Forty six (46) days after date of invoice, a basic penalty of ten percent (10%) of the base invoice amount, not to exceed a maximum of \$1,000.00; and
 - 2. A penalty of one and one-half percent (1.5%) per month of the base invoice amount and basic penalty shall accrue from and after the forty-sixth (46th) day after date of invoice.
- C. Any invoice outstanding and unpaid after ninety (90) days shall be cause for immediate suspension of the permit.
- D. Penalties charged under this Section shall not accrue to those invoices successfully appealed.
- E. Payment of disputed charges is still required by the due date during EOCWD's/ OCSD's review of any appeal submitted by Permittees.

619. COLLECTION OF DELINQUENT ACCOUNTS

Collection of delinquent accounts shall be in accordance with EOCWD's/OCSD's policy resolution establishing procedures for collection of delinquent obligations owed to EOCWD/OCSD, as amended from time to time by the Board of Directors. Any such action for collection may include an application for an injunction to prevent repeated and recurring violations of this Ordinance.

620. APPEAL OF CHARGES AND FEES

Except for non-compliance charges and penalties, any User, permit applicant, or Permittee affected by any decision, action, or determination by EOCWD/OCSD, relating to fiscal issues of EOCWD/OCSD in which the User, applicant, or Permittee is located, including but not limited to the imposition and collection of fees, such as capital facility capacity charges, sewer use charges, special purpose discharge use charges and Wastehauler fees, may request that EOCWD/OCSD reconsider imposition of such fees or charges. Following review of such a request, EOCWD/OCSD shall notify the User, permit applicant, or Permittee via personal delivery mail with proof of delivery, or a similar method of EOCWD's/OCSD's decision on the reconsideration request. Any User, permit applicant, or Permittee adversely affected by EOCWD's/OCSD's decision on the reconsideration request may file an appeal which shall be heard by the Board of Directors. The notice of appeal must be received by EOCWD/OCSD within thirty (30) days of the mailing of OCSD's decision on the reconsideration request.

621. RECOVERY OF COSTS INCURRED BY EOCWD/OCSD

In the event any User, permit applicant, or permittee fails to comply with any of the terms and conditions of this Ordinance, a probationary order, an order of permit suspension or revocation, an ECSA, a RCSA, a certification, or a permit issued hereunder, EOCWD/OCSD shall be entitled to reasonable attorney's fees and costs which may be incurred in order to enforce any of said terms and conditions, with or without filing proceedings in court.

622. FINANCIAL SECURITY/AMENDMENTS TO PERMIT

A. Compliance Deposit

Permittees that have been subject to enforcement and/or collection proceedings may be required to deposit with EOCWD/OCSD an amount determined by the General Manager as necessary to guarantee payment to EOCWD/OCSD of all charges, fees, penalties, costs and expenses that may be incurred in the future, before permission is granted for further discharge to the sewer.

B. Delinquent Accounts

EOCWD/OCSD may require an amendment to the permit of any Permittee who fails to make payment in full of all fees and charges assessed by EOCWD/OCSD, including reconciliation amounts, delinquency penalties, and other costs or fees incurred by Permittee.

C. Bankruptcy

Every Permittee filing any legal action in any court of competent jurisdiction, including the United States Bankruptcy Court, for purposes of discharging its financial debts or obligations or seeking court ordered, protection from its creditors, shall, within ten (10) days of filing such action, apply for and obtain the issuance of an amendment to its permit.

D. Permit Amendments

EOCWD/OCSD shall review and examine Permittee's account to determine whether previously incurred fees and charges have been paid in accordance with time requirements prescribed by this Ordinance. EOCWD/OCSD may thereafter issue an amendment to the User's permit in accordance with the provisions of Article 3 and subsection E below.

E. Security

An amendment to a Wastewater discharge permit issued pursuant to subdivisions (B), (C) and (D) above, may be conditioned upon the Permittee depositing financial security in an amount equal to the average total fees and charges for two (2) calendar quarters during the preceding year. Said deposit shall be used to guarantee payment of all fees and charges incurred for future services and facilities furnished by EOCWD/OCSD and shall not be used by EOCWD/OCSD to recover outstanding fees and charges incurred prior to the Permittee filing and receiving protection from creditors in the United States Bankruptcy Court.

F. Return of Security

In the event the Permittee makes payment in full within the time prescribed by this Ordinance of all fees and charges incurred over a period of two (2) years following the issuance of an amendment to the permit pursuant to subdivisions (B), (C) and (D), EOCWD/OCSD shall either return the security deposit posted by the Permittee or credit their account.

623. <u>JUDICIAL REVIEW</u>

A. Purpose and Effect

Pursuant to Section 1094.6 of the California Code of Civil Procedure, EOCWD/OCSD hereby enacts this part to limit to ninety (90) days following final decisions in adjudicatory administrative hearings the time within which an action can be brought to review such decisions by means of administrative mandamus.

B. Definitions

As used in this Section, the following terms and words shall have the following meanings:

- 1. <u>Decision</u> shall mean and include adjudicatory administrative decisions that are made after hearing, or after revoking, suspending, or denying an application for a permit.
- Complete Record shall mean and include the transcript, if any exists, of the proceedings, all pleadings, all notices and orders, any proposed decision by the General Manager, the final decision, all admitted exhibits, all rejected exhibits in the possession of EOCWD/OCSD or its offices or agents, all written evidence, and any other papers in the case.

3. <u>Party</u> shall mean a Person whose permit has been denied, suspended, or revoked.

C. Time Limit for Judicial Review

Judicial review of any decision of OCSD or its officer or agent may be made pursuant to Section 1094.5 of the Code of Civil Procedure only if the petition for writ of mandate is filed not later than the ninetieth (90th) day following the date on which the decision becomes final. If there is no provision for reconsideration in the procedures governing the proceedings or if the date is not otherwise specified, the decision is final on the date it is made. If there is provision for reconsideration, the decision is final upon the expiration of the period during which such reconsideration can be sought; provided that if reconsideration is sought pursuant to such provision the decision is final for the purposes of this Section on the date that reconsideration is rejected.

D. Preparation of the Record

The complete record of the proceedings shall be prepared by the EOCWD/OCSD officer or agent who made the decision and shall be delivered to the petitioner within ninety (90) days after he/she has filed written request therefor. EOCWD/OCSD may recover from the petitioner its actual costs for transcribing or otherwise preparing the record.

E. Extension

If the petitioner files a request for the record within ten (10) days after the date the decision becomes final, the time within which a petition, pursuant to Section 1094.5 of the Code of Civil Procedure, may be filed shall be extended to not later than the thirtieth (30th) day following the date on which the record is either personally delivered or mailed to the petitioner or the petitioner's attorney of record.

F. Notice

In making a final decision, EOCWD/OCSD shall provide notice to the party that the time within which judicial review must be sought is governed by Section 1094.6 of the Code of Civil Procedure.

G. Administrative Civil Penalties

Notwithstanding the provisions in this Section, and pursuant to Government Code Section 54740.6, judicial review of an order of the General Manager imposing administrative civil penalties pursuant to Section 616.D may be made only if the petition for writ of mandate is filed not later than the thirtieth (30th) day following the day on which the order of the General Manager becomes final.

ARTICLE 7. SEWER SERVICE CHARGES – CAPITAL FACILITY CAPACITY CHARGES

701. SANITARY SEWER SERVICE CHARGE

Every parcel of real property located within EOCWD which is improved with structures designed for residential, commercial, or industrial use, and connected to the EOCWD's Sewerage System, shall pay a sanitary sewer service charge in an amount adopted by the Board of Directors by separate Ordinance.

702. CAPITAL FACILITIES CAPACITY CHARGE

Every parcel of real property located within EOCWD which is improved with structures designed for residential, commercial, or industrial use, and connected to the EOCWD's Sewerage System, shall pay a capital facilities capacity charge in an amount adopted by the Board of Directors by separate Ordinance.

ARTICLE & SEVERABILITY

801. SEVERABILITY

If any provision of these Regulations or the application to any circumstances is held invalid, the remainder of the regulations or the application of such provision to other persons or other circumstances shall not be affected.

802. GENERAL APPLICATION

The provisions of this Ordinance shall apply to all properties within EOCWD including those properties otherwise deemed exempt from payment of taxes or assessments by provisions of the state Constitution or statute, including properties owned by other public agencies or tax-exempt organizations.

- Section 1: This Ordinance is enacted in order to preserve the public health and safety, and in order to continue the provision of sewer services by EOCWD/OCSD. The facts requiring the public health and safety to be preserved are that the regulation of the discharge of industrial and sanitary Sewage is regulated by federal and state law, and protection of individuals' health and the environment require that no discharges of untreated Sewage/Wastewater are allowed to occur that are not in accord with technical specifications and requirements.
- Section II: Effective Date. This Ordinance shall take effect October 1, 2016.
- Section III: The Clerk of the Board shall certify to the adoption of this Ordinance and shall cause a summary to be published in a newspaper of general circulation as required by law.

PASSED AND ADOPTED by the Board of Directors of the East Orange County Water District at a Regular Meeting held the 15th day of September, 2016.

President, Board of Directors
East Orange County Water District

www. morecel

ATTEST:

STATE OF CALIFORNIA)
)SS.
COUNTY OF ORANGE)

I, Joan Arneson, Secretary to the Board of Directors of the East Orange County Water District, do hereby certify that the above and foregoing Ordinance No. 16-1 was introduced for first reading at a regular meeting of said Board on the 18th day of August, 2016, and passed and adopted at a regular meeting of said Board on the 15th day of September, 2016, by the following vote, to wit:

AYES: BELL, DAVERT, DULEBOHN, EVERETT, SEARS

NOES: NONE ABSENT: NONE NONE

INWITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of East Orange County Water District this 15th day of September, 2016.

Secretary to the Board of Directors
East Orange County Water District



APPENDIX J FOG ORDINANCE 16-02

ORDINANCE NO. 2016-2 (AMENDED 2019)

AN ORDINANCE OF THE BOARD OF DIRECTORS OF EAST ORANGE COUNTY WATER DISTRICT ADOPTING FATS, OILS AND GREASE CONTROL REGULATIONS APPLICABLE TO FOOD SERVICE ESTABLISHMENTS

WHEREAS, pursuant to the California Water Code Section 30000 et. seq., the East Orange County Water District ("District") has the authority to adopt ordinances relating to the provision of sewer services and facilities, and regulations of those services and facilities; and

WHEREAS, the Regional Water Quality Control Board ("RWQCB") for the Santa Ana Region adopted Order RB-2002-0014, which prescribes general waste discharge requirements prohibiting sanitary sewer overflows ("SSOs") by sewer collection agencies; and

WHEREAS, in Order RB-2002-0014, the RWQCB found that one of the leading causes of SSOs within the Santa Ana Region, which encompasses the District's service area is "grease blockages"; and

WHEREAS, SSOs often caused by discharge of wastewater containing high levels of fat, oils and grease ('FOG"), suspended solids, pathogenic organisms, and other pollutants, may cause temporary exceedances of applicable water quality objectives, pose a threat to the public health, adversely affect aquatic life, and impair the public recreational use and aesthetic enjoyment of surface waters within the District's service area; and

WHEREAS, General Waste Discharge Requirements for Sanitary Sewer Systems, Water Quality Order 2006-0003-DWQ requires the District to monitor and control SSOs and to develop a FOG Control Program; and

WHEREAS, the Marcy 26, 2015 Statewide Sanitary Sewer Overflow Reduction Program Annual Compliance Report identifies FOG as one of the primary causes of Sanitary Sewer Overflows in California; and

WHEREAS, in light of the overwhelming evidence that FOG is a primary cause of SSOs, the District desires to implement a FOG Control Program to prevent SSOs; and

WHEREAS, Section 1014 of the 2001 California Plumbing Code, applicable to all occupancies in the State pursuant to the California Building Standards Law, requires the installation of grease traps or interceptors when in the opinion of the Building Official waste pretreatment is required; and

WHEREAS, the foregoing findings indicate that a FOG Control Program is required for Food Service Establishments within the District's jurisdiction to comply with waste discharge regulations and prevent the harmful effects of SSOs; and

WHEREAS, the regulations adopted herein will require existing Food Service Establishments to install grease control devices or interceptors no later than three years from the effective date of this Ordinance, and the Board finds that three years is a reasonable

amortization period for existing Food Service Establishments that are operating without a grease control device or grease interceptor; and

WHEREAS, the Board of Directors finds that specific enforcement provisions must be adopted to govern discharges of wastewater to the District's system by Food Service Establishments.

NOW, THEREFORE, the Board of Directors does hereby ordain as follows:

Best Management Practices

Schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the introduction of FOG to the sewer facilities.

Board

The Board of Directors of the District.

Change in Operations

Any change in the ownership, food types, or operational procedures that have the potential to increase the amount of FOG generated and/or discharged by Food Service Establishments in an amount that alone or collectively causes or creates a potential for SSOs to occur.

Composite Sample

A collection of individual samples obtained at selected intervals based on an increment of either flow or time. The resulting mixture (composite sample) forms a representative sample of the wastestream discharged during the sample period. Samples will be collected when a wastewater discharge occurs.

Discharger

Any person who discharges or causes a discharge of wastewater directly or indirectly to a public sewer. Discharger shall mean the same as User.

District

The East Orange County Water District.

Sewer Facility or System

Any property belonging to the District used in the treatment, reclamation, reuse, transportation, or disposal of wastewater, or sludge.

Effluent

Any liquid outflow from the Food Service Establishment that is discharged to the sewer.

Fats, Oils, and Grease ("FOG")

Any substance such as a vegetable or animal product that is used in, or is a by-product of, the cooking or food preparation process, and that turns or may turn viscous or solidifies with a change in

EOCWD 2016-2 006313.00006 (Amended 2019) 23756836.4 temperature or other conditions.

FOG Control Program

The FOG Control Program required by and developed pursuant to General WDR 2006-0003-DWQ, Section (13)(viii).

FOG Control Program Manager

The individual designated by the District to administer the FOG Control Program. The FOG Control Program Manager is responsible for all determinations of compliance with the program, including approval of discretionary variances and waivers.

FOG Wastewater Discharge Permit

A permit issued by the District subject to the requirements and conditions established by the District authorizing the permittee or discharger to discharge wastewater into the District's facilities or into sewer facilities which ultimately discharge into a District facility.

Food Service Establishment (or "FSE")

Facilities defined in California Uniform Retail Food Service Establishments Law (CURFFL) Section 113785, and any commercial entity within the boundaries of the District, operating in a permanently constructed structure such as a room, building, or place, or portion thereof, maintained, used, or operated for the purpose of storing, preparing, serving, or manufacturing, packaging, or otherwise handling food for sale to other entities, or for consumption by the public, its members or employees, and which has any process or device that uses or produces FOG, or grease vapors, steam, fumes, smoke or odors that are required to be removed by a Type I or Type II hood, as defined in CURFFL Section 113785. A limited food preparation establishment is not considered a Food Service Establishment when engaged only in reheating, hot holding or assembly of ready to eat food products and as a result, there is no wastewater discharge containing a significant amount of FOG. A limited food preparation establishment does not include any operation that changes the form, flavor, or consistency of food.

Food Grinder

Any device installed in the plumbing or sewage system for the purpose of grinding food waste or food preparation by products for the purpose of disposing it in the sewer system.

Grease Control Device

Any grease interceptor, grease trap or other mechanism, device, or process, which attaches to, or is applied to, wastewater plumbing fixtures and lines, the purpose of which is to trap or collect or treat FOG prior to it being discharged into the sewer system. "Grease control device" may also include any other proven method to reduce FOG subject to the approval of the District.

Grease Disposal Mitigation Fee

A fee charged to an Owner/Operator of a Food Service Establishment when there are physical limitations to the property that make the installation of the usual and customary grease interceptor or grease control device for the Food Service Establishment under consideration, impossible or impracticable. The Grease Disposal Mitigation Fee is intended to cover the costs of increased maintenance of the sewer system for inspection and cleaning of FOG and other viscous or solidifying agents that a properly employed grease control device would otherwise prevent from entering the sewer system.

Grease Interceptor

A multi-compartment device that is constructed in different sizes and is generally required to be located, according to the California Plumbing Code, underground between a Food Service Establishment and the connection to the sewer system. These devices primarily use gravity to separate FOG from the wastewater as it moves from one compartment to the next. These devices must be cleaned, maintained, and have the FOG removed and disposed of in a proper manner on regular intervals to be effective.

Grease Trap

A grease control device that is used to serve individual fixtures and have limited effect and should only be used in those cases where the use of a grease interceptor or other grease control device is determined to be impossible or impracticable.

General Manager

The individual duly designated by the Board of Directors of the District to administer this Ordinance.

Grab Sample

A sample taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.

Hot Spots

Areas in sewer lines that have experienced sanitary sewer overflows or that must be cleaned or maintained frequently to avoid blockages of sewer system.

Inflow

Water entering a sewer system through a direct stormwater/ runoff connection to the sanitary sewer, which may cause an almost immediate increase in wastewater flows.

Infiltration

Water entering a sewer system, including sewer service connections, from the ground through such means as defective pipes, pipe joints, connections, or manhole walls.

Inspector

A person authorized by the District to inspect any existing or proposed wastewater generation, conveyance, processing, and disposal facilities.

Interceptor

A grease interceptor.

Interference

Any discharge which, alone or in conjunction with discharges from other sources, inhibits or disrupts the District's sewer system, treatment processes or operations; or is a cause of violation of the District's NPDES or Waste Discharge Requirements or prevents lawful sludge use or disposal.

Local Sewering Agency

Any public agency or private entity responsible for the collection and disposal of wastewater to the District's sewer facilities duly authorized under the laws of the State of California to construct and/or maintain public sewers.

NPDES

The National Pollutant Discharge Elimination System; the permit issued to control the discharge of liquids or other substances or solids to surface waters of the United States as detailed in Public Law 92-500, Section 402.

New Construction

Any structure planned or under construction for which a sewer connection permit has not been issued.

Permittee

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A person who has received a permit to discharge wastewater into the District's sewer facilities subject to the requirements and conditions established by

EOCWD 2016-2 006313.00006 (Amended 2019) the District.

Person

Any individual, partnership, firm, association, corporation or public agency, including the State of California and the United States of America.

Public Agency

The State of California and/or any city, county, special district, other local governmental authority or public body of or within this State.

Public Sewer

A sewer owned and operated by the District, or other local Public Agency, which is tributary to the District's sewer facilities.

Regulatory Agencies

Regulatory Agencies shall mean those agencies having regulatory jurisdiction over the operations of the District, including, but not limited to:

- a. United States Environmental Protection Agency, Region IX, San Francisco and Washington, DC (EPA).
- b. California State Water Resources Control Board (SWRCB)
- c. California Regional Water Quality Control Board, Santa Ana Region (RWQCB).
- d. South Coast Air Quality Management District (SCAQMD).
- e. California Department of Health Services (OOHS).

Remodeling

A physical change or operational change causing generation of the amount of FOG that exceed the current amount of FOG discharge to the sewer system by the Food Service Establishment in an amount that alone or collectively causes or create a potential for SSOs to occur; or exceeding a cost of \$50,000 to a Food Service Establishment that requires a building permit, and involves any one or combination of the following: (1) Under slab plumbing in the food processing area, (2) a 30% increase in the net public seating area, (3) a 30% increase in the size of the kitchen area, or (4) any change in the size or type of food preparation equipment.

Sample Point

A location approved by the District, from which wastewater can be collected that is representative in content and consistency of the entire flow of wastewater being sampled.

Sampling Facilities

Structure(s) provided at the user's expense for the District or user to measure and record wastewater constituent mass, concentrations, collect a representative sample, or provide access to plug or terminate the discharge.

Sewage

Wastewater

Sewer Facilities or System

Any and all facilities used for collecting, conveying, pumping, treating, and disposing of wastewater and sludge.

Sewer Lateral

A building sewer as defined in the latest edition of the California Plumbing Code. It is the wastewater connection between the building's wastewater facilities and a public sewer system.

Sludge

Any solid, semi-solid or liquid decant, subnate or supernate from a manufacturing process, utility service, or pretreatment facility.

Twenty-five percent (25%) Rule

Requirement for grease interceptors to be maintained such that the combined FOG and solids accumulation does not exceed 25% of the design hydraulic depth of the grease interceptor. This is to ensure that the minimum hydraulic retention time and required available hydraulic volume is maintained to effectively intercept and retain FOG discharged to the sewer system.

User

Any person who discharges or causes a discharge of wastewater directly or indirectly to a public sewer system. User shall mean the same as Discharger.

Waste

Sewage and any and all other waste substances, liquid, solid, gaseous or radioactive, associated with human habitation or of human or animal nature, including such wastes placed within containers of whatever nature prior to and for the purpose of disposal.

Manifest

That receipt which is retained by the generator of

wastes for disposing recyclable wastes or liquid wastes as required by the District.

Waste Minimization Practices

Plans or programs intended to reduce or eliminate discharges to the sewer system or to conserve water, including, but not limited to, product substitutions, housekeeping practices, inventory control, employee education, and other steps as necessary to minimize wastewater produced.

Wastehauler

Any person carrying on or engaging in vehicular transport of waste as part of, or incidental to, any business for that purpose.

Wastewater

The liquid and water-carried wastes of the community and all constituents thereof, whether treated or untreated, discharged into or permitted to enter a public sewer.

Wastewater Constituents and Characteristics

The individual chemical, physical, bacteriological, and other parameters, including volume and flow rate and such other parameters that serve to define. classify or measure the quality and quantity of wastewater.

ARTICLE 1 - GENERAL PROVISIONS

1.1 PURPOSE AND POLICY

- Α. The purpose of this Ordinance is to facilitate the maximum beneficial public use of the District's sewer services and facilities while preventing blockages of the sewer lines resulting from discharges of FOG to the sewer facilities, and to specify appropriate FOG discharge requirements for Food Service Establishments.
- B. This Ordinance shall be interpreted in accordance with the definitions set forth in Section 1.2. The provisions of this Ordinance shall apply to the direct or indirect discharge of all wastewater or waste containing FOG carried to the sewer facilities of the District.
- C. To comply with Federal, State, and local policies and to allow the District to meet applicable standards, provisions are made in this Ordinance for the regulations of wastewater or waste containing FOG discharges to the sewer facilities.
- D. This Ordinance establishes quantity and quality standards on all wastewater and/or waste discharges containing FOG, which may alone or collectively cause or contribute to FOG accumulation in the sewer facilities causing or potentially causing or contributing to the occurrence of SSOs.

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1.2 **DEFINITIONS**

- A. Unless otherwise defined herein, terms related to water quality shall be as adopted in the latest edition of Standard Methods for Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association and the Water Environment Federation. The testing procedures for waste constituents and characteristics shall be as provided in 40 CFR 136 (Code of Federal Regulations).
- B. Other terms not herein defined are defined as being the same as set forth in the latest adopted applicable editions of the California Codes applicable to building construction adopted pursuant to the California Building Standards Law.
- C. Subject to the foregoing provisions, the following definitions shall apply in this Ordinance:
- D. Words used in this Ordinance in the singular may include the plural and the plural the singular. Use of masculine shall mean feminine and use of feminine shall mean masculine. Shall is mandatory; may is permissive or discretionary.

ARTICLE 2 - GENERAL LIMITATIONS, PROHIBITIONS, AND REQUIREMENTS ON FATS, OILS, AND GREASE ("FOG") DISCHARGES

2.1 FOG DISCHARGE REQUIREMENT

No Food Service establishment shall discharge or cause to be discharged into the sewer system FOG that exceeds a concentration level adopted by the Board or that may accumulate and/or cause or contribute to blockages in the sewer system or at the sewer system lateral which connects the Food Service Establishment to the sewer system.

2.2 PROHIBITIONS

The following prohibitions shall apply to all Food Service Establishments:

- A. Installation of food grinders in the plumbing system of new constructions of Food Service Establishments shall be prohibited. Furthermore, all food grinders shall be removed from all existing Food Service Establishments within 180 days of the effective date of this Ordinance, except when expressly allowed by the FOG Control Program Manager.
- B. Introduction of any additives into a Food Service Establishment's wastewater system for the purpose of emulsifying FOG or biologically/chemically treating FOG for grease remediation or as a supplement to interceptor maintenance, unless a specific written authorization from the FOG Control Program Manager is obtained.
- C. Disposal of waste cooking oil into drainage pipes is prohibited. All waste cooking oils shall be collected and stored properly in receptacles such as barrels or drums for recycling or other acceptable methods of disposal.

- D. Discharge of wastewater from dishwashers to any grease trap or grease interceptor is prohibited.
- E. Discharge of wastewater with temperatures in excess of 140°F to any grease control device, including grease traps and grease interceptors, is prohibited.
- F. Discharge of wastes from toilets, urinals, wash basins, and other fixtures containing fecal materials to sewer lines intended for grease interceptor service, or vice versa, is prohibited.
- G. Discharge of any waste including FOG and solid materials removed from the grease control device to the sewer system is prohibited. Grease removed from grease interceptors shall be wastehauled periodically as part of the operation and maintenance requirements for grease interceptors.
- H. Operation of grease interceptors with FOG and solids accumulation exceeding 25% of the design hydraulic depth of the grease interceptor (25% Rule)

2.3 FOGWASTEWATER DISCHARGE PERMIT REQUIRED

No person shall discharge, or cause to be discharged any wastewater from Food Service Establishments directly or indirectly into the sewer system without first obtaining a FOG Wastewater Discharge Permit pursuant to this Ordinance.

2.4 BEST MANAGEMENT PRACTICES REQUIRED

All Food Services Establishments shall implement Best Management Practices in its operation to minimize the discharge of FOG to the sewer system. Detailed requirements for Best Management Practices shall be specified in the permit. This may include kitchen practices and employee training that are essential in minimizing FOG discharge.

2.5 FOGPRETREATMENT REQUIRED

Food Service Establishments are required to install, operate and maintain an approved type and adequately sized grease interceptor necessary to maintain compliance with the objectives of this Ordinance, subject to the variance and waiver provisions of Section 2.6. The grease interceptor shall be adequate to separate and remove FOG contained in wastewater discharges from Food Service Establishments prior to discharge to the sewer system. Fixtures, equipment, and drain lines located in the food preparation and clean up areas of Food Service Establishments that are sources of FOG discharges shall be connected to the grease interceptor. Compliance shall be established as follows:

A. New Construction of Food Service Establishments

New construction of Food Service Establishments shall include and install grease interceptors prior to commencing discharges of wastewater to the sewer system.

B. Existing Food Service Establishments

- 1. For existing Food Service Establishments, the requirement to install and to properly operate and maintain a grease interceptor may be conditionally stayed, that is, delayed in its implementation by the FOG Control Program Manager for a maximum period of three years from the effective date of this Ordinance (3-year Amortization Period). Terms and conditions for application of a stay to a Food Service Establishment shall be set forth in the permit. The Board finds that three years is a reasonable amortization period for existing Food Service Establishments that are operating without a grease interceptor.
- 2. Existing Food Service Establishments, which have caused or contributed to grease-related blockage in the sewer system, or which have sewer laterals connected to hot spots, or which have been determined to contribute significant FOG to the sewer system by the FOG Control Program Manager based on inspection or sampling, shall be deemed to have reasonable potential to adversely impact the sewer system, and shall install grease interceptors within 180 days upon notification by the District.
- 3. Existing Food Service Establishments or Food Service Establishments that change ownership, that undergo remodeling or a change in operations as defined in Section 1.2 of this Ordinance, shall be required to install a grease interceptor.

2.6 VARIANCE AND WAIVER OF GREASE INTERCEPTOR REQUIREMENT

A. <u>Variance from Grease Interceptor Requirements</u>

An existing Food Service Establishment may obtain a variance from the grease interceptor requirement to allow alternative pretreatment technology that is, at least, equally effective in controlling the FOG discharge in lieu of a grease interceptor, if the Food Service Establishment demonstrates that it is impossible or impracticable to install, operate or maintain a grease interceptor. The FOG Control Program Manager's determination to grant a variance will be based upon, but not limited to, evaluation of the following conditions:

- 1. There is no adequate space for installation and/or maintenance of a grease interceptor.
- There is no adequate slope for gravity flow between kitchen plumbing fixtures and the grease interceptor and/or between the grease interceptor and the private collection lines or the public sewer.
- 3. The Food Service Establishment can justify that the alternative pretreatment technology is equivalent or better than a grease interceptor in controlling its FOG discharge. In addition, the Food Service Establishment must be able to demonstrate, after installation of the proposed alternative pretreatment, its effectiveness to control FOG discharge through downstream visual monitoring of the sewer system, for at least three months, at its own expense. A Variance may be granted if the results show no visible accumulation of FOG in its lateral and/or tributary downstream sewer lines.

B. <u>Conditional Waiver from Installation of Grease Interceptor</u>

An existing Food Service Establishment may obtain a conditional waiver from installation of a grease interceptor, if the Food Service Establishment demonstrates that it has negligible FOG discharge and insignificant impact to the sewer system. Although a waiver from installation of grease interceptor may be granted, the Food Service Establishment may be required to provide space and plumbing segregation for future installation of grease interceptor. The FOG Control Program Manager's determination to grant or revoke a conditional waiver shall be based upon, but not limited to, evaluation of the following conditions:

- Quantity of FOG discharge as measured or as indicated by the size of Food Service Establishment based on seating capacity, number of meals served, menu, water usage, amount of on-site consumption of prepared food and other conditions that may reasonably be shown to contribute to FOG discharges.
- 2. Adequacy of implementation of Best Management Practices and compliance history.
- 3. Sewer size, grade, condition based on visual information, FOG deposition in the sewer by the Food Service Establishment, and history of maintenance and sewage spills in the receiving sewer system.
- 4. Changes in operations that significantly affect FOG discharge.
- 5. Any other condition deemed reasonably related to the generation of FOG discharges by the FOG Control Program Manager.

C. <u>Waiver from Grease Interceptor Installation with a Grease Disposal Mitigation</u> Fee

For Food Service Establishments where the installation of grease interceptor is not feasible and no equivalent alternative pretreatment can be installed, a waiver from the grease interceptor requirement may be granted with the imposition of a Grease Disposal Mitigation Fee as described in Section 2.8. Additional requirements may be imposed to mitigate the discharge of FOG into the sewer system. The FOG Control Program Manager's determination to grant the waiver with a Grease Disposal Mitigation Fee will be based upon, but not limited to, evaluation of the following conditions:

- 1. There is no adequate space for installation and/or maintenance of a grease interceptor.
- 2. There is no adequate slope for gravity flow between kitchen plumbing fixtures and the grease interceptor and/or between the grease interceptor and the private collection lines or the public sewer.
- 3. A variance from grease interceptor installation to allow alternative pretreatment technology cannot be granted.

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D. Application for Waiver or Variance of Requirement for Grease Interceptor

A Food Service Establishment may submit an application for waiver or variance from the grease interceptor requirement to the FOG Control Program Manager. The Food Service Establishment bears the burden of demonstrating, to the FOG Control Program Manager's reasonable satisfaction, that the installation of a grease interceptor is not feasible or applicable. Upon determination by the FOG Control Program Manager that reasons are sufficient to justify a variance or waiver, the permit will be issued or revised to include the variance or waiver and relieve the Food Service Establishment from the requirement.

E. Terms and conditions

A variance or waiver shall contain terms and conditions that serve as basis for its issuance. A waiver or variance may be revoked at any time when any of the terms and conditions for its issuance is not satisfied or if the conditions upon which the waiver was based change so that the justification for the waiver no longer exists. The waiver or variance shall be valid so long as the Food Service Establishment remains in compliance with their terms and conditions until the expiration date specified in the variance or waiver.

2.7 COMMERCIAL PROPERTIES

Property owners of commercial properties or their official designee(s) shall be responsible for the installation and maintenance of the grease interceptor serving multiple Food Service Establishments that are located on a single parcel.

2.8 GREASE DISPOSAL MITIGATION FEE

Food Service Establishments that operate without a grease control interceptor may be required to pay an annual Grease Disposal Mitigation Fee to equitably cover the costs of increased maintenance of the sewer system as a result of the Food Service Establishments' inability to adequately remove FOG from its wastewater discharge. This Section shall not be interpreted to allow the new construction of, or existing Food Service Establishments undergoing remodeling or change in operations to operate without an approved grease interceptor unless the District has determined that it is impossible or impracticable to install or operate a grease control interceptor for the subject facility under the provisions of Section 2.6 of this Ordinance.

- A. The Grease Disposal Mitigation Fee shall be established by ordinance or resolution of the Board of Directors, and shall be based on the estimated annual increased cost of maintaining the sewer system for inspection and removal of FOG and other viscous or solidifying agents attributable to the Food Service Establishment resulting from the lack of a grease interceptor or grease control device.
- B. The Grease Disposal Mitigation Fee may be waived or reduced on a no less than an annual basis when the discharger demonstrates to the reasonable satisfaction of the FOG Control Program Manager that they had used best

- management and waste minimization practices on a regular basis that has significantly reduced the introduction of FOG into the sewer system.
- C. The Grease Disposal Mitigation Fee may not be waived or reduced when the Food Service Establishment does not comply with the minimum requirements of this Ordinance and/or its discharge into the sewer system in the preceding 12 months has caused or potentially caused or contributed alone or collectively, in sewer blockage or SSO in the sewer downstream, or surrounding the Food Service Establishment prior to the waiver request.

2.9 <u>SEWER SYSTEM OVERFLOWS, PUBLIC NUISANCE, ABATEMENT ORDERS AND CLEANUP COSTS</u>

Notwithstanding the three-year amortization period established in Section 2.5, Food Service Establishments found to have contributed to a sewer blockage, SSOs or any sewer system interferences resulting from the discharge of wastewater or waste containing FOG, shall be ordered to install and maintain a grease interceptor, and may be subject to a plan to abate the nuisance and prevent any future health hazards created by sewer line failures and blockages, SSOs or any other sewer system interferences. SSOs may cause threat and injury to public health, safety, and welfare of life and property and are hereby declared public nuisances. Furthermore. sewer lateral failures and SSOs caused by Food Service Establishments alone or collectively, are the responsibility of the private property owner or Food Service Establishment, and individual(s) as a responsible officer or owner of the Food Service Establishment. If the District must act immediately to contain and clean up an SSO caused by blockage of a private or public sewer lateral or system serving a Food Service Establishment, or at the request of the property owner or operator of the Food Service Establishment, or because of the failure of the property owner or Food Service Establishment to abate the condition causing immediate threat of injury to the health, safety, welfare, or property of the public, the District's costs for such abatement may be entirely borne by the property owner or operator of the Food Service Establishment, and individual(s) as a responsible officer or owner of the Food Service Establishment(s) and may constitute a debt to the District and become due and payable upon the District's request for reimbursement of such costs.

ARTICLE 3 - FOG WASTEWATER DISCHARGE PERMITS FOR FOOD SERVICE ESTABLISHMENTS

3.1 FOG WASTEWATER DISCHARGE PERMIT REQUIRED

- A. Food Service Establishments proposing to discharge or currently discharging wastewater containing FOG into the District's sewer system shall obtain a FOG Wastewater Discharge Permit from the District.
- B. FOG Wastewater Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other regulations, charges for use, and fees established by the District. The conditions of FOG Wastewater Discharge Permits shall be enforced by the District in accordance with this Ordinance and applicable State and Federal Regulations.

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3.2 FOG WASTEWATER DISCHARGE PERMIT APPLICATION

- Any person required to obtain a FOG Wastewater Discharge Permit shall Α. complete and file with the District prior to commencing or continuing discharges, an application in a form prescribed by the District. The applicable fees shall accompany this application. The applicant shall submit, in units and terms appropriate for evaluation, the following information at a minimum:
 - 1. Name, address, telephone number, assessor's parcel number(s). description of the Food Service Establishment, operation, cuisine, service activities, or clients using the applicant's services.
 - 2. (Whichever is applicable) Name, address of any and all principals/owners/major shareholders of Food the Service Establishment; Articles of Incorporation; most recent Report of the Secretary of State; Business License.
 - 3. Name and address of property owner or lessor and the property manager where the Food Service Establishment is located.
 - 4. Any other information as specified in the application form.
- B. Applicants may be required to submit site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, FOG control device, grease interceptor or other pretreatment equipment and appurtenances by size, location, and elevation for evaluation.
- C. Other information related to the applicant's business operations and potential discharge may be requested to properly evaluate the permit application.
- D. After evaluation of the data furnished, the District may issue a FOG Wastewater Discharge Permit, subject to terms and conditions set forth inthis Ordinance and as otherwise determined by the FOG Control Program Manager to be appropriate to protect the District's sewer system.

3.3 FOG WASTEWATER DISCHARGE PERMIT CONDITIONS

The issuance of a FOG Wastewater Discharge Permit may contain any of the following conditions or limits:

- A. Limits on discharge of FOG and other priority pollutants.
- B. Requirements for proper operation and maintenance of grease interceptors and other grease control devices.
- C. Grease interceptor maintenance frequency and schedule.
- D. Requirements for implementation of Best Management Practices and installation of adequate grease interceptor and/or grease control device.

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- E. Requirements for maintaining and reporting status of Best Management Practices.
- F. Requirements for maintaining and submitting logs and records, including wastehauling records and waste manifests.
- G. Requirements to self-monitor.
- H. Requirements for the Food Service Establishment to construct, operate and maintain, at its own expense, FOG control device and sampling facilities.
- Additional requirements as otherwise determined to be reasonably appropriate by the FOG Control Program Manager to protect the District's system or as specified by other Regulatory Agencies.
- J. Other terms and conditions, which may be reasonably applicable to ensure compliance with this Ordinance.

3.4 FOG WASTEWATER DISCHARGE PERMIT APPLICATION FEE

The FOG Wastewater Discharge Permit Application fee shall be paid by the applicant in an amount adopted by ordinance or resolution of the Board of Directors of the District. Payment of permit application fee must be received by the District upon submission of the permit application. A permittee shall also pay any delinquent invoices in full prior to permit renewal.

3.5 <u>FOG WASTEWATER DISCHARGE PERMIT MODIFICATION OF TERMS AND CONDITIONS</u>

- A. The terms and conditions of an issued permit may be subject to modification and change by the sole determination of the FOG Control Program Manager during the life of the permit based on:
 - 1. The discharger's current or anticipated operating data;
 - 2. The District's current or anticipated operating data;
 - 3. Changes in the requirements of Regulatory Agencies which affect the District; or
 - 4. A determination by the FOG Control Program Manager that such modification is appropriate to further the objectives of this Ordinance.
- B. The Permittee may request a modification to the terms and conditions of an issued permit. The request shall be in writing stating the requested change, and the reasons for the change. The FOG Control Program Manager shall review the request, make a determination on the request, and respond in writing.
- C. The Permittee shall be informed of any change in the permit limits, conditions, or requirements at least forty-five (45) days prior to the effective

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date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

3.6 FOG WASTEWATER DISCHARGE PERMIT DURATION AND RENEWAL

FOG Wastewater Discharge Permits shall be issued for a period not to exceed four (4) years. At least 60 days prior to the expiration of the permit, the user shall apply for renewal of the permit in accordance with the provisions of this Article 3.

3.7 EXEMPTION FROM FOG WASTEWATER DISCHARGE PERMIT

A limited food preparation establishment is not considered a Food Service Establishment and is exempt from obtaining a FOG Wastewater Discharge Permit. Exempted establishments shall be engaged only in reheating, hot holding or assembly of ready to eat food products and as a result, there is no wastewater discharge containing significant amount of FOG. A limited food preparation establishment does not include any operation that changes the form, flavor, or consistency of food.

3.8 NON-TRANSFERABILITY OF PERMITS

FOG Wastewater Discharge Permits issued under this Ordinance are for a specific Food Service Establishment, for a specific operation and create no vested rights.

- A. No permit holder shall assign, transfer, sell any FOG Wastewater Discharge Permit issued under this Ordinance nor use any such permit for or on any premises or for facilities or operations or discharges not expressly encompassed within the underlying permit.
- B. Any permit which is transferred to a new owner or operator or to a new facility is void.

3.9 FOG WASTEWATER DISCHARGE PERMIT CHARGE FOR USE

A charge to cover all costs of the District for providing the sewer service and monitoring shall be established by Ordinance or Resolution of the Board of Directors of the District.

ARTICLE 4 - FACILITIES REQUIREMENTS

4.1 DRAWING SUBMITTAL REQUIREMENTS

Upon request by the District:

A. Food Service Establishments may be required to submit two copies of facility site plans, mechanical and plumbing plans, and details to show all sewer locations and connections. The submittal shall be in a form and content acceptable to the District for review of existing or proposed grease control device, grease interceptor, monitoring facilities, metering facilities, and operating procedures. The review of the plans and procedures shall in no way relieve the Food Service Establishments of the responsibility of modifying the facilities or procedures in the future, as necessary to produce an acceptable

- discharge, and to meet the requirements of this Ordinance or any requirements of other Regulatory Agencies.
- B. Applicants may be required to submit site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, FOG control device, grease interceptor or other pretreatment equipment and appurtenances by size, location, and elevation for evaluation.
- C. Food Service Establishments may be required to submit a schematic drawing of the FOG control device, grease interceptor or other pretreatment equipment, piping and instrumentation diagram, and wastewater characterization report.
- D. The District may require the drawings be prepared by a California Registered Civil, Chemical, Mechanical, or Electrical Engineer.

4.2 GREASE INTERCEPTOR REQUIREMENTS

- A. All Food Service Establishments shall provide wastewater acceptable to the District, under the requirements and standards established herein before discharging to any public sewer. Any Food Service Establishment required to provide FOG pretreatment shall install, operate, and maintain an approved type and adequately sized grease interceptor necessary to maintain compliance with the objectives of this Ordinance.
- B. Grease interceptor sizing and installation shall conform to the current edition of the Uniform Plumbing Code. Grease interceptors shall be constructed in accordance with the design approved by the FOG Control Program Manager and shall have a minimum of two compartments with fittings designed for grease retention.
- C. The grease interceptor shall be installed at a location where it shall be at all times easily accessible for inspection, cleaning, and removal of accumulated grease.
- D. Access manholes, with a m1n1mum diameter of 24 inches, shall be provided over each grease interceptor chamber and sanitary tee. The access manholes shall extend at least to finished grade and be designed and maintained to prevent water inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection, grease removal, and wastewater sampling activities.

4.3 GREASE TRAP REQUIREMENTS

- A. Food Service Establishments may be required to install grease traps in the waste line leading from drains, sink, and other fixtures or equipment where grease may be introduced into the sewer system in quantities that can cause blockage.
- B. Sizing and installation of grease traps shall conform to the current edition of the California Plumbing Code.

- C. Grease traps shall be maintained in efficient operating conditions by removing accumulated grease on a daily basis.
- D. Grease traps shall be maintained free of all food residues and any FOG waste removed during the cleaning and scraping process.
- E. Grease traps shall be inspected periodically to check for leaking seams and pipes, and for effective operation of the baffles and flow regulating device. Grease traps and their baffles shall be maintained free of all caked-on FOG and waste. Removable baffles shall be removed and cleaned during the maintenance process.
- F. Dishwashers and food waste disposal units shall not be connected to or discharged into any grease trap.

4.4 MONITORING FACILITIES REQUIREMENTS

- A. The District may require the Food Service Establishments to construct and maintain in proper operating condition at the Food Service Establishment's sole expense, flow monitoring, constituent monitoring and/or sampling facilities.
- B. The location of the monitoring or metering facilities shall be subject to approval by the FOG Control Program Manager.
- C. Food Service Establishments may be required to provide immediate, clear, safe and uninterrupted access to the FOG Control Program Manager or inspectors to the Food Service Establishment's monitoring and metering facilities.
- D. Food Service Establishments may also be required by the FOG Control Program Manager to submit waste analysis plans, contingency plans, and meet other necessary requirements to ensure proper operation and maintenance of the grease control device or grease interceptor and compliance with this Ordinance.
- E. No Food Service Establishment shall increase the use of water or in any other manner attempt to dilute a discharge as a partial or complete substitute for treatment to achieve compliance with this Ordinance and the FOG Wastewater Discharge Permit.

4.5 REQUIREMENTS FOR BEST MANAGEMENT PRACTICES

- A. All Food Service Establishments shall implement best management practices in accordance with the requirements and guidelines established by the District under its FOG Control Program in an effort to minimize the discharge of FOG to the sewer system.
- B. All Food Service Establishments shall be required, at a minimum, to comply with the following Best Management Practices, when applicable:

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- 1. <u>Installation of drain screens</u>. Drain screens shall be installed on all drainage pipes in food preparation areas.
- 2. Segregation and collection of waste cooking oil. All waste cooking oil shall be collected and stored properly in recycling receptacles such as barrels or drums. Such recycling receptacles shall be maintained properly to ensure that they do not leak. Licensed wastehaulers or an approved recycling facility must be used to dispose of waste cooking oil.
- 3. Disposal of food waste. All food waste shall be disposed of directly into the trash or garbage, and not in sinks. bagging food wastes that have the potential to leak in trash bins is highly recommended.
- 4. Employee training. Employees of the food service establishment shall be trained by ownership/management periodically as specified in the permit, on the following subjects:
 - How to "dry wipe" pots, pans, dishware and work areas before a) washing to remove grease.
 - How to properly dispose of food waste and solids in enclosed b) plastic bags prior to disposal in trash bins or containers to prevent leaking and odors.
 - The location and use of absorption products to clean under fryer c) baskets and other locations where grease may be spilled or dripped.
 - d) How to properly dispose of grease or oils from cooking equipment into a grease receptacle such as a barrel or drum without spilling.

Training shall be documented and employee signatures retained indicating each employee's attendance and understanding of the practices reviewed. Training records shall be available for review at any reasonable time by the FOG Control Program Manager or an inspector.

- 5. Maintenance of kitchen exhaust filters. Filters shall be cleaned as frequently as necessary to be maintained in good operating condition. The wastewater generated from cleaning the exhaust filter shall be disposed properly.
- 6. Kitchen signage. Best management and waste minimization practices shall be posted conspicuously in the food preparation and dishwashing areas at all times.

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4.6 GREASE INTERCEPTOR MAINTENANCE REQUIREMENTS

- A. Grease Interceptors shall be maintained in efficient operating condition by periodic removal of the full content of the interceptor which includes wastewater, accumulated FOG, floating materials, sludge and solids.
- B. All existing and newly installed grease interceptors shall be maintained in a manner consistent with a maintenance frequency approved by the FOG Control Program Manager pursuant to this section.
- C. No FOG that has accumulated in a grease interceptor shall be allowed to pass into any sewer lateral, sewer system, storm drain, or public right of way during maintenance activities.
- D. Food Service Establishments with grease interceptors may be required to submit data and information necessary to establish the maintenance frequency grease interceptors.
- E. The maintenance frequency for all Food Service Establishments with a grease interceptor shall be determined in one of the following methods:
 - Grease interceptors shall be fully pumped out and cleaned at a frequency such that the combined FOG and solids accumulation does not exceed 25% of the total design hydraulic depth of the grease interceptor. This is to ensure that the minimum hydraulic retention time and required available hydraulic volume is maintained to effectively intercept and retain FOG discharged to the sewer system.
 - 2. All Food Service Establishments with a Grease Interceptor shall maintain their grease interceptor not less than every 6 months.
 - 3. Grease interceptors shall be fully pumped out and cleaned quarterly when the frequency described in (1) has not been established. The maintenance frequency shall be adjusted when sufficient data have been obtained to establish an average frequency based on the requirements described in (1) and guidelines adopted pursuant to the FOG Control Program. The District may change the maintenance frequency at any time to reflect changes in actual operating conditions in accordance with the FOG Control Program. Based on the actual generation of FOG from the Food Service Establishment, the maintenance frequency may increase or decrease.
 - 4. The owner/operator of a Food Service Establishment may submit a request to the FOG Control Program Manager requesting a change in the maintenance frequency at any time. The Food Service Establishment has the burden of responsibility to demonstrate that the requested change in frequency reflects actual operating conditions based on the average FOG accumulation over time and meets the requirements described in (1), and that it is in full compliance with the conditions of its permit and this Ordinance. Upon determination by the FOG Control Program Manager that requested revision is justified, the permit shall be revised accordingly to reflect the change in maintenance frequency.

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- 5. If the grease interceptor, at any time, contains FOG and solids accumulation that does not meet the requirements described in (1), the Food Service Establishment shall be required to have the grease interceptor serviced immediately such that all fats, oils, grease, sludge, and other materials are completely removed from the grease interceptor. If deemed necessary, the FOG Control Program Manager may also increase the maintenance frequency of the grease interceptor from the current frequency.
- F. Wastewater, accumulated FOG, floating materials, sludge/solids, and other materials removed from the grease interceptor shall be disposed off site properly by wastehaulers in accordance with federal, state and/or local laws.

ARTICLE 5 - MONITORING, REPORTING, NOTIFICATION, AND INSPECTION REQUIREMENTS

5.1 MONITORING AND REPORTING CONDITIONS

- A. Monitoring for Compliance with Permit Conditions and Reporting Requirements
 - 1. The FOG Control Program Manager may require periodic reporting of the status of implementation of Best Management Practices, in accordance with the FOG Control Program.
 - 2. The FOG Control Program Manager may require visual monitoring at the sole expense of the Permittee to observe the actual conditions of the Food Service Establishment's sewer lateral and sewer lines downstream.
 - 3. The FOG Control Program Manager may require reports for selfmonitoring of wastewater constituents and FOG characteristics of the Permittee needed for determining compliance with any conditions or requirements as specified in the FOG Wastewater Discharge Permit or this Ordinance. Monitoring reports of the analyses of wastewater constituents and FOG characteristics shall be in a manner and form approved by the FOG Control Program Manager and shall be submitted upon request of the FOG Control Program Manager. Failure by the Permittee to perform any required monitoring, or to submit monitoring reports required by the FOG Control Program Manager constitutes a violation of this Ordinance and be cause for the District to initiate all necessary tasks and analyses to determine the wastewater constituents and FOG characteristics for compliance with any conditions and requirements specified in the FOG Wastewater Discharge Permit or in this Ordinance. The Permittee shall be responsible for any and all expenses of the District in undertaking such monitoring analyses and preparation of reports.
 - 4. Other reports may be required such as compliance schedule progress reports, FOG control monitoring reports, and any other reports deemed reasonably appropriate by the FOG Control Program Manager to ensure compliance with this Ordinance.

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B. Record Keeping Requirements

The Permittee shall be required to keep all manifests, receipts and invoices of all cleaning, maintenance, grease removal of/from the grease control device, disposal carrier and disposal site location for no less than two years. The Permittee shall, upon request, make the manifests, receipts and invoices available to any District representative, or inspector. These records may include:

- 1. A logbook of grease interceptor, grease trap or grease control device cleaning and maintenance practices.
- 2. A record of Best Management Practices being implemented including employee training.
- 3. Copies of records and manifests of wastehauling interceptor contents.
- 4. Records of sampling data and sludge height monitoring for FOG and solids accumulation in the grease interceptors.
- 5. Records of any spills and/or cleaning of the lateral or sewer system.
- 6. Any other information deemed appropriate by the FOG Control Program Manager to ensure compliance with this Ordinance.

C. Falsifying Information or Tampering with Process

It shall be unlawful to make any false statement, representation, record, report, plan or other document that is filed with the District, or to tamper with or knowingly render inoperable any grease control device, monitoring device or method or access point required under this Ordinance.

5.2 INSPECTION AND SAMPLING CONDITIONS

- A. The FOG Control Program Manager may inspect or order the inspection and sample the wastewater discharges of any Food Service Establishment to ascertain whether the intent of this Ordinance is being met and the Permittee is complying with all requirements. The Permittee shall allow the District access to the Food Service Establishment premises, during normal business hours, for purposes of inspecting the Food Service Establishment's grease control devices or interceptor, reviewing the manifests, receipts and invoices relating to the cleaning, maintenance and inspection of the grease control devices or interceptor.
- B. The FOG Control Program Manager shall have the right to place or order the placement on the Food Service Establishment's property or other locations as determined by the FOG Control Program Manager, such devices as are necessary to conduct sampling or metering operations. Where a Food Service Establishment has security measures in force, the Permittee shall make necessary arrangements so that representatives of the District shall be

permitted to enter without delay for the purpose of performing their specific responsibilities.

C. In order for the FOG Control Program Manager to determine the wastewater characteristics of the discharger for purposes of determining the annual use charge and for compliance with permit requirements, the Permittee shall make available for inspection and copying by the District all notices, monitoring reports, waste manifests, and records including, but not limited to, those related to wastewater generation, and wastewater disposal without restriction but subject to the confidentiality provision set forth in this Ordinance. All such records shall be kept by the Permittee a minimum of two (2) years.

5.3 RIGHT OF ENTRY

Persons or occupants of premises where wastewater is created or discharged shall allow the FOG Control Program Manager, or District representatives, reasonable access to all parts of the wastewater generating and disposal facilities for the purposes of inspection and sampling during all times the discharger's facility is open, operating, or any other reasonable time. No person shall interfere with, delay, resist or refuse entrance to District representatives attempting to inspect any facility involved directly or indirectly with a discharge of wastewater to the District's sewer system. In the event of an emergency involving actual or imminent sanitary sewer overflow, District's representatives may access adjoining businesses or properties which share a sewer system with a Food Service Establishment in order to prevent or remediate an actual or imminent sanitary overflow.

5.4 NOTIFICATION OF SPILL

- A. In the event a permittee is unable to comply with any permit condition due to a breakdown of equipment, accidents, or human error or the Permittee has reasonable opportunity to know that his/her/its discharge will exceed the discharge provisions of the FOG Wastewater Discharge Permit or this Ordinance, the discharger shall immediately notify the District by telephone at the number specified in the Permit. If the material discharged to the sewer has the potential to cause or result in sewer blockages or SSOs, the discharger shall immediately notify the local Health Department, City or County, and the District.
- B. Confirmation of this notification shall be made in writing to the FOG Control Program Manager at the address specified in the Permit no later than five (5) working days from the date of the incident. The written notification shall state the date of the incident, the reasons for the discharge or spill, what steps were taken to immediately correct the problem, and what steps are being taken to prevent the problem from recurring.
- C. Such notification shall not relieve the Permittee of any expense, loss, damage or other liability which may be incurred as a result of damage or loss to the District or any other damage or loss to person or property; nor shall such notification relieve the Permittee of any fees or other liability which may be imposed by this Ordinance or other applicable law.

5.5 NOTIFICATION OF PLANNED CHANGES

Permittee shall notify the District at least 60 days in advance prior to any facility expansion/remodeling, or process modifications that may result in new or substantially increased FOG discharges or a change in the nature of the discharge. Permittee shall notify the District in writing of the proposed expansion or remodeling and shall submit any information requested by the District for evaluation of the effect of such expansion on Permittee's FOG discharge to the sewer system.

ARTICLE 6 - ENFORCEMENT

6.1 PURPOSES AND SCOPE

- A. The Board of Directors finds that in order for the District to comply with the laws, regulations, and rules imposed upon it by Regulatory Agencies and to ensure that the District's sewer facilities are protected and are able to operate with the highest degree of efficiency, and to protect the public health and environment, specific enforcement provisions must be adopted to govern the discharges to the District's system by Food Service Establishments.
- B. To ensure that all interested parties are afforded due process of law and that violations are resolved as soon as possible, the general policy of the District is that:
 - Any determination relating to a notice of violation and Compliance Schedule Agreement (CSA) will be made by the FOG Control Program Manager, with a right of appeal by the permittee to the General Manager pursuant to the procedures set forth in Section 6.14.
 - A permittee, or applicant for a permit may request the Board of Directors of the District to hear an appeal of the General Manager's decision pursuant to Section 6.15. Such request may be granted or denied by the Board of Directors.
 - 3. Any permit suspension or revocation recommended by the FOG Control Program Manager will be heard and a recommendation made to the General Manager or other person designated by the General Manager with a right of appeal of the General Manager's order by the permittee to the Board of Directors pursuant to the provisions of Section 6.15.
- C. The District, at its discretion, may utilize any one, combination, or all enforcement remedies provided in Article 6 in response to any permit or Ordinance violations.

6.2 FAILURE TO OBTAIN PERMIT

A. Failure of any Discharger to obtain a FOG Wastewater Discharge Permit can lead to an enforcement action, including criminal and/or civil penalties and/or notification of such failure to other relevant enforcement agencies, including, but not limited to, the Orange County Department of Health, at the discretion of the FOG Control Program Manager and/or General Manager. In addition to any

other remedies set forth in this Ordinance, the General Manager and/or FOG Control Program Manager may utilize the following procedure to obtain compliance with this Ordinance:

- The General Manager or FOG Control Program Manager may mail written notice to the unlawful Discharger of their failure to obtain a FOG Wastewater Discharge Permit as required by this Ordinance, a general description of the process necessary to obtain such permit (or reference to this Ordinance); and a deadline for compliance that is at least 20 calendar days from the date such notice is mailed;
- 2. The General Manager or FOG Control Program Manager may, if compliance not is not achieved by the deadline established within the mailed notice, send notice by certified mail to the unlawful Discharger of their failure to obtain a FOG Wastewater Discharge Permit as required by this Ordinance, a general description of the process necessary to obtain such permit (or reference to this Ordinance), and a deadline for compliance that is at least 20 days from the date such notice is mailed. Such notice shall also inform the Discharger that failure to comply with such notice by the established deadline shall subject the Discharger to a fine of Fifty Dollars and 00/100 (\$50.00) in addition to the fee for the FOG Wastewater Discharge Permit, which shall be paid before any such permit will be issued;
- 3. The General Manager or FOG Control Program Manager may, if compliance is not achieved by the deadline established within the notice sent by certified mail, hand-deliver notice to the unlawful Discharger of their failure to obtain a FOG Wastewater Discharge Permit as required by this Ordinance, a general description of the process necessary to obtain such permit (or reference to this Ordinance), and a deadline for compliance and payment of fines that is at least 20 days from the date such notice is delivered. For purposes of this section, it shall be sufficient that such notice is either left with an employee of the Food Service Establishment or posted on the door in the event the Food Service Establishment is closed. Such notice shall also inform the Discharger of the imposition of the fine noticed in Section 6.2(A)(2), and that failure to comply with this final notice by the established deadline may subject the Discharger to further enforcement, including termination of sewer service and those criminal and civil penalties set forth by this Ordinance; and
- 4. In the event the Discharger fails to comply with the hand-delivered notice, then the General Manager (1) shall send written notice of the imposition of such fine, with notice that any fines not paid within 30 days shall be subject to an additional fine equal to the greater of one and one-half percent per month or the maximum interest permitted by law of any unpaid fines pursuant to this Section 6.2; and (2) may enforce the requirements of this Ordinance utilizing any of those civil or criminal enforcement remedies set forth herein, including the potential physical termination of service.
- B. Nothing in this Section 6.2 shall prevent the General Manager and/or FOG Control Program Manager from immediately utilizing those enforcement remedies otherwise permitted by this Ordinance, without regard to this section,

when necessary to address emergency circumstances or otherwise protect public health.

6.3 <u>MINOR DETERMINATIONS OF NON-COMPLIANCE WITH FOG WASTEWATER</u> <u>DISCHARGE PERMIT CONDITIONS</u>

- A. Notwithstanding the remaining provisions of this Ordinance, in the event the FOG Control Program Manager and/or the General Manager determine that minor noncompliance issues exist with respect to any FSE relative to the terms and conditions of the issued FOG Wastewater Discharge Permit, the FOG Control Program Manager or General Manager may seek to obtain compliance through the following informal process, prior to initiating the formal procedures specified in Sections 6.4 through 6.7 and otherwise. Such process, if utilized, shall occur as follows:
 - 1. The District may hand-deliver notice to the Discharger as to their violations of this Ordinance and/or their permit conditions, with a deadline for compliance that is at least 20 days from the date such notice is delivered. For purposes of this section, it shall be sufficient that such notice is either left with an employee of the Food Service Establishment or posted on the door in the event the Food Service Establishment is closed. Such notice shall also inform the Discharger that failure to comply with such notice by the established deadline shall subject the Discharger to a fine of Fifty Dollars and 00/100 (\$50.00), and may subject the Discharger to further enforcement, including termination of sewer service and those criminal and civil penalties set forth by this Ordinance. In the event Noncompliance Fees, as contemplated by Section 6.4(C) are imposed, such penalties shall supersede any fines or penalties imposed by this Section 6.3(A)(3).
- B. Nothing in this Section 6.3 shall prevent the General Manager and/or FOG Control Program Manager from immediately utilizing those enforcement remedies otherwise permitted by this Ordinance, without regard to this section, when necessary to address emergency circumstances or otherwise protect public health, or it is determined that applicable violations do not constitute a minor noncompliance issue.

6.4 <u>DETERMINATION OF NONCOMPLIANCE WITH FOG WASTEWATER</u> <u>DISCHARGE PERMIT CONDITIONS</u>

A. Inspection Procedures

- 1. Inspection of Food Service Establishments shall be conducted in the time, place, manner, and frequency determined at the sole discretion of the FOG Control Program Manager.
- Noncompliance with Best Management Practices, 25% Rule for grease interceptors, maintenance frequency requirements for grease interceptors, permit discharge conditions, or any discharge provisions of this Ordinance may be determined by an inspection of the Food Service Establishment.

B. Sampling Procedures

- Sampling of Food Service Establishments shall be conducted in the time, place, manner, and frequency determined at the sole discretion of the District.
- 2. Non-compliance with mass emission rate limits, concentration limits, permit discharge conditions, or any discharge provision of this Ordinance may be determined by an analysis of a grab or composite sample of the effluent of a user. Non-compliance with mass emission rate limits shall be determined by an analysis of a composite sample of the user's effluent, except that a grab sample may be used to determine compliance with mass emission rate limits when the discharge is from a closed (batch) treatment system in which there is no wastewater flow into the system when the discharge is occurring, the volume of wastewater contained in the batch system is known, the time interval of discharge is known, and the grab sample is homogeneous and representative of the discharge.
- 3. Any sample taken from a sample point is considered to be representative of the discharge to the public sewer.

C. Noncompliance Fees

Any permittee determined to be in noncompliance with the terms and conditions specified in its permit or with any provision of this Ordinance shall pay a noncompliance fee. The purpose of the noncompliance fee is to compensate the District for costs of additional inspection and follow-up, sampling, monitoring, laboratory analysis, treatment, disposal, and administrative processing incurred as a result of the noncompliance, and shall be in addition to and not in lieu of any penalties as may be assessed pursuant to Sections 6.10 and 6.11. Noncompliance fees shall be in the amount adopted by ordinance or resolution by the District's Board of Directors.

6.5 COMPLIANCE SCHEDULE AGREEMENT (CSA)

- A. Upon determination that a permittee is in noncompliance with the terms and conditions specified in its permit or any provision of this Ordinance, or needs to construct and/or acquire and install a grease control device or grease interceptor, the FOG Control Program Manager may require the permittee to enter into a CSA.
- B. The issuance of a CSA may contain terms and conditions including but not limited to requirements for installation of a grease control device, grease interceptor and facilities, submittal of drawings or reports, audit of waste hauling records, best management and waste minimization practices, payment of fees, or other provisions to ensure compliance with this Ordinance.
- C. The FOG Control Program Manager shall not enter into a CSA until such time as all amounts owed to the District, including user fees, noncompliance sampling fees, or other amounts due are paid in full, or an

- agreement for deferred payment secured by collateral or a third party, is approved by the FOG Control Program Manager.
- D. If compliance is not achieved in accordance with the terms and conditions of a CSA during its term, the FOG Control Program Manager may issue an order suspending or revoking the discharge permit pursuant to Section 6.6 or 6.7 of this Ordinance.

6.6 PERMIT SUSPENSION

- A. The General Manager may suspend any permit when it is determined that a permittee:
 - 1. Fails to comply with the terms and conditions of a CSA order.
 - 2. Knowingly provides a false statement, representation, record, report, or other document to the District.
 - 3. Refuses to provide records, reports, plans, or other documents required by the District to determine permit terms or conditions, discharge compliance, or compliance with this Ordinance.
 - 4. Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or sample collection method.
 - 5. Refuses reasonable access to the permittee's premises for the purpose of inspection and monitoring.
 - 6. Does not make timely payment of all amounts owed to the District for user charges, permit fees, or any other fees imposed pursuant to this Ordinance.
 - 7. Causes interference, sewer blockages, or SSOs with the District's collection, treatment, or disposal system.
 - 8. Violates grease interceptor maintenance requirements, any condition or limit of its discharge permit or any provision of the District's Ordinance.
- B. When the FOG Control Program Manager has reason to believe that grounds exist for permit suspension, he/she shall give written notice thereof by certified mail to the permittee setting forth a statement of the facts and grounds deemed to exist, together with the time and place where the charges shall be heard by the General Manager or his/her designee. The hearing date shall be not less than fifteen (15) calendar days nor more than forty-five (45) calendar days after the mailing of such notice.
 - At the suspension hearing, the permittee shall have an opportunity to respond to the allegations set forth in the notice by presenting written or oral evidence. The hearing shall be conducted in accordance with procedures established by the General Manager and approved by the District's General Counsel.

- 2. If the General Manager designated a hearing officer, after the conclusion of the hearing, the hearing officer shall submit a written report to the General Manager setting forth a brief statement of facts found to be true, a determination of the issues presented, conclusions, and a recommendation.
- 3. Upon receipt of the written report of a hearing officer or conclusion of the hearing, if the General Manager conducted the hearing, the General Manager shall make his/her determination and should he/she find that grounds exist for suspension of the permit, he/she shall issue his/her decision and order in writing within thirty (30) calendar days after the conclusion of the hearing. The written decision and order of the General Manager shall be sent by certified mail to the permittee or its legal counsel/representative at the permittee's business address.

C. Effect

- Upon an order of suspension by the General Manager becoming final, the permittee shall immediately cease and desist its discharge and shall have no right to discharge any wastewater containing FOG directly or indirectly to the District's system for the duration of the suspension. All costs for physically terminating and reinstating service shall be paid by the permittee.
- 2. Any owner or responsible management employee of the permittee shall be bound by the order of suspension.
- 3. An order of permit suspension issued by the General Manager shall be final in all respects on the sixteenth (16th) day after it is mailed to the permittee unless a request for hearing is filed with the Board of Directors of the District pursuant to Section 6.15. no later than 5:00 p.m. on the fifteenth (15th) day following such mailing.

6.7 PERMIT REVOCATION

- A. The General Manager may revoke any permit when it is determined that a permittee:
 - 1. Knowingly provides a false statement, representation, record, report, or other document to the District.
 - 2. Refuses to provide records, reports, plans, or other documents required by the District to determine permit terms, conditions, discharge compliance, or compliance with this Ordinance.
 - 3. Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or sample collection method.
 - 4. Fails to comply with the terms and conditions of permit suspension or CSA.

- 5. Discharges effluent to the District's sewer system while its permit is suspended.
- 6. Refuses reasonable access to the permittee's premises for the purpose of inspection and monitoring.
- 7. Does not make timely payment of all amounts owed to the District for user charges, permit fees, or any other fees imposed pursuant to this Ordinance.
- 8. Causes interference, sewer blockages, or SSOs with the District collection, treatment, or disposal system.
- 9. Violates grease interceptor maintenance requirements, any condition or limit of its discharge permit or any provision of the District's Ordinance.
- B. Approval. When the FOG Control Program Manager has reason to believe that grounds exist for the revocation of a permit, he/she shall give written notice by certified mail thereof to the permittee setting forth a statement of the facts and grounds deemed to exist together with the time and place where the charges shall be heard by the General Manager or his/her designee. The hearing date shall be not less than fifteen (15) calendar days nor more than forty-five (45) calendar days after the mailing of such notice.
 - 1. At the hearing, the permittee shall have an opportunity to respond to the allegations set forth in the notice by presenting written or oral evidence. The revocation hearing shall be conducted in accordance with the procedures established by the General Manager and approved by the District's General Counsel.
 - 2. If the General Manager designated a hearing officer, after the conclusion of the hearing, the hearing officer shall submit a written report to the General Manager setting forth a brief statement of facts found to be true, a determination of the issues presented, conclusions, and a recommendation.
 - 3. Upon receipt of the written report by the hearing officer, or conclusion of the hearing, if the General Manager conducted the hearing, the General Manager shall make his/her determination and should he/she find that grounds exist for permanent revocation of the permit, he/she shall issue his/her decision and order in writing within thirty (30) calendar days after the conclusion of the hearing. The written decision and order of the General Manager shall be sent by certified mail to the permittee or its legal counsel/representative at the permittee's business address.

In the event the General Manager determines to not revoke the permit, he/she may order other enforcement actions, including, but not limited to, a temporary suspension of the permit, under terms and conditions that he/she deems appropriate.

C. Effect

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- 1. Upon an order of revocation by the General Manager becoming final, the permittee shall permanently lose all rights to discharge any wastewater containing FOG directly or indirectly to the District's system. All costs for physical termination shall be paid by the permittee.
- 2. Any owner or responsible management employee of the permittee shall be bound by the order of revocation.
- 3. Any future application for a permit at any location within the District by any person associated with an order of revocation will be considered by the District after fully reviewing the records of the revoked permit, which records may be the basis for denial of a new permit.
- 4. An order of permit revocation issued by the General Manager shall be final in all respects on the sixteenth (16th) day after it is mailed to the permittee unless a request for hearing is filed with the Board of Directors pursuant to Section 6.15 no later than 5:00 p.m. on the fifteenth (15th) day following such mailing.

6.8 DAMAGE TO FACILITIES OR INTERRUPTION OF NORMAL OPERATIONS

- Any person who discharges any waste which causes or contributes to any sewer Α. blockage, SSOs, obstruction, interference, damage, or any other impairment to the District's sewer facilities or to the operation of those facilities shall be liable for all costs required to clean or repair the facilities together with expenses incurred by the District to resume normal operations. A service charge of twenty-five percent (25%) of District's costs shall be added to the costs and charges to reimburse the District for miscellaneous overhead, including administrative personnel and record keeping. The total amount shall be payable within forty five (45) days of invoicing by the District.
- Any person who discharges a waste which causes or contributes to the B. District violating its discharge requirements established by any Regulatory Agency incurring additional expenses or suffering losses or damage to the facilities, shall be liable for any costs or expenses incurred by the District, including regulatory fines, penalties, and assessments made by other agencies or a court.

PUBLIC NUISANCE 6.9

Discharge of wastewater in any manner in violation of this Ordinance or of any order issued by the FOG Control Program Manager or General Manager, as authorized by this Ordinance, is hereby declared a public nuisance and shall be corrected or abated as directed by the FOG Control Program Manager or General Manager. Any person creating a public nuisance is guilty of a misdemeanor.

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6.10 TERMINATION OF SERVICE

- A. The District, by order of the General Manager, may physically terminate sewer service to any property as follows:
 - 1. On a term of any order of suspension or revocation of a permit; or
 - 2. Upon the failure of a person not holding a valid FOG Wastewater Discharge Permit to immediately cease the discharge, whether direct or indirect, to the District's sewer facilities after the notice and process in Section 6.7 herein
- B. All costs for physical termination shall be paid by the owner or operator of the Food Service Establishment or permittee as well as all costs for reinstating service.

6.11 EMERGENCY SUSPENSION ORDER

- A. The District may, by order of the General Manager, suspend sewer service when the General Manager determines that such suspension is necessary in order to stop an actual or impending discharge which presents or may present an imminent or substantial endangerment to the health and welfare of persons, or to the environment, or may cause SSOs, sewer blockages, interference to the District's sewer facilities, or may cause the District to violate any State or Federal Law or Regulation. Any discharger notified of and subject to an Emergency Suspension Order shall immediately cease and desist the discharge of all wastewater containing FOG to the sewer system.
- B. As soon as reasonably practicable following the issuance of an Emergency Suspension Order, but in no event more than five (5) business days following the issuance of such order, the General Manager shall hold a hearing to provide the Food Service Establishment or Permittee the opportunity to present information in opposition to the issuance of the Emergency Suspension Order. Such a hearing shall not stay the effect of the Emergency Suspension Order. The hearing shall be conducted in accordance with procedures established by the General Manager and approved by the District's General Counsel. The General Manager shall issue a written decision and order within two (2) business days following the hearing, which decision shall be sent by certified mail to the Food Service Establishment or its legal counsel/representative at that Food Service Establishment's business address. The decision of the General Manager following the hearing shall be final and not appealable to the Board, but may be subject to judicial review pursuant to Section 6.18.

6.12 CIVIL PENALTIES

A. All users of the District's system and facilities are subject to enforcement actions administratively or judicially by the District, U.S. EPA, State of California Regional Water Quality Control Board, the County of Orange or District Attorney. Said actions may be taken pursuant to the authority and provisions of several laws, including but not limited to: (1) Federal Water Pollution Control Act, commonly known as the Clean Water Act (33 U.S.C.A. Section 1251 et seq.); (2) California Porter-Cologne Water Quality Control Act (California Water Code Section 13000 et seq.); (3) California Hazardous Waste Control Law (California Health & Safety Code Sections 25100 to 25250); (4) Resource Conservation and Recovery Act of 1976 (42 U.S.C.A Section 6901 et seq.); and (5) California Government Code, Sections 54739-54740.

- B. In the event the District is subject to the payment of fines or penalties pursuant to the legal authority and actions of other regulatory or enforcement agencies based on a violation of law or regulation or its permits, and said violation can be established by the District, as caused by the discharge of any user of the District's system which is in violation of any provision of the District's Ordinance or the user's permit, the District shall be entitled to recover from the user all costs and expenses, including, but not limited to, the full amount of said fines or penalties to which it has been subjected.
- C. Pursuant to the authority of California Government Code Sections 54739-54740, any person who violates any provision of this Ordinance; any permit condition, prohibition or effluent limit; or any suspension or revocation order shall be liable civilly for a sum not to exceed \$25,000.00 per violation for each day in which such violation occurs. Pursuant to the authority of the Clean Water Act, 33 U.S.C. Section 1251 et seq., any person who violates any provision of this Ordinance, or any permit condition, prohibition, or effluent limit shall be liable civilly for a sum not to exceed \$25,000.00 per violation for each day in which such violation occurs. The General Counsel of the District, upon request of the General Manager, shall petition the Superior Court to impose, assess, and recover such penalties, or such other penalties as the District may impose, assess, and recover pursuant to Federal and/or State legislative authorization.

D. Administrative Civil Penalties

- Pursuant to the authority of California Government Code Sections
 54740.5 and 54740.6, the District may issue an administrative complaint to any person who violates:
 - a) any provision of this Ordinance;
 - b) any permit condition, prohibition, or effluent limit; or
 - c) any suspension or revocation order.
- 2. The administrative complaint shall be served by personal delivery or certified mail on the person and shall inform the person that a hearing will be conducted, and shall specify a hearing date within sixty (60) days following service. The administrative complaint will allege the act or failure to act that constitutes the violation of the District's regulations, the provisions of law authorizing civil liability to be imposed, and the proposed civil penalty. The matter shall be heard

by the General Manager or his/her designee. The person to whom an administrative complaint has been issued may waive the right to a hearing, in which case a hearing will not be conducted.

- 3. At the hearing, the person shall have an opportunity to respond to the allegations set forth in the administrative complaint by presenting written or oral evidence. The hearing shall be conducted in accordance with the procedures established by the General Manager and approved by the District's General Counsel.
- 4. If the General Manager designated a hearing officer, after the conclusion of the hearing, the hearing officer shall submit a written report to the General Manager setting forth a brief statement of the facts found to be true, a determination of the issues presented, conclusions, and a recommendation.
- 5. Upon receipt of the written report by the hearing officer, or conclusion of the hearing if the General Manager conducted the hearing, the General Manager shall make his/her determination and should he/she find that grounds exist for assessment of a civil penalty against the person, he/she shall issue his/her decision and order in writing within thirty (30) calendar days after the conclusion of the hearing.
- 6. If, after the hearing or appeal, if any, it is found that the person has violated reporting or discharge requirements, the General Manager or Board of Directors may assess a civil penalty against that person. In determining the amount of the civil penalty, the General Manager or Board of Directors may take into consideration all relevant circumstances, including but not limited to the extent of harm caused by the violation, the economic benefit derived through any non-compliance, the nature and persistence of the violation, the length of time over which the violation occurs, and corrective action, if any, attempted or taken by the person involved.
- 7. Civil penalties may be assessed as follows:
 - In an amount which shall not exceed two thousand dollars (\$2,000.00) for each day for failing or refusing to furnish required reports;
 - b) In an amount which shall not exceed three thousand dollars (\$3,000.00) for each day for failing or refusing to timely comply with any compliance schedules established by the District;
 - c) In an amount which shall not exceed five thousand dollars (\$5,000.00) per violation for each day of discharge in violation of any waste discharge limit, permit condition, or requirement issued, reissued, or adopted by the District;

- d) In any amount which does not exceed ten dollars (\$10.00) per gallon for discharges in violation of any suspension, revocation, cease and desist order or other orders, or prohibition issued, reissued, or adopted by the District;
- 8. An order assessing administrative civil penalties issued by the General Manager shall be final in all respects on the thirty-first (31st) day after it is served on the person unless an appeal and request for hearing is filed with the Board of Directors pursuant to Section 6.15 no later than the thirtieth (30th) day following such mailing. An order assessing administrative civil penalties issued by the Board of Directors shall be final upon issuance.
- 9. Copies of the administrative order shall be served on the party served with the administrative complaint, either by personal service or by registered mail to the person at his/her/its business or residence address, and upon other persons who appeared at the hearing and requested a copy of the order.
- 10. Any person aggrieved by a final order issued by the Board of Directors, after granting review of the order of the General Manager, may obtain review of the order of the Board of Directors in the superior court, pursuant to Government Code Section 54740.6, by filing in the court a petition for writ of mandate within thirty (30) days following the service of a copy of the decision or order issued by the Board of Directors.
- 11. Payment of any order setting administrative civil penalties shall be made within thirty (30) days of the date the order becomes final. The amount of any administrative civil penalties imposed shall constitute a debt to the District.
- 12. No administrative civil penalties shall be recoverable for any violation for which the District has recovered civil penalties through a judicial proceeding filed pursuant to Government Code Section 54740.

6.13 CRIMINAL PENALTIES

Any person who violates any provision of this Ordinance is guilty of a misdemeanor, which upon conviction is punishable by a fine not to exceed \$1,000.00, or imprisonment for not more than 6 months, or both. Each violation and each day in which a violation occurs may constitute a new and separate violation of this Ordinance and shall be subject to the penalties contained herein.

6.14 APPEALS TO GENERAL MANAGER

A. Any Food Service Establishment, permit applicant or permittee affected by any decision, action or determination made by the FOG Control Program Manager or notice of violation issued by any District inspector may file with the General Manager a written request for an appeal hearing. The request must be received by the District within fifteen (15) days of mailing of notice of the

23756836.4

decision, action, or determination of the FOG Control Program Manager to the appellant. The request for hearing shall set forth in detail all facts supporting the appellant's request.

- B. The General Manager shall, within fifteen (15) days of receiving the request for appeal, designate a Department Head or other person to hear the appeal and provide written notice to the appellant of the hearing date, time and place. The hearing date shall not be more than thirty (30) days from the mailing of such notice by certified mail to the appellant unless a later date is agreed to by the appellant. If the hearing is not held within said time due to actions or inactions of the appellant, then the staff decision shall be deemed final.
- C. At the hearing, the appellant shall have the opportunity to present information supporting its position concerning the FOG Control Program Manager's decision, action or determination. The hearing shall be conducted in accordance with procedures established by the General Manager and approved by the District's General Counsel.
- D. After the conclusion of the hearing, the Department Head (or other designee) shall submit a written report to the General Manager setting forth a brief statement of facts found to be true, a determination of the issues presented, conclusions, and a recommendation whether to uphold, modify or reverse the FOG Control Program Manager's original decision, action or determination. Upon receipt of the written report, the General Manager shall make his/her determination and shall issue his/her decision and order within thirty (30) calendar days of the hearing by his/her designee. The written decision and order of the General Manager shall be sent by certified mail to the appellant or its legal counsel/representative at the appellant's business address.

The order of the General/City Manager shall be final in all respects on the sixteenth (16th) day after it is mailed to the appellant unless a request for hearing is filed with the Board of Directors pursuant to Section 6.15, no later than 5:00 p.m. on the fifteenth day following such mailing.

6.15 APPEALS TO THE BOARD OF DIRECTORS

A. Any Food Service Establishment, permit applicant, or permittee adversely affected by a decision, action, or determination made by the General Manager may, prior to the date that the General Manager's order becomes final, file a written request for hearing before the Board of Directors accompanied by an appeal fee in the amount established by a separate resolution of the District's Board of Directors. The request for hearing shall set forth in detail all the issues in dispute for which the appellant seeks determination and all facts supporting appellant's request.

No later than sixty (60) days after receipt of the request for hearing, the Board of Directors shall either set the matter for a hearing, or deny the request for a hearing.

A hearing shall be held by the Board of Directors within sixty-five (65) days from the date of determination granting a hearing, unless a later date is

agreed to by the appellant and the Board of Directors. If the matter is not heard within the required time, due to actions or inactions of the appellant, the General Manager's order shall be deemed final.

- B. The Board of Directors shall grant all requests for a hearing on appeals concerning permit suspension, revocation, or denial. Whether to grant or deny the request for a hearing on appeals of other decisions of the General Manager shall be within the sole discretion of the Board of Directors.
- C. The appeal fee shall be refunded if the Board of Directors denies a hearing or reverses or modifies, in favor of the appellant, the order of the General Manager. The fee shall not be refunded if the Board of Directors denies the appeal.
- D. After the hearing, the Board of Directors shall make a determination whether to uphold, modify, or reverse the decision, action, or determination made by the General Manager.

The decision of the Board of Directors shall be set forth in writing within sixty-five (65) days after the close of the hearing and shall contain a finding of the facts found to be true, the determination of issues presented, and the conclusions. The written decision and order of the Board of Directors shall be sent by certified mail to the appellant or its legal counsel/representative at the appellant's business address.

The order of the Board of Directors shall be final upon its adoption. In the event the Board of Directors fails to reverse or modify the General Manager's order, it shall be deemed affirmed.

6.16 PAYMENT OF CHARGES

- A. Except as otherwise provided, all fees, charges and penalties established by this Ordinance are due and payable upon receipt of notice thereof. All such amounts are delinquent if unpaid forty-five (45) days after date of invoice.
- B. Any charge that becomes delinquent shall have added to it a penalty in accordance with the following:
 - 1. Forty-six (46) days after date of invoice, a basic penalty of ten percent (10%) of the base invoice amount, not to exceed a maximum of \$1,000.00; and
 - 2. A penalty of one and one-half percent (1.5%) per month of the base invoice amount and basic penalty shall accrue from and after the forty-sixth (46th) day after date of invoice.
- C. Any invoice outstanding and unpaid after ninety (90) days shall be cause for immediate initiation of permit revocation proceedings or immediate suspension of the permit.

- D. Penalties charged under this Section shall not accrue to those invoices successfully appealed, provided the District receives written notification of said appeal prior to the payment due date.
- E. Payment of disputed charges is still required by the due date during District review of any appeal submitted by permittees.

F. Collection of Delinquent Accounts

Collection of delinquent accounts shall be in accordance with the District's policy resolution establishing procedures for collection of delinquent obligations owed to the District, as amended from time to time by the Board of Directors. Any such action for collection may include an application for an injunction to prevent repeated and recurring violations of this Ordinance.

6.17 FINANCIAL SECURITY/AMENDMENTS TO PERMIT

A. <u>Delinquent Accounts</u>

The District may require an amendment to the permit of any Permittee who fails to make payment in full of all fees and charges assessed by the District, including reconciliation amounts, delinquency penalties, and other costs or fees incurred by the Permittee.

B. Bankruptcy

Every Permittee filing any legal action in any court of competent jurisdiction, including the United States Bankruptcy Court, for purposes of discharging its financial debts or obligations or seeking court-ordered, protection from its creditors, shall, within ten (10) days of filing such action, apply for and obtain the issuance of an amendment to its permit.

C. Security

An amendment to a waste discharge permit issued, may be conditioned upon the Permittee depositing financial security in an amount equal to the average total fees and charges for two (2) calendar quarters during the preceding year. Said deposit shall be used to guarantee payment of all fees and charges incurred for future services and facilities furnished by District and shall not be used by the District to recover outstanding fees and charges incurred prior to the Permittee filing and receiving protection from creditors in the United States Bankruptcy Court.

D. Return of Security

In the event the Permittee makes payment in full within the time prescribed by this Ordinance of all fees and charges incurred over a period of two (2) years following the issuance of an amendment to the permit, the District shall either return the security deposit posted by the Permittee or credit their account.

6.18 JUDICIAL REVIEW

A. Pursuant to Section 1094.6 of the California Code of Civil Procedure, the District hereby enacts this part to limit to ninety (90) days following final decisions in adjudicatory administrative hearings the time within which an action can be brought to review such decisions by means of administrative mandamus.

B. Definitions

As used in this Section, the following terms and words shall have the following meanings:

- Decision shall mean and include adjudicatory administrative decisions that are made after hearing, or after revoking, suspending, or denying an application for a permit.
- 2. Complete Record shall mean and include the transcript, if any exists, of the proceedings, all pleadings, all notices and orders, any proposed decision by the District's officers, agents, or employees, the final decision, all admitted exhibits, all rejected exhibits in the possession of the District or its officers, agents or employees, all written evidence, and any other papers in the case.

C. <u>Time Limit for Judicial Review.</u>

Judicial review of any decision of the District or its officer or agent may be made pursuant to Section 1094.5 of the Code of Civil Procedure only if the petition for writ of mandate is filed not later than the ninetieth (90th) day following the date on which the decision becomes final. If there is no provision for reconsideration in the procedures governing the proceedings or if the date is not otherwise specified, the decision is final on the date it is made. If there is provision for reconsideration, the decision is final upon the expiration of the period during which such reconsideration can be sought; provided that if reconsideration is sought pursuant to such provision the decision is final for the purposes of this Section on the date that reconsideration is rejected.

- D. The complete record of the proceedings shall be prepared by the District officer or agent who made the decision and shall be delivered to the petitioner within ninety (90) days after he/she has filed written request therefor. The District may recover from the petitioner its actual costs for transcribing or otherwise preparing the record.
- E. If the petitioner files a request for the record within ten (10) days after the date the decision becomes final, the time within which a petition, pursuant to Section 1094.5 of the Code of Civil Procedure, may be filed shall be extended to not later than the thirtieth (30th) day following the date on which the record is either personally delivered or mailed to the petitioner or the petitioner's attorney of record, if appropriate.

- F. In making a final decision, the District shall provide notice to the party that Section 1094.6 of the Code of Civil Procedure governs the time within which judicial review must be sought.
- G. Notwithstanding the foregoing in this Section 6.18, and pursuant to Government Code Section 54740.6, judicial review of an order of the Board of Directors imposing administrative civil penalties pursuant to Section 6.12.D may be made only if the petition for writ of mandate is filed not later than the thirtieth (30th) day following the day on which the order of the Board of Directors becomes final.

ARTICLE 7 - SEVERABILITY

If any section, subsection, subdivision, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such invalidity shall not affect the validity of this entire Ordinance or any of the remaining portions hereof. The Board of Directors hereby declares that it would have passed this Ordinance, and each section, subsection, subdivision, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sees, clauses or phrases be declared unconstitutional or otherwise invalid.

ARTICLE 8 - EFFECTIVE DATE

This Ordinance shall take effect, as amended, July 1, 2019 and a summary shall be published in a newspaper of general circulation as provided by law.

PASSED AND ADOPTED by the Board of Directors of East Orange County Water District this 20th day of June, 2019.

President, Board of Directors
East Orange County Water District

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss)

I, JEFFREY A. HOSKINSON, Secretary of the Board of Directors of East Orange County Water District, do hereby certify that the above and foregoing Amended Ordinance No. 2016-2 was passed and adopted at a regular meeting of said Board on the 20th day of June, 2019, by the following vote, to wit:

AYES: BELL, DAVERT, DULEBOHN, MURDOCH, SEARS

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of June, 2019.

Secretary

EAST ORANGE COUNTY WATER DISTRICT

and of the Board of Directors



APPENDIX K

PUBLIC-EDUCATION
OUTREACH MATERIALS
AND PROGRAM
(WEBSITE, PRINT AND
SOCIAL MEDIA)
PROMOTING PROPER
DISPOSAL OF FOG

website Home Page

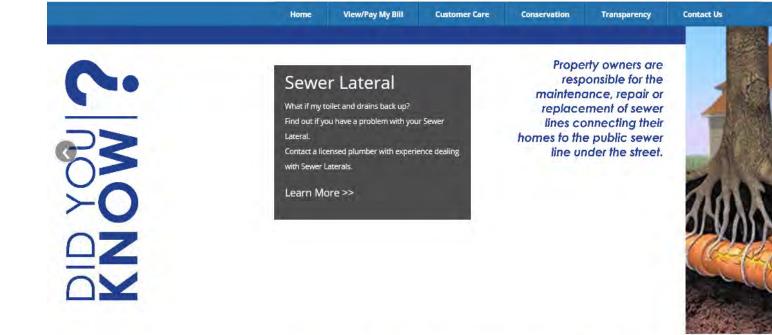


(714) 538-5815

available 24 hours a day







Hometown Service, Fiscal Discipline. Direct Accountability

East Orange County Water District (EOCWD) was founded in 1961 under the principles of local community service and stringent fiscal discipline, which it maintains to this day. With all five water district Directors living locally in East Orange and North Tustin, this small local water district understands the needs of our local community. EOCWD prides itself on providing high-quality, reliable water to you and your neighbors at a fair price. Our field staff, like our directors, live in the community in which they work. We're your neighbors and you can rely on us to be responsive to you your needs and responsible with your hard-earned ratepayer dollars. We strive to make our operations transparent and have dedicated a section of this website to making it easier for our customers to understand our budget and financial reports and track the actions of the Board of Directors. If you have any questions or need any assistance with your water use

LPostcard sent to 80,000 resident



Dear Neighbor,

The Orange County Sanitation District (OCSD) has owned and operated a handful of community sewer systems in north and central Orange County since inheriting them from the County of Orange in 1985. Over the past 10 years, however, OCSD has been gradually divesting itself of local system ownership so it can focus exclusively on its core mission of providing wastewater collection, treatment, and recycling at the regional level.

About three years ago, OCSD proposed a transfer of ownership and operation of your local sewer system (Sewer Area 7) to East Orange County Water District (EOCWD), which has provided local water service in the cities of Tustin and Orange as well as the unincorporated communities of North Tustin, East Orange, and Santa Ana for more than a half century. We are pleased to announce that our districts recently received the necessary governmental approvals from the Orange County Local Agency Formation Commission to finalize this transfer and that EOCWD will officially take over as your new local sewer service provider on August 1, 2016. OCSD will remain your regional sewer provider.

This transfer is good for OCSD and EOCWD but as a Sewer Area 7 customer, here is what you receive:

- 50% Rate Reduction on your local fees (starting with your upcoming 2016/2017 property tax bill) from \$216/year to \$108/year for a single family home.
- High-quality sewer service with continued annual inspections, cleanings, and maintenance of community sewer lines
- Local accountability and representation by a Board of Directors that you elect
- System ownership/operation by your community's local water district

Please note that because of the timing of this change, you will continue to see "Orange County Sanitation District-Sewer Area 7" on your property tax bill for 2016/17. The bill will reflect your local fees with EOCWD's name beginning in July, 2017. Regardless of the name, the 50% rate reduction on your local fees will be put into effect immediately.

EOCWD understands and appreciates the responsibility that comes with the acquisition of the sewers in your community and its team of professional and experienced staff is ready and eager to get started on August 1st. We will be reaching out to you with some other informative material about how to take care of the sewer that leads from your home to the street, and to connect with us on our website and social media. If you have any questions about the transfer or you wish to find out more about EOCWD, please call 714.538.5815 or visit www.eocwd.com.

Sincerely,

Lisa Onlund General Manager

East Orange County Water District





PRESORT STANDARD PAID BC

HOMETOWN SERVICE
FISCAL ACCOUNTABILITY
LOCAL REPRESENTATION

HELLO LAM...

EAST ORANGE COUNTY WATER DISTRICT

Your Hometown Sewer Service Provider

School News



 $Education + Communication = A \ Better \ Nation$ **Covering the Tustin Unified School District**

Volume 12, Issue 60

www.SchoolNewsRollCall.com November 2016-January 2017

Dual Language Program Looks to the Future



Student Ravenna Rodriguez explains to teacher Adriana Zamora how many dots there are during a math talk.



Students Macey Albarian and Christopher Calvo practice counting skills through counting collections.



Veeh teacher Bertha Picasso helps her students identify Spanish words and say them frequently through rhymes and songs. (story on page 7)

Board of Education



Lynn Davis *President*



Jonathan Abelove Vice President



Tammie Bullard



James Laird Member

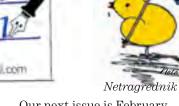


Francine Scinto
Member



Kay Coop Founder/Publisher





This school year is going way too fast. Reading Dr. Franklin's message and the articles in this issue it is easy to see the students haven't let a moment go to waste.

Our next issue is February 15. Until then have a Happy Thanksgiving, fun Winter Break, Happy Holidays and Happy New Year!

AEducational message about roots and overflows



Education + Communication = A Better Nation

www.schoolnewsrollcall.com Covering the TUSTIN UNIFIED SCHOOL DISTRICT

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Property owners are responsible for the maintenance, repair or replacement of sewer lines connecting their homes to the public sewer line under the street.

Sewer lines connecting homes to public sewer lines are called "Sewer Laterals," These privately owned Sewer Laterals are especially vulnerable as Southern California faces historic drought conditions and tree roots seeking water extend, potentially damaging and clogging Sewer Laterals.

What should I do if my drains or toilets back up?

First, find out if you have a problem with your Sewer Lateral. Contact a licensed plumber with experience dealing with Sewer Laterals. You should also contact your sewer provider. East Orange County Water District at 714-538-5815 or adminiserand.com when any work will be done on your Sewer Lateral.

Learn more at www.eocwd.com





Same ad published in Foothill Sentry - 50,000 circulation



Property owners are responsible for the maintenance, repair or replacement of sewer lines connecting their homes to the public sewer line under the street.

Sewer lines connecting homes to public sewer lines are called "Sewer Laterals." These privately owned Sewer Laterals are especially vulnerable as Southern California faces historic drought conditions and tree roots seeking water extend, potentially damaging and clogging Sewer Laterals.

What should I do if my drains or toilets back up?

First, find out if you have a problem with your Sewer Lateral. Contact a licensed plumber with experience dealing with Sewer Laterals. You should also contact your sewer provider, East Orange County Water District at _____ when any work will be done on your Sewer Lateral.



Learn more at www.eocwd.com





APPENDIX L

REQUIREMENTS FOR
FOOD SERVICE
ESTABLISHMENTS:
INSTALLATION OF
GREASE CONTROL
DEVICES (TRAPS OR
INTERCEPTORS) WITH
DESIGN STANDARDS,
OWNER-PERFORMED
MAINTENANCE, BMPS,
RECORD-KEEPING AND
REPORTING



APPLICATION FOR FATS, OILS, AND GREASE (FOG) WASTEWATER DISCHARGE PERMIT FOR FOOD SERVICE ESTABLISHMENTS

Instructions: For the East Orange County Water District (EOCWD) to properly evaluate, process, and issue a Fats, Oils, and Grease (FOG) Wastewater Discharge Permit, the applicant must provide a complete permit application.

- The Permit Application Form must be filed out completely. Your application will be returned to you if there is any missing information. Please write N/A if the information being requested does not apply.
- The Permit Application must be signed by an official company representative. EOCWD will return your permit application if it is not signed by the proper company official.
- All required Drawings and Information described in the information brochure must be submitted with this application. Complete the checklist provided to ensure that all requirements are satisfied.

Please refer to appendix A of the information brochure for detailed instructions for completing this Application Form. Clearly print or type the information requested.

Section I – General Information								
Applicant:	Doing Business as							
Sewer Service Address:								
Phone No.: () Fax No.:	E-m	ail Address:						
Is your establishment a: sole proprietorsh	nippartnership corpora	tion						
Name of Owner, a General Partner, or Chief E Name:								
Street:	City:	State:	ZIP:					
Phone Number:	Fax Number:							
Name of designate Representative and Signar for signing all correspondence and reports. A representative (this person must meet the re	Il correspondence, including of quirements detailed in the inc	certified mail, will structions provide	be sent to this ed in Appendix A.)					
Name:								
Street:	City:	State:	ZIP:					
Phone Number:	Fax Number:							
Facility Contact During Inspections								
Name:	Phone Number:							

Please check of	description	ons that re	epresen	t vour fa	acility.					
Please check descriptions that represent your fa Type of Food Service Establishment				Location						
☐ Fast-Food					Stand-alone Restaurant					
☐ Full Service					Strip Mall Attached					
☐ Buffet					\square M	Mall/ Food Court				
☐ Take Out	Facility (d	only)			☐ Sc	School				
Coffee Sh	ор				☐ Club/Organization					
Bakery					Company/ Office Building					
☐ Cafeteria					Stadium/ Amusement Park					
Le Cream	•				Hospital					
Cocktails/	Bar				Nursing Home					
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Operation										
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Tuesday	Start: _	Stop: _	Start:		Stop	: or [ours or 🗌	or Closed		
Wednesday	Start: _	Stop: _	Start:		Stop: or 24 hours or Closed					
Thursday	Start: _	Stop: _	Start:			Stop: or 24 hours or Closed				
Friday	Start: _	Stop: _	Start:		_ Stop	Stop: or 24 hours or Closed				
Saturday	Start: _	Stop: _			_ Stop					
Sunday	Start: _	Stop: _	St	art:	_ Stop	: or [_ 24 hc	ours or	Clos	sed
51										
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No. of Employees				Do you wash pans? Chain Status						
Seating Capacity (Outside)				+						
Seating Capacity (Outside)				Seati	ııg					
Average no. of meals served during peak hour										
uuring peak	nour									

Section III- Facility Information Are you currently operating your business from the sewer address indicated? Yes No If the answer is No, indicate the date you plan to begin operation: Do you have a grease interceptor in this facility? Yes No (see detailed instructions in Appendix A for definition of grease interceptor) Property Owner: Name: Street: _____ City: ____ State __ ZIP ____ Phone No.: _____ Fax No.: _____ Section IV- Certification I have personally examined and am familiar with the information submitted in the attached document, and I hereby certify under penalty of law that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I certify that upon issuance of the permit, this firm's operation and its resultant wastewater discharge will achieve consistent compliance with EOCWD's FOG Ordinance and applicable federal and local wastewater discharge requirements. If the wastewater discharge does not meet all the applicable regulations, the company will modify its operations, install wastewater pretreatment equipment, or do whatever is necessary to meet discharge requirements. Certification of Owner, a General Partner, or Chief Executive Officer: Signature: _____ Date: _____ Section V- Contact Information for this Application Name of the person to contact concerning information provided in this application: Street: _____ City: ____ State ___ ZIP____ Mail the completed application to:

East Orange County Water District 185 N. McPherson Rd., Orange, CA 92869 (714) 538-5815

APPENDIX A SPECIFIC INSTRUCTIONS TO FILL OUT A FOG WASTEWATER DISCHARGE PERMIT APPLICATION

Clearly print or type the information requested and return the signed original to EOCWD. All questions must be answered. DO NOT LEAVE BLANKS. If the question is not applicable, indicate "N/A" on the form.

- **LINE A** Enter the Applicants official or legal name.
- **LINE B** Provide the address (physical location) of the Food Service Establishment where wastewater is being discharged.
- **LINE C** Enter the Food Service Establishment's contact information for the Owner, General Partner or Chief Executive Officer, including name, title, street address, city, state, zip code, phone number and fax number.
- LINE D Enter the name of the Designated Representative and Signatory who has been authorized by the corporate officer, general partner, or proprietor to be responsible for receiving notices and signing all correspondence and reports. Provide the title, address, phone number, and fax number of the owner, partner, or chief executive officer. Note that all correspondence, permit, and notices from EOCWD will be sent to this person. The Designated Representative and Signatory is defined as follows:
 - 1. A responsible corporate officer, if the business is a corporation. For the purpose of this paragraph, a responsible corporate officer means:
 - a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or
 - b. the manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - 2. A general partner or proprietor if the business is a partnership or sole proprietorship respectively.
 - 3. A duly authorized representative of the individual designated in paragraph (1) or (2) of this section if:
 - a. The authorization is made in writing by the individual described in paragraph (1) or (2);
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the wastewater discharge originates, such as the position of a manager, or a position of equivalent responsibility for environmental matters for the company; and
 - c. The written authorization is submitted to EOCWD.
- **LINE E** Enter the grease interceptor capacity in gallons.
- **Line F** Enter the names of all food service establishments connected to maintained grease interceptors.
- **LINE G** The permit application must be signed and dated by the Owner, a General Partner, or Chief Executive Officer identified in Line C.
- **LINE H** Provide the name, address, phone number, and email of the person that EOCWD can contact if there are questions regarding the permit application.

7 FOG Best Management Practices (BMPs) for FSEs

Introduction

Proper FOG handling at FSEs will reduce the amount of FOG that enters the sewer system. Kitchen Best Management Practices (BMPs) include kitchen's daily activities and measures to keep FOG from being discharged to the sanitary sewer. Proper GRDs maintenance practices relate to their cleaning frequencies, effective cleaning methods, and retaining pump-out records for a specified amount of time.

Equipment and Plumbing

Most kitchen-generated FOG is introduced to the sewer system via the sink. BMPs recommend installing a three-sink dishwashing system which has the first sink used to wash plates; the second sink rinse plates and the third sink to sanitize with a 50-100 ppm bleach solution (Figure 7). Such systems saves energy and cost.

Drain screens should be installed on all sink drains and floor drains. Sink drains screens (Figure 8) are an absolute necessity. They should have openings between 1/8-in. and 3/16-in., be removable for ease of cleaning, and be frequently cleaned (the screened solids disposed of to the trash). They should also be large enough to capture food scraps, solids, and other materials from entering the sewer system, and when a lot of food solids are being dumped into the sinks drain baskets are recommended. Double screens can also be installed to prevent solids from entering the drain while the first screen is being cleaned. Floor drain screens (Figure 9) prevent solids on the floor from entering the sewer system. They must be effectively secured to the floor and cleaned frequently by placing the collected material in the garbage.



Figure 7: Three-sink dishwashing system.



Figure 8: Sink drain screen.



Figure 9: Floor drain screen.

All FOG bearing drains in a FSE should discharge to the GRD. These include mop sinks, wash sinks, prep sinks, utility sinks, pulpers, pre-rinse sinks, can washes, and floor drains in food preparation areas such as those near a fryer or tilt/steam kettle.

Sanitary fixtures that produce black water other than kitchen waste, such as toilets and urinals, are not to be connected to GRDs.

EOCWD FOG Program Page 18 of 63

Proper Dishwashing Practices

Proper dishwashing can reduce significantly entry of FOG and other waste material to the sewer system. The BMPs include recommendations for proper food waste disposal and rinse/wash water temperature monitoring. Prior to washing, solid food waste and solidified FOG should be scraped and dry wiped from pots, pans, fryers, utensils, screens, and mats directly into a trash container (Figure 10). Rubber scrapers, squeegees, or towels to remove food should be used. Used oil should never be poured down a drain or a toilet and should instead be collected in small grease containers (Figure 11) which are emptied to outdoor grease bins for recycle (Figure 12).



Figure 10: Dry wipe pots and utensils prior to washing.



Figure 11: Pouring oil into a small grease container.



Figure 12: Emptying small grease container into an outdoor grease bin.

Before the wash sink is drained, the free floating FOG or food solids should be removed. Additionally any utensils, including knives, forks, spoons, cups, straws, etc. must be prevented from entering the sewer system.

It is essential not to discharge wastewater with temperatures above 140°F therefore if a dishwasher is connected to a GRD it must have a chiller in place to reduce water temperatures.

Kitchen Cleaning Practices

BMPs require that counter tops and food preparation areas are properly cleaned. Food solids must be wiped thoroughly and placed into the trash container or food recycling bin and not dumped down the sink or floor drain. Food grade paper should be used to soak up oil and grease under fryer baskets and paper towels to wipe down work areas (if towels are used, they accumulate grease that eventually ends up in the drain from towel washing/rinsing).

Kitchen exhaust system filters and floor mats should be cleaned in utility sinks or designated areas connected to a GRD and not in an area where wastewater can flow to the gutter, storm drain, or street and thus enter storm sewer system.

Spills Prevention and Cleanup

Every effort should be made to prevent spills in kitchens but when they occur, the risk of FOG entering a drain can be minimized by proper spill clean-up procedures.

Spill prevention BMPs include emptying containers before they are full to avoid accidental spills, using a cover to transport grease materials to a recycling barrel, and providing proper conveyance devices to

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transport grease containing equipment without spilling (e.g., portable fryer grease transfer container). Employees should be provided with the proper tools (ladles, ample containers, etc.) to transport materials without spilling. Spill cleanup kits should be available including, for example, a container (a 5 gallon pail with a standard tear tab lid or screw-on/off lid), universal pads (e.g., 15 in. \times 19 in.), absorbent socks (3 in. \times 4 ft) to block spreading of contaminated liquid, a temporary disposal bag, a plastic zip tie (12 in.), and a pair of gloves.

Spill clean-up BMPs include blocking off sink and floor drains near the spill, clean spills with towels and absorbent material, and using wet cleanup methods only to remove trace residues. Spills of dry ingredients should be swept up or vacuumed to prevent them from being washed into floor drains.

When changing oil in fryers, the oil should be drained into a bucket (Figure 13) and discarded into a container kept behind the facility (an oil rendering tank for disposal) before it is hauled away. It should never be discharged into a grease interceptor or waste drain. Grill top scrap baskets should be emptied or scrapped into the rendering barrel as well.

Proper storage practices include use of outdoor grease bins (Figure 14) and barrels (Figure 15) where grease is stored until picked up FOG grease haulers for discharging at the WWTP but preferably by grease recycling companies in the area.

Grease containers stored outdoors must be covered to prevent rainwater from entering (Figure 15). This prevents FOG which floats from flowing with rainwater overflowing from the bin or barrel onto the ground where it can reach the stormwater system. FOG containers should be located away from storm drains to give more time to clean up any spills if they happen. Any FOG dripping out of containers must be cleaned up quickly.



Figure 13: Draining used grease from a fryer into a bucket.



Figure 14: Grease bin.



Figure 15: Grease barrels.

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Prohibitions Related to FOG Discharges

Certain FOG discharges would interfere with the proper operation of GRDs. The following prohibitions apply:

- DO NOT discharge improperly shredded garbage, animal guts or tissues, paunch manure, bones, hide, hair, fleshing, or entrails. These materials in combination or alone can cause blockages and other operations and maintenance problems in the wastewater collection and treatment system.
- DO NOT discharge wastewater with temperatures in excess of 140° F to any GRD. Temperatures in excess of 140° F will dissolve grease, but the grease can re-congeal and cause blockages further downstream in the sanitary sewer collection system as the water cools.
- DO NOT discharge caustics, acids, solvents, or other emulsifying agents. Though emulsifying agents
 can dissolve solidified grease, the grease can re-congeal further downstream in the sanitary sewer
 collection system. Caustics, acids, and solvents can have other harmful effects on the wastewater
 treatment system and can be hazardous to those working in the wastewater collection system.
- DO NOT utilize biological agents for grease remediation without permission from the WWTP. The biological agents may disrupt the biological treatment process at the wastewater treatment plant.
- DO NOT connect a garbage disposal to the GRD unless a solid separator is installed to remove solids prior to entering the GRD.
- ANY outside dumpster bin drain shall be plumbed to go through the GRD. The bin area shall be
 enclosed as to not allow rain water to enter the drain. The site should also be graded as to not allow
 any storm water to drain into the dumpster bin area.

Kitchen Signage

Kitchen signage serves as reminder for employees to follow proper kitchen BMPs and procedures. "No Grease" signs should be posted in food preparation and dishwashing areas (above sinks and on the front of dishwashers). They emphasize the importance of keeping FOG out of sinks and drains. The signs should be produced in several languages, so that non-English speaking employees are aware of the BMPs.



Figure 10: "No Grease" sign.

Grease Removal Devices (GRD) Maintenance

Interior GRDs Monitoring and Cleaning

Interior GRDs (grease traps) can be installed above ground (Figure 16) or flush with the floor (Figure 17). They operate by retaining wastewater long enough to allow contaminants with specific gravities different than water to separate out by gravity flotation and settling. However, these small devices are flow based (have flow restrictions) and FSE owners/managers need to learn, from the plumber or the FOG Investigator, the maximum flow rate allowable through the unit and not exceed it.

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Grease traps they are typically maintained by selected FSE employees. The traps come with instruction manuals which provide directions about their care and maintenance. All safety precaution and manufacturer labels must be kept in good care and shown on the equipment as provided (Figure 18) and a copy of the exact information should be kept in a separate maintenance book.







Figure 16: Grease trap installed above ground.

Figure 17: Grease trap installed flush with the floor (an in-floor trap).

Figure 18: Labels displayed on the trap.

The necessary cleaning frequency of grease traps depends on the following:

- The capacity of the device.
- The amount of grease the FSE generates.
- BMPs the facility is implementing to reduce the amount of FOG discharged.

A grease trap should be cleaned out when about a quarter of its volume is filled with FOG and solids (see description of "25% Rule" in next section) however the trap should be checked regularly (initially on a daily basis to establish the required maintenance frequency and then proceed at that frequency). For example, if it is determined that a 35 gpm trap accumulates about 5 gallons of grease every 4 days it can be assumed that the interceptor should be cleaned no less than once a week. In FSEs where food specialty is high in FOG, and especially if food grinder is discharging into the grease trap, cleaning may be needed on a daily basis.

Regardless of the required cleaning cycle, field experience shows that one of the biggest obstacles to regular maintenance is odors usually associated with grease traps. The easiest way to eliminate that problem is frequent cleaning. If cleaning the grease trap becomes a part of the daily routine, it usually requires only about 15 minutes and there will be limited or no objectionable odors.

Grease traps should be placed so that it is easy to open them and clean. The baffle should be removed, the baffle and inside walls of the tank scraped removing the FOG buildup, and the grease removed (Figure 19). The device should be dry wiped rather than washed with water and cleaning chemicals. The grease removed from the device should be placed into a container and disposed of in the trash (Figure 20). Frequent skimming of the device makes it easier to clean later.



Figure 19: Removing grease from the grease trap.



Figure 20: Disposing removed grease into the trash.



Figure 21: Automatic GRD.

In addition to manual grease traps described so far in this chapter, automatic GRDs are also available (Figure 21) – these are generally more expensive and designed for the interception of large quantities of FOG. Automatic GRD have mechanical components including an external collection container for removal of grease, and timers and sensors that should be maintained at intervals recommended by the manufacturer.

FSEs should document monitoring and cleaning of grease traps. The date and approximate volume of FOG waste removed should be entered into the FSE's maintenance log each time the trap is cleaned. Maintenance documents must be kept on site at the FSE for at least three (3) years.

Exterior GRDs Monitoring and Cleanup

Exterior GRDs (grease interceptors) are installed outside of the facility. These devices are volume based and have no flow restrictions.

They must be cleaned out by permitted grease disposal contractors but is the responsibility of FSEs to monitor their condition and schedule their cleaning as needed.

The necessary cleaning frequency of grease interceptors depends, like with the grease traps, on the following:

- Capacity of the device,
- Volume of wastewater being placed into the GRD daily,
- Amount of FOG in wastewater coming to the GRD.

A "25% Rule" is used as a criterion to determine when the time for GRD cleaning has come, which is based on periodic checking of:

- Scum layer thickness (the floating scum layer in the GRD tank), and
- Solids layer thickness (solids accumulated on the bottom of the GRD tank).

It is the FSE's responsibility to verify that the accumulation of solids, grease and oils does not exceed 25% of the liquid retention capacity of the device. In other words, the thickness of both layers combined must not exceed 25% of the operating depth of the device, which is the internal depth from invert of outlet pipe to the bottom of tank. For example, a 4-ft deep interceptor (4-ft operating depth) must not have more than 1 ft of combined floating FOG and settled FOG/solids.

Grease interceptors should be checked regularly (initially it is recommended to check them on a weekly or bi-weekly basis to establish the required maintenance frequency and then proceed at that frequency). Field experience indicates that the cleaning frequency for large interceptors is usually in the range of 2 to 4 weeks.

An example of a GRD severe condition where the device was left to fill up to the top with grease is shown in Figure 22, which is completely unacceptable. This condition is referred to as "severe GRD non-compliance" in Section 10 and is subject to immediate penalty.

There should be an adequate number of access manholes, namely one manhole cover directly above each inlet and outlet on the interceptor tank, to provide access for inspection and cleaning all areas of an interceptor. The FSE personnel should learn to visually inspect the interceptor:

- The influent (or entry) side usually has the heavier amounts of grease (Figure 23). A baffle or elbow should be showing.
- The effluent side has less amounts of grease and the person doing the inspection should be able to see the outlet tee discharge (Figure 24).

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Figure 22: Interceptor filled with grease to the top.



Figure 23: View into a manhole on the interceptor inlet.



Figure 24: View into a manhole on the interceptor outlet.

The FSE operator should use a measurement tool which offers accurate readings and requires very minimal training for correct use (Figure 25).

The Standard Operating Procedure (SOP) for interceptor inspection in Appendix G should be followed every time a grease interceptor is inspected. Appendix B is an inspection checklist documents all the information that a facility operator will received and needs to keep on file. FSE owners/operators can usually find out by experience how often grease interceptors at their facilities need to be cleaned.

As FSEs are responsible for the condition of grease interceptors, it is recommended that an FSE representative witnesses and monitors how the grease haulers perform the interceptor cleaning. The FSE is responsible for the proper procedures to be followed (see Section 9) and

that the hauler does not take any shortcuts. The FSE representative can use "Checklist for Monitoring of FOG Hauler" form included in Appendix C.



Figure 25: Inspecting the interceptor.

FSEs should document maintenance of grease interceptors. Each time the grease interceptor is inspected, the date and results of inspection should be entered in the inspection log (Appendix G). The date and approximate volume of removed FOG waste should be recorded in the FOG Hauler Manifest form (Appendix D) each time the interceptor is cleaned. A copy of this form should be put into the maintenance log and kept on site; maintenance documents must be kept on site at the FSE for at least three (3) years.

Getting in Compliance with FOG Management Program

In order to get in compliance with the FOG Management Program, FSEs may use the following checklist for implementing BMPS:

- 1. Make sure drain screens are installed in all FOG bearing sink and floordrains.
- 2. Make sure employees scrape solid food from pots, pans, fryers, utensils, and dishes into a trash container and that there is no waste food in the sink. Make sure employees dry wipe pots and utensils prior to washing.
- 3. Make sure employees sweep the floor before mopping and there they don't attempt to remove floor drains to sweep in debris from the sweeping floors.

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- 4. Make sure temperature of faucet water is not over 140°F and set water heaters temperature accordingly.
- 5. Make sure employees promptly clean any grease spills on the floor using towels and absorbent material and using wet mops only to remove trace residues. Make sure proper spill cleanup kits are available in the facility.
- 6. Make sure small grease waste containers are available and used for collecting used oil and grease, and that these containers have lids.
- 7. Place proper signage about grease control and listing of BMPs on the wall.

In facility outside areas, FSEs should apply the following measures:

- 8. Make sure outside grease containers are covered and closed.
- Make sure there are no grease spills on the pavement or other surfaces from transporting grease to outside containers.
- 10. Make sure that outside grease containers are not leaking and replace any damaged one promptly.
- 11. Make sure that employees do not dump oil and grease into storm sewer.
- 12. Make sure that employees do not cleaning equipment (degrease) outside. The equipment should be scraped and dry wiped indoors and any washing done in utility sinks connected to a GRD.
- 13. Make sure that employees do not wash mats outdoors. The mats should be vacuumed and washed in utility sinks connected to a GRD.

The FOG Management Program also includes requirements to keep proper documentation about employee training and GRD maintenance. The FSE's checklist continues as follows:

- 14. Make sure that the employee training log is complete, i.e. that employees get training about proper FOG handling and learn requirements of the FOG Management Program (see 8.4). Keep training log current and provide training to new employees, as well as periodically do refreshment training to already trained employees.
- 15. Make sure that the GRD inspection/cleaning log is complete. Employees in charge of inspection and cleaning of grease traps and grease interceptors need to do these assignments regularly and keep the GRDs in good operating condition. Learn the required frequency of inspection and cleaning of a GRD in the facility and adopt the routine to inspect and clean accordingly.
- 16. Make sure that the FOG Hauler manifests are complete.

FSEs may use the following checklist for requirements of the FOG Management Program related to condition and performance of GRDs:

- 17. Make sure that a GRD functions. The device should contain wastewater with grease layer floating on the top and be filled below the invert of the outlet pipe.
- 18. Make sure that the 25% rule is met, i.e., that the thickness of the layer of floating grease and solids combined does not exceed 25% of the operating depth of the device (depth between the invert of the outlet pipe and the bottom of the device).
- 19. Make sure that the inlet pipe of the GRD is visible during inspection.
- 20. Make sure that the outlet pipe of the GRD is visible during inspection.
- 21. Make sure that there are no roots growing in the interceptor and have them cleaned if necessary.
- 22. Make sure that there is no corrosion damage to the GRD. If metal traps are corroded replace with new ones and consider grease traps made of plastic. Make sure to repair corrosion damage to the interceptor promptly and do not wait for severe damage to develop (for example, rebar to get exposed in a concrete grease interceptor).

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Make sure to correct any broken parts or replace missing parts, especially missing outlet T. If a GRD is not cleaned on time, the device keeps filling with grease and the level of grease may reach surface. Heavy cast iron manhole covers can be moved under pressure from grease built-up and grease can overflow from the GRD. This represents the "GRD severe condition" and is subject to immediate penalty (see Section 10). FSEs should make sure that such condition does never develop.

Employee Training

Employee education is the key to the implementation of kitchen BMPs and proper maintenance of GRDs. Employees who know and understand the problem, procedures, and benefits will be more willing to support and be able to implement the FOG Management Program requirements. Employee education should emphasize:

- Problems created by FOG discharge to the sewer system.
- Kitchen BMP procedures.
- Benefits to following the kitchen BMP procedures.

Employee education includes new employee training program, frequent refresher training program, employee award program for following BMPs and employee idea/suggestion program

The FOG Program Coordinator and the Collection systems Staff are the principal means for delivering the necessary education to the FSEs and they instruct the FSE owners/managers how to develop and carry on training of their staff (see Section 10).

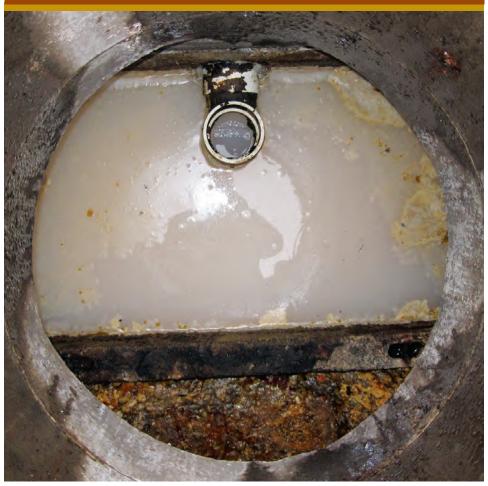
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APPENDIX M HANDOUT MATERIALS FOR EACH FOOD SERVICE ESTABLISHMENT TO EDUCATE STAFF AND ENSURE COMPLIANCE.

FOG Program Fats, Oils & Grease

Proper disposal of fats, oils and grease protects your business, public health and the environment. It's the law, and it's the right thing to do.





It's cheaper and easier to prevent than clean up



Grease from first dishwasher cycle.

FOG buildup can clog sewer and drainage pipes, resulting in messy, costly overflows. It's bad for business, the environment and public health. Costs of a raw sewage backup may include:

- Loss of business while you're closed to clean up and get the kitchen back into service
- **Cleanup** of the premises by staff and a cleaning or restoration service
- Hiring a service to clean the sewer lines
- Repairs or replacement of the building, fixtures and equipment
- **Reimbursement** for damages to neighbors and the public sewer system
- Higher insurance premiums
- Fines and penalties

Common sources of FOG

- Fried foods
- Cooking meats
- Butter, ice cream, other dairy products
- Gravy and sauces
- Mayonnaise and salad dressings

FOG myths

Myth: Restaurant workers know how to prevent FOG problems.

Fact: Few employees have been properly trained to handle and dispose of cooking fats, oils and grease. The owner and management are responsible to train staff in best management practices (BMPs) and oversee the work of contractors hired to clean, remove and recycle FOG.

Myth: Pour hot water and detergent or degreasers into the drain to dissolve oil or grease.

Fact: That just pushes oil or grease deep into the building sewer pipe where it cools and coats the inside of the pipe. Eventually, the pipe will clog and cause raw sewage to back up into the building.

Myth: Storm drains and catch basins are for disposal of dirty water, debris, etc.

Fact: Outside drains are built to direct stormwater runoff to the nearest creek or wetland. Using them for any other purpose is a violation of the federal Clean Water Act.

Myth: If the sewers back up, the sewer utility will fix it.

Fact: Owners are responsible for the sewers on their property. If they damage or back up the public sanitary sewer or drainage systems, they must pay for cleanup and repair and may be subject to fines and penalties.

Grease interceptors

All food/beverage establishments that are connected to the public sewer system must have an approved grease interceptor. It must be effectively sized, installed and maintained to keep FOG and food debris out of the public sewer system. If your business does not have an adequate grease interceptor, you will be required to install one.



Kitchens generate a lot of FOG.

A grease interceptor is designed to capture

FOG before it discharges to the public sewer. All fixtures and drains in food/beverage service areas must connect to a grease interceptor. Grease interceptors need effective inspection and pumpout service. They are inspected by the local authority that enforces the federal Clean Water Act and related state and local laws, in partnership with the public works department.

Types of grease interceptors

Hydromechanical grease interceptors (HGIs) manage FOG using flow control. They can be installed indoors and have relatively small FOG storage capacity.

Gravity grease interceptors (GGIs) manage FOG using gravity separation. They are installed outdoors and have larger FOG storage capacity than HGIs.

General care for grease interceptors

Grease interceptors lose efficiency as they fill with FOG. The recommended cleaning frequency varies by the type of grease interceptor, types of food served and kitchen cleaning practices.

- Effectively size, install, and maintain a pumpout interval.
- Set an effective pumpout interval just prior to unacceptable levels of FOG leaving the grease interceptor.
- Train staff to inspect the work of contractors to ensure they used proper cleaning procedures before allowing contractors to leave the site.
- Reminder: Kitchen clean-up practices impact the grease interceptor (pumpout interval).
- A Preferred Pumper knows industry approved standards for grease interceptor cleaning and maintenance (see page 5 for more on Preferred Pumpers).
- Keep documentation of maintenance service done and where the waste was deposited.

Food service establishment inspection

An inspector from the public utility will visit a food service establishment to ensure that it is effectively managing FOG in order to keep it out of the public sewer system. The inspector will assess the condition of the facility's grease interceptor(s). He or she will also assess FOG management practices and help teach kitchen staff about best practices for controlling FOG at the source.



Train staff to prepare for the inspection.

Following inspection, the inspector will issue a report that indicates any required corrective actions. Establishments that need to be inspected again will pay a minimum fee of \$84. Failure to comply with the local sewer use ordinance could result in monetary penalties, or the business could be ordered to cease all discharges to the public sewer system.

The chart below indicates the rankings and required response.

Inspection Rank	Establishment Response
Excellent or Good	Continue effective cleaning and maintenance.
Fair	Increase the frequency of cleaning and maintenance. The inspector may reinspect.
Poor Inspector issues Notice of Non-Compliance	The establishment is issued a notice of Non-Compliance that lists required corrective actions, the due date to complete the corrective actions and to notify the inspector for reinspection.
Reinspection required	Failure to comply could lead to monetary penalties (up to \$25,000 per day/per violation) or ordered to cease discharge.

Preparing for the inspection

When the inspector comes to inspect your grease interceptor and food service establishment's FOG management practices, please be prepared. Your preparation and assistance with the inspection will help the process run smoothly.

- Train staff to assist with opening and closing the grease interceptor (HGI).
- Keep a screwdriver or Allen wrench handy to open and close the grease interceptor.
- Keep maintenance records, training logs and FOG reports nearby.*
- * Preferred Pumpers submit FOG reports for their clients.

Inspectors prefer to coach and counsel rather than issue penalties. Ask for their advice.

Preferred Pumper Program

The Preferred Pumper Program is a registry of grease interceptor pump-out companies that have agreed to train staff on approved cleaning procedures and submit reports to the local public utility. For a list of companies, please go to preferredpumper.org.*

A well maintained grease interceptor will reduce or eliminate building sewer issues and expenses related to food service operation. An effective pumpout interval is specific to an individual kitchen's menu



Oversee contractors for complete, correct service.

and clean-up practices. For advice on an effective pumpout interval or more training materials, contact your local sewer agency or visit **cleanwaterservices.org/fog**.

* You must ensure that your contractor(s) properly handle your establishment's FOG.

Exhaust hoods, vents and filters

This booklet does not fully address grease removal from exhaust hood systems (vents, filters) or fire prevention systems because these are regulated by other agencies. These systems must be cleaned and maintained to prevent fires and greasy buildup on roofs. Build up will cause degradation of roofing materials, which will wash into storm drains when it rains. Discharge of any contaminated rainwater to the public stormwater system is an illicit discharge by federal, state and local codes.

- Clean vent hoods and filters as needed.
- Inspect the exhaust system often enough to prevent grease buildup.
- Maintain the grease collection unit on the roof to protect your business and avoid penalties.
- Hire a service to clean and maintain the exhaust hoods, vents and filters frequently.
- Ensure proper disposal of waste and retain documentation of the disposal.





Exhaust systems must be FOG free.

About inside and outside drains

It's important to keep FOG out of inside and outside drains to prevent sanitary sewer overflows, drainage backups and pollution of local waterways. Many people don't know that inside drains take wastewater to the sanitary sewer system and a wastewater treatment facility. Outside drains take stormwater runoff to pipes or ditches that lead to the nearest wetland or creek.



Inside drain sanitary sewer wastewater treatment facility



Outside storm drain/catch basin pipe/ditch creek or wetland

Storm drains, catch basins and sumps

The public drainage system is designed to carry stormwater runoff and protect local creeks and wetlands from water pollution. It is the food service establishment and property owner's responsibility to maintain the storm drains and catch basins on or near the business premises. The catch basin under the storm drain or grate has a compartment or sump that is designed to capture debris, not chemicals.



Storm drains are for rainwater. What goes in the storm drain goes straight to the nearest creek or wetland.



- Inspect and clean storm drains, catch basins and sumps that serve the establishment.
- Increase the frequency of inspections and cleanings if necessary to prevent problems.
- Properly dispose of material from the catch basin and sump.
- Keep FOG and cleaners from polluting the public drainage system, creeks and wetlands.
- Never wash or sweep liquids, suds, FOG or debris into storm drains.

Disposing of cleaning solutions or soapy water into gutters and storm drains can harm or kill wildlife, even if it's labeled nontoxic or biodegradable. Even when soap is not used, pollutants such as metals, grease and dirt are washed into drains and are harmful to aquatic organisms and wildlife.

Failure to properly clean and maintain the storm drain system can result in costly overflows, cleanup, business interruptions or closure. If the public drainage system is clogged or damaged, or pollutants reach waterways due to poor maintenance, the owner may be fined and required to pay cleanup costs.

It is the owner's responsibility to know if the debris cleaned from the catch basin qualifies as a hazardous material that must be handled separately from regular waste. Contact the local sewer utility or municipality for advice.

Place "No Dumping – Drains to River" markers near storm drains in parking lots and streets as a reminder that all the rain running off impervious surfaces flows directly to our local creeks, streams and wetlands without treatment. Contact the local Public Utility for markers.



Is your staff trained in Best Management Pract

It's easy to keep FOG out of the sewer and drainage systems if employees are t

Proper disposal of Fats, Oils, and Grease (FOG)

Kitchen FOG belongs in the trash, a grease interceptor or a recycling container. Keep FOG in its place and out of the building and public sewer drainage systems.

- ☐ Recycle cooking grease, oil and food wastes.
- ☐ Contact your waste hauler or a rendering company to get a waste oil container.



Interceptor too full of FOG and not maintained properly; will cause building sewer problems.

- ☐ If containers or bins leak or spill, ask the vendor for new ones.
- ☐ Cover the rendering container (i.e., garbage corral) with a roof if possible.
- ☐ Clean up any spills or leaks immediately using dry methods.
- ☐ Prevent odor, rats and other pests with clean, closed rendering containers and dumpsters.
- ☐ Never dump used cooking oil down the drain.
- Never use hot water, detergent or degreasers to flush FOG down the drain; this pushes grease into the pipe where it will cool, congeal and clog the sewer.
- ☐ Never dump FOG (or anything!) on the street, parking lot or into storm drains.
- ☐ Schedule frequent FOG pickup or service.
- ☐ Keep records of training, cleaning, service, preventative maintenance and inspections.



Proper disposal of FOG is easier and cheaper—and that's good for your bottom line.

ices (BMPs)?

rained in best management practices (BMPs).

Dry clean up

Before washing with water, use dry clean up methods to control FOG and food waste.

- ☐ Scrape or wipe instead of washing food waste from utensils, fixtures and equipment.
- ☐ Use rubber scrapers to remove FOG from cookware and serving surfaces.
- ☐ Scrape food waste into trash bins with plastic liners.



Dry wipe before washing.

- ☐ Soak up oil and grease under fryer baskets with paper.
- Sweep floors before mopping.
- ☐ Wipe down work areas with paper towels.
- ☐ Place disposal and recycling containers within easy reach for kitchen employees.
- ☐ Sweep instead of hosing down parking lots, sidewalks and outside areas.

Dry clean up methods have many benefits. Dry floors are safer than slick floors that may cause employees to slip and fall.



Sweep floors before mopping.



Dry clean up saves water and energy costs.

Make sure staff and management understand how to use the BMPs and tips

Dishwashing, work areas, floors and spills

After dry scraping, wiping and sweeping, use these BMPs to keep FOG and food waste out of drains and sewers.

- ☐ Keep work areas clean.
- ☐ Install properly sized screens, baskets or strainers in sink and floor drains to catch food debris.
- ☐ Only fill FOG transfer containers halfway so that they are easier to lift. PREVENT SPILLS!



Keep FOG and food waste out of drains.

- ☐ Wash floor mats and greasy equipment in an area that drains to a grease interceptor—not outside.
- □ Never pour grease or oil into sinks, floor drains or onto a parking lot or street.
- ☐ When mopping, don't force food debris down the drain.
- ☐ Keep liquid waste out of trash or dumpster bins.
- ☐ Train workers to put FOG into recycling/rendering containers without spilling.
- ☐ Prevent spills through proper storage, handling and transfer of supplies.
- ☐ Provide proper equipment to handle FOG.
- ☐ Be careful not to drop or splash fats, oils and grease.
- ☐ Keep a spill kit with absorbent materials nearby.
- ☐ Clean up spills immediately.



Disconnect the garbage disposal; this may qualify for a reduced sewer bill and will save water and energy.

s in this booklet to keep drains and pipes flowing.

Storage, trash and recycling areas

Property owners and the owners of food service establishments are responsible for keeping trash enclosure areas from contaminating stormwater.

- ☐ Store waste oil and cleaners in closed containers indoors or under cover outside.
- ☐ Provide dumpsters and bins that are large enough not to overflow.
- □ Repair or replace leaky dumpsters, compactors and trash/oil waste bins.
- ☐ Protect stormwater. Keep lids closed.
- ☐ Transfer containers should only be filled 1/2 to 3/4 when transfering oil waste to outside bin.
- ☐ Keep dumpster and storage areas clean and swept.
- ☐ Hire a contractor to clean-up contaminated trash enclosures. Keep documentation of work done and disposal site.



Trash and recycling areas reflect your kitchen practices.



Standing water due to clogged drains can damage pavement.



Proper maintenance reduces costly repairs.

It's the law, and it's good business

Sewer overflows are harmful to public health and the environment. Federal, state and local laws require FOG control to protect people and water sources. It is the business and property owner's responsibility to comply with the law and ensure that employees and contractors are using BMPs that protect the public sanitary sewer, stormwater drainage systems and water quality. Property and business owners may be held liable for water quality violations, misuse of the public sanitary sewer and stormwater drainage systems, and resulting water pollution.



Grease clog inside a pipe.

Did you know?

- Storm drains are for clean rainwater only.
- Food service establishments must install and maintain an approved grease interceptor.
- Obstruction of public sewers may result in penalties, fines and other costs.

For more information on these laws, please visit cleanwaterservices.org/fog

Inspector contact:	





APPENDIX N

CORRECTIVE-ACTION PROCEDURES FOR FSES AND RESIDENTIAL FACILITIES IN THE EVENT OF A FOGREVENT OF A FOGREVENT OF SSO.

9 FOG Program Implementation

Educating public about FOG issues and problems and the importance of FOG program implementation is essential. The District's program is considering education and outreach activities and materials such as:

- Distribution and mailing of water/sewer bill inserts, posters, door hangers and fliers, especially to residential areas impacted by FOG related blockages and SSOs – these materials were created with specific tips on keeping pipes and sewers clear at home.
- Dissemination of information through electronic media. A portion of the District's website will be dedicated to information about the FOG Management Program and related issues.
- Participation in local exhibitions, meetings and public events.
- Presentations to apartment residents, school children, restaurants and FOG haulers.
- District truck stickers placed on District vehicles promoting the Fight FOG message allowing the
 clarity and simplicity of the message to speak to residents while front line workers are out dealing
 with the FOG. The stickers allow both residential and commercial customers to connect the trucks
 and work crews to the materials they see/receive at home and work, therefore maximizing the
 opportunity for outreach.
- Collaboration with local organizations including restaurant associations and chambers of commerce.

Public outreach to EOCWD residents will help reduce the amount of FOG entering the sanitary sewer system by educating them of the proper home kitchen grease disposal techniques and practices. Private residents are often contributors to FOG related blockages in wastewater collection systems.

Achieving Compliance from FSEs

In order to achieve compliance with the FOG Management Program from all FSEs while maintaining good public relations, the following compliance enforcement consequences are designed to directly vary with the degree of the FSE compliance cooperation and resolutions:

- Educate FSEs about the program and requirements through training provided at the program onset).
- Perform FSE inspections periodically for checking compliance with the program.
- Give compliance recognition.
- Encourage compliance through notices of non-compliance and warnings of potential fines and stringent enforcement measures that would follow for persistent non-compliance.
- Issue non-compliance citations following determination that the FSE is in a violation, as established by the FOG Program Coordinator or the Collections System Supervisor.
- Terminate sewer service to the FSE if all other measures have been tried and proved unsuccessful.

Training to FSEs

• Educating FSE owners and managers about the FOG Maintenance Program, specifically in implementing BMPs and performing proper GRDs maintenance, is essential for achieving their compliance with the program. The Program Coordinator and SSO/FOG Investigators are the principal means for delivering the FOG Management Program requirements and necessary education to the FSE

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community.

At the onset of the FOG program, FSE's knowledge and awareness of the program may vary greatly. A letter introducing the program and FSE inspection process, and signed by the General Manager, along with educational outreach will be sent to the FSE owners/managers. (The same should thereafter be done whenever any new or remodeled FSE, or FSE under new ownership, has a Business License issued.) The FOG Program Coordinator will visit the facility and provide training to instruct the FSE owner/manager (who will instruct all other employees) of how the FOG program should be implemented and how it affects their business.

During the visit, the SSO/FOG Investigator gives the following forms to the FSE owner/manager:

- Initial Training Checklist (Appendix B) This form is listing other forms that the FOG inspector will show and explain to the FSE owner/manager during this initial visit. The form must be kept in the FSE as a record of completed initial training.
- Training Development Form (Appendix F) This form is instructing the FSE owner/manager how to develop a FOG training program for the employees of the FSE.

The FSE owner/manager is also instructed about other forms that the FSE is required to use, which all will remain in the FSE and be shown to the SSO/FOG Investigator during future FSE inspections upon request:

- Tracking of Employee Training (Appendix E) This form will list employees working at the FSE and show the dates when they received the training in kitchen BMPs.
- Inspection/Cleaning Form for Grease Traps and Interceptors (Appendix G) This form will be used to keep record of how often grease traps are inspected and cleaned by the FSE personnel.
- Standard Operating Procedure (SOP) for "25% Rule" Form (Appendix H) This form explains the procedure for checking grease and solids accumulation in GRDs (both grease traps and grease interceptors). Each employee of the FSE who will be trained to inspect the GRDs will be shown this SOP and will be given all necessary explanations.
- Checklist for Hauler Monitoring (Appendix C) This form will be used by FSE personnel to monitor
 grease interceptor pump outs to ensure proper cleaning and maintenance procedures are followed
 and that the FOG hauler does not take any shortcuts

FSE Inspections

Scheduling Inspections

Routine inspections of all permitted FSEs are performed as random and unannounced inspections to observe their daily business operations and routines and check their compliance with the FOG Management Program. All FSEs will be inspected approximately twice per year but eventually will be prioritized and inspected based on criteria such as:

- Type and method of food preparation.
- Size and grade of sewer mainline pipe to which the FSE discharges.
- History of grease related pipe blockages and SSOs downstream of the FSE.
- Compliance history.

In addition to routine inspections, some FSEs will be inspected following complaints such as sewer backups or SSOs. These triggered inspections will be performed to identify facilities possibly responsible for the blockage. Triggered inspections will occur regardless of any prior and perhaps recent routine inspection of these facilities.

Performing FSE Inspections

A typical routine FSE inspection includes checking the implementation of BMPs, including FSE maintained logs, and the condition and performance of GRDs. In some cases it may also include sampling and laboratory testing of effluent wastewater from GRDs.

District staff have a right of entry (District Ordinance 2016-02, Section 5.3) to inspect food preparation and other areas of the facility where FOG is generated or stored, logs maintained by the facility, all grease traps/interceptors and wastewater lines from the establishment to the sanitary sewer system. Failure to permit the investigator entry in accordance with the specified conditions constitutes a misdemeanor punishable by fine up to \$1,000, or confinement in the District jail for a period not exceeding six (6) months, or both (Ord. No. 2016-02, Section 6.11).

If District staff are refused access to inspect the facilities, they will notify the Operations Manager and both will approach the FSE explaining the purpose of the compliance inspection and fines associated with violations with District Code requirements. If the access to the facility is still refused, the Operations Manager will contact the Orange County Health Department for a joint inspection of the facility and issue a Violation Notice.

Routine Inspection

When checking the BMPs implementation, the inspection includes:

- Inspect sink and floor drain screens.
- Look for evidence of proper dishwashing (there is a scraper for dishes) or improper dishwashing (evidence of food in the sink, as shown in Figure 29).
- Check for evidence of illicit dumping such as debris or loose screws in floor drains (Figure 30).
- Look for evidence of proper spill prevention/cleanup practices (there is aspill kit).
- Check that the BMP signage is posted on the wall.
- Check for evidence of equipment cleaning (degreasing) or mats washing in outside area.
- Inspect employee training log.
- Inspect FSE's inspection/cleaning log to confirm that GRDs are maintained properly. Check for missing or altered log entries.
- Inspect copies of FOG Hauler Manifest forms to see FOG pickup dates and volumes collected and verify FOG discharge at the WWTP.

For assessing the condition and performance of GRDs, the inspection includes:

- Check that GRDs function (Figure 33).
- Check grease/sediment depths (the 25% rule, as described in Appendix H).
- Check if inlet pipe and outlet pipe are visible (Figure 34).
- Check for root intrusion (Figure 35)
- Check for evidence of extensive corrosion in metal grease traps (Figure 36) and concrete interceptors (Figure 37).
- Check for any broken or missing parts (Figure 38, Figure 39) or damages such as cracks or big chips in the lids



Figure 29: Food in the sink (dishes were not wiped before washing).



Figure 30: Debris in the floor drain (floor was not swept before mopping).



Figure 31: Spills on and around grease recycle bin.



Figure 32: Waste leaks in the garbage and grease recycle storage area.



Figure 33: Grease interceptor not working.



Figure 34: Too short outlet tee allows short-circuiting.



Figure 35: Roots removed from the grease interceptor (root intrusion can completely clog the interceptor).



Figure 36: Severely corroded metal grease trap (these traps are highly prone to corrosion).



Figure 37: Exposed re-bar in a corroded concrete interceptor.



Figure 38: Missing inlet tee allows FOG buildup in front of discharge pipe.



Figure 39: Missing outlet tee allows floating FOG to escape into the sewer system.

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GRDs usually smell offensive when the top is disturbed. When the lid is down the smell should not be overly offensive. If the smell is offensive or strong with the lid down, the device has probably not been cleaned on time, or there may be a break in the integrity of the GRD structure, or a plumbing fitting may be cracked or broken.

Additional Activities in Triggered FSE inspections

Triggered FSE inspections are performed in the same manner as routine inspections but they also may include CCTV or zoom camera inspection of the pipes and inspection of manholes up to 1,500 feet downstream of the facility and several manholes upstream of the facility.

Documenting Findings

For documenting findings of the FSE inspection, the inspector uses SEDARU

Any change in the FSE business status (e.g., closed establishment), business name, facility ownership, or size of GRDs is entered into SEDARU. The SEDARU template contains a checklist of possible deficiencies in BMP implementation and in GRD maintenance (if these devices are not found properly functioning or in good condition).

If no deficiencies are found, the FSE is given the Certificate of Compliance (Figure 40). If deficiencies are found, the FSE is in violation and steps described in the Non-Compliance section are followed until compliance with the program is achieved.

Compliance Recognition Certificates

Compliance recognition certificates are issued to the FSEs that implement proper FOG control measures and meet program requirements. An examples is shown in Figure 40. FSEs can display these certificates so that customers can see and recognize their efforts to support the community.



Figure 40: Certificate of Compliance.

Steps to Change Non-Compliance into Compliance

Introduction

Achieving compliance after unsatisfactory FSE inspection includes repeated FSE inspections and gradually increased enforcement on FSEs. Non-compliant FSEs may be required to enter into a Compliance Schedule Agreement (CSA) (Ordiance 2016-02, Section 6.3).

Detailed explanation of criteria for enforcement measures in each enforcement tier is provided in this section.

Definitions

Definition of selected terms used in this chapter is given herein.

- First FSE inspection a routine or triggered FSE inspection performed for the "first time" after a period of several weeks or months as opposed to a FSE re-inspection which is usually scheduled within several days of an unsatisfactory first inspection. Re-inspections can be scheduled with longer time periods between the two inspections if necessary.
- FSE previous inspection the last routine or triggered FSE inspection performed prior to the current "first FSE inspection", typically six to 12 months before the current one.
- FSE re-inspection a repeated FSE inspection which is scheduled if a FSE inspection identifies a GRD
 deficiency or severe GRD non-compliance. Re-inspection is scheduled within five days from the
 unsatisfactory inspection, typically five working days, with the purpose to check and verify that the
 deficiencies are corrected between the two inspections.
- Deficiency a requirement of the FOG Management Program related to either BMPs implementation or GRD maintenance which is not met by a FSE. (See program requirements for FSEs in Section 7.)
- Violation a failure to meet requirements of the FOG Management Program. A "BMP violation" refers to one or more deficiencies in BMPs implementation or a "GRD violation" of one or more deficiencies in GRD maintenance.
- Non-compliance same as violation.
- Severe GRD non-compliance a deficiency in form of grease overflowing from a GRD onto the street, parking lot, or ground surface, or a GRD filled with grease to within a few inches of the upper rim of the manhole frame.
- Verbal warning the first disciplinary measure for BMPs where a FSE is told by the inspector that the BMPs implementation by the FSE does not comply with the District's standards and must be improved. Verbal warning may or may not stipulate a follow upinspection.
- Courtesy letter a standard letter issued by the District which specifies BMP or/and GRD deficiencies
 identified during the FSE inspection. The courtesy letter stipulates that a follow up inspection will be
 performed typically within five working days for GRD deficiencies and within two weeks for BMP
 deficiencies.
- Certified letter a standard letter which specifies BMP and/or GRD deficiencies identified during the
 inspection. The certified letter is the final warning to the FSE to correct deficiencies within a specified
 time frame and is followed by the FSE re-inspection. Failure to comply with FOG facility standards shall
 result in the issuance of a summons.

Non-Compliance at First FSE Inspection

BMPs Implementation Deficiencies

If the FSE inspection determines that there are violations related to the implementation of site BMPs, the SSO/FOG Investigator issues a verbal warning. If the facility has numerous BMP deficiencies (more than 50% of BMPs fail to comply) or has failed to address deficiencies documented during a previous inspection, the District may elect to issue a certified letter requiring immediate compliance with the BMPs. With a verbal warning, the Investigator explains to the FSE representative that the results of this inspection will be

documented and that all deficiencies must be corrected before the next inspection in approximately six months or sooner if the Inspector determines that a re-inspection should be performed.

If, after the next inspection, the requirements discussed in the verbal warning are not satisfied, the FSE will be issued a courtesy letter and the FSE is re-inspected typically within five working days.

GRD Maintenance Deficiencies

Any GRD deficiencies discovered during the inspection need to be promptly corrected. A FSE is given a notice of violation in the form of a courtesy letter (a standard letter completed at the time of inspection with details of found deficiencies and left with the FSE owner/operator, and a warning to correct all existing problems within five (5) working days when the follow-up inspection is scheduled. Courtesy letters issued to FSEs are tracked in SEDARU for future reference.

However, in cases when severe GRD non-compliance is found during the first inspection, i.e., grease interceptors and traps overflow (see Figure 41 through Figure 43), more strict disciplinary measure is required. The FSE may be issued a certified letter by the inspector immediately after the completed inspection requiring immediate corrective measures.



Figure 41: Grease interceptor completely full. Heavy lids can be lifted up under pressure and grease start overflowing.



Figure 42: Grease interceptor overflow.



Figure 43: Grease trap overflow is a hazard to kitchen employees.

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Non-Compliance at Second FSE Inspection

A follow-up FSE inspection is typically scheduled within five working days after the first inspection. The SSO/FOG Investigator checks if the problems cited by the first inspection have been properly addressed. If they have not been corrected, the FOG Program Coordinator issues a certified letter with written notice of violation and requesting that all deficiencies be corrected promptly and within five working days of the receipt of the letter. If correction doesn't occur, the FSE will be placed on a Compliance Schedule Agreement (CSA).

Non-Compliance at CSA Inspection

At the next (third) FSE inspection, the FOG I checks again if the deficiencies have been corrected. If the deficiencies are still present, the FSE is issued a Notice of Violation and \$1,000 fine. The FSE can appeal the violation to the General Manager after the deficiencies have been corrected. After a hearing, the General Manager makes a decision about any applicable penalties.

Non-Compliance after Notice of Violation

If after the Notice of Violation and penalties is issued and the problems still persists, the District may decide to terminate sewer service to the FSE upon determining that all other measures have been tried and proved unsuccessful.

In accordance with the District Ord. No. 2225, the District may revoke the permit and terminate sewer service when in the opinion of the District the discharge from the facility "presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment; causes stoppages, sanitary sewer overflows, or excessive maintenance to be performed to prevent stoppages in the sanitary sewer collection system; causes interference to the POTW, or causes the District to violate any condition of its WDR Permit".

If the service termination is deemed necessary, the General Manager shall send a written notice of the coming termination of services to the FSE giving the reasons for termination of service and explaining administrative procedure how to contest this decision in timely manner. The General Manager shall also notify the Orange County Health Department about the service termination.

Internal Training within the District about FOG Program

Comprehensive training of FOG inspectors will be undertaken to provide a consistent approach during inspections. The investigators need to be familiar with both inspection and enforcement procedures (they need to know how to calculate fines, penalties, and fees, and when they apply). It is important to understand how to deliver educational material to FSE owners/managers during initial visits at the onset of the program and train them about their role in developing FOG education programs in the FSEs.

The subject of interpersonal communication will also be addressed as part of training program. The inspectors should be prepared for difficult exchanges with the FSE employees and how to behave in situations when their authority may be challenged.

.



APPENDIX O

FOG CONTROL REGULATIONS APPLICABLE TO FOOD SERVICE ESTABLISHMENTS (FSE)

6 Permitting Requirements

Commercial Food Service Establishments (FSEs)

Permitting Authority and Purpose

All commercial food service establishments (FSEs) doing business in EOCWD require a FOG Permit issued by the District. A FOG Permit is initially issued after the business begins operating and then renewed on a bi-annual basis.

Permitting Process for New FSEs

Before construction of a new FSE begins, the permit applicant for new FSE submits an application for a Building Permit with a FOG Facility Plan enclosed.

As part of review and approval process, the District Engineer and FOG Program Coordinator reviews the FOG Facility Plan. If the plan is not made to the District requirements, the permit applicant needs to revise and resubmit the plan. Upon approval of the plan from the District Engineer, and payment of associated fees, the District issues a Sewer Permit.

The construction of new FSE follows including the installation of GRD. Once the GRD is installed, the FSE gives a notice to the District and the FOG Program Coordinator and/or Collection Systems Supervisor performs inspection. If the installed GRD is not approved (for example, it has not been installed in accordance with the approved facility plan), the FSE need to make appropriate changes to the installed GRD or reinstall the device, and then have the device re-inspected.

If the GRD inspection passed, the appropriate building department paperwork is signed off and SEDARU is updated with the new FSE and GRD records.

Permitting Process for Remodeled FSEs

Before work on remodeling of an existing FSE begins, the FSE owner submits an application for a Sewer Permit. A new FOG Facility Plan is not required but the permit applicant has to schedule inspection of existing GRD with the District.

The FOG Program Coordinator performs the inspection. If the existing GRD is approved, a Sewer Permit will be issued when the planed remodeling work is completed and passed inspection.

If the existing GRD is not approved, the FSE needs to make a new FOG Facility Plan and submit to the District for review. The District Engineer and FOG Program Coordinator review the plan and if it is not made to the District standards, the permit applicant needs to revise and re-submit the plan. Upon approval of the plan by the District Engineer, the District will issue the sewer permit.

The remodeling of new FSE follows including the installation of new GRD. Once the new GRD is installed, the FSE gives a notice to the District and the FOG Program Coordinator performs the inspection. If the

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installed GRD is not approved (for example, it has not been installed in accordance with the approved FOG Facility Plan), the FSE need to make appropriate changes to the installed GRD or reinstall the device, and then have the device re-inspected.

If the GRD inspection passed, the District will issue the sewer permit. The FSE and GRD records in the SEDARU are updated.

Permitting Process for FSEs with Changed Ownership

A change of FSE ownership affects an existing FSE Business License because it is non-transferable and therefore the new FSE owner is required to obtain a new one.

The new FSE owner applies for a new business license. The District's Wastewater Division is notified to determine if the existing GRD needs inspection at this time.

The FOG Program Coordinator performs the inspection. If the existing GRD is approved, the business license paperwork will be signed off.

If the existing GRD is not approved, the FSE needs to make a new FOG Facility Plan and submit to the District for review. The District Engineer and FOG Program Coordinator review the plan and if it is not made to the District standards, the permit applicant needs to revise and re-submit the plan. Upon approval of the plan by the District Engineer, the District will issue sign off on the business license documents.

The installation of new GRD follows and when completed, the FSE gives a notice to the District and the SSO/FOG Investigator performs inspection. If the installed GRD is not approved (for example, it has not been installed in accordance with the approved FOG Facility Plan), the FSE needs to make appropriate changes to the installed GRD or reinstall the device, and then have the device re-inspected. If the GRD inspection passed, the business license documentation is signed off.

The FSE and GRD records in SEDARU are updated.

FOG Facility Plan (GRD Design)

EOCWD's Standard Specifications will be modified to incorporate GRD design guidelines. Until this revision is completed, the review of FOG Facility Plans in the FSE permitting process is based on design methodology (design approach and GRD sizing formulas).

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APPENDIX P

ORDINANCE ESTABLISHING WASTEWATER DISCHARGE REGULATIONS.

ORDINANCE NO. 2016-01

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE EAST ORANGE COUNTY WATER DISTRICT ESTABLISHING WASTEWATER DISCHARGE REGULATIONS

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The Board of Directors of the East Orange County Water District (EOCWD) does hereby FIND:

- A. That EOCWD is required by federal and state law, including the Clean Water Act (33 U.S.C. 1251, et seq.), the General Pretreatment Regulations (40 CFR 403), and the Porter-Cologne Water Quality Control Act (Water Code Sections 13000, et seq.), to implement and enforce a program for the regulation of Wastewater discharges to EOCWD's sewers; and
- B. That EOCWD is required by federal, state, and local law to meet applicable standards of treatment plant effluent quality; and
- C. That the adoption of this Ordinance is statutorily exempt under the California Environmental Quality Act pursuant to the provisions of Public Resources Code Section 21080(b)(8) and California Code of Regulations Section 15273(a) and categorically exempt pursuant to California Code of Regulations Sections 15307 and 15308; and
- D. That pending the actions of the Local Agency Formation Commission to form Improvement District No. 1 ("ID 1") of EOCWD, activate EOCWD sewer powers and transfer the sewer collection system of Orange County Sanitation District ("OCSD") "San 7" to EOCWD, this Board of Directors, on July 21, 2016, declared its intention to retain in full force and effect in ID 1 of EOCWD, OCSD's Ordinance Establishing Wastewater Discharge Regulations, as amended from time to time; and
- E. This Board of Directors wishes at this time to adopt EOCWD wastewater discharge regulations for ID 1, which, upon becoming effective, shall be implemented in coordination with OCSD's implementation of its Ordinance Establishing Wastewater Discharge Regulations within ID 1.

NOW, THEREFORE, the Board of Directors of the East Orange County Water District does ORDAIN:

<u>Section I</u>: Wastewater Discharge Regulations governing the use of EOCWD's sewerage Facilities are hereby adopted to provide as follows:

ARTICLE 1. GENERAL PROVISIONS

101. PURPOSE AND POLICY

This ordinance sets uniform requirements for Users of EOCWD's Sewerage Facilities and enables EOCWD to comply with all applicable state and federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251, et seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations [CFR] Part 403). This Ordinance shall be interpreted in accordance with the definitions set forth in Section

- 102. The provisions of the Ordinance shall apply to the direct or indirect discharge of all liquid wastes carried to facilities of EOCWD.
 - A. The purpose of this Ordinance is to provide for the maximum public benefit from the use of EOCWD's Sewerage Facilities. This shall be accomplished by regulating sewer use and Wastewater discharges; by providing equitable distribution of costs, in compliance with applicable federal, state, and local regulations; and by supporting the proper disposal of Prescription Drugs as noted in the guidelines published by the Office of National Drug Control Policy. The revenues to be derived from the application of this Ordinance shall be used to defray all costs of providing sewerage service by EOCWD, including, but not limited to, administration, operation, monitoring, maintenance, financing, capital construction, replacement and recovery,

- and provisions for necessary reserves;
- B. This ordinance is meant to protect both EOCWD personnel who may be affected by Wastewater in the course of their employment and the general public.
- C. To comply with federal, state, and local policies and to allow EOCWD and OCSD to meet applicable standards of treatment plant effluent quality, biosolids quality, and air quality, provisions are made in this Ordinance for the regulation of Wastewater discharges to the public sewer. This Ordinance establishes quantity and quality limits on all Wastewater discharges which may adversely affect EOCWD's Sewerage System, as well as OCSD treatment processes, effluent quality, biosolids quality, air emission characteristics, or inhibit EOCWD's and/or OCSD's ability to beneficially reuse or dispose of treated Wastewater, biosolids or meet biosolids discharge criteria.
- D. It is the intent of these limits to improve the quality of Wastewater being received for treatment and to encourage water conservation and Wastewater minimization by all Users connected to a public sewer. This Ordinance also provides for regulation of the degree of Wastewater Pretreatment required, the issuance of permits for Wastewater discharge and connections and other miscellaneous permits, and establishes penalties for violation of the Ordinance.
- E. EOCWD is committed to: 1) a policy of support for Wastewater reuse through groundwater recharge; and 2) a policy for the protection of groundwater. EOCWD is also committed to help protect groundwater goals as established by various water quality and water purveyor agencies. To fulfill these commitments, EOCWD may implement more stringent quality requirements on Wastewater discharges through regulation, including revisions to this Ordinance.
- F. EOCWD is committed to a policy for the beneficial use of biosolids, the implementation of programs to land-apply or provide for the marketing and distribution of biosolids, which may necessitate more stringent quality requirements on Wastewater discharges.
- G. EOCWD is also committed to meet applicable air quality goals established by the South Coast Air Quality Management District, which may further necessitate more stringent quality requirements on Wastewater discharges.

102. <u>DEFINITIONS</u>

A. Unless otherwise defined herein, terms related to water quality shall be as adopted in the latest edition of *Standard Methods for the Examination of*

Water and Wastewater, published by the American Public Health Association, the American Water Works Association, and the Water Environment Federation.

The testing procedures for Wastewater constituents and characteristics shall be as provided in 40 CFR 136 (Code of Federal Regulations; Title 40; Protection of Environment; Chapter I, Environmental Protection Agency; Part 136, Guidelines Establishing Test Procedures for the Analyses of Pollutants), or as specified.

Other terms not herein defined shall have the same meaning as defined in the latest California Building and Construction Codes, Title 24, California Code of Regulations.

- 1. <u>Act or "the Act"</u> shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251, et seq.
- 2. <u>Approved POTW Pretreatment Program or Program or POTW Pretreatment Program</u> shall mean a program administered by a POTW that meets the criteria established in 40 CFR 403.8 and 403.9 and which has been approved by a Regional Administrator or State Director in accordance with 40 CFR 403.11.
- 3. <u>Authorized Representative or Designated Signatory</u> shall mean:
 - a) If the applicant or User is a corporation:
 - (1) The president, secretary, treasurer, or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or
 - (2) The manager of one or more manufacturing, production, or operation facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual Wastewater discharge permit requirements;

and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- b) If the applicant or User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- c) If the applicant or User is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or the designee.
- d) The individuals described in paragraphs (a) through (c) above, as Responsible Officers, may designate an Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company or organization, and the written authorization is submitted to EOCWD.
- e) An applicant or User not falling within one of the above categories must designate as the Responsible Officer an individual responsible for the overall operation of the facility. The Responsible Officer may designate an Authorized Representative.
- 4. <u>Best Management Practices (BMPs)</u> shall mean schedules of activities, prohibitions of practices, maintenance procedures, operating procedures, and practices to control spillage or leaks, treatment requirements, and other management practices to prevent or reduce pollution or to meet Article 2 standards. Such BMPs shall be considered local limits and Pretreatment Standards as stated in 40 CFR 403.5(c)(4).
- 5. <u>Biochemical Oxygen Demand (BOD)</u> shall mean a measurement of oxygen utilized by the decomposition of organic material, over a specified time period (usually 5 days) in a Wastewater sample. It is used as a measurement of the readily decomposable organic content of Wastewater.
- 6. <u>Board</u> shall mean the Board of Directors of the East Orange County Water District.
- 7. <u>Bypass</u> shall mean the intentional diversion of wastestreams from any portion of a User's treatment facility.

- 8. <u>Capital Facilities Capacity Charge</u> shall mean the payment of a fee, imposed by the governing Board of OCSD, to pay for the future costs of constructing new sewerage collection, treatment, and disposal facilities; and as a contributive share of the cost of the existing facilities. This charge shall be paid by all property owners at the time they develop the property and connect directly or indirectly to EOCWD's and OCSD's Sewerage Facilities as a new system User. This charge, which rates are set forth in a separate Ordinance, is expressly authorized by the provisions of California Health & Safety Code Sections 5471 and 5474.
- 9. Charge For Use shall mean EOCWD's sanitary sewer service charge, a charge established and levied by EOCWD upon residential, commercial, and industrial Users of EOCWD's Sewerage System, pursuant to Sections 302.6(F), or 303.6(E) of this Ordinance, in proportion to the use of the treatment works by their respective class, that provides for the recovery of the costs of operation and maintenance expenses, capital facilities rehabilitation or replacement, and adequate reserves for the POTW. The minimum charge for use is the Annual Sewer Service Fee Residential Users.
- 10. <u>Chemical Oxygen Demand (COD)</u> shall mean a measure of the oxygen required to oxidize all compounds, both organic and inorganic, in Wastewater.
- 11. Class I User shall mean any User who discharges Wastewater that:
 - a) is a Significant Industrial User; or
 - b) Is determined to have a reasonable potential for adversely affecting EOCWD's operation or for violating any Pretreatment Standard, Local Limit, or discharge requirement, or may cause Pass Through affecting EOCWD's ability to comply with its NPDES Permit or other regulations and standards; or
 - c) may cause pass through or Interference with EOCWD's and/or OCSD's Sewerage Facilities.
- 12. <u>Class II User</u> shall mean any User whose charge for use is greater than the special assessment "EOCWD Sewer User Fee" included on the County of Orange secured property tax bill exclusive of debt service, that discharges wastes other than sanitary, and that is not otherwise required to obtain a Class I permit.
- 13. Code of Federal Regulations (CFR) shall mean the codification of the

- general and permanent regulations published in the Federal Register by the executive departments and agencies of the federal government.
- 14. Compatible Pollutant shall mean a combination of biochemical oxygen demand, suspended solids, pH, fecal coliform bacteria, plus other Pollutants that OCSD's treatment facilities are designed to accept and/or remove. Compatible Pollutants are non-compatible when discharged in quantities that have an adverse effect on EOCWD's and/or OCSD's Sewerage System or NPDES permit, or when discharged in qualities or quantities violating any Federal Categorical Pretreatment Standards, local limit, or other discharge requirement.
- 15. <u>Composite Sample</u> shall mean a collection of individual samples obtained at selected intervals based on an increment of either flow or time. The resulting mixture (composite sample) forms a representative sample of the Wastestream discharged during the sample period.
- 16. Connection Permit shall mean a permit issued by EOCWD/OCWD, upon payment of a capital facilities capacity charge, authorizing the Permittee to connect directly to an EOCWD's and OCWD's Sewerage Facilities or to a sewer which ultimately discharges into an EOCWD's Sewerage Facilities.
- 17. <u>Department Head</u> shall mean that person duly designated by the General Manager to perform those delegated duties as specified in this Ordinance.
- 18. <u>Discharger</u> shall mean any Person who discharges or causes a discharge of Wastewater directly or indirectly to a public sewer. Discharger shall mean the same as User.
- 19. <u>District</u> shall mean the East Orange County Water District or EOCWD.
- 20. <u>Division Head</u> shall mean that person duly designated by the General Manager to implement the Pretreatment Program and perform the duties as specified in this Ordinance.
- 21. <u>Domestic Septage</u> shall mean the liquid and solid material removed from food service establishments, or a septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar treatment works that receives only domestic Wastewater.
- 22. <u>Domestic Wastewater</u> shall mean the liquid and solid waterborne wastes derived from the ordinary living processes of humans of such Character as to permit satisfactory disposal, without special treatment, into the public sewer or by means of a private disposal system.

- 23. <u>Downstream Sampling or Monitoring</u> shall mean sampling or monitoring usually conducted in a city or agency owned sewer for the purpose of determining the compliance status of an industrial or commercial Discharger.
- 24. <u>Dry Weather Urban Runoff</u> shall mean surface runoff flow that is generated from any drainage area within EOCWD's service area during a period that does not fall within the definition of Wet Weather. It is surface runoff that contains Pollutants that interfere with or prohibit the recreational use and enjoyment of public beaches or cause an environmental risk or health hazard.
- 25. <u>Enforcement Compliance Schedule Agreement (ECSA)</u> shall mean a mutual agreement between EOCWD/OCSD and Permittee requiring implementation of necessary Pretreatment practices and/or installation of equipment to ensure permit compliance.
- 26. <u>Enforcement Response Plan</u> shall mean a plan containing detailed procedures indicating how EOCWD/OCSD will investigate and respond to instances of Industrial User non-compliance in accordance with 40 CFR 403.8(f)(1) or other Users in accordance with EOCWD non- compliance procedures.
- 27. <u>EOCWD</u> shall mean East Orange County Water District.
- 28. <u>EOCWD/OCSD</u> shall mean either or both of EOCWD and OCSD acting in coordination with one another, as they shall determine.
- 29. <u>EOCWD's Sewerage Facilities or System</u> shall mean any property belonging to EOCWD used in the collection and transportation of Wastewater.
- 30. Federal Categorical Pretreatment Standards shall mean any regulation containing Pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307(b) and (c) of the Clean Water Act (33 U.S.C. 1317) which apply to a specific category of Industrial Users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- 31. <u>Federal Regulations</u> shall mean any applicable provision of the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, Title 33, United States Code, Section 1251 and following, and any regulation promulgated by the United States Environmental Protection Agency under Title 40 CFR implementing that act.

- 32. <u>Flow Monitoring Facilities</u> shall mean equipment and structures provided at a User's expense to measure, totalize, and/or record, the incoming water to the facility or the Wastewater discharged to the sewer.
- 33. <u>General Manager</u> shall mean the individual duly designated by the Board of Directors of EOCWD or the individual duly designated by Board of Directors of EOCWD to administer a provision of this Ordinance (see also Section 107).
- 34. <u>Grab Sample</u> shall mean a sample taken from a wastestream on a one-time basis without regard to the flow in the wastestream and without consideration of time.
- 35. <u>Indirect Discharge or Discharge</u> shall mean the introduction of Pollutants into a POTW from any non-domestic source regulated under section 307(b), (c) or (d) of the Act.
- 36. <u>Industrial User</u> shall mean any User that discharges Industrial Wastewater.
- 37. <u>Industrial Wastewater</u> shall mean all liquid carried wastes and Wastewater of the community, excluding domestic Wastewater and domestic septage, and shall include all Wastewater from any producing, manufacturing, processing, agricultural, or other operation.
- 38. <u>Inspector</u> shall mean a person authorized by the General Manager to inspect any existing or proposed Wastewater generation, conveyance, processing, and disposal facilities.
- 39. Instantaneous Limit (see the Maximum Allowable Discharge Limit)
- 40. <u>Interference</u> shall mean any discharge which, alone or in conjunction with a discharge or discharges from other sources, either:
 - a) inhibits or disrupts EOCWD or OCSD, either of their respective treatment processes or operations, or either of their respective biosolids processes, use, or disposal; or
 - b) is a cause of a violation of any requirement of EOCWD's WDR and/or OCSD's NPDES permit or prevents lawful biosolids or treated effluent use or disposal.
- 41. <u>LEL (Lower Explosive Limit)</u> shall mean the minimum concentration of a combustible gas or vapor in air (usually expressed in percent by volume at sea level) which will ignite if an ignition source (sufficient ignition energy) is present.

- 42. <u>Letter to Discharge</u> shall mean a letter authorizing a User to discharge to the sewer without having to obtain a Special Purpose Discharge Permit. The discharge volume is generally limited to less than 1 million gallons.
- 43. <u>Local Limit shall mean specific discharge limits developed and enforced by EOCWD and/or OCSD upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).</u>
- 44. <u>Local Sewering Agency</u> shall mean any public agency or private corporation responsible for the collection and disposal of Wastewater to OCSD's Sewerage Facilities duly authorized under the laws of the State of California to construct and/or maintain public sewers. EOCWD is a Local Sewering Agency.
- 45. <u>Major Violation</u> shall mean a discharge over the permitted discharge limit, as determined by the result of a sample analysis, as follows:
 - a) a discharge exceeding a Mass Emission Rate limit by 20% or more, or
 - b) a discharge exceeding a concentration limit by 20% or more, or
 - c) a pH discharge less than 5.0.
- 46. <u>Mass Emission Rate</u> shall mean the weight of material discharged to the sewer system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of a particular constituent or combination of constituents.
- 47. <u>Maximum Allowable Discharge Limit</u> shall mean the maximum quantity or concentration of a Pollutant allowed to be discharged at any period of time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- 48. <u>Medical Waste</u> shall mean the discharge of isolation wastes, infectious agents human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- 49. <u>Milligrams Per Liter (mg/L or mg/l)</u> shall mean a unit of the concentration of a constituent or compound that is found in water or

- Wastewater. It is 1 milligram of the constituent or compound in 1 liter of water or Wastewater.
- 50. <u>Minor Violation</u> shall mean a discharge over the permitted discharge limit as determined by the result of a sample analysis, as follows:
 - a) a discharge exceeding a Mass Emission Rate limit by less than 20%, or
 - b) a discharge exceeding a concentration limit by less than 20%, or.
 - c) a pH discharge equal to or greater than 5.0, but less than 6.0, or
 - d) a pH discharge greater than 12.0.
- 51. <u>National Pretreatment Standard, Pretreatment Standard, or Standard</u> shall mean any regulation containing Pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharges and categorical standards established pursuant to 40 CFR 403.5 and 40 CFR 403.6.
- 52. <u>North American Industry Classification System (NAICS)</u> shall mean an industry classification system that groups establishments into industries based on the activities in which they are primarily engaged.
- 53. National Pollutant Discharge Elimination System Permit (NPDES Permit) shall mean the permit issued to control the discharge to surface waters of the United States as detailed in Public Law 92 500, Section 402.
- 54. New Source shall mean those sources that are new as defined by 40 CFR 403.3(m) as revised.
- 55. <u>Non-compatible Pollutant</u> shall mean any Pollutant which is not a Compatible Pollutant as defined herein.
- 56. OCSD shall mean Orange County Sanitation District.
- 57. OCSD's Sewerage Facilities or System shall mean any property belonging to OCSD used in the collection, transportation, treatment and disposal of Wastewater.
- 58. <u>Ordinance</u> shall mean that document entitled "Wastewater Discharge Regulations" containing EOCWD requirements, conditions, and limits

- for connecting and discharging to the sewer system, as may be amended and modified.
- 59. <u>pH</u> shall mean both acidity and alkalinity on a scale ranging from 0 to 14 where 7 represents neutrality, numbers less than 7 increasing acidity, and more than 7 increasing alkalinity, and is the logarithm of the reciprocal of the quantity of hydrogen ions in moles per liter of solution.
- 60. <u>Pass Through</u> shall mean discharge through OCSD's Sewerage Facilities to Waters of the U.S. which, alone or in conjunction with discharges from other sources, is a cause of a violation of OCSD's NPDES permit.
- 61. <u>Permittee</u> shall mean a Person who has received a permit to discharge Wastewater into EOCWD's Sewerage Facilities subject to the requirements and conditions established by EOCWD.
- 62. <u>Person</u> shall mean any individual, partnership, co-partnership, company, firm, association, corporation or public agency, joint stock company, trust, estate, or any other legal entity; or their legal representatives, agents, assigns, including all federal, state, and local governmental entities.
- 63. Pesticides shall mean those compounds classified as such under federal or state law or regulations including, but not limited to DDT (dichlorodiphenyltrichloro-ethane, both isomers); DDE DDD (dichlorodiphenyl-ethylene); (dichlorodiphenyldichloroethane); aldrin, benzene hexachloride (alpha $[\alpha]$, beta $[\beta]$, and gamma $[\gamma]$ 2,3,7,8isomers): chlordane: endrin; endrin aldehyde; tetrachlorodibenzo-p-dioxin (TCDD); toxaphene; α-endosulfan; βendosulfan; endosulfan sulfate; heptachlor; heptachlor epoxide; dieldrin; demeton; guthion; malathion; methoxychlor; mirex; and parathion.
- 64. <u>Pollutant</u> shall mean any constituent, compound, or characteristic of Wastewaters on which a discharge limit or requirement may be imposed either by EOCWD or the regulatory bodies empowered to regulate EOCWD.
- 65. <u>Polychlorinated Biphenyls (PCB)</u> shall mean those compounds classified as such under federal or state law including, but not limited to Aroclors 1016, 1221, 1228, 1232, 1242, 1248, 1254, 1260, and 1262.
- 66. <u>Pretreatment shall mean the reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutant</u>

- properties in Wastewater to a level authorized by EOCWD prior to, or in lieu of, discharge of the Wastewater into EOCWD's Sewerage System. The reduction or alteration can be obtained by physical, chemical or biological processes, by process changes, or by other means.
- 67. <u>Pretreatment Facility</u> shall mean any works or devices that the General Manager determines are appropriate to treat, restrict, or prevent the flow of Industrial Wastewater prior to discharge into a public sewer.
- 68. <u>Pretreatment Requirements</u> shall mean any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.
- 69. <u>Priority Pollutants</u> shall mean the most recently adopted list of toxic Pollutants identified and listed by EPA as having the greatest environmental impact. They are classified as Non-compatible Pollutants and may require Pretreatment prior to discharge to prevent:
 - a) Interference with EOCWD's and/or OCSD's operation; or
 - b) biosolids contamination; or
 - c) Pass Through into receiving waters or into the atmosphere.
- 70. <u>Public Agency</u> shall mean the State of California and any city, county, district, other local authority or public body of or within this state.
- 71. Public Sewer shall mean a sewer owned and operated by EOCWD.
- 72. Publicly Owned Treatment Works or POTW shall mean a treatment works as defined by section 212 of the Act, which is owned by a state or municipality (as defined by section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal Sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey Wastewater to a POTW Treatment Plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.
- 73. RCRA shall mean Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901, et seq.) and as amended.

- 74. Regulatory Agencies shall mean those agencies having jurisdiction over the operation of EOCWD including, but not limited to, the following:
 - a) United States Environmental Protection Agency, Region IX, San Francisco and Washington, DC (EPA).
 - b) California State Water Resources Control Board (SWRCB).
 - c) California Regional Water Quality Control Board, Santa Ana Region (RWQCB).
 - d) South Coast Air Quality Management District (SCAQMD).
 - e) California Environmental Protection Agency (Cal-EPA).
- 75. Regulatory Compliance Schedule Agreement (RCSA) shall mean an agreement between EOCWD/OCSD and Permittee requiring the Permittee to implement Pretreatment practices and/or install equipment to ensure compliance with future revised categorical Pretreatment Standards or revised discharge limits.
- 76. Responsible Officer shall mean:
 - a) If the applicant or User is a corporation:
 - (1) The president, secretary, treasurer, or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or
 - The manager of one or more manufacturing, production, (2) or operation facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual Wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- b) If the applicant or User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- c) If the applicant or User is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or the designee.
- d) An applicant or User not falling within one of the above categories must designate as the Responsible Officer an individual responsible for the overall operation of the facility.
- 77. <u>Sample Point shall mean a location accepted by EOCWD/OCSD, from which Wastewater can be collected that is representative in content and consistency of the entire flow of Wastewater being sampled.</u>
- 78. <u>Sampling Facilities</u> shall mean structure(s) provided at a User's expense for EOCWD/OCSD or User to measure and record Wastewater constituent mass, concentrations, collect a representative sample, or provide access to plug or terminate the discharge.
- 79. <u>Sanitary Waste</u> shall mean domestic Wastewater, human excrement, and gray water (e.g., water from household showers, dishwashing operations, etc.).
- 80. <u>Septic Waste</u> shall mean any Sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- 81. <u>Service Area</u> shall mean an area for which EOCWD has agreed to provide sewer service.
- 82. Sewage shall mean Wastewater.
- 83. <u>Sewerage Facilities or System</u> shall mean any and all facilities owned by EOCWD and used for the collection and conveyance of Wastewater.
- 84. Significant Industrial User, except as provided in 40 CFR 403.3 (v)(2) and (v)(3), shall mean: (i) All Industrial Users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and (ii) Any other Industrial User that: discharges an average of 25,000 gallons per day or more of process Wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown Wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW Treatment plant; or is designated as such by EOCWD/OCSD on the basis that the Industrial User has a reasonable

- potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement (in accordance with 40 CFR 403.8(f)(6)).
- 85. <u>Significant Non-Compliance (SNC)</u> shall mean the compliance status of an Industrial User who is in violation of one or more of the criteria as described in 40 CFR 403.8(f)(2)(viii).
- 86. <u>Slug Load or Slug Discharge</u> shall mean any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 201 of this Ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits, or Permit conditions.
- 87. <u>Sludge shall</u> mean any solid, semi-solid or liquid decant, subnate or supernate from a manufacturing process, utility service, or Pretreatment Facility.
- 88. <u>Special Assessment Credit</u> shall mean the portion of the secured property tax bill that represents the regional special assessment sewer User fee as defined by OCSD or EOCWD.
- 89. <u>Special Purpose User</u> shall mean any Discharger who is granted a Special Purpose Discharge Permit by EOCWD to discharge unpolluted water, storm runoff, or groundwater to EOCWD's Sewerage Facilities.
- 90. <u>Spent Solutions</u> shall mean any concentrated Industrial Wastewater or Wastewater that is not authorized to be discharged to a Sewage facility until appropriately treated.
- 91. <u>Spill Containment</u> shall mean a protection system installed by the Permittee to prohibit the discharge to the sewer of non-compatible Pollutants.
- 92. <u>Standard Methods</u> shall mean procedures described in the current edition of *Standard Methods for the Examination of Water and Wastewater*, as published by the American Public Health Association, the American Water Works Association and Water Pollution Control Federation.
- 93. <u>Suspended Solids</u> shall mean any insoluble material contained as a component of Wastewater and capable of separation from the liquid portion of said Wastewater by laboratory filtration as determined by the

- appropriate testing procedure and expressed in terms of milligrams per liter.
- 94. <u>Total Organic Carbon (TOC)</u> shall mean the measure of total organic carbon in mg/L using heat, oxygen, ultraviolet irradiation, chemical oxidants, or combinations of these oxidants that convert organic carbon to carbon dioxide, rounded to two significant figures. As such, Total Toxic Organics is a subset of TOC.
- 95. <u>Total Toxic Organics (TTO)</u> shall mean the summation of all quantifiable values greater than 0.01 milligrams per liter for the organics regulated by the EPA or EOCWD/OCWD for a specific industrial category.
- 96. <u>Unpolluted Water</u> shall mean water to which no Pollutant has been added either intentionally or accidentally.
- 97. <u>User</u> shall mean any Person who discharges or causes a discharge of Wastewater directly or indirectly to a public sewer. User shall mean the same as Discharger. User includes Industrial Users as a type of User.
- 98. Waste-Tracking Form shall mean that receipt which is retained by the generator of hazardous wastes as required by the State of California or the United States Government pursuant to RCRA, or the California Hazardous Materials Act, or that receipt which is retained by the generator for recyclable wastes or liquid non- hazardous wastes as required by EOCWD/OCSD. The Waste-Tracking Form is typically known as a "waste manifest."
- 99. <u>Wastehauler</u> shall mean any Person carrying on or engaging in vehicular transport of brine, domestic septage (except the SAWPA Sewer Service Area in compliance with the 1996 OCSD/SAWPA Agreement), or Wastewater as part of, or incidental to, any business for the purpose of discharging directly or indirectly said Wastewater into OCSD's Sewerage System.
- 100. <u>Wastewater</u> shall mean the liquid and water-carried wastes of the community and all constituents thereof, whether treated or untreated, discharged into or permitted to enter a public sewer.
- 101. <u>Wastewater Constituents and Characteristics</u> shall mean the individual chemical, physical, bacteriological, and radiological parameters, including volume and flow rate and such other parameters that serve to define, classify or measure the quality and quantity of Wastewater.

- 102. Wet Weather shall mean any period of time during which measurable rainfall occurs within EOCWD's service area. This period shall include the time following the cessation of rainfall until EOCWD/OCSD determines that the wet weather event is no longer impacting EOCWD or OCSD's Sewerage System.
- 103. Working Day shall mean the period of time during which production or operation is taking place or any period during which discharge to the sewer is occurring.
- 104. <u>Zero Discharge Certification</u> shall mean a control mechanism that is issued by EOCWD and/or OCSD to insure that specific facilities are not discharging a Pollutant(s) that may otherwise qualify the facility for a discharge permit.
- B. Words used in this Ordinance in the singular may include the plural and the plural the singular. Terms used in the masculine form shall include feminine, and terms used in the feminine form shall include masculine.

103. CONFIDENTIAL INFORMATION

All user information and data on file with EOCWD shall be available to the public and governmental agencies without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of EOCWD that the release of such information would divulge information, processes or methods which would be detrimental to the User's competitive position. The demonstration of the need for confidentiality made by the Permittee must meet the burden necessary for withholding such information from the general public under applicable state and federal law. Any such claim must be made at the time of submittal of the information by marking the submittal "Confidential Business Information" on each page containing such information.

Information which is demonstrated to be confidential shall not be transmitted to anyone other than a governmental agency without prior notification to the User. Wastewater constituents and characteristics and other effluent data, as defined in 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public.

104. SALE OR CHANGE OF OWNERSHIP

A. Permits issued under this Ordinance are for a specific User, for a specific operation at a specific location or for a specific Wastehauler, and create no vested rights. Notwithstanding 104.C, the existing permit will be terminated

upon sale or change of ownership.

- B. No permit may be transferred to allow a discharge to a public sewer from a point other than the location for which the permit was originally issued.
- C. When the permittee is a legal entity (such as a corporation, partnership, limited liability company, or other legal entity), the permittee is deemed to have undergone a change of ownership when any other legal entity or person acquires direct or indirect ownership or control of more than fifty percent (50%) of the total ownership interest in the permittee.
- D. At least thirty (30) days prior to the sale or change of ownership of any business operating under a permit issued by EOCWD or OCSD, the Permittee shall notify EOCWD in writing of the proposed sale or change of ownership. The successor owner shall apply to EOCWD for a new permit at least fifteen (15) days prior to the sale or change of ownership in accordance with the provisions of this Ordinance. A successor owner shall not discharge any Wastewater for which a permit is required by this Ordinance until a new permit is issued by EOCWD to the successor owner.

E.

The written notification of intended sale or change of ownership shall be in a form approved by EOCWD/OCSD and shall include a written certification by the new owner or Authorized Representative, which shall include as a minimum:

- 1. the specific date on which the sale or change of ownership is to occur; and
- 2. an acknowledgement to comply fully with all the terms, conditions, limits, and provisions of this Ordinance and the new permit.

105. RESERVED

106. <u>AUTHORITY</u>

A. EOCWD is regulated by several agencies of the United States Government and the State of California, pursuant to the provisions of federal and state Law. Federal and state laws grant to EOCWD the authority to regulate and/or prohibit, by the adoption of ordinances or resolutions, and by issuance of discharge certifications, or discharge permits, the discharge of any Wastewater, directly or indirectly, to EOCWD's Sewerage Facilities. Said authority includes the right to establish limits, conditions, and prohibitions; to establish flow rates or prohibit flows discharged to EOCWD's Sewerage Facilities; to require the development of compliance schedules for the installation of equipment systems and materials by all Users; and to take all actions necessary to enforce its authority including implementation of the

Enforcement Response Plan, whether within or outside EOCWD's boundaries, including those Users that are tributary to EOCWD or within areas for which EOCWD has contracted to provide sewerage services.

B. EOCWD has the authority pursuant to California Health and Safety Codes 5471 and 5474 to prescribe, revise, and collect all fees and charges for services and facilities furnished by EOCWD either within or without its territorial limits.

107. DELEGATION OF AUTHORITY

Whenever any power is granted to or a duty is imposed upon the General Manager, the power may be exercised or the duty may be performed by any person so authorized by the General Manager.

108. SIGNATORY REQUIREMENTS

Reports and permit applications required by this Ordinance shall contain the following certification statement:

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

The statement shall be signed by an authorized representative of the Industrial User as defined in 40 CFR 403.12(I) or as defined and designated by EOCWD.

109. RECORD KEEPING REQUIREMENTS

Any User subject to EOCWD's reporting requirements shall maintain and make available for inspection and copying records of all information obtained pursuant to, or resulting from, any monitoring activities required by EOCWD, including documentation associated with Best Management Practices, and any additional records or information obtained pursuant to monitoring activities undertaken by the User independent of such requirements. Such records shall include information as shown in 40 CFR 403.12(o)(1) and (2). These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or EOCWD, or where the User has been specifically notified of a longer retention period by the General Manager.

ARTICLE 2. GENERAL PROHIBITIONS, LIMITS AND REQUIREMENTS FOR DISCHARGE

201. PROHIBITED DISCHARGES

These prohibitions apply to all Users of EOCWD's Sewerage Facilities whether or not they are subject to Federal Categorical Pretreatment Standards or any other national, state, or local Pretreatment Standards or requirements.

General Prohibitions.

- No User shall introduce or cause to be introduced into EOCWD's Sewerage Facilities any Pollutant, Wastewater, or flow which causes Pass Through or Interference or would cause EOCWD to violate any federal, state, or local regulatory requirement.
- No User shall increase the contribution of flow, Pollutants, or change the nature of Pollutants where such contribution or change does not meet applicable standards and requirements or where such contribution would cause EOCWD to violate any federal, state, or local regulatory permit.
- 3. No Person shall transport Wastewater from one location or facility to another for the purpose of treating or discharging it directly or indirectly to EOCWD's Sewerage Facilities without written permission from EOCWD.
- 4. No Person shall deliver by vehicular transport, rail car, or dedicated pipeline, directly or indirectly to EOCWD's Sewerage Facilities, Wastewater which contains any substance that is defined as a hazardous waste by the Regulatory Agencies.
- B. Specific Prohibitions. No User shall introduce or cause to be introduced into the Sewerage Facilities, any Pollutant, substance, or Wastewater which:
 - Creates a fire or explosive hazard in the Sewerage Facilities including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Centigrade) using the test methods specified in 40 CFR 261.21; or produces a gaseous mixture that is 10% or greater of the lower explosive limit (LEL).
 - 2. Causes obstruction to the flow in the Sewerage Facilities resulting in interference or damage to the Sewerage Facilities.

- 3. Produces noxious or malodorous liquids, gases, solids, or other Wastewater which, either singly or by interaction with other Wastes, is sufficient to create a public nuisance or a hazard to life, or to prevent entry into the Sewerage Facilities for maintenance or repair.
- 4. Results in toxic gases, vapors, or fumes within the Sewerage Facilities in a quantity that may cause acute worker health and safety problems.
- 5. Contains any radioactive Wastes or isotopes except in compliance with applicable regulations from other governmental agencies empowered to regulate the use of radioactive materials.
- 6. Causes, alone or in conjunction with other sources, EOCWD's treatment plant effluent to fail a toxicity test.
- 7. Causes EOCWD's effluent or any other product of the treatment process, residues, biosolids, or scums, to be unsuitable for reclamation, reuse or disposal. Examples of items which may cause these conditions include, but are not limited, to food packaging, product containers, and non-dispersible products.
- 8. Causes discoloration or any other condition which affects the quality of EOCWD's influent or effluent in such a manner that inhibits EOCWD's ability to meet receiving water quality, biosolids quality, or air quality requirements established by Regulatory Agencies.
- 9. Creates excessive foaming in the Sewerage Facilities.
- 10. Violates any applicable Federal Categorical Pretreatment Standards, statute, regulation, or ordinance of any public agency or Regulatory Agency having jurisdiction over the operation of or discharge of Wastewater through the Sewerage Facilities.
- 11. Has a temperature higher than 140 degrees Fahrenheit, (60 degrees Centigrade), or which causes the temperature at the treatment plant to exceed 104 degrees Fahrenheit (40 degrees Centigrade).
- 12. Has a pH less than 6.0 or greater than 12.0.
- 13. Causes corrosion, fouling, occlusion, or damage to the POTW beyond normal wear and tear.

- 14. Is released in a discharge at a flow rate and/or Pollutant concentration (including oxygen-demanding Pollutant (BOD, etc.)) which will cause interference with EOCWD's Sewerage Facilities.
- 15. Is in excess of the permitted OCSD Mass Emission Rates established in accordance with Section 213, or the concentration limits set forth in Table 1, or the discharge permit.
- 16. Contains material which will readily settle or cause an obstruction to flow in the Sewerage Facilities resulting in interference, such as, but not limited to, sand, mud, glass, metal filings, diatomaceous earth, cat litter, asphalt, wood, bones, hair, fleshings, food packaging, product containers, and non-dispersible products.
- 17. Includes petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or Pass Through.
- 18. Causes the Orange County Water District Groundwater Replenishment System product water to exceed its TOC limit of 0.5 mg/L.

202. PROHIBITION ON DILUTION

No User shall increase the use of water or in any other manner attempt to dilute a discharge as a partial or complete substitute for treatment to achieve compliance with this Ordinance and the User's permit or to establish an artificially high flow rate for permit Mass Emission Rates.

203. PROHIBITION ON SURFACE RUNOFF AND GROUNDWATER

- A. No Person shall discharge groundwater, surface runoff, or subsurface drainage directly or indirectly to EOCWD's Sewerage Facilities except as provided herein. Pursuant to Section 304 or 305, et seq., EOCWD may approve the discharge of such water only when no alternate method of disposal is reasonably available or to mitigate an environmental risk or health hazard.
- B. The discharge of such waters shall require a Dry Weather Urban Runoff Discharge Permit or a Special Purpose Discharge Permit from EOCWD and OCSD.
- C. If a permit is granted for the discharge of such water into a Public Sewer, the User shall pay all applicable charges and shall meet such other conditions as required by EOCWD and OCSD.

204. PROHIBITION ON UNPOLLUTED WATER

- A. No Person shall discharge unpolluted water such as single pass cooling water directly or indirectly to EOCWD's Sewerage Facilities except as provided herein. Pursuant to Section 305, et seq., EOCWD may approve the discharge of such water only when no alternate method of disposal or reuse is reasonably available or to mitigate an environmental risk or health hazard.
- B. The discharge of such waters shall require a Special Purpose Discharge Permit from EOCWD/OCSD.
- C. If a permit is granted for the discharge of such water into a public sewer, the User shall pay all applicable charges and shall meet such other conditions as required by EOCWD/OCSD.

205. PROHIBITION ON SLUG DISCHARGES AND NOTIFICATION REQUIREMENT

EOCWD has the right to control slug discharges, if it is determined to be necessary. All Significant Industrial Users are required to notify EOCWD immediately of any changes at their facilities that could affect the potential for a slug discharge.

206. PROHIBITION ON THE USE OF GRINDERS

- A. Waste from industrial or commercial grinders shall not be discharged into a Public Sewer, except wastes generated in packing or preparing food or food products. Such grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the Public Sewer.
- B. Waste from Food Service Establishments operating a grinder is prohibited and shall not be discharged into a Public Sewer unless written authorization from the General Manager is obtained.

207. PROHIBITION ON POINT OF DISCHARGE

No Person, except Local Sewering Agencies involved in maintenance functions of sanitary sewer facilities, shall discharge any Wastewater directly into a manhole or other opening in a sewer other than through an approved building sewer, unless approved by EOCWD upon written application by the User and payment of the applicable fees and charges established therefor.

208. HAZARDOUS WASTE DISCHARGE NOTIFICATION REQUIREMENT

Any User that discharges any hazardous waste into the Sewerage System shall notify EOCWD immediately as required by 40 CFR 403.12(p).

209. PROHIBITION ON MEDICAL WASTE

- A. No solid Wastes consisting of, but not limited to, hypodermic needles, syringes, instruments, utensils or other paper and plastic items from hospitals, clinics, offices of medical doctors, convalescent homes, medical laboratories or other medical facilities shall be discharged to the Sewerage System, unless prior written approval for such discharges has been granted by the General Manager.
- B. EOCWD shall have the authority to require that any discharge of etiologic agents or infectious agents or substances to the Sewerage System be rendered inactive and noninfectious prior to discharge if the infectious Waste is deemed to pose a threat to the public health and safety, or can become an etiologic agent subsequent to discharge to the Sewerage System, or will result in any violation of applicable Wastewater discharge requirements.
- C. No unused, unwanted, or expired pharmaceuticals (both over the counter and prescription-only medications) shall be disposed of in the Sewerage System, except in accordance with federal and state regulations, or in the absence of such regulations, using Best Management Practices.

210. PROHIBITION ON DISPOSAL OF SPENT SOLUTIONS AND SLUDGES

Spent solutions, sludges, and materials of quantity or quality in violation of, or prohibited by this Ordinance, or any permit issued under this Ordinance must be disposed of in compliance with all regulatory requirements at a permitted point of disposal as defined by EOCWD/OCSD or Regulatory Agency with jurisdiction thereof.

If the point of disposal is at an OCSD-permitted treatment facility, all Waste-Tracking Forms shall be retained for a minimum of three years by the facility and Wastehauler of said Wastewater, and made available for copying for review upon request.

211. RESERVED

212. MASS EMISSION RATE DETERMINATION

A. Mass Emission Rates for non-compatible or Compatible Pollutants that are present or anticipated in the User's Wastewater discharge may be set for each User and made an applicable part of each User's permit. These rates shall be based on Table 1, Maximum Allowable Local Discharge Limits, or Federal Categorical Pretreatment Standards, and the User's average daily Wastewater discharge for the past three years, the most recent representative data, or other data acceptable to the General Manager.

- B. To verify the User's operating data, EOCWD may require the User to submit an inventory of all Wastewater streams and/or records indicating production rates.
- C. EOCWD may revise limits or Mass Emission Rates previously established in the discharger's permit at any time, based on: current or anticipated operating data of the discharger or EOCWD; EOCWD's ability to meet NPDES limits; or changes in the requirements of Regulatory Agencies.
- D. The excess use of water to establish an artificially high flow rate for Mass Emission Rate determination is prohibited.

213. MAXIMUM ALLOWABLE LOCAL DISCHARGE LIMITS

EOCWD's and OCSD's Maximum Allowable Local Discharge Limits are shown in Table 1 below.

TABLE 1

MAXIMUM ALLOWABLE LOCAL NON-DOMESTIC DISCHARGE LIMITS(1)				
CONSTITUENT	MILLIGRAMS/LITER			
1,4-dioxane ⁽²⁾	1.0			
Ammonia	Mass ⁽³⁾			
Arsenic	2.0			
Biochemical Oxygen Demand (BOD)	Mass ⁽³⁾			
Cadmium	1.0			
Chromium (Total)	20.0			
Copper	3.0			
Cyanide (Total)	5.0			
Lead	2.0			
Mercury	0.03			
Molybdenum	2.3			
Nickel	10.0			
Pesticides	0.01			
Oil and Grease of Mineral or Petroleum Origin ⁽⁴⁾	100.0			
Polychlorinated Biphenyls (PCB)	0.01			
Selenium	3.9			
Silver	15.0			
Sulfide (Dissolved)	0.5			
Sulfide (Total)	5.0			
Zinc	10.0			
MAXIMUM ALLOWABLE DISCHARGE LIMITS FOR WASTEHAULERS DISCHARGING DOMESTIC SEPTAGE TO THE EOCWD WASTEHAULER STATION				
<u>CONSTITUENT</u>	MILLIGRAMS/LITER			
Cadmium	1.0			
Chromium	35.0			
Copper	25.0			
Lead	10.0			

Nickel	10.0
Zinc	50.0

⁽¹⁾ Users subject to Federal Categorical Pretreatment Standards may be required to meet more stringent limits.

^{(2) 1,4-}dioxane is also known as "p-dioxane."

⁽³⁾ BOD and ammonia mass discharged will be tracked by OCSD and Users. It is the Permittee's responsibility to report the intended technically-based mass use to OCSD.

^{(4) &}quot;Oil and Grease of Mineral or Petroleum Origin" is also known as "Petroleum Oil and Grease as Silica Gel Treated n-Hexane Extractable Material" or "SGT-HEM Non-Polar Material."

ARTICLE 3. DISCHARGE PERMITS, CERTIFICATIONS, CHARGES, AND FEES

301. INTRODUCTION

- A. To provide the maximum public benefit from the use of EOCWD's and OCSD's Sewerage Facilities, written authorization to use said facilities is required. This written authorization shall be in the form of a discharge permit or certification. No vested right shall be given by issuance of permits or certifications provided for in this Ordinance. EOCWD/OCSD reserves the right to establish, by Ordinance regulation, or in Wastewater Discharge Permits or certifications, more stringent standards or requirements on discharges to EOCWD Sewerage Facilities if deemed by the General Manager appropriate to comply with this Ordinance and the requirements of Regulatory Agencies.
- B. The discharge permit shall be in one of five forms and is dependent upon the type of discharger, volume, and characteristics of discharge. The five discharge permits are:
 - 1. Class I Wastewater Discharge Permit.
 - Class II Wastewater Discharge Permit.
 - 3. Dry Weather Urban Runoff Discharge Permit.
 - 4. Special Purpose Discharge Permit.
- C. The Discharge Certification is issued to those Users that are discharging regulated Wastewater but are not otherwise required to obtain a discharge permit.
- D. The Zero Discharge Certification is issued to certify that a particular Pollutant or process is not used or discharged to EOCWD and/or OCSD, even though regulated process Wastewater may still be generated on-site and eventually wastehauled or otherwise eliminated. Such a facility does not require a discharge permit, but may require a Zero Discharge Certification.
- **E**. A permit issued under OCSD's Wastewater Discharge Ordinance shall be valid under this Ordinance.

302. CLASS I WASTEWATER DISCHARGE PERMITS

- A. No User requiring a Class I permit shall discharge Wastewater without obtaining a Class I Wastewater Discharge Permit.
- B. Class I Wastewater Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other regulations, charges for use, and fees established by OCSD. The conditions of Wastewater Discharge Permits shall be enforced by OCSD in accordance with this Ordinance and applicable state and federal regulations.
- C. All Class I Users proposing to discharge directly or indirectly into the EOCWD and OCSD Sewerage Facilities shall obtain a Wastewater Discharge Permit by filing an application pursuant to Section ARTICLE 2 and paying the applicable fees pursuant to Section 302.3. For purposes of this Ordinance, a Class I User is any User:
 - 1. Subject to Federal Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; or
 - 2. That discharges an average of 25,000 gallons per day or more of process Wastewater to the EOCWD System and the OCSD POTW (excluding sanitary, noncontact cooling and boiler blowdown Wastewater); or
 - 3. Contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the EOCWD system and/or the OCSD POTW; or
 - 4. That is designated as such by EOCWD/OCSD on the basis that the Industrial User has a reasonable potential for adversely affecting the EOCWD System and/or OCSD's POTW operation or for violating any Pretreatment Standard, local limit or requirement (in accordance with 40 CFR 403.8(f)(6)); or
 - 5. That may cause Pass Through affecting OCSD's ability to comply with its NPDES Permit or other regulations and standards; or
 - 6. That may cause Interference with OCSD's Sewerage Facilities.

302.1 Class I Wastewater Discharge Permit Application

- A. Any User required to obtain a Class I Wastewater Discharge Permit shall complete and file with OCSD, prior to commencing discharge, an application on the form prescribed by OCSD. The applicant shall submit, in units and terms appropriate for evaluation, the following information:
 - 1. Name, address, assessor's parcel number(s), NAICS number(s), description of the manufacturing process or service activity.

- 2. (Whichever is applicable) name, address of any and all principals/owners/major shareholders of company; Articles of Incorporation; most recent Report of the Secretary of State; Business License.
- 3. Volume of Wastewater to be discharged.
- 4. Name of individual who can be served with notices other than officers of corporation.
- 5. Name and address of property owner, landlord and/or manager of the property.
- 6. Water supplier and water account numbers.
- 7. Wastewater constituents and characteristics as required by OCSD, including, but not limited to, those mentioned in Section 213, Mass Emission Rate Determination, and Table 1, Local Discharge Limits, of this Ordinance. These constituents and characteristics shall be determined by a laboratory selected by the discharger and acceptable to OCSD.
- 8. Time and duration of discharge.
- 9. Number of employees per shift and hours of work per employee per day for each shift.
- 10. Waste minimization, best management practices, and water conservation practices.
- 11. Production records, if applicable.
- 12. Waste-Tracking Forms, if applicable.
- 13. Landscaped area in square feet, if applicable.
- 14. Tons of cooling tower capacity, if applicable.
- 15. EPA Hazardous Waste Generator Number, if applicable.
- 16. Any other information as specified.
- B. Applicants may be required to submit site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, spill containment, clarifiers, Pretreatment equipment, and appurtenances by size, location, and elevation for evaluation.

- C. Applicants may also be required to submit information related to the applicant's business operations, processes, and potential discharge as may be requested by OCSD to properly evaluate the permit application.
- D. After evaluation of the data, OCSD may issue a Wastewater Discharge Permit, subject to terms and conditions set forth in this Ordinance and as otherwise determined by the OCSD General Manager to be appropriate to protect EOCWD's and OCSD's Sewerage Facilities.
- E. The permit application may be denied if the applicant fails to establish to OCSD's satisfaction that adequate Pretreatment equipment is included within the applicant's plans to ensure that the discharge limits will be met or if the applicant has, in the past, demonstrated an inability to comply with applicable discharge limits.
- F. The permit application may be denied if the applicant has in the past demonstrated an inability to keep current with OCSD invoices for items such as Permit Fees, Non-Compliance Resampling Fees, Civil Penalties, Administrative Civil Penalties, Charges for Use, and Supplemental Capital Facilities Capacity Charges.

302.2 Class I Permit Conditions, and Limits

- A. A Class I permit shall contain all of the following conditions or limits:
 - Mass Emission Rates and concentration limits regulating noncompatible Pollutants.
 - 2. Requirements to notify OCSD in writing prior to modification to processes or operations through which Industrial Wastewater may be produced.
 - 3. Location of the User's on-site sampling point.
 - 4. Requirements for submission of self-monitoring reports, technical reports, production data, discharge reports, compliance with Pretreatment Standards, BMP-based Categorical Pretreatment Standards and/or local limits, and/or Waste-Tracking Forms.
 - 5. Requirements for maintaining, for a minimum of three (3) years, plant records relating to Wastewater discharge, and Waste-Tracking Forms as specified by OCSD.
 - 6. Requirements to submit copies of tax and water bills.
- B. A Class I permit may contain any of the following conditions and/or limits:

- 1. Requirements for the User to construct and maintain, at his own expense, appropriate Pretreatment equipment, pH control, Flow Monitoring Facilities, and sampling facilities.
- 2. Limits on rate and time of discharge or requirements for flow regulation and equalization.
- 3. Requirements to self-monitor.
- 4. Assumed values for BOD and suspended solids characteristics that typify the Discharger's effluent for determination of the charge for use.
- 5. Other terms and conditions which may be appropriate to ensure compliance with this Ordinance or determined by the General Manager to be appropriate to protect OCSD's Sewerage System.

302.3 Class I Permit Fee

- A. The Class I permit fee shall be in an amount adopted by Ordinance of the Board of Directors. The permit fee shall be payable at the time a permit application is submitted for the issuance of a new permit or a renewed permit. Payment of permit fees must be received by OCSD prior to issuance of either a new permit or a renewed permit. Permittee shall also pay any delinquent invoices in full prior to permit renewal.
- B. Any permit issued for a location wherein the Permittee is not the property owner may be conditioned upon depositing financial security to guarantee payment of all annual fees and charges to be incurred, in accordance with the provisions of Section 623.(E) of this Ordinance.

302.4 Class I Permit Modification of Terms and Conditions

- A. The terms and conditions of an issued permit may be subject to modification and change in the sole determination by the General Manager during the life of the permit based on:
 - 1. The Discharger's current or anticipated operating data;
 - OCSD's current or anticipated operating data;
 - 3. Changes in the requirements of Regulatory Agencies which affect EOCWD and/or OCSD; or
 - 4. A determination by the General Manager that such modification is appropriate to further the objectives of this Ordinance.

- B. New source indirect Dischargers shall be required to install and start up any necessary pollution control equipment before beginning discharge, and comply with applicable Federal Categorical Pretreatment Standards not toexceed thirty (30) days after the commencement of discharge.
- C. Permittee may request a modification to the terms and conditions of an issued permit. The request shall be in writing stating the requested change, and the reasons for the change. OCSD shall review the request, make a determination on the request, and respond in writing.
- D. Permittee shall be informed of any change in the permit limitations, conditions, or requirements at least forty-five (45) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

302.5 Class I Permit Duration and Renewal

Class I permits shall normally be issued for a period not to exceed four (4) years. At least forty-five (45) days prior to the expiration of the permit, the User shall apply for renewal of the permit in accordance with the provisions of this Article 3.

302.6 Class I Permit Charge for Use

- A. The purpose of a charge for use is to ensure that each recipient of sewerage service from OCSD pays its reasonably proportionate share of all the costs of providing that sewerage service. Charges for use to recover the cost of conveying, treating, and disposing of Sewage in OCSD's Sewerage Facilities are exclusive of any fees levied by EOCWD. The charge for use shall be based on the total maintenance, operation, capital expenditures, and reserve requirements for providing Wastewater collection, treatment, and disposal.
- B. A Discharger who is issued a Class I Wastewater Discharge Permit under the provisions of this Ordinance shall pay a charge for use in accordance with the formula contained herein and the unit charge rates adopted by Ordinance of the Board of Directors. These fees shall be invoiced on a quarterly basis. The quarterly invoice shall be based upon an estimate of the annual use as determined by OCSD. OCSD shall compute the charge for use based upon actual use for the preceding fiscal year on an annual reconciliation statement
- C. The charge for use is payable within forty-five (45) days of invoicing by OCSD. A special assessment credit will be allowed for any regional sanitary sewer service charge adopted by the OCSD Board of Directors by separate Ordinance and levied against the permitted property.
- D. In order for OCSD to determine actual annual water use, the User shall provide to OCSD copies of its water bills. If these water bill copies are not

received by August 15th of each year for the 12 month period ended closest to June 30, OCSD will endeavor to obtain the water use data. Data obtained by OCSD will be considered correct and will not be adjusted before the next annual reconciliation statement. There shall be a fee levied for OCSD administrative costs when OCSD obtains water use data. OCSD's Board of Directors shall adopt the amount of the fee.

- E. The charge for use shall be computed by the following formula: Charge for Use
 - = VoV + BoB + SoS Special Assessment Credit
- E. Where V = total annual volume of flow, in millions of gallons

B = total annual discharge of biochemical oxygen demand, in thousands of pounds

S = total annual discharge of suspended solids, in thousands of pounds

Vo, Bo, So = Unit Charge rates established and adopted by Ordinance of OCSD's Board of Directors, based upon the funding requirements of providing sewerage service, in dollars per unit as described in Paragraph F below:

- F. The Unit Charge rates in the charge-for-use formula shall be determined by the following method:
 - 1. An Operations and Maintenance component of the Unit Charge for the total annual operation and maintenance funding requirements of the Sewerage System shall be levied at a rate to be determined from time to time by the OCSD Board of Directors. This Charge shall be allocated among the three Wastewater charge parameters of flow, biochemical oxygen demand and suspended solids in accordance with the General Manager's determination as to the costs associated with each parameter and pursuant to applicable requirements of state and federal Regulatory Agencies.

The operation and maintenance costs as distributed to flow, biochemical oxygen demand and suspended solids shall be divided by the projected annual total flow volume and weights of biochemical oxygen demand and suspended solids to be treated by the Sewerage System in the budgeted year.

2. A Capital Facilities Replacement Service component of the Unit Charge for capital replacement and capital improvement shall be levied at a rate to be determined from time to time by the Board of Directors. This charge shall be allocated among Wastewater charge parameters of flow, biochemical oxygen demand, and suspendedsolids

in accordance with the OCSD General Manager's determination of which portion of the charge predominantly relates to each parameter.

The capital facilities charge distributed to biochemical oxygen demand, and suspended solids shall be divided by the projected annual weights of biochemical oxygen demand and suspended solids to be treated by the Sewerage System in the budgeted year.

- 3. The Unit Charge rates for each respective Wastewater component in (1) and (2) above shall be summed. The Unit Charge rates so determined will be expressed in dollars per million gallons for Vo, and in dollars per thousand pounds for Bo and So.
- G. Other measurements of the organic content of the Wastewater of a Discharger, such as COD or TOC, may be used instead of BOD. However, the Discharger must establish to the General Manager's satisfaction a relationship between the BOD of the Wastewater and the parameter of measure. This relationship shall be used by OCSD in determining the charge for use.

When Wastewater from sanitary facilities is discharged separately from the other Wastewater of a Discharger, the charge for use for discharging the Wastewater may be determined by using the following:

- 1. 25 gallons per employee per eight-hour working day.
- 2. BOD and suspended solids to be calculated at domestic Wastewater strength per employee per year.

The number of employees will be considered as the average number of people employed full time on a daily basis. This may be determined by averaging the number of people employed at the beginning and end of each quarter, or other period that reflects normal employment fluctuations.

303. CLASS II WASTEWATER DISCHARGE PERMITS

- A. No User requiring a Class II permit shall discharge Wastewater without obtaining a Wastewater Discharge Permit.
- B. Class II Wastewater Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other regulations, charges for use and fees established by OCSD. The conditions of Wastewater Discharge Permits shall be enforced by OCSD in accordance with this Ordinance and applicable state and federal regulations.
- C. All Class II Users proposing to discharge directly or indirectly into

EOCWD's and OCSD's Sewerage Facilities shall obtain a Wastewater discharge Permit by filing an application pursuant to Section ARTICLE 1 and paying the applicable fees pursuant to Section 303.3. For purposes of this Ordinance, a Class II User is any User:

- Whose charge for use is greater than the special assessment OCSD Sewer User Fee" included on the County of Orange secured property tax bill exclusive of debt service; and
- 2. Discharging Wastewater other than sanitary; and
- 3. Not otherwise required to obtain a Class I permit.

303.1 Class II Wastewater Discharge Permit Application

- A. Any User required to obtain a Class II Wastewater Discharge Permit shall complete and file with OCSD, prior to commencing discharge, an application on the form prescribed by OCSD. The applicant shall submit, in units and terms appropriate for evaluation, the following information:
 - Name, address, assessor's parcel number(s) and NAICS number(s); description of the manufacturing process or service activity.
 - 2. (Whichever is applicable) Name, address of any and all principals/owners/major shareholders of company; Articles of Incorporation; most recent Report of the Secretary of State; Business License.
 - 3. Volume of Wastewater to be discharged.
 - 4. Name of individual who can be served with notices other than officers of corporation.
 - 5. Name and address of property owner, landlord and/or manager of the property.
 - 6. Water supplier and water account numbers.
 - 7. Wastewater constituents and characteristics as required by OCSD, including, but not limited to, those mentioned in Section 213, Mass Emission Rate Determination, and Table 1, Local Discharge Limits of this Ordinance. These constituents and characteristics shall be determined by a laboratory selected by the Discharger and acceptable to OCSD.
 - 8. Time and duration of discharge.

- 9. Number of employees and average hours of work per employee per day.
- 10. Production records, if applicable.
- 11. Waste-Tracking Forms, if applicable.
- 12. Landscaped area in square feet, if applicable.
- 13. Tons of cooling tower capacity, if applicable.
- 14. EPA Hazardous Waste Generator Number, if applicable.
- 15. Any other information as specified.
- B. Applicants may be required to submit site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, spill containment, clarifiers, Pretreatment systems, and appurtenances by size, location, and elevation for evaluation.
- C. Applicants may also be required to submit other information related to the applicant's business operations, processes, and potential discharge as may be requested to properly evaluate the permit application.
- D. After evaluation of the data furnished, OCSD may issue a Wastewater Discharge Permit, subject to terms and conditions set forth in this Ordinance and as otherwise determined by the General Manager to be appropriate to protect the OCSD system.
- E. The permit application may be denied if the applicant fails to establish to OCSD's satisfaction that adequate Pretreatment equipment is included within the applicant's plans to ensure that the discharge limits will be met or if the applicant has, in the past, demonstrated an inability to comply with applicable discharge limits.

303.2 Class II Permit Conditions and Limits

- A. A Class II permit shall contain all of the following conditions and/or limits:
 - 1. Applicable Mass Emission Rates and concentration limits regulating non-compatible Pollutants.
 - 2. Requirements to notify OCSD in writing prior to modification to processes or operations through which Industrial Wastewater may be produced.

- 3. Location of the User's on-site sample point.
- 4. Requirements for submission of technical reports, production data, discharge reports, and/or Waste-Tracking Forms.
- 5. Requirements to submit copies of tax and water bills.
- B. A Class II permit may contain any of the following conditions and/or limits:
 - 1. Requirements for the User to construct and maintain, at his own expense, appropriate Pretreatment equipment, pH control, flow monitoring and/or sampling facilities.
 - 2. Limits on rate and time of discharge or requirements for flow regulation and equalization.
 - 3. Assumed values for BOD and suspended solids characteristics that typify the Discharger's effluent for determination of the charge for use.
 - 4. Requirements to self-monitor.
 - 5. Requirements for maintaining, for a minimum of three years, plant records relating to Wastewater discharge, and Waste-Tracking Forms as specified by OCSD.
 - 6. Other provisions which may be appropriate to ensure compliance with this Ordinance.
 - 7. Other terms and conditions determined by the General Manager to be appropriate to protect EOCWD's and OCSD's Sewerage Systems.

303.3 Class II Permit Fee

- A. The Class II permit fee shall be in an amount adopted by Ordinance of the Board of Directors. The permit fee shall be payable at the time a permit application is submitted for the issuance of a new permit or a renewed permit. Payment of the permit fee must be received by OCSD prior to issuance of either a new permit or a renewed permit. Permittee shall also pay any delinquent invoices in full prior to permit renewal.
- B. Any permit issued for a location wherein the Permittee is not the property owner may be conditioned upon depositing financial security to guarantee payment of all annual fees and charges to be incurred, in accordance with the provisions of Section 623.(E) of this Ordinance.

303.4 Class II Permit Modification of Terms and Conditions

- A. The terms and conditions of an issued permit may be subject to modification and change in the sole determination by the General Manager during the life of the permit based on:
 - 1. The Discharger's current or anticipated operating data;
 - 2. OCSD's current or anticipated operating data;
 - 3. Changes in the requirements of Regulatory Agencies which affect EOCWD and/or OCSD; or
 - 4. A determination by the General Manager that such modification is appropriate to further the objectives of this Ordinance.
- B. The Permittee may request a modification to the terms and conditions of an issued permit. The request shall be in writing stating the requested change, and the reasons for the change. OCSD shall review the request, make a determination on the request, and respond in writing.
- C. Permittee shall be informed of any change in the permit limitations, conditions, or requirements at least forty-five (45) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

303.5 Class II Permit Duration and Renewal

Class II permits shall normally be issued for a period not to exceed five (5) years. At least forty-five (45) days prior to the expiration of the permit, the User shall apply for renewal of the permit in accordance with the provisions of this Article 3.

303.6 Class II Permit Charge for Use

- A. The purpose of a charge for use is to ensure that each recipient of sewerage service from EOCWD and OCSD pays its reasonably proportionate share of all the costs of providing that sewerage service. Charges for use to recover the cost of conveying, treating, and disposing of Sewage in OCSD's Sewerage Facilities are exclusive of any fees levied by EOCWD. The charge for use shall be based on the total maintenance, operation, capital expenditures, and reserve requirements for providing Wastewater collection, treatment, and disposal.
- B. A Discharger who is issued a Class II Wastewater Discharge Permit under the provisions of this Ordinance shall pay a charge for use in accordance with the formula contained herein and the Unit Charge rates adopted

annually by Ordinance of the Board of Directors. These fees shall be invoiced on a quarterly basis. The quarterly invoice shall be based upon an estimate of the annual use as determined by OCSD.

Annually, OCSD shall compute the charge for use based upon actual use for the preceding fiscal year on an annual reconciliation statement. The charge for use is payable within forty-five (45) days of invoicing by OCSD. A special assessment credit will be allowed for any regional sanitary sewer service charge adopted by the Board of Directors by separate Ordinance and levied against the permitted property.

C. In order for OCSD to determine actual annual water use, the User shall provide to OCSD copies of its water bills. If these water bill copies are not received by August 15th of each year for the 12 month period ended closest to June 30, OCSD will endeavor to obtain the water use data. Data obtained by OCSD will be considered correct and will not be adjusted before the next annual reconciliation statement.

There shall be a fee levied for OCSD administrative costs when water use data is obtained by OCSD. The amount of the fee shall be adopted by the Board of Directors.

D. The charge for use shall be computed by the following formula: Charge

for Use = VoV + BoB + SoS – Special Assessment Credit Where V =

total annual volume of flow, in millions of gallons

B = total annual discharge of biochemical oxygen demand, in thousands of pounds

S = total annual discharge of suspended solids, in thousands of pounds

Vo, Bo, So = Unit Charge rates adopted annually by Ordinance of OCSD's Board of Directors, based upon the funding requirements of providing sewerage service, in dollars per unit as described in Paragraph E below.

- E. The unit charge rates in the charge for use formula shall be established annually and shall be determined by the following method:
 - 1. An Operations and Maintenance component of the Unit Charge for the total annual operation and maintenance funding requirements of the Sewerage System shall be levied at a rate to be determined from time to time by the OCSD Board of Directors. This charge shall be allocated among the three Wastewater charge parameters of flow, biochemical oxygen demand and suspended solids in accordance with the General Manager's determination as to the

costs associated with each parameter and pursuant to applicable requirements of state and federal Regulatory Agencies.

The operation and maintenance costs as distributed to flow, biochemical oxygen demand and suspended solids shall be divided by the projected annual total flow volume and weights of biochemical oxygen demand and suspended solids to be treated by the Sewerage System in the budgeted year.

2. A Capital Facilities Replacement component of the Unit Charge for capital replacement and capital improvement shall be levied at a rate to be determined from time to time by the Board of Directors. This charge shall be allocated among the three Wastewater charge parameters of flow, biochemical oxygen demand and suspended solids in accordance with the General Manager's determination of which portion of the charge predominantly relates to each parameter.

The capital facilities charge distributed to biochemical oxygen demand and suspended solids shall be divided by the projected annual weights of biochemical oxygen demand and suspended solids to be treated by the OCSD Sewerage System in the budgeted year.

- 3. The unit charge rates for each respective Wastewater component in (1) and (2) above shall be summed. The Unit Charge rates so determined will be expressed in dollars per million gallons for Vo, and in dollars per thousand pounds for Bo and So.
- F. Other measurements of the organic content of the Wastewater of a Discharger, such as COD or TOC, may be used instead of BOD. However, the Discharger must establish to the OCSD General Manager's satisfaction a relationship between the BOD of the Wastewater and the other parameter of measure. This relationship shall be used by OCSD in determining the charge for use. When Wastewater from sanitary facilities is discharged separately from the other Wastewater of a Discharger, the charge for use for discharging the sanitary Wastewater may be determined by using the following:
 - 1. 25 gallons per employee per eight-hour working day.
 - 2. BOD and suspended solids to be calculated at domestic Wastewater strength per employee per year.

The number of employees will be considered as the average number of people employed full time on a daily basis. This may be determined by averaging the number of people employed at the beginning and end of each quarter, or other period that reflects normal employment fluctuations.

304. <u>DRY WEATHER URBAN RUNOFF DISCHARGE PERMITS</u>

- A. No User shall discharge urban runoff directly to EOCWD's/ OCSD's Sewerage System without obtaining a Dry Weather Urban Runoff Discharge Permit.
- B. EOCWD/OCSD shall determine whether the dry weather urban runoff proposed to be discharged into EOCWD's/OCSD's Sewerage System may cause a potential environmental risk and/or health hazard that cannot be economically or practically controlled by alternative disposal methods.
- C. Dry Weather Urban Runoff Discharge Permits shall be subject to all provisions of this Ordinance and all other regulations, charges for use, and fees established by EOCWD/ OCSD.
- D. All Users required to obtain a Dry Weather Urban Runoff Discharge Permit proposing to discharge directly or indirectly into EOCWD's/OCSD's Sewerage Facilities shall file an application pursuant to Section 304 and pay the applicable fees pursuant to Sections 304.3 and 304.6.

304.1 Dry Weather Urban Runoff Discharge Permit Application

- A. An applicant shall contact EOCWD/OCSD prior to any construction of facilities and discharge of dry weather urban runoff into the Sewerage System to determine if the discharge of dry weather urban runoff to EOCWD's/OCSD's Sewerage Facilities is feasible.
- B. Applicants shall complete and file with EOCWD/OCSD, prior to commencing discharge, an application in the form prescribed by EOCWD/OCSD. This application shall be accompanied by applicable fees, design plans, a detailed analysis of other disposal alternatives, or other data as needed by both agencies for review. The applicant shall provide justification that disposal alternatives for the dry weather urban runoff are not economically or practically feasible in lieu of sewer discharge.
- C. In addition to the discharge permit, EOCWD/OCSD may require that the permit applicant enter into an agreement setting forth the terms under which the dry weather urban runoff discharge is authorized.
- D. Applicants shall provide adequate Pretreatment and/or Best Management Practices included within the applicants' plans to ensure that the applicable discharge limits shall be met.

304.2 Dry Weather Urban Runoff Discharge Permit Condition and Limits

The issuance of a Dry Weather Urban Runoff Discharge Permit may contain any the following conditions or limits:

- A. Mass Emission Rates and concentration limits regulating non-compatible Pollutants.
- B. Requirements for the User to construct and maintain, at the User's expense, appropriate Pretreatment equipment, Flow Monitoring Facilities, and devices to prevent storm water discharge into EOCWD's/OCSD's Sewerage System during a wet weather event (rain event).
- C. Requirements for the User to provide EOCWD/OCSD with its operations and maintenance plan, best management practices, and pollution prevention strategies designed to minimize or eliminate dry weather urban runoff Pollutants.
- D. Limits on rate and time of discharge or requirements for flow regulation and equalization prior to discharge to EOCWD's/OCSD's Sewerage Systems.
- E. Requirements to self-monitor the discharge to EOCWD's/OCSD's Sewerage Systems.
- F. The General Manager may impose additional requirements as may be appropriate to reduce the burden on EOCWD's/OCSD's Sewerage Facilities.
- G. Prohibitions on the discharge, which may cause OCSD's effluent, biosolids, or any other product of its treatment process, to be unsuitable for reclamation, reuse, or disposal.

304.3 Dry Weather Urban Runoff Discharge Permit Fee

The Dry Weather Urban Runoff Discharge Permit fee shall be paid by the applicant in an amount established in the applicable Ordinance adopted by the Board of Directors. Payment of permit fees must be received by EOCWD/ OCSD prior to issuance of either a new permit or a renewed permit. Each Permittee shall also pay delinquent invoices in full prior to permit renewal.

304.4 <u>Dry Weather Urban Runoff Discharge Permit Modification of Terms and Conditions</u>

- A. The terms and conditions of an issued permit may be subject to modification and change in the sole determination by EOCWD/OCSD during the life of the permit based on:
 - 1. The discharger's current or anticipated operating data;

- 2. EOCWD's/OCSD's current or anticipated operating data;
- 3. Changes in the requirements of Regulatory Agencies, which affect EOCWD/OCSD; or
- 4. A determination by the General Manager that such modification is appropriate to further the objectives of this Ordinance.
- B. A Permittee may request a modification to the terms and conditions of an issued permit. The request shall be in writing stating the requested changes and the reasons for the change. EOCWD/OCSD shall review the request, make a determination on the request, and respond accordingly.
- C. A Permittee shall be informed of any changes in the permit at least forty-five (45) days prior to the effective date change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

304.5 Dry Weather Urban Runoff Discharge Permit Duration and Renewal

Dry Weather Urban Runoff Discharge Permit shall normally be issued for a period not to exceed five (5) years. At least forty-five (45) days prior to the expiration of the permit, the User shall apply for renewal of the permit in accordance with the provisions of this Article 3.

304.6 Dry Weather Urban Runoff Discharge Permit Charge for Use

A Discharger who is issued a Dry Weather Urban Runoff Discharge Permit under the provision of this Ordinance shall pay a charge for use in accordance with rates established by Ordinance adopted by the Board of Directors.

305. SPECIAL PURPOSE DISCHARGE PERMITS

- A. No User requiring a Special Purpose Discharge Permit shall discharge Wastewater without obtaining a Special Purpose Discharge Permit. Alternatively, at the discretion of the General Manager and/or Division Head or Department Head, EOCWD/OCSD may issue a Letter to Discharge in lieu of a Special Purpose Discharge Permit.
- B. Special Purpose Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other regulations, charges for use, and fees established by EOCWD/OCSD. The conditions of Special Purpose Discharge Permits shall be enforced by EOCWD/OCSD in accordance with this Ordinance and applicable state and federal regulations.
- C. All Special Purpose Discharge Permit Users proposing to discharge directly

or indirectly into EOCWD's/OCSD's Sewerage Facilities shall obtain a Special Purpose Discharge Permit by filing an application pursuant to Section 305 and paying the applicable fees pursuant to Sections 305.3 and 305.6. This discharge permit may be granted when no alternative method of disposal is reasonably available, or to mitigate an environmental risk or health hazard.

305.1 Special Purpose Discharge Permit Application

- A. Applicants seeking a Special Purpose Discharge Permit shall complete and file with EOCWD/OCSD, prior to commencing discharge, an application in the form prescribed by EOCWD/OCSD. This application shall be accompanied by the applicable fees, plumbing plans, a detailed analysis of the alternatives for water disposal, or other data as needed by EOCWD/OCSD for review.
- B. The permit application may be denied when the applicant has failed to establish to EOCWD's/OCSD's satisfaction that adequate Pretreatment equipment is included within the applicants' plans to ensure that the discharge limits will be met or that the applicant has, in the past, demonstrated an inability to comply with applicable discharge limits.

305.2 Special Purpose Discharge Permit Conditions and Limits

- A. Discharge conditions and limits shall be no less stringent than Section 201(A), General Prohibitions; 201(B), Specific Prohibitions; Section 213, Mass Emission Rate Determination; and Table 1, Local Discharge Limits.
- B. Monitoring requirements for the discharge shall be for those non-compatible Pollutants known to exist in the discharge. At least one set of baseline analysis prior to or upon sewer discharge may be required for all constituents contained in the most current Environmental Protection Agency (EPA) "Priority Pollutant" list, excluding asbestos, as listed in Appendix A of 40 CFR 423, or as subsequently amended.
- C. EOCWD/OCSD may specify and make part of each Special Purpose Discharge Permit specific Pretreatment Requirements or other terms and conditions determined by the General Manager to be appropriate to protect EOCWD's/OCWD's Sewerage Facilities, to comply with Regulatory Agencies' requirements, to ensure compliance with this Ordinance, and to assess a charge for use.

305.3 Special Purpose Discharge Permit Fee

The special purpose discharge permit fee shall be paid by the applicant in an amount adopted by Ordinance of the Board of Directors. Payment of permit fees must be received by EOCWD/OCSD prior to issuance of either a new permit or a renewed permit. Each Permittee shall also pay delinquent invoices in full prior to permit renewal.

305.4 Special Purpose Discharge Permit Modification of Terms and Conditions

- A. The terms and conditions of an issued permit may be subject to modification and change in the determination by EOCWD/OCSD during the life of the permit based on:
 - 1. The Discharger's current or anticipated operating data;
 - EOCWD's/OCSD's current or anticipated operating data;
 - 3. Changes in the requirements of Regulatory Agencies which affect EOCWD/OCSD; or
 - 4. A determination by the General Manager that such modification is appropriate to further the objectives of this Ordinance.
- B. A Permittee may request a modification to the terms and conditions of an issued permit. The request shall be in writing stating the requested change, and the reasons for the change. EOCWD/OCSD shall review the request, make a determination on the request, and respond in writing.
- C. A Permittee shall be informed of any changes in the permit at least forty five
 - (45) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

305.5 Special Purpose Discharge Permit Duration and Renewal

Special purpose discharge permits shall normally be issued for a period not to exceed five (5) years, but may be renewed as determined by the General Manager. Users seeking permit renewal shall comply with all provisions of this Article 3.

305.6 Special Purpose Discharge Permit Charge for Use

The General Manager shall establish a charge for use to cover all costs of EOCWD/OCSD for providing sewerage service and monitoring. A deposit determined by the General Manager to be sufficient to pay the estimated charges for use shall accompany the Special Purpose Discharge Permit application, and said deposit shall be applied to the charges for use.

G. A Zero Discharge Certification shall contain as a minimum:

- 1. A statement that no discharge of regulated Wastewater is permitted;
- 2. Requirements to notify EOCWD/OCSD of any changes in operation resulting in a potential for discharge;
- 3. Requirements to periodically certify that no discharge of regulated Wastewater has occurred;
- 4. Notice that EOCWD/OCSD may inspect the facility as necessary to assess and assure compliance with the "no discharge" requirement; and
- 5. Requirements to comply with Resource Conservation and Recovery Act (RCRA) and state hazardous waste regulations regarding the proper disposal of hazardous waste.

306. OUT OF DISTRICT PERMITS/DISCHARGERS

- A. Industrial Wastewater Discharge Permits for Dischargers located outside EOCWD's boundaries but within the OCSD service area and tributary to EOCWD's Sewerage Facilities, may be issued by OCSD after approval by EOCWD. EOCWD/OCSD shall have the right of inspection and sampling of the User's discharge to determine compliance with Industrial Wastewater discharge regulations. Such inspection and sampling will be performed under a coordinated plan developed with EOCWD. The more stringent of the industrial wastewater discharge regulations and effluent limits of OCSD shall apply to the Discharger.
- B. Pursuant to Article 6 herein, OCSD shall have the right to enforce the Federal Regulations, the provisions of this Ordinance, and permit conditions and limits applicable to any User located outside of EOCWD's service area, but whose discharge is tributary to EOCWD's Sewerage Facilities.
- C. The fees for use shall be determined by EOCWD/OCSD and set forth in a use agreement with EOCWD.

ARTICLE 4. FACILITIES REQUIREMENTS

401. DRAWING SUBMITTAL REQUIREMENTS

Upon request by EOCWD:

- A. Applicants or Users may be required to submit three copies of detailed facility plans. The submittal shall be in a form and content acceptable to EOCWD/OCSD for review of existing or proposed Pretreatment facilities, spill containment facilities, monitoring facilities, metering facilities, and operating procedures. The review of the plans and procedures shall in no way relieve the User of the responsibility of modifying the facilities or procedures in the future, as necessary to produce a discharge acceptable to EOCWD/OCSD, and to meet the requirements of this Ordinance or any requirements of other Regulatory Agencies.
- B. The drawing shall depict as a minimum the manufacturing process (Wastewater generating sources), spill containment, monitoring or metering facilities, and Pretreatment facilities.
- C. The applicant or User shall submit a schematic drawing of the Pretreatment facilities, piping and instrumentation diagram, and Wastewater characterization report.
- D. Users and applicants may also be required to submit for review site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, spill containment, clarifiers, and appurtenances by size, location, and elevation for evaluation.
- E. EOCWD/OCSD may require the drawings be prepared by a California Registered Chemical, Mechanical, or Civil Engineer.
- F. Permittees shall be required to submit updated detailed facility plans.

402. PRETREATMENT FACILITIES

A. All Users shall provide Wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all Categorical Pretreatment Standards, Table 1, Local Discharge Limits, and the prohibitions set out in Sections 201 (A) & (B) of this Ordinance within the time limitations specified by EPA, the state, or EOCWD/OCSD, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated by a qualified operator, and maintained in proper operating condition at the User's expense.

- B. All Users may also be required by EOCWD/OCSD to submit Wastewater analysis plans, contingency plans, and meet other necessary requirements to ensure proper operation of the Pretreatment facilities and compliance with permit limits and this Ordinance.
- C. No User shall increase the use of water or in any other manner attempt to dilute a discharge as a partial or complete substitute for treatment to achieve compliance with this Ordinance and the User's Permit.

403. SPILL CONTAINMENT FACILITIES/ACCIDENTAL SLUG CONTROL PLANS

- A. All Users shall provide spill containment for protection against discharge of prohibited Pollutants, materials or other Wastewaters regulated by this Ordinance. Such protection shall be designed to secure the discharges and to prevent them from entering into the EOCWD/OCSD Sewerage System in accordance with reasonable engineering standards. Such facilities shall be provided and maintained at the User's expense.
- B. The General Manager shall require any Significant Industrial User to develop and implement an accidental discharge/slug control plan. EOCWD/OCSD may evaluate whether each Industrial User needs such a plan. Any User required to develop and implement an accidental discharge/control slug plan shall submit a plan which addresses, at a minimum, the following:
 - 1. Description of discharge practices, including non-routine batch discharges.
 - 2. Description of stored chemicals.
 - 3. Procedures for immediately notifying EOCWD/OCSD of any accidental of slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in Article 2 of this Ordinance.
 - 4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic Pollutants (including solvents), and measures and equipment for emergency response.

404. MONITORING/METERING FACILITIES

All Wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

- A. EOCWD/OCSD may require the User to construct and maintain in proper operating condition at the User's sole expense, flow monitoring, constituent monitoring and/or sampling facilities.
- B. Permittees may be required to install and maintain an appropriate effluent flow monitoring device. Calibration of such flow monitoring device shall be done annually or as specified in the Wastewater discharge permit.
- C. The monitoring or metering facilities may be required to include a security closure that can be locked with an EOCWD/OCSD provided hasp lock during sampling or upon termination of service.
- D. The location of the monitoring or metering facilities shall be subject to approval by EOCWD/OCSD.
- E. The User shall provide immediate, clear, safe and uninterrupted access to EOCWD/OCSD to the User's monitoring and metering facilities.
- F. For all industries permitted by OCSD, domestic Wastewaters shall be kept segregated from all Industrial Wastewaters until the Industrial Wastewaters have passed through any required Pretreatment system or device and the Permittee's sample point.

405. WASTE MINIMIZATION REQUIREMENTS

- A. As required by a User's permit, the User shall provide waste minimization plans to reduce or eliminate Pollutant discharge to the EOCWD/OCSD Sewerage System and conserve water. The User shall investigate product substitution, housekeeping practices, provide inventory control, implement employee education, and other steps as necessary to minimize Wastewater produced.
- B. Upon approval by OCSD, a User may certify that their facility does not discharge any type of Wastewater containing Pollutants that may directly or indirectly discharge into EOCWD's/OCSD's Sewerage System as a form of Best Management Practice (BMP).

ARTICLE 5. MONITORING, REPORTING, NOTIFICATION, AND INSPECTION REQUIREMENTS

501. MONITORING AND REPORTING CONDITIONS

A. Monitoring for Annual Charge for Use

The Wastewater constituents and characteristics of a Discharger needed for determining the annual charge for use shall be submitted in the form of self-monitoring reports by the User to OCSD, if requested. The frequency of analyses and reporting shall be set forth in the User's permit. The analyses of these constituents and characteristics shall be by a laboratory acceptable to OCSD, and at the sole expense of the Permittee. Analyses performed by OCSD's personnel may be used in the determination of the annual charge for use.

B. <u>Monitoring for Compliance with Permit Conditions or Reporting</u> Requirements

OCSD may require reports for self-monitoring of Wastewater constituents and characteristics of the Discharger needed for determining compliance with any limit or requirements as specified in the User's permit, federal or state regulations, or this Ordinance. The federal Pretreatment regulations at 40 CFR 403.12(g)(3) and (4) contain requirements for collecting samples such as requiring that sampling must be representative of conditions occurring during the reporting period and that grab samples must be collected for certain parameters. These reports include:

1. Baseline Monitoring Reports.

Within either one hundred eighty (180) days after the effective a) date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Significant Industrial Users subject to categorical Pretreatment Standard(s) currently discharging to or scheduled to discharge to OCSD shall submit to the General Manager a report which contains the information listed in paragraph b), below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Significant Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the General Manager a report which contains the information listed in paragraph c), below. A New Source shall report the method of Pretreatment it intends to use to meet applicable categorical Pretreatment Standards. A New Source also shall

- give estimates of its anticipated flow and quantity of Pollutants to be discharged.
- b) Users described above shall submit the information set forth below.
 - (1) All information required in Section ARTICLE 23 including requirements in 40 CFR 403.12(b)(1)-(7).
 - (2) Measurement of Pollutants.
 - a) The User shall provide the following information.
 - 1) The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
 - The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the General Manager, of regulated Pollutants in the discharge from each regulated process.
 - 3) Instantaneous, Daily Maximum, and long-term average concentrations or mass, where required, shall be reported.
 - 4) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 501.2 of this Ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the General Manager or the applicable Standards to determine compliance with the Standard.
 - 5) Sampling must be performed in accordance with procedures set out in Section 602 of this Ordinance.
 - b) The User shall take a minimum of one representative sample to compile that data

- necessary to comply with the requirements of this paragraph.
- c) Samples should be taken immediately downstream from Pretreatment facilities if such exist or immediately downstream from the regulated process if no Pretreatment exists. If other Wastewaters are mixed with the regulated Wastewater prior to Pretreatment the User should measure the flows and concentrations necessary to allow use of the Combined Wastestream Formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to OCSD;
- d) Sampling and analysis shall be performed in accordance with this Ordinance;
- e) The General Manager may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial Pretreatment measures;
- f) The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected Pollutant discharges to OCSD.
- (3) Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in this Ordinance and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional Pretreatment is required to meet the Pretreatment Standards and Requirements.
- (4) Compliance Schedule. If additional Pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will

provide such additional Pretreatment and/or O&M must be provided.

The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set forth in this Ordinance.

- (5) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with this Ordinance and signed by an Authorized Representative.
- 2. Compliance Schedule Progress Reports.

The following conditions shall apply to the compliance schedule required by this Ordinance:

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

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a

New Source following commencement of the introduction of Wastewater into EOCWD/OCSD, any User subject to such Pretreatment Standards and Pretreatment Requirements shall submit to the General Manager a report containing the information described in this Ordinance. For Users subject to equivalent mass or concentration limits, this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable Pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with this Ordinance. All sampling will be done in conformance with Section 602.

- 4. Periodic Compliance Reports.
 - Except as otherwise specified in this Ordinance, all Significant a) Industrial Users must, at a frequency determined by the General Manager, submit no less than twice per year on dates specified by EOCWD/OCSD reports indicating the nature, concentration of Pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the General Manager or the Pretreatment Standard necessary to determine the compliance status of the User including documentation associated with Best Management Practices.
 - b) OCSD will meet reporting requirements as specified by 40 CFR Part 3 (Cross-Media Electronic Reporting). Therefore, Users that send electronic (digital) documents to OCSD to satisfy the requirements of this Section must register for the system online and submit a signed Subscriber Agreement to OCSD for review and approval.
- 5. Notification of the Discharge of Hazardous Waste.
 - a) Any User who commences the discharge of hazardous waste shall notify EOCWD/OCSD, the EPA Regional Waste Management Division Director, and state hazardous waste authorities, in writing, of any discharge into EOCWD/OCSD of a substance which, if otherwise disposed of, would be a hazardous waste under 40

CFR Part 261. The User shall receive written approval from the EOCWD/OCSD to discharge hazardous waste. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month EOCWD/OCSD, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes. an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in wastestream expected to be discharged during following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under subdivision 6 below. The notification requirement in this Section does not apply to Pollutants already reported by Users subject to categorical Pretreatment Standards under the self-monitoring requirements of this Ordinance.

- b) Dischargers are exempt from the requirements of paragraph (a), above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.
- c) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the General Manager, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

- d) 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 and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- e) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Ordinance, a permit issued thereunder, or any applicable federal or state law.

6. Reports of Changed Conditions

Each User must notify the General Manager of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its Wastewater in advance of the change. The notification must be made promptly, but normally within 30 days. In certain cases, this period may be longer.

- a) The General Manager may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a Wastewater discharge permit application under this Ordinance.
- b) The General Manager may issue a Wastewater discharge permit under this Ordinance or modify an existing Wastewater discharge permit under this ordinance in response to changed conditions or anticipated changed conditions.

7. Reports of Potential Problems

- a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for EOCWD/OCSD, the User shall follow the notification procedures under Notification of Spill or Slug Loading in Article 5. This notification shall also include the location of the discharge, type of Wastewater, concentration and volume, if known, and corrective actions taken by the User.
- b) Within five (5) days following such discharge, the User shall, unless waived by the General Manager, submit a detailed written report. This written notification shall include, but not be limited to, the date of the incident, the reasons for the discharge or spill, what steps were taken to immediately correct the problem, and what steps are being taken to

prevent the problem from recurring.

- c) Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage or loss to EOCWD/OCSD, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fees, fines, penalties, or other liability which may be imposed pursuant to this Ordinance or other applicable law.
- d) A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph a, above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
- e) Significant Industrial Users are required to notify the General Manager immediately of any changes at its facility affecting the potential for a Slug Discharge.

8. Reports from Unpermitted Users

All Users not required to obtain a Wastewater discharge permit shall provide appropriate reports to the General Manager as the General Manager may require.

9. Notice of Violation/Repeat Sampling and Reporting

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

- 10. Other reports as required by EOCWD/OCSD.
 - a) Monitoring reports of the analyses of Wastewater constituents and characteristics shall be in a manner and form approved by EOCWD/OCSD and shall be submitted upon request of EOCWD/OCSD. When applicable, the self-monitoring

requirement and frequency of reporting may be set forth in the User's permit as directed by EOCWD/OCSD. The analyses of Wastewater constituents and characteristics and the preparation of the monitoring report shall be done at the sole expense of the User.

b) Failure by the User to perform any required monitoring, or to submit monitoring reports required by EOCWD/OCSD constitutes a violation of this Ordinance, may result in determining whether the Permittee is in significant non-compliance, and be cause for EOCWD/OCSD to initiate all necessary tasks and analyses to determine the Wastewater constituents and characteristics for compliance with any limits and requirements specified in the User's permit or in this Ordinance. The User shall be responsible for any and all expenses of EOCWD/OCSD in undertaking such monitoring analyses and preparation of reports.

501.1 Inspection and Sampling Conditions

- A. EOCWD/OCSD may inspect and sample the Wastewater generating and disposal facilities of any User to ascertain whether the intent of this Ordinance is being met and the User is complying with all requirements.
- B. EOCWD/OCSD shall have the right to place on the User's property or other locations as determined by EOCWD/OCSD, such devices as are necessary to conduct sampling or metering operations. Other sampling locations may include downstream manholes, usually in the EOCWD/OCSD Sewerage System, for the purpose of determining the compliance status of an industrial or commercial Discharger.
- C. EOCWD/OCSD may require the User to install and maintain sample points in areas acceptable to EOCWD/OCSD outside the User's facility, within the reasonable control of the User or EOCWD/OCSD. EOCWD/OCSD may also require lockable sample boxes fully containing the sample points. The User shall grant EOCWD/OCSD access to the sample points and sample boxes in accordance with this Ordinance.
- D. In order for EOCWD/OCSD to determine the Wastewater characteristics of the Discharger for purposes of determining the annual use charge and for compliance with permit requirements, the User shall make available for inspection and copying by EOCWD/OCSD all notices, selfmonitoring reports, Waste-Tracking Forms, and records including, but not limited to, those related to production, Wastewater generation, those required Wastewater disposal, and in the Pretreatment Requirements without restriction but subject to the confidentiality provision set forth in Section 103 herein. All such records shall be kept by the User a minimum of three (3) years.

E. If a Discharger falsifies, tampers with, or knowingly renders inaccurate any monitoring device or sample collection method, the Discharger may be subject to imposition of penalties, permit suspension or permit revocation.

501.2 Analytical Requirements

All Pollutant analyses, including sampling techniques, to be submitted as part of a Wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the Pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the Pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including EPA-approved procedures or procedures approved by the General Manager.

501.3 Right of Entry

- A. Persons or occupants of premises where Wastewater is created or discharged shall allow EOCWD/OCSD, or its representatives, reasonable access to all parts of the Wastewater generating and disposal facilities for the purposes of inspection and sampling during all times the Discharger's facility is open, operating, or any other reasonable time. No Person shall interfere with, delay, resist or refuse entrance to authorized EOCWD/OCSD personnel attempting to inspect any facility involved directly or indirectly with a discharge of Wastewater to EOCWD's/OCSD's Sewerage System.
- B. Where a User has security measures in place, the User shall make necessary arrangements so that personnel from EOCWD/OCSD shall be permitted to enter without delay for the purpose of performing their specific responsibilities.

501.4 Notification of Spill or Slug Loading

A. In the event the Discharger is unable to comply with any permit condition due to a breakdown of equipment, accidents, or human error, or the Discharger has reasonable opportunity to know that a discharge will exceed the discharge provisions of the User's permit, Sections 201(A) & (B) or Table 1, Local Discharge Limits, the Discharger shall immediately notify EOCWD/OCSD by telephone. If the Wastewater or material discharged to the sewer has the potential to cause or result in a fire or explosion hazard, the Discharger shall immediately notify the local fire department, EOCWD/OCSD. Also see *Reports of Potential Problems* in this Article.

501.5 Bypass Prohibition; Notification of Bypass

- A. Bypass of Industrial Wastewater to the Sewerage System is prohibited. EOCWD/OCSD may take enforcement action against the User, unless:
 - 1. Bypass was unavoidable because it was done to prevent loss of life, personal injury, or severe property damage;
 - 2. There were no feasible alternatives to the Bypass, such as the use of auxiliary treatment facilities, retention of untreated Wastes, elective slow-down or shut-down of production units or maintenance during periods of production downtime. This condition is not satisfied if adequate backup equipment could have been feasibly installed in the exercise of reasonable engineering judgment to prevent a Bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - 3. The Permittee submitted notices as required under Section 501.4(A).
- B. If a Permittee knows in advance of the need for a Bypass, it shall submit a written request to allow the Bypass to EOCWD/OCSD, if possible, at least ten (10) days before the date of the Bypass.
- C. EOCWD/OCSD may approve an anticipated Bypass at its sole discretion after considering its adverse effects, and EOCWD/OCSD determines that the conditions listed in Section 501.5(A)(1-3) are met.
- D. A Permittee shall provide telephone notification to EOCWD/OCSD of an unanticipated Bypass that exceeds its permitted discharge limits within four hours from the time the Permittee becomes aware of the Bypass. A written report shall also be provided within five (5) days of the time the Permittee becomes aware or could reasonably have been aware of the Bypass. The report shall contain a description of the Bypass and its cause; the duration of the Bypass, including exact dates and times, and, if the Bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the Bypass. Failure to comply with the oral notice or written report may be grounds for permit revocation.

ARTICLE 6. ENFORCEMENT

601. PURPOSE AND SCOPE

- A. The Board finds that in order for EOCWD/OCSD to comply with the laws, regulations, and rules imposed upon it by Regulatory Agencies and to ensure that EOCWD's/OCSD's Sewerage Facilities and treatment processes are protected and are able to operate with the highest degree of efficiency, and to protect the public health and environment, specific enforcement provisions must be adopted to govern the discharges to EOCWD's/OCSD's Sewerage System by Permittees or by facilities required to obtain Zero Discharge Certifications. Certain violations may result in civil or criminal penalties for violation of Pretreatment Standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines.
- B. To ensure that all interested parties are afforded due process of law and that non-compliance and violations are resolved as soon as possible, the general policy of EOCWD/OCSD is that:
 - 1. Any determination relating to a Zero Discharge Certification, Probation Order, Enforcement Compliance Schedule Agreement (ECSA), or Regulatory Compliance Schedule Agreement (RCSA) will be made by the Division Head of the OCSD Pretreatment Program, with a right of appeal by the Permittee to the General Manager pursuant to the procedures set forth in Section 618.
 - 2. Any permit suspension or revocation recommended by the Division Head responsible for the OCSD Pretreatment Program will be heard and a recommendation made to the General Manager by a Department Head or other person designated by the General Manager.
 - Actions and decisions by the Division Head or Department Head are made pursuant to a delegation of authority by the General Manager as authorized by Section 107 of this Ordinance.
 - 4. The Board of Directors may adopt rules of procedure to establish the conduct of certain administrative proceedings.
- C. EOCWD/OCSD, at its discretion, may utilize any one, combination, or all enforcement remedies provided in this Article 6 in response to any permit or Ordinance violation.

602. <u>DETERMINATION OF NON COMPLIANCE WITH DISCHARGE LIMITS</u>

A. Sampling Procedures

- 1. Sampling of all Permittees' facilities, Wastewater and discharges shall be conducted in the time, place, manner, and frequency determined at the sole discretion of OCSD.
- Non-compliance with Mass Emission Rate limits, concentration limits, permit discharge conditions, or any discharge provision of this Ordinance may be determined by an analysis of a grab or composite sample of the effluent of a User. Non-compliance with Mass Emission Rate limits shall be determined by an analysis of a composite sample of the User's effluent, except that a grab sample may be used to determine compliance with Mass Emission Rate limits when the discharge is from a closed (batch) treatment system in which there is no Wastewater flow into the system when the discharge is occurring, the volume of Wastewater contained in the batch system is known, the time interval of discharge is known, and the grab sample is homogeneous and representative of the discharge.
- All Wastewater samples must be representative of the User's discharge. Any sample taken from a sample point is considered to be representative of the discharge to the public sewer.
- 4. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
- 5. If a User subject to the reporting requirement in this section monitors any regulated Pollutant at the appropriate sampling location more frequently than required by the General Manager, using the procedures prescribed in this Ordinance, the results of this monitoring shall be included in the report.

603. ENFORCEMENT PROCEDURES AND APPLICABLE FEES

- A. Self-Monitoring Requirements as a Result of Non-Compliance
 - 1. If analysis of any sample obtained by EOCWD/OCSD shows non-compliance with the applicable Wastewater discharge limits set forth in this Ordinance or in the Permittee's discharge permit, EOCWD/OCSD may impose self-monitoring requirements on the Permittee.

- 2. A Permittee shall perform required self-monitoring of constituents in a frequency, at the specific location, and in a manner directed by OCSD.
- 3. All analyses of self-monitoring samples shall be performed by an independent laboratory acceptable to OCSD and submitted to OCSD in the form and frequency determined by OCSD.
- 4. All self-monitoring costs shall be borne by the Permittee.
- 5. Nothing in this section shall be deemed to limit the authority of EOCWD/OCSD to impose self-monitoring as a permit condition.

B. Purpose of Non-Compliance Resampling Fees

The purpose of the non-compliance resampling fee is to compensate EOCWD/OCSD for costs of additional sampling, monitoring, laboratory analysis, treatment, disposal, and administrative processing incurred as a result of the non- compliance, and shall be in addition to and not in lieu of any penalties as may be assessed pursuant to Sections 616 and 617.

- C. Non Compliance Resampling Fees for Composite Samples
 - 1. Each violation of a Permittee's permit limit or condition is a violation of this Ordinance.
 - a) If analysis of any composite sample of a Permittee's discharge obtained by EOCWD/OCSD shows a major violation by the Permittee of the Mass Emission Rates or concentration limits specified in the Permittee's discharge permit or in this Ordinance, then the Permittee shall pay non-compliance resampling fees to EOCWD/OCSD pursuant to fee schedules adopted by the Board of Directors.
 - b) If analysis of any composite sample of a Permittee's discharge obtained by EOCWD/OCSD shows a minor violation by the Permittee of the Mass Emission Rates or concentration limits specified in the Permittee's discharge permit or in this Ordinance, then EOCWD/OCSD shall impose non-compliance resampling fees pursuant to fee schedules adopted by the Board of Directors.
 - 2. The fees specified in subsection 603.C.1.a), C.1.b) and D herein shall be imposed for each date on which EOCWD/OCSD conducts sampling as a result of a violation by a Permittee.
 - D. Non-Compliance Resampling Fees for Grab Samples and Self-Monitoring Results

- If analysis of any grab sample of a Permittee's discharge shows noncompliance with any concentration limits as set forth in the User's permit or in this Ordinance, EOCWD/OCSD may impose noncompliance resampling fees, pursuant to fee schedules adopted by the Board of Directors, for resampling conducted by EOCWD/OCSD as a result of a violation by the Permittee.
- 2. If any self-monitoring analysis of a Permittee's discharge shows non-compliance with any concentration limits or Mass Emission Rates as set forth in the User's permit or in this Ordinance, EOCWD/OCSD may impose non-compliance resampling fees, pursuant to fee schedules adopted by the Board of Directors, for sampling conducted by EOCWD/OCSD as a result of a violation by the Permittee.

603.1 Probation Order

A. Grounds

In the event the Division Head determines that a Permittee has violated any provision of this Ordinance, or the terms, conditions and limits of its discharge permit, or has not made payment of all amounts owed to OCSD for User charges, non-compliance resampling fees or any other fees, the General Manager may issue a Probation Order, whereby the Permittee must comply with all directives, conditions and requirements therein within the time prescribed.

B. Provisions

The issuance of a Probation Order may contain terms and conditions including, but not limited to, installation of Pretreatment equipment and facilities, requirements for self-monitoring, submittal of drawings or technical reports, operator certification, audit of Waste minimization practices, payment of fees, limits on rate and time of discharge, or other provisions to ensure compliance with this Ordinance.

C. Probation Order - Expiration

A Probation Order issued by the General Manager shall be in effect for a period not to exceed ninety (90) days.

603.2 Enforcement Compliance Schedule Agreement (ECSA)

A. Grounds

Upon determination that a Permittee is in non-compliance with the terms, conditions or limits specified in its permit or any provision of this Ordinance, and needs to construct and/or acquire and install equipment related to Pretreatment, the General Manager may require the Permittee to enter into an ECSA which will, upon the effective date of the ECSA, amend the Permittee's permit. The ECSA shall contain terms and conditions by which a Permittee must operate during its term and shall provide specific dates for achieving compliance with each term and condition for construction and/or acquisition and installation of required equipment related to Pretreatment.

B. Provisions

The issuance of an ECSA may contain terms and conditions including but not limited to requirements for self-monitoring, installation of Pretreatment equipment and facilities, submittal of drawings or reports, operator certification, audit of Waste minimization practices, payment of fees, limits on rate and time of discharge, deposit of performance guarantee, interim limits, or other provisions to ensure compliance with this Ordinance.

C. ECSA - Payment of Amounts Owed

OCSD shall not enter into an ECSA until such time as all amounts owed to OCSD, including User fees, non-compliance resampling fees, deposits, or other amounts due are paid in full, or an agreement for deferred payment secured by collateral or a third party, is approved by the General Manager. Failure to pay all amounts owed to OCSD shall be grounds for permit suspension or permit revocation as set forth in Section 605 and 606.

D. ECSA - Permit Suspension/Revocation

If compliance is not achieved in accordance with the terms and conditions of an ECSA during its term, the General Manager may issue an order suspending or revoking the discharge permit pursuant to Section 605 or 606 of this Ordinance.

604. REGULATORY COMPLIANCE SCHEDULE AGREEMENT (RCSA)

A. Grounds

If at any time subsequent to the issuance of a Wastewater Discharge Permit to an Industrial User, Federal Categorical Pretreatment Standards are adopted or revised by the United States Environmental Protection Agency,

or in the event EOCWD/OCSD enacts revised or new discharge limits, the General Manager, upon determination that an Industrial User would not be in compliance with the adopted revised or new limits, may require the industrial User to enter into a RCSA with EOCWD/OCSD under terms and conditions that would provide for achieving compliance with all new standards by the industrial User on a specific date. The RCSA shall have a maximum term of two hundred-seventy (270) days. The General Manager may approve a longer term, upon a showing of good cause.

B. Provisions

The issuance of a RCSA may contain terms and conditions including but not limited to requirements for installation of Pretreatment equipment and facilities, submittal of drawings or reports, waste minimization practices or other provisions to ensure compliance with this Ordinance.

C. RCSA - Non-Compliance Resampling Fee

During the period a RCSA is in effect, any discharge by Permittee in violation of the RCSA will require payment of non-compliance resampling fees in accordance with this Article 6.

605. PERMIT SUSPENSION

A. Grounds

The General Manager may suspend any permit when it is determined that a Permittee:

- 1. Fails to comply with the terms and conditions of either an ECSA or RCSA.
- 2. Knowingly provides a false statement, representation, record, report, or other document to EOCWD/OCSD.
- Refuses to provide records, reports, plans, or other documents required by EOCWD/OCSD to determine permit terms, conditions, or limits, discharge compliance, or compliance with this Ordinance.
- 4. Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or sample collection method.
- 5. Fails to report significant changes in operations or Wastewater constituents and characteristics.
- 6. Violates a Probation Order.

- 7. Refuses reasonable access to the Permittee's premises for the purpose of inspection and monitoring.
- 8. Does not make timely payment of all amounts owed to OCSD for User charges, non-compliance sampling fees, permit fees, or any other fees imposed pursuant to this Ordinance.
- 9. Violates any condition or limit of its discharge permit or any provision of EOCWD's/OCSD's Ordinances or regulations.

B. Notice/Hearing

When the General Manager has reason to believe that grounds exist for permit suspension, he shall give written notice thereof via personal delivery, mail with proof of delivery, or a similar method to the permittee setting forth a statement of the facts and grounds deemed to exist, together with the time and place where the charges shall be heard by the General Manager's designee. The hearing date shall be not less than fifteen (15) calendar days nor more than forty-five (45) calendar days after the mailing of such notice.

- 1. At the suspension hearing, the Permittee shall have an opportunity to respond to the allegations set forth in the notice by presenting written or oral evidence. The hearing shall be conducted in accordance with procedures established by the General Manager and approved by General Counsel.
- 2. After the conclusion of the hearing, the General Manager's designee shall submit a written report to the General Manager within thirty (30) calendar days after the conclusion of the hearing setting forth a brief statement of facts found to be true, a determination of the issues presented, conclusions, and a recommendation.

Upon receipt of the written report, the General Manager shall make his determination and should he/she find that grounds exist for suspension of the permit, he/she shall issue his/her decision and order in writing within twenty (20) calendar days. The written decision and order of the General Manager shall be sent via personal delivery, mail with proof of delivery, or a similar method to the Permittee or its legal counsel/representative at the Permittee's business address.

C. Effect

1. Upon issuance, an order of permit suspension issued by the General Manager shall be final in all respects.

- 2. The permittee shall immediately cease and desist its discharge of any Wastewater, directly or indirectly to EOCWD's/OCSD's Sewerage System for the duration of the suspension. All costs for physically terminating and reinstating service shall be paid by the Permittee.
- 3. Any owner and responsible management employee of the Permittee shall be bound by the order of suspension.

606. PERMIT REVOCATION

A. Grounds

The General Manager may revoke any permit when it is determined that a Permittee:

- 1. Knowingly provides a false statement, representation, record, report, or other document to EOCWD/OCSD.
- Refuses to provide records, reports, plans, or other documents required by EOCWD/OCSD to determine permit terms, conditions, or limits, discharge compliance, or compliance with this Ordinance.
- 3. Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or sample collection method.
- 4. Fails to report significant changes in operations or Wastewater constituents and characteristics.
- 5. Fails to comply with the terms and conditions of an ECSA, permit suspension, or probation order.
- 6. Discharges effluent to EOCWD's/OCSD's Sewerage Systems while its permit is suspended.
- 7. Refuses reasonable access to the Permittee's premises for the purpose of inspection and monitoring.
- 8. Does not make timely payment of all amounts owed to OCSD for User charges, non-compliance resampling fees, permit fees, or any other fees imposed pursuant to this Ordinance.
- 9. Causes interference with EOCWD's/OCSD's collection, treatment, or disposal system.
- 10. Fails to submit oral notice or written report of a Bypass occurrence.

11. Violates any condition or limit of its discharge permit or any provision of EOCWD's/OCSD's Ordinances or regulations.

B. Notice/Hearing

When the General Manager has reason to believe that grounds exist for the revocation of a permit, he/she shall give written notice via personal delivery, mail with proof of delivery, or a similar method thereof to the Permittee setting forth a statement of the facts and grounds deemed to exist together with the time and place where the charges shall be heard by the General Manager's designee. The hearing date shall be not less than fifteen (15) calendar days nor more than forty five (45) calendar days after the mailing of such notice.

- At the hearing, the Permittee shall have an opportunity to respond to the allegations set forth in the notice by presenting written or oral evidence. The revocation hearing shall be conducted in accordance with the procedures established by the General Manager and approved by General Counsel.
- 2. After the conclusion of the hearing, the General Manager's designee shall submit a written report to the General Manager within thirty (30) calendar days setting forth a brief statement of facts found to be true, a determination of the issues presented, conclusions, and a recommendation.
- 3. Upon receipt of the written report, the General Manager shall make his/her determination and should he/she find that grounds exist for permanent revocation of the permit, he/she shall issue his/her decision and order in writing within twenty (20) calendar days. The written decision and order of the General Manager shall be sent via personal delivery, mail with proof of delivery, or a similar method to the Permittee or its legal counsel/representative at the Permittee's business address.
- 4. In the event the General Manager determines to not revoke the permit, he/she may order other enforcement actions, including, but not limited to, a temporary suspension of the permit, under terms and conditions that he/she deems appropriate.

C. Effect

- 1. Upon issuance, an order of permit revocation issued by the General Manager shall be final in all respects.
- 2. The Permittee shall immediately cease and desist its discharge of

any Wastewater directly or indirectly to EOCWD's/OCSD's Sewerage System. All costs for physical termination shall be paid by the Permittee.

- 3. Any owner or Authorized Representative of the Permittee shall be bound by the order of revocation.
- 4. Any future application for a permit at any location within EOCWD's service area by any Person subject to an order of revocation will be considered by EOCWD/OCSD after fully reviewing the records of the revoked permit, which records may be the basis for denial of a new permit.

607. DAMAGE TO FACILITIES OR INTERRUPTION OF NORMAL OPERATIONS

- A. Any User who discharges any Wastewater which causes or contributes to any obstruction, interference, damage, or any other impairment to EOCWD's/OCSD's Sewerage Facilities or to the operation of those facilities shall be liable for all costs required to clean or repair the facilities together with expenses incurred by EOCWD/OCSD to resume normal operations. Such discharge shall be grounds for permit revocation. A service charge of twenty five percent (25%) of EOCWD's/OCSD's costs shall be added to the costs and charges to reimburse EOCWD/OCSD for miscellaneous overhead, including administrative personnel and record keeping. The total amount shall be payable within forty five (45) days of invoicing by EOCWD/OCSD.
- B. Any User who discharges a Wastewater which causes or contributes to EOCWD/OCSD violating its discharge requirements established by any Regulatory Agency incurring additional expenses or suffering losses or damage to the facilities, shall be liable for any costs or expenses incurred by EOCWD/OCSD, including regulatory fines, penalties, and assessments made by other agencies or a court.

608. <u>INDUSTRIAL WASTEWATER PASS THROUGH</u>

Any User whose discharge results in a Pass Through event affecting EOCWD's/OCSD's Sewerage Facilities shall be liable for all costs associated with the event, including treatment costs, regulatory fines, penalties, assessments, and other indirect costs. The Discharger shall submit to EOCWD/OCSD plans to prevent future recurrences to the satisfaction of EOCWD/OCSD.

609. PUBLICATION OF VIOLATION

Upon a determination in a permit suspension, permit revocation, or civil penalty proceedings that a User has discharged in violation of its permit or any provision under this Ordinance, EOCWD/OCSD may require that the User notify the public and/or other

Users of EOCWD's/OCSD's Sewerage Facilities of such violation, of actions taken to correct such violation, and of any administrative or judicial orders or penalties imposed as a result of such violation.

610. PUBLISHED NOTICES FOR SIGNIFICANT NON-COMPLIANCE

In accordance with Federal Regulations, OCSD shall annually cause to be published the names of all Industrial Users in significant non-compliance. Upon a minimum of a thirty (30) day notification to the User, said publication shall be made in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by EOCWD/OCSD.

611. PUBLIC NUISANCE

Discharge of Wastewater in any manner in violation of this Ordinance or of any order issued by the General Manager, as authorized by this Ordinance, is hereby declared a public nuisance and shall be corrected or abated as directed by the General Manager. Any Person creating a public nuisance is guilty of a misdemeanor.

612. TERMINATION OF SERVICE

- A. EOCWD/OCSD, by order of the General Manager, may physically terminate sewerage service to any property as follows:
 - 1. On a term of any order of emergency suspension or revocation of a permit; or
 - 2. Upon the failure of a Person not holding a valid discharge permit to immediately cease discharge, whether direct or indirect, to EOCWD's/OCSD's Sewerage Facilities; or
 - 3. Upon the failure of a facility not holding a valid discharge permit or certification.
- B. All costs for physical termination shall be paid by the User as well as all costs for reinstating service.

613. EMERGENCY SUSPENSION ORDER

A. EOCWD/OCSD may, by order of the General Manager, suspend sewerage service or Wastehauler discharge service when the General Manager determines that such suspension is necessary in order to stop an actual or impending discharge which presents or may present an imminent or substantial endangerment to the health and welfare of persons, or to the environment, or may cause interference to the EOCWD's/OCSD's Sewerage Facilities, or may cause EOCWD/OCSD to violate any state or federal law or regulation. Any Discharger notified of and subject to an Emergency Suspension Order shall immediately cease and desist the discharge of all Industrial Wastewater to the Sewerage System.

B. As soon as reasonably practicable following the issuance of an Emergency Suspension Order, but in no event more than five (5) days following the issuance of such order, the General Manager shall hold a hearing to provide the User the opportunity to present information in opposition to the issuance of the Emergency Suspension Order. Such a hearing shall not stay the effect of the Emergency Suspension Order. The hearing shall be conducted in accordance with procedures established by the General Manager and approved by General Counsel. The General Manager shall issue a written decision and order within two (2) business days following the hearing, which decision shall be sent via personal delivery, mail with proof of delivery, or a similar method to the User or its legal counsel/representative at that User's business address. The decision of the General Manager following the hearing shall be final in all respects.

614. INJUNCTION

Whenever a Discharger of Wastewater is in violation of or has the reasonable potential to violate any provision of this Ordinance, permit condition, or any Federal Categorical Pretreatment Standards or Pretreatment Requirements as set forth in 40 CFR Section 403.8, et seq., fails to submit required reports, or refuses to allow EOCWD/OCSD entry to inspect or monitor the User's discharge, EOCWD/OCSD may petition the Superior Court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate to restrain the continued violation or to prevent threatened violations by the Discharger.

615. CIVIL PENALTIES

A. Authority

All Users of EOCWD's/OCSD's Sewerage System and facilities are subject to enforcement actions administratively or judicially by EOCWD, OCSD, U.S. EPA, State of California Regional Water Quality Control Board, or the County of Orange District Attorney. Said actions may be taken pursuant to the authority and provisions of several laws, including but not limited to: (1) Federal Water Pollution Control Act, commonly known as the Clean Water Act (33 U.S.C.A. Section 1251, et seq.); (2) California Porter-Cologne Water Quality Control Act (California Water Code Section 13000, et seq.); (3) California Hazardous Waste Control Law (California Health & Safety Code Sections 25100 to 25250); (4) Resource Conservation and Recovery Act of 1976 (42 U.S.C.A Section 6901, et seq.); and (5) California Government Code, Sections 54739-54740.

B. Recovery of Fines or Penalties

In the event EOCWD/OCSD is subject to the payment of fines or penalties pursuant to the legal authority and actions of other Regulatory Agencies or enforcement agencies based on a violation of law or regulation or its permits, and said violation can be established by EOCWD/OCSD, as caused by the discharge of any User of EOCWD's/OCSD's Sewerage

System which is in violation of any provision of this Ordinance or the User's permit, EOCWD/OCSD shall be entitled to recover from the User all costs and expenses, including, but not limited to, the full amount of said fines or penalties to which EOCWD/OCSD has been subjected.

C. Ordinance

Pursuant to the authority of California Government Code Sections 54739 - 54740, any Person who violates any provision of this Ordinance; any permit condition, prohibition or effluent limit; or any suspension or revocation order shall be liable civilly for a sum not to exceed \$25,000.00 per violation for each day in which such violation occurs. Pursuant to the authority of the Clean Water Act, 33 U.S.C. Section 1251, et seq., any Person who violates any provision of this Ordinance, or any permit condition, prohibition, or effluent limit shall be liable civilly for a sum not to exceed \$25,000.00 per violation for each day in which such violation occurs. The General Counsel, upon order of the General Manager, shall petition the Superior Court to impose, assess, and recover such penalties, or such other penalties as EOCWD/OCSD may impose, assess, and recover pursuant to federal and/or state legislative authorization.

D. Administrative Civil Penalties

- 1. Pursuant to the authority of California Government Code Sections 54740.5 and 54740.6, EOCWD/OCSD may issue an administrative complaint to any Person who violates:
 - a) any provision of this Ordinance;
 - b) any permit condition, prohibition, or effluent limit, or certification requirement; or
 - c) any suspension or revocation order.
- 2. The administrative complaint shall be served via personal delivery, mail with proof of delivery, or a similar method on the Person and shall inform the Person that a hearing will be conducted, and shall specify a hearing date within sixty (60) days. The administrative complaint will allege the act or failure to act that constitutes the violation of EOCWD/OCSD requirements, the provisions of law authorizing civil liability to be imposed, and the proposed civil penalty. The matter shall be heard by the General Manager's designee. The Person to whom an administrative complaint has been issued may waive the right to a hearing, in which case a hearing will not be conducted.
- 3. At the hearing, the Person shall have an opportunity to respond to the allegations set forth in the administrative complaint by presenting written or oral evidence. The hearing shall be conducted in accordance with

- the procedures established by the General Manager and approved by General Counsel.
- 4. After the conclusion of the hearing, the General Manager's designee shall submit a written report to the General Manager within thirty (30) calendar days setting forth a brief statement of the facts found to be true, a determination of the issues presented, conclusions, and a recommendation.
- 5. Upon receipt of the written report, the General Manager shall make his/her determination and should he/she find that grounds exist for assessment of a civil penalty against the Person, he/she shall issue his/her decision and order in writing within twenty (20) calendar days.
- 6. If, after the hearing or appeal, if any, it is found that the Person has violated reporting or discharge requirements, the General Manager may assess a civil penalty against that Person. In determining the amount of the civil penalty, the General Manager may take into consideration all relevant circumstances, including but not limited to the extent of harm caused by the violation, the economic benefit derived through any non-compliance, the nature and persistence of the violation, the length of time over which the violation occurs, and corrective action, if any, attempted or taken by the Person involved.
- 7. Civil penalties may be assessed as follows:
 - a) In an amount which shall not exceed two thousand dollars (\$2,000.00) for each day for failing or refusing to furnish technical, monitoring reports, or any other required documents;
 - b) In an amount which shall not exceed three thousand dollars (\$3,000.00) for each day for failing or refusing to timely comply with any compliance schedules established by EOCWD/ OCSD;
 - c) In an amount which shall not exceed five thousand dollars (\$5,000.00) per violation for each day of discharge in violation of any Wastewater discharge limit, permit condition, or requirement issued, reissued, or adopted by EOCWD/OCSD;
 - d) In any amount which does not exceed ten dollars (\$10.00) per gallon for discharges in violation of any suspension, revocation, cease and desist order or other orders, or prohibition issued, reissued, or adopted by EOCWD/OCSD;
 - 8. Any Person aggrieved by an order issued by the General Manager assessing administrative civil penalties may, within fifteen (15) days after the General Manager issues the order, file an appeal with the Governing Board. The evidence on appeal shall consist solely of the General Manager's order and the administrative record

before the hearing officer. The Governing Board shall determine whether to uphold, modify, or reverse the General Manager's order. The decision of the Governing Board shall be set forth in writing and be sent by certified mail to the appellant. The decision of the Governing Board shall be final in all respects. If no appeal of the General Manager's decision is filed within fifteen (15) days of its issuance, the General Manager's order becomes final in all respects.

- 9. Copies of the administrative order shall be served on the party served with the administrative complaint, either by personal service or by registered mail to the Person at his business or residence address, and upon other persons who appeared at the hearing and requested a copy of the order.
- 10. Any Person aggrieved by a final decision issued by the Governing Board, may obtain review in the superior court, pursuant to Government Code Section 54740.6, by filing in the court a petition for writ of mandate within thirty (30) days following the service of a copy of the Governing Board decision.
- 11. Payment of any order setting administrative civil penalties shall be made within thirty (30) days of the date the order becomes final. The amount of any administrative civil penalties imposed which have remained delinquent for a period of sixty (60) days shall constitute a lien against the real property of the Discharger from which the discharge resulting in the imposition of the civil penalty originated. The lien shall have no effect until recorded with the county recorder. EOCWD/OCSD may record the lien for any unpaid administrative civil penalties on the ninety-first (91st) day following the date the order becomes final.
- 12. No administrative civil penalties shall be recoverable under Section 616.D for any violation for which EOCWD/OCSD has recovered civil penalties through a judicial proceeding filed pursuant to Government Code Section 54740.

616. CRIMINAL PENALTIES

Any Person who violates any provision of this Ordinance is guilty of a misdemeanor, which upon conviction is punishable by a fine not to exceed \$1,000.00, or imprisonment for not more than thirty (30) days, or both. Each violation and each day in which a violation occurs may constitute a new and separate violation of this Ordinance and shall be subject to the penalties contained herein.

617. APPEALS TO GENERAL MANAGER

A. General

Any User, permit applicant, or Permittee affected by any decision, action or determination made by the General Manager a written request for an appeal hearing. The request must be received by EOCWD/OCSD within fifteen (15) days of mailing of notice of the decision, action, or determination of EOCWD/OCSD to the appellant. The request for hearing shall set forth in detail all facts supporting the appellant's request. Filing of an appeal shall stay the proceedings and furtherance of the action being appealed

B. Notice

The General Manager shall, within fifteen (15) days of receiving the request for appeal, and pursuant to Section 107, designate a Department Head or other person to hear the appeal and provide written notice to the appellant of the hearing date, time and place via personal delivery, mail with proof of delivery, or a similar method. The hearing date shall not be more than thirty (30) days from the delivery date of such notice to the appellant unless a later date is agreed to by the appellant. If the hearing is not held within said time due to actions or inactions of the appellant, then the staff decision shall be deemed final.

C. Hearing

At the hearing, the appellant shall have the opportunity to present information supporting its position concerning the Division Head's decision, action or determination. The hearing shall be conducted in accordance with procedures established by the General Manager and approved by General Counsel.

D. Written Determination

After the conclusion of the hearing, the Department Head (or other designee) shall submit a written report to the General Manager setting forth a brief statement of facts found to be true, a determination of the issues presented, conclusions, and a recommendation whether to uphold, modify or reverse the Division Head's original decision, action or determination. Upon receipt of the written report, the General Manager shall make his/her determination and shall issue his/her decision and order within thirty (30) calendar days of the hearing by his/her designee. Upon issuance, the order of the General Manager shall be final in all respects. The written decision and order of the General Manager shall be sent via personal delivery, mail with proof of delivery, or a similar method to the appellant or its legal counsel/representative at the appellant's business address.

618. PAYMENT OF CHARGES

- A. Except as otherwise provided, all fees, charges and penalties established by this Ordinance are due and payable upon receipt of notice thereof. All such amounts are delinquent if unpaid forty five (45) days after date of invoice.
- B. Any charge that becomes delinquent shall have added to it a penalty in accordance with the following:
 - 1. Forty six (46) days after date of invoice, a basic penalty of ten percent (10%) of the base invoice amount, not to exceed a maximum of \$1,000.00; and
 - 2. A penalty of one and one-half percent (1.5%) per month of the base invoice amount and basic penalty shall accrue from and after the forty-sixth (46th) day after date of invoice.
- C. Any invoice outstanding and unpaid after ninety (90) days shall be cause for immediate suspension of the permit.
- D. Penalties charged under this Section shall not accrue to those invoices successfully appealed.
- E. Payment of disputed charges is still required by the due date during EOCWD's/ OCSD's review of any appeal submitted by Permittees.

619. COLLECTION OF DELINQUENT ACCOUNTS

Collection of delinquent accounts shall be in accordance with EOCWD's/OCSD's policy resolution establishing procedures for collection of delinquent obligations owed to EOCWD/OCSD, as amended from time to time by the Board of Directors. Any such action for collection may include an application for an injunction to prevent repeated and recurring violations of this Ordinance.

620. APPEAL OF CHARGES AND FEES

Except for non-compliance charges and penalties, any User, permit applicant, or Permittee affected by any decision, action, or determination by EOCWD/OCSD, relating to fiscal issues of EOCWD/OCSD in which the User, applicant, or Permittee is located, including but not limited to the imposition and collection of fees, such as capital facility capacity charges, sewer use charges, special purpose discharge use charges and Wastehauler fees, may request that EOCWD/OCSD reconsider imposition of such fees or charges. Following review of such a request, EOCWD/OCSD shall notify the User, permit applicant, or Permittee via personal delivery mail with proof of delivery, or a similar method of EOCWD's/OCSD's decision on the reconsideration request. Any User, permit applicant, or Permittee adversely affected by EOCWD's/OCSD's decision on the reconsideration request may file an appeal which shall be heard by the Board of Directors. The notice of appeal must be received by EOCWD/OCSD within thirty (30) days of the mailing of OCSD's decision on the reconsideration request.

621. RECOVERY OF COSTS INCURRED BY EOCWD/OCSD

In the event any User, permit applicant, or permittee fails to comply with any of the terms and conditions of this Ordinance, a probationary order, an order of permit suspension or revocation, an ECSA, a RCSA, a certification, or a permit issued hereunder, EOCWD/OCSD shall be entitled to reasonable attorney's fees and costs which may be incurred in order to enforce any of said terms and conditions, with or without filing proceedings in court.

622. FINANCIAL SECURITY/AMENDMENTS TO PERMIT

A. Compliance Deposit

Permittees that have been subject to enforcement and/or collection proceedings may be required to deposit with EOCWD/OCSD an amount determined by the General Manager as necessary to guarantee payment to EOCWD/OCSD of all charges, fees, penalties, costs and expenses that may be incurred in the future, before permission is granted for further discharge to the sewer.

B. Delinquent Accounts

EOCWD/OCSD may require an amendment to the permit of any Permittee who fails to make payment in full of all fees and charges assessed by EOCWD/OCSD, including reconciliation amounts, delinquency penalties, and other costs or fees incurred by Permittee.

C. Bankruptcy

Every Permittee filing any legal action in any court of competent jurisdiction, including the United States Bankruptcy Court, for purposes of discharging its financial debts or obligations or seeking court ordered, protection from its creditors, shall, within ten (10) days of filing such action, apply for and obtain the issuance of an amendment to its permit.

D. Permit Amendments

EOCWD/OCSD shall review and examine Permittee's account to determine whether previously incurred fees and charges have been paid in accordance with time requirements prescribed by this Ordinance. EOCWD/OCSD may thereafter issue an amendment to the User's permit in accordance with the provisions of Article 3 and subsection E below.

E. Security

An amendment to a Wastewater discharge permit issued pursuant to subdivisions (B), (C) and (D) above, may be conditioned upon the Permittee depositing financial security in an amount equal to the average total fees and charges for two (2) calendar quarters during the preceding year. Said deposit shall be used to guarantee payment of all fees and charges incurred for future services and facilities furnished by EOCWD/OCSD and shall not be used by EOCWD/OCSD to recover outstanding fees and charges incurred prior to the Permittee filing and receiving protection from creditors in the United States Bankruptcy Court.

F. Return of Security

In the event the Permittee makes payment in full within the time prescribed by this Ordinance of all fees and charges incurred over a period of two (2) years following the issuance of an amendment to the permit pursuant to subdivisions (B), (C) and (D), EOCWD/OCSD shall either return the security deposit posted by the Permittee or credit their account.

623. <u>JUDICIAL REVIEW</u>

A. Purpose and Effect

Pursuant to Section 1094.6 of the California Code of Civil Procedure, EOCWD/OCSD hereby enacts this part to limit to ninety (90) days following final decisions in adjudicatory administrative hearings the time within which an action can be brought to review such decisions by means of administrative mandamus.

B. Definitions

As used in this Section, the following terms and words shall have the following meanings:

- 1. <u>Decision</u> shall mean and include adjudicatory administrative decisions that are made after hearing, or after revoking, suspending, or denying an application for a permit.
- Complete Record shall mean and include the transcript, if any exists, of the proceedings, all pleadings, all notices and orders, any proposed decision by the General Manager, the final decision, all admitted exhibits, all rejected exhibits in the possession of EOCWD/OCSD or its offices or agents, all written evidence, and any other papers in the case.

3. <u>Party</u> shall mean a Person whose permit has been denied, suspended, or revoked.

C. Time Limit for Judicial Review

Judicial review of any decision of OCSD or its officer or agent may be made pursuant to Section 1094.5 of the Code of Civil Procedure only if the petition for writ of mandate is filed not later than the ninetieth (90th) day following the date on which the decision becomes final. If there is no provision for reconsideration in the procedures governing the proceedings or if the date is not otherwise specified, the decision is final on the date it is made. If there is provision for reconsideration, the decision is final upon the expiration of the period during which such reconsideration can be sought; provided that if reconsideration is sought pursuant to such provision the decision is final for the purposes of this Section on the date that reconsideration is rejected.

D. Preparation of the Record

The complete record of the proceedings shall be prepared by the EOCWD/OCSD officer or agent who made the decision and shall be delivered to the petitioner within ninety (90) days after he/she has filed written request therefor. EOCWD/OCSD may recover from the petitioner its actual costs for transcribing or otherwise preparing the record.

E. Extension

If the petitioner files a request for the record within ten (10) days after the date the decision becomes final, the time within which a petition, pursuant to Section 1094.5 of the Code of Civil Procedure, may be filed shall be extended to not later than the thirtieth (30th) day following the date on which the record is either personally delivered or mailed to the petitioner or the petitioner's attorney of record.

F. Notice

In making a final decision, EOCWD/OCSD shall provide notice to the party that the time within which judicial review must be sought is governed by Section 1094.6 of the Code of Civil Procedure.

G. Administrative Civil Penalties

Notwithstanding the provisions in this Section, and pursuant to Government Code Section 54740.6, judicial review of an order of the General Manager imposing administrative civil penalties pursuant to Section 616.D may be made only if the petition for writ of mandate is filed not later than the thirtieth (30th) day following the day on which the order of the General Manager becomes final.

ARTICLE 7. SEWER SERVICE CHARGES – CAPITAL FACILITY CAPACITY CHARGES

701. SANITARY SEWER SERVICE CHARGE

Every parcel of real property located within EOCWD which is improved with structures designed for residential, commercial, or industrial use, and connected to the EOCWD's Sewerage System, shall pay a sanitary sewer service charge in an amount adopted by the Board of Directors by separate Ordinance.

702. CAPITAL FACILITIES CAPACITY CHARGE

Every parcel of real property located within EOCWD which is improved with structures designed for residential, commercial, or industrial use, and connected to the EOCWD's Sewerage System, shall pay a capital facilities capacity charge in an amount adopted by the Board of Directors by separate Ordinance.

ARTICLE & SEVERABILITY

801. SEVERABILITY

If any provision of these Regulations or the application to any circumstances is held invalid, the remainder of the regulations or the application of such provision to other persons or other circumstances shall not be affected.

802. GENERAL APPLICATION

The provisions of this Ordinance shall apply to all properties within EOCWD including those properties otherwise deemed exempt from payment of taxes or assessments by provisions of the state Constitution or statute, including properties owned by other public agencies or tax-exempt organizations.

- Section 1: This Ordinance is enacted in order to preserve the public health and safety, and in order to continue the provision of sewer services by EOCWD/OCSD. The facts requiring the public health and safety to be preserved are that the regulation of the discharge of industrial and sanitary Sewage is regulated by federal and state law, and protection of individuals' health and the environment require that no discharges of untreated Sewage/Wastewater are allowed to occur that are not in accord with technical specifications and requirements.
- Section II: Effective Date. This Ordinance shall take effect October 1, 2016.
- Section III: The Clerk of the Board shall certify to the adoption of this Ordinance and shall cause a summary to be published in a newspaper of general circulation as required by law.

PASSED AND ADOPTED by the Board of Directors of the East Orange County Water District at a Regular Meeting held the 15th day of September, 2016.

President, Board of Directors
East Orange County Water District

www. morecel

ATTEST:

STATE OF CALIFORNIA)
)SS.
COUNTY OF ORANGE)

I, Joan Arneson, Secretary to the Board of Directors of the East Orange County Water District, do hereby certify that the above and foregoing Ordinance No. 16-1 was introduced for first reading at a regular meeting of said Board on the 18th day of August, 2016, and passed and adopted at a regular meeting of said Board on the 15th day of September, 2016, by the following vote, to wit:

AYES: BELL, DAVERT, DULEBOHN, EVERETT, SEARS

NOES: NONE ABSENT: NONE NONE

INWITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of East Orange County Water District this 15th day of September, 2016.

Secretary to the Board of Directors
East Orange County Water District



APPENDIX Q LOCAL SANITARY SEWER SERVICE

CHARGES



ANNUAL LOCAL SANITARY SEWER SERVICE USER FEES RESIDENTIAL USERS

FISCAL YEAR 2023-24

SFR \$120.96 MFR \$84.67

SFR = Single Family Residential per dwelling unit MFR = Multi-Family Residential per dwelling unit



APPENDIX R FOG MANAGEMENT PROGRAM

Fats, Oil, and Grease (FOG) Management Program

Prepared for

East Orange County Water District Collection Systems Division

January 17, 2019



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1 Introduction

A leading cause of sewer blockages across the U.S. is the Fats, Oil, and Grease (FOG) build-up in the sanitary sewers. Usually in conjunction with the tree roots growth and the accumulation of other sediment and debris, grease deposits (Figure 1, Figure 2) are responsible for creating bottlenecks in the sewer collection system in the form of partial or complete pipe blockages. The blockages may cause or contribute to sanitary sewer overflows (SSOs) into local waterways and backups into homes and businesses (Figure 3), and thus can cause significant damage to properties and be a risk to public health and the environment. Municipalities experience a direct cost burden for responding to blockages, relieving the blockage, cleaning damage done, or paying regulatory fines and penalties for violating their NPDES Permits because of FOG related problems.



Figure 1: FOG deposit clogging the sewer pipe.



Figure 2: FOG accumulated on the wall of sewer pipe.



Figure 3: A FOG related SSO in a parking lot.

The maintenance costs associated with the blockages are ultimately passed along to sewer rate payers. SSOs and basement backups also present various levels of public health hazards and pollution of the environment. In addition, there are potentially advert impacts from FOG on the performance of the wastewater treatment plants (WWTPs).

State and local regulating agencies include FOG management programs as a key activity in their regulatory toolbox. The East Orange County Water District, and its predecessor, the Orange County Sanitation District, has been implementing grease pollution prevention measures for over ten years by requiring large commercial or public kitchens to install and properly maintain grease removal devices (GRDs) in the drain line but a comprehensive FOG program has not been formulated and initiated until 2012.

This report presents the FOG Management Program that has been developed to avoid potential conveyance and treatment performance problems. The program development involved the following steps:

- Understanding the regulatory requirements This step involved identifying regulatory requirements that establish the legal framework for program development and implementation.
- Characterizing FOG sources This step involved identifying the sources of FOG to be inventoried and
 evaluating where FOG may be affecting the conveyance or treatment system.
- Establishing program administration This step involved identifying staff requirements and funding sources for supporting the FOG management program.
- Selecting a FOG management program implementation approach This step entailed selection of an approach for regulating the FSEs and establishing FOG handling and disposal practices.

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Regulatory Requirements

There are federal and state regulations that pertain to FOG management (see Table 1), however, this document is focused on local regulations adopted by the District. On September 15, 2016, the District adopted Ordinance 2016-02 as the framework for the FOG Management Program The Ordinance provides the legal authority to require installation and maintenance of grease control devices at commercial establishments, and to inspect the FOG handling practices used by FSEs and to enforce their compliance with the FOG management program.

In summary, regulations that affect development of a FOG Management Program are listed in Table 1.

Table 1: Regulatory Requirements Pertaining to FOG Management Program Development.

Regulation:	Enforcement agency:	Document:
General pretreatment regulations	U.S. EPA	CFR 40, Parts 122 & 123 & 403
General Waste Discharge Requirements	State of California	Order 2006-0003-DWQ
FOG Ordinance FOG Fee	EOCWD EOCWD	Ordinance 2016-02 Ordinance 799

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2 FOG Management Program

The Fats, Oil, and Grease (FOG) Management Program is a formal program by EOCWD that incorporates applicable guidance, policies, and regulations governing FOG generators and haulers in order to manage grease waste generated by customers that discharge to the District's sanitary sewer system.

The primary goal and purpose of the EOCWD FOG Management Program is to prevent grease related pipe blockages and subsequent overflows from happening and thus avoid property damages, environmental problems in nearby surface waters, and public health hazards. By controlling the discharge of FOG to the wastewater collection system, FOG buildup in sewer lines will be lessened, thereby increasing the wastewater collection system's operating efficiency and minimizing system maintenance expenditures. In addition, an effective FOG Management Program will minimize potential revenue losses associated with FOG related enforcement actions.

Goals of the FOG Management Program to reduce FOG related expenditures and protect the environment and the public health will be achieved by:

- Minimizing FOG entering the District's sanitary sewer infrastructure and keeping it in concentrations or rates allowed, and
- Public Education and Outreach

Program Components and Approach

Overall, the FOG Management Program consists of the following components:

- Review of Current Collection System FOG Hot Spots
- Identification of Additional Collection System FOG Hot Spots via SEDARU analysis
- FOG program resources requirements
- FOG related permitting requirements
- FOG recommended practices for FSEs including:
 - Kitchen best management practices (BMPs)
 - o Grease removal device (GRD) maintenance
- FOG collecting and disposal proper practices including:
 - o GRD cleaning
 - FOG disposal at WWTP
- FOG program implementation including:
 - o Public FOG education and outreach
 - Achieving compliance with the FOG program from FSEs, including education and inspection of FSEs and enforcement measures if needed
 - o Internal training within the District about FOG program
- FOG program effectiveness measures

While achieving goals of the FOG Management Program is important, it is in the District's best interest to keep residents and businesses affected by the program encouraged and willing to participate. Educating the public about FOG and the consequences of releasing it into the sewers usually makes people change their mindset and helps adopting new kitchen management practices. The program approach emphasizing education and public relations while minimizing enforcement through fines and penalties is thus set to motivate rather than enforce the compliance with program requirements. Every

EOCWD FOG Program Page **5** of **63**

effort has been made to make compliance as easy as possible by providing clear guidelines for implementing kitchen best management practices and by creating easy to follow routine procedures for permitting and maintenance of grease removal devices.

3 Review of Current Program

Purpose of Review

An effective and efficient FOG Management Program must be based on a good understanding and knowledge of FOG sources and the extent of FOG related problems. It is an annual process. The purpose of the FOG review is to examine identified problem maintenance areas in the sanitary sewer system and the root causes of the problems; and verify that current the asset management and operations and maintenance efforts are successful.

High Frequency Maintenance Locations

Each year the District cleans all of its 175-mile long sewer collection system at least one time. Specific lines in the system are cleaned more frequently than others.

Approximately 230 sewer segments³ are cleaned at a higher frequency than others. A specialized cleaning schedule has been created for sewer segments which experienced overflow conditions in the past, or where high concentrations of grease and/or roots have been found during cleaning.

The District utilizes hydraulic jet cleaning, which utilizes high pressure water jets to scour the walls of sewer pipes. The District uses a vacuum truck to remove debris and other material resulting from the cleaning operation from the manhole, which is afterwards disposed at the Orange County Sanitation District's Wastewater Treatment Plant. Mechanical cleaning methods utilizing root cutters or rodding machines are used when roots or other blockages are encountered that cannot be cleaned with hydraulic methods.

The District crews and contract cleaning crews record cleaning data into SEDARU using the upstream and downstream manhole number for each line cleaned. A standardized cleaning template is used which documents the type and estimated amount of material removed during cleaning has been developed.

Pipe Blockages and SSOs

Historical records of collection system maintenance activities are reviewed to ascertain any useful information on the causes of pipe blockages and SSOs, in order to determine locations of additional FOG related hotspots. The District has been tracking locations and causes of blockages and SSOs and keeping the record of these occurrences in its database.

EOCWD FOG Program Page **7** of **63**

³ The numbers shown refer to pipeline segments identified in SEDARU as Hot Spots.

FOG Sources

Major contributors to FOG in the EOCWD sewer collection system are commercial establishments involved in food processing. Residential areas, especially locations of high density housing and apartments, can also be significant FOG sources.

There are approximately over 200 active food service establishments (FSEs) in EOCWD,

Another type of commercial establishments that generates wastewater with significant FOG content are carwash establishments. Wash water from commercial car wash facilities contains grease and oil other substances such as engine cleaner chemicals, sludge, heavy metals, salt and sand mixed with soaps, waxes, and detergents. These facilities require sand and oil interceptors which are similar in construction and purpose to grease removal devices used in FSEs (in these devices oil and dirt are removed from the carwash wastewater before it is released into the sanitary sewer system). The District has not cataloged car washes and examined their impact; this will be completed during FY 2018/19. All facilities without sand and oil interceptors will have to comply with car wash pretreatment standards upon any modification to the facility that requires a building permit.

Evaluate FOG Locations Potentially Contributing to SSOs

As part of the District's Sewer Overflow Response Plan (SSORP), the District has a formal process to assess sanitary sewer backups and overflows in order to identify FOG locations potentially contributing to backups and overflows. This process includes the identification of pipeline segments with increased cleaning frequencies, and looking into the historical records of pipe blockages and SSOs to make it possible to identify potential grease problem areas.

All FSEs located upstream of the identified problem areas that discharge their wastewater into the "problem" lines are potential contributors to the grease build-up. A work order will be issued to conduct inspections of FSE upstream of problem areas. Inspections of these FSEs evaluate the following:

- GRD maintenance (FSE inspection records, FOG hauler manifests).
- GRD location, design and size.
- Kitchen equipment (deep fryer, wok, grill, etc.)
- Kitchen drains (sinks, food grinder, dishwasher, etc.)
- FOG disposal practices
- Evidence of kitchen best management practices (BMPs) (employee training, drain screens, yellow grease collection, spill prevention/clean-up practices, signage, etc.)
- The menu and quantity of FOG production (oil, grease, shortening, fat, beef, poultry, seafood, etc.)

FSE inspections also look for evidence of any grease congealing and build up in a mainline downstream of the GRD. A pole camera can be used to inspect manholes and pipe sections close to the manholes for the possible congealing of grease. Grease could congeal up to about 1,500 ft from the FOG producer.

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4 Grease Removal Devices (GRDs) and Disposal Options

Grease Removal Devices (GRDs)

While an aggressive program of Best Management Practices (BMPs) for kitchens by the food service establishment (FSE) community, as described in Section 7, will improve FOG control efforts to lower operation and maintenance (O&M) costs and reduce sewer systems overflows (SSOs), BMPs alone are unlikely to be sufficient. Grease abatement involves installing grease removal devices (GRDs). EOCWD requires that all FSEs install GRDs.

Grease interceptors are large grease removal devices installed outdoors in-ground. They are "volume" based, with typically 1,000 gallons minimum capacity, and a rated flow greater than 50 gpm or generally no flow restriction requirements. Grease traps are small devices installed indoors, typically under a sink in the kitchen. They are "flow rated", with a rated flow of 50 gpm or less, and capacityt up to 100 pounds.

GRDs operate by slowing down the flow passing through the device and retaining it long enough to allow solids and particulates with specific gravities different than water to separate out by gravity flotation and settling. Grease interceptors (Figure 9) installed in EOCWD after 2012 shall have two compartments separated by a midwall baffle, the first compartment usually having 2/3 of the total volume and the second 1/3 of the total volume. The kitchen wastewater enters the GRD through the inlet pipe, passes through the opening on the baffle into the second compartment and flows out of the GRD into the sanitary sewer lateral through the outlet pipe. An inlet tee is installed to prevent clogging of inlet pipe with the floating grease that accumulates in the device. To prevent floating FOG to be carried away with a flow out of the interceptor, an outlet tee is installed at the outlet pipe. The depth between the invert of the outlet pipe and the bottom of the tank is called an operating depth of interceptor. The inlet and outlet Tees are usually installed to the half of interceptor's operating depth because of solids that accumulate at the bottom of the tank. A tee like the one in Figure 4 or similar may be installed at the opening in the baffle to prevent floating FOG to pass from the first into the second compartment. When the combined depth of floating grease and solids is about ¼ of the operating depth, the interceptor must be cleaned (pumped out dry) as described in Section 7. Each compartment must have an access point (a manhole) for checking the thickness of accumulated floating FOG and solids in the interceptor, and cleaning of compartments.

Grease traps (Figure 5) may have one or more baffle plates which separate the trap into two or more compartments. The FOG content in the wastewater decreases as it flows between compartments and in the last compartment it should be practically eliminated. If a grease trap is not properly maintained, the last compartment may contain increasingly grease laden wastewater and grease may start to flow into the wastewater drain, which may result in a blocked drain and that can be expensive to clear.

When the water flowing into the GRD has high temperature, turbulence or presence of soaps, surfactants or detergents, the free floating fat in the kitchen generated wastewater breaks up into tiny particles and mixes with water (emulsifies), which makes the device less effective or ineffective. The high pH in influent indicates cleaning products and these chemicals are generally powerful degreasers. The low pH within the grease interceptor suggests the occurrence of anaerobic microbial activity, and the acidic nature of the interceptor may lead to increased deterioration of the concrete walls.

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The effective grease separation from wastewater in GRDs requires:

- Sufficient retention time, based on water flow.
- Water temperature, must be less than 140°F
- pH, must be between 5 and 9.
- Controlled turbulence.

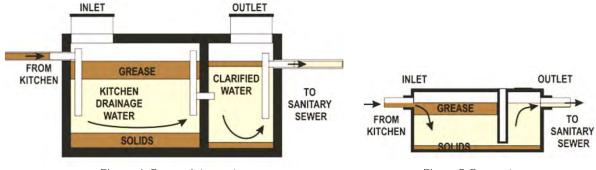


Figure 4: Grease interceptor

Figure 5: Grease trap

Plumbing fixtures in FSEs that potentially discharge FOG should be connected to GRDs, including sink drains and floor drains. Sanitary fixtures that produce black water other than kitchen waste, such as toilets and urinals should not be connected to GRDs.

Disposal Options

Grease collected at FSEs can be recycled. There are two types of grease, yellow and brown. Yellow grease is removed from fryers and similar cooking equipment and stored in special yellow grease containers at the FSEs (see Section 7). The FOG haulers sell the yellow grease to rendering companies to turn into cosmetics, soaps, fertilizers and animal feed. Brown grease is the material removed from GRDs and is typically disposed at wastewater treatment plants (WWTPs) although it can be used to make paints and polymers or used as a co-fuel in incinerators.

One advantage for an FSE to collect yellow grease is that the FOG haulers either collect yellow grease for free or pay the FSEs for pumping out and hauling of yellow grease, whereas FSEs pay the haulers for collecting the brown grease.

Disposal and recycle options for FSEs are shown in Figure 6.

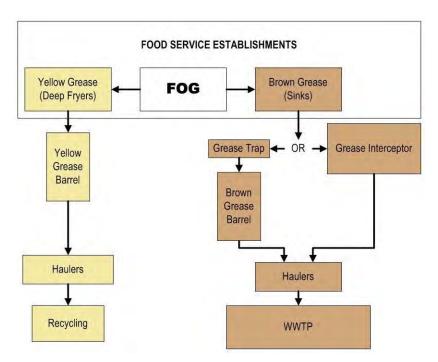


Figure 6. Disposal and recycle options for FOG collected from FSEs.

5 Program Resource Requirements

Introduction

The implementation, administration, monitoring, and enforcement of the FOG Management Program requires adequate funding support each year for staff, tools and equipment, and software/hardware resources. This section discusses how the District is or needs to address each of these resources.

Staff

FOG related staffing requirements based on the District's updated FOG Management Program activities are shown in Table 3. The following are general job descriptions of the staff positions:

- General Manager: Manages the overall District Operations.
- Operations Manager: Responsible for day-to-day oversight of the District's water and wastewater systems.
- FOG Investigator(s): Contract staff that perform inspection of FOG facilities for compliance with District's regulations. Documents deficiencies and coordinates appropriate enforcement action. Also participates in investigations of grease related SSOs to document source and ensure that documentation is accurately collected.
- Sewer Collection System Supervisor: Manages Sewer Equipment Operators, Assessment Crew, and Repair/Construction Crew.
- Sewer Collection System Operator: Performs preventative maintenance on wastewater system, clean/inspect wastewater system in response to SSO and Backups.
- Repair/Construction Crew: Assists Collection System Operators in making repairs on damaged sewer systems as necessary to restore flow.
- Office of District Engineer Contract Engineering firm: Oversees plan submittal and review process for facilities requiring wastewater system needs including FOG management facilities.

Table 2: Staffing organizational assignments for FOG related activities.

		Ass	ignme	nts* and	l % Tim	e Alloca	ated to	FOG
Staff	Abbr.	(1)	(2)	(3)	(4)	(5)	(6)	%
General Manager	GM				.5	2	1	3.5
Operations Manager	Ops Mgr	1	5	1	1	5	4	17.0
FOG Program Coordinator	FOG Coor	25	25	25	5	10	10	100.0
Sewer Collection System Supervisor	CS Supr	2	10	2	1	1	10	26.0
Sewer Collection System Operators (2)	CS Opr		10	2	1	1	12	26.0
Repair/Construction Crew	RC Crew					.5	2	2.5
District Engineer	DE	5		•	1	1	1	8.0

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*Assignm	ents: (1) FOG Facility Plan Review and Permitting	(4) Enforcement
	(2) FSE Inspection and Documentation Management	(5) Public Outreach
	(3) Manifest Tracking and Documentation	(6) Maintenance and Assessment

A more detailed description of staff assignments related to this program is given in herein.

FG Plan Reviews and Permitting of FSEs

FOG facility plan reviews are performed as a first step in permitting new FSEs with kitchen facilities or when existing facilities apply for a business license. The facility plan of the new FSE is created by an engineer or architect that has been contracted by the applicant FSE owner/manager and it includes the site plan showing location of grease removal devices (GRDs) and their calculated required size.

The FOG Program Coordinator and District Engineer review the plan to ensure that the GRD has been properly designed. The FOG Program Coordinator and/or District Engineer recommends adjustments to the location if not appropriate and using the standard GRD calculation method checks the size of the GRD on the plan. The FOG Program Coordinator and District Engineer may request changes to the FOG facility plan which requires re-submittal. The Operations Manager and Collection Systems Supervisor may also be consulted in this review.

The District Engineer is the presiding department over the plan submittal and review process. It confirms that the applicant has appropriate approvals to accommodate the request for the building construction or development. The District Engineer issues the building permit for the FOG facility once the FOG Facility Plan is approved.

The FOG Program Coordinator performs an inspection of the GRD once it has been installed, to confirm that the installation is in accordance with the approved plan. If the inspection passes, the inspector informs District Engineer, who will then sign off for the appropriate building department regarding the plan compliance.

The FOG Program Coordinator will then enter the FSE into the database and prepare the FOG permit.

FSE Inspection and Documentation Management

For the purpose of scheduling and conducting inspections of FSEs, all FOG permittees have been entered into SEDARU, which generates a semi-annual inspection. The Orange County Health Department also inspects these facilities on a semi-annual basis.

The FOG Program Coordinator, and on occasion, the Collection System Supervisor and Collection System Operator perform inspections of GRDs and enters inspection data into SEDARU when each inspection has been completed.

In the case of FSE non-compliance with the GRD maintenance requirements, the Operations Manager and District Engineer, as well as the Collections System Supervisor and Collection Systems Operator may be involved with getting the FSE back into compliance, as described in Section 10. Occasionally, the General Manager may also be involved.

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FOG Collection and Disposal Tracking and Documentation

The FOG Hauler Manifest forms will be reviewed by the FOG Program Coordinator for all FSEs. Failure to property document FOG removal will be grounds for enforcement action.

Public Outreach

Public outreach to EOCWD residents will help reduce the amount of FOG entering the sanitary sewer system by educating them of the proper home kitchen grease disposal techniques and practices. The District can conduct public outreach through participation in local exhibitions, meetings and public events, distribution and mailing of posters, door hangers and fliers, dissemination of information through electronic media, and free presentations and trainings to apartment residents, school children, FSEs and FOG haulers. Staff working on these activities includes the all of the categories listed.

Maintenance and Assessment

The FOG Program Coordinator coordinates with the Collection System Supervisor to identify what parts of the program are working and what areas may require more frequent cleaning and inspection. Both staff members provide input to the General Manager and Operations Manager regarding the effectiveness of the FOG inspection program and the Hot Spots cleaning program.

Tools and Equipment

FSE Inspections

Table 3 shows tools/equipment and documentation needed by the SSO/FOG Investigator for performing FSE inspections.

Table 3: Tools/equipment and documentation needed for FSE inspections.

Tools per vehicle		Documentation
12-in. adjustable wrench	5-gallon bucket	District Identification (ID)
Two 12-in. standard head screwdrivers	Shovel	Business cards
Two 8-in. standard head screwdrivers	Thermometer	Waterproof pens and clipboard
One 12-in. Phillips head screwdriver	District truck/vehicle safety	Inspection forms
One 8-in. Phillips head screwdriver	Steel-toed shoes	Assigned FSE list from SEDARU
One Allen wrench	Safety glasses	FOG Binder
One 8-in. pliers	Safety vests	BMPs brochures
One ratchet and socket set, metric & standard	Construction hardhat	GRD Manufacturer Drawings
One power drill set, with attachments	Back-braces	Sewer Use Ordinance (for reference)
One sledgehammer	Work gloves	FOG Management Program
Manhole cover lift/hook	Latex gloves	Printed List of permitted FOG Haulers (contact names & phone numbers) in case internet is down
Pole/digital camera	Disinfectant/hand sanitizer	CCTV Truck, Camera, Software
Cell phone/radio	Rags/paper towels	
Sludge judge and/or depth probe	Rain gear	
Mirror on a pole and flashlight (to see	Ruler	
inside manholes and interceptors)	Camera	

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Conveyance System Inspections

The District's Asset Management and Operations and Maintenance Program (AMOM) provides the specific tools and equipment required for cleaning and inspecting the sanitary sewer system for FOG related items. In general, the tools and equipment needed for FOG related inspections include CCTV camera and transporter, VAC truck, Jet Washer with hydraulic driven root cutter, and rodding equipment.

Information Management System

The District has been using SEDARU data management software for asset management and operations and maintenance. The software integrates maintenance management, asset inventory and inspection, and GIS data and can generate work orders and create standard or custom reports for work and performance analysis.

The SEDARU FOG "tile" is used for tracking FOG Management Program implementation. The module enables performing activities such as:

- Scheduling and tracking of facility inspections.
- Scheduling and tracking of facility pumpouts.
- Tracking of maintenance log submittals.
- Tracking of conversations to/from facility and/or hauler.
- Tracking of notices, warning and violations as well as corrective activities.

Funding

Estimating Program Budget

The overall required budget for the FOG Management Program is estimated based on staff time, materials and equipment costs, and the cost of FSE inspections and other services provided as part of the program. The costs for implementing the FOG Program also include the additional associated labor of data management and software upgrades. The FY 2016/17 FOG budget is estimated at more than \$100,000.

Required budget for the outreach program can be calculated based on estimated staff time to conduct workshops and distribute the advertisement materials, and design/production costs of the materials themselves.

Funding Sources

The FOG Management Program is funded through several mechanisms as shown in Table 5.

Table 4: Funding	Sources for the	FOG Program.
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Mechanism	Fund Type	Source of Income
Water/Wastewater General Operating Budget	Wastewater Revenue	Sewer use fees paid by all users
FSE Building Application Fee	General Funds	FSE Applicant for individual establishment
Permit Fees	Wastewater Revenue	FSE's Pay an annual FOG Permit Fee
Penalties	General Funds	Penalties for violations to District Codes by FSE

6 Permitting Requirements

Commercial Food Service Establishments (FSEs)

Permitting Authority and Purpose

All commercial food service establishments (FSEs) doing business in EOCWD require a FOG Permit issued by the District. A FOG Permit is initially issued after the business begins operating and then renewed on a bi-annual basis.

Permitting Process for New FSEs

Before construction of a new FSE begins, the permit applicant for new FSE submits an application for a Building Permit with a FOG Facility Plan enclosed.

As part of review and approval process, the District Engineer and FOG Program Coordinator reviews the FOG Facility Plan. If the plan is not made to the District requirements, the permit applicant needs to revise and resubmit the plan. Upon approval of the plan from the District Engineer, and payment of associated fees, the District issues a Sewer Permit.

The construction of new FSE follows including the installation of GRD. Once the GRD is installed, the FSE gives a notice to the District and the FOG Program Coordinator and/or Collection Systems Supervisor performs inspection. If the installed GRD is not approved (for example, it has not been installed in accordance with the approved facility plan), the FSE need to make appropriate changes to the installed GRD or reinstall the device, and then have the device re-inspected.

If the GRD inspection passed, the appropriate building department paperwork is signed off and SEDARU is updated with the new FSE and GRD records.

Permitting Process for Remodeled FSEs

Before work on remodeling of an existing FSE begins, the FSE owner submits an application for a Sewer Permit. A new FOG Facility Plan is not required but the permit applicant has to schedule inspection of existing GRD with the District.

The FOG Program Coordinator performs the inspection. If the existing GRD is approved, a Sewer Permit will be issued when the planed remodeling work is completed and passed inspection.

If the existing GRD is not approved, the FSE needs to make a new FOG Facility Plan and submit to the District for review. The District Engineer and FOG Program Coordinator review the plan and if it is not made to the District standards, the permit applicant needs to revise and re-submit the plan. Upon approval of the plan by the District Engineer, the District will issue the sewer permit.

The remodeling of new FSE follows including the installation of new GRD. Once the new GRD is installed, the FSE gives a notice to the District and the FOG Program Coordinator performs the inspection. If the

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installed GRD is not approved (for example, it has not been installed in accordance with the approved FOG Facility Plan), the FSE need to make appropriate changes to the installed GRD or reinstall the device, and then have the device re-inspected.

If the GRD inspection passed, the District will issue the sewer permit. The FSE and GRD records in the SEDARU are updated.

Permitting Process for FSEs with Changed Ownership

A change of FSE ownership affects an existing FSE Business License because it is non-transferable and therefore the new FSE owner is required to obtain a new one.

The new FSE owner applies for a new business license. The District's Wastewater Division is notified to determine if the existing GRD needs inspection at this time.

The FOG Program Coordinator performs the inspection. If the existing GRD is approved, the business license paperwork will be signed off.

If the existing GRD is not approved, the FSE needs to make a new FOG Facility Plan and submit to the District for review. The District Engineer and FOG Program Coordinator review the plan and if it is not made to the District standards, the permit applicant needs to revise and re-submit the plan. Upon approval of the plan by the District Engineer, the District will issue sign off on the business license documents.

The installation of new GRD follows and when completed, the FSE gives a notice to the District and the SSO/FOG Investigator performs inspection. If the installed GRD is not approved (for example, it has not been installed in accordance with the approved FOG Facility Plan), the FSE needs to make appropriate changes to the installed GRD or reinstall the device, and then have the device re-inspected. If the GRD inspection passed, the business license documentation is signed off.

The FSE and GRD records in SEDARU are updated.

FOG Facility Plan (GRD Design)

EOCWD's Standard Specifications will be modified to incorporate GRD design guidelines. Until this revision is completed, the review of FOG Facility Plans in the FSE permitting process is based on design methodology (design approach and GRD sizing formulas).

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7 FOG Best Management Practices (BMPs) for FSEs

Introduction

Proper FOG handling at FSEs will reduce the amount of FOG that enters the sewer system. Kitchen Best Management Practices (BMPs) include kitchen's daily activities and measures to keep FOG from being discharged to the sanitary sewer. Proper GRDs maintenance practices relate to their cleaning frequencies, effective cleaning methods, and retaining pump-out records for a specified amount of time.

Equipment and Plumbing

Most kitchen-generated FOG is introduced to the sewer system via the sink. BMPs recommend installing a three-sink dishwashing system which has the first sink used to wash plates; the second sink rinse plates and the third sink to sanitize with a 50-100 ppm bleach solution (Figure 7). Such systems saves energy and cost.

Drain screens should be installed on all sink drains and floor drains. Sink drains screens (Figure 8) are an absolute necessity. They should have openings between 1/8-in. and 3/16-in., be removable for ease of cleaning, and be frequently cleaned (the screened solids disposed of to the trash). They should also be large enough to capture food scraps, solids, and other materials from entering the sewer system, and when a lot of food solids are being dumped into the sinks drain baskets are recommended. Double screens can also be installed to prevent solids from entering the drain while the first screen is being cleaned. Floor drain screens (Figure 9) prevent solids on the floor from entering the sewer system. They must be effectively secured to the floor and cleaned frequently by placing the collected material in the garbage.



Figure 7: Three-sink dishwashing system.



Figure 8: Sink drain screen.



Figure 9: Floor drain screen.

All FOG bearing drains in a FSE should discharge to the GRD. These include mop sinks, wash sinks, prep sinks, utility sinks, pulpers, pre-rinse sinks, can washes, and floor drains in food preparation areas such as those near a fryer or tilt/steam kettle.

Sanitary fixtures that produce black water other than kitchen waste, such as toilets and urinals, are not to be connected to GRDs.

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Proper Dishwashing Practices

Proper dishwashing can reduce significantly entry of FOG and other waste material to the sewer system. The BMPs include recommendations for proper food waste disposal and rinse/wash water temperature monitoring. Prior to washing, solid food waste and solidified FOG should be scraped and dry wiped from pots, pans, fryers, utensils, screens, and mats directly into a trash container (Figure 10). Rubber scrapers, squeegees, or towels to remove food should be used. Used oil should never be poured down a drain or a toilet and should instead be collected in small grease containers (Figure 11) which are emptied to outdoor grease bins for recycle (Figure 12).



Figure 10: Dry wipe pots and utensils prior to washing.



Figure 11: Pouring oil into a small grease container.



Figure 12: Emptying small grease container into an outdoor grease bin.

Before the wash sink is drained, the free floating FOG or food solids should be removed. Additionally any utensils, including knives, forks, spoons, cups, straws, etc. must be prevented from entering the sewer system.

It is essential not to discharge wastewater with temperatures above 140°F therefore if a dishwasher is connected to a GRD it must have a chiller in place to reduce water temperatures.

Kitchen Cleaning Practices

BMPs require that counter tops and food preparation areas are properly cleaned. Food solids must be wiped thoroughly and placed into the trash container or food recycling bin and not dumped down the sink or floor drain. Food grade paper should be used to soak up oil and grease under fryer baskets and paper towels to wipe down work areas (if towels are used, they accumulate grease that eventually ends up in the drain from towel washing/rinsing).

Kitchen exhaust system filters and floor mats should be cleaned in utility sinks or designated areas connected to a GRD and not in an area where wastewater can flow to the gutter, storm drain, or street and thus enter storm sewer system.

Spills Prevention and Cleanup

Every effort should be made to prevent spills in kitchens but when they occur, the risk of FOG entering a drain can be minimized by proper spill clean-up procedures.

Spill prevention BMPs include emptying containers before they are full to avoid accidental spills, using a cover to transport grease materials to a recycling barrel, and providing proper conveyance devices to

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transport grease containing equipment without spilling (e.g., portable fryer grease transfer container). Employees should be provided with the proper tools (ladles, ample containers, etc.) to transport materials without spilling. Spill cleanup kits should be available including, for example, a container (a 5 gallon pail with a standard tear tab lid or screw-on/off lid), universal pads (e.g., 15 in. \times 19 in.), absorbent socks (3 in. \times 4 ft) to block spreading of contaminated liquid, a temporary disposal bag, a plastic zip tie (12 in.), and a pair of gloves.

Spill clean-up BMPs include blocking off sink and floor drains near the spill, clean spills with towels and absorbent material, and using wet cleanup methods only to remove trace residues. Spills of dry ingredients should be swept up or vacuumed to prevent them from being washed into floor drains.

When changing oil in fryers, the oil should be drained into a bucket (Figure 13) and discarded into a container kept behind the facility (an oil rendering tank for disposal) before it is hauled away. It should never be discharged into a grease interceptor or waste drain. Grill top scrap baskets should be emptied or scrapped into the rendering barrel as well.

Proper storage practices include use of outdoor grease bins (Figure 14) and barrels (Figure 15) where grease is stored until picked up FOG grease haulers for discharging at the WWTP but preferably by grease recycling companies in the area.

Grease containers stored outdoors must be covered to prevent rainwater from entering (Figure 15). This prevents FOG which floats from flowing with rainwater overflowing from the bin or barrel onto the ground where it can reach the stormwater system. FOG containers should be located away from storm drains to give more time to clean up any spills if they happen. Any FOG dripping out of containers must be cleaned up quickly.



Figure 13: Draining used grease from a fryer into a bucket.



Figure 14: Grease bin.



Figure 15: Grease barrels.

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Prohibitions Related to FOG Discharges

Certain FOG discharges would interfere with the proper operation of GRDs. The following prohibitions apply:

- DO NOT discharge improperly shredded garbage, animal guts or tissues, paunch manure, bones, hide, hair, fleshing, or entrails. These materials in combination or alone can cause blockages and other operations and maintenance problems in the wastewater collection and treatment system.
- DO NOT discharge wastewater with temperatures in excess of 140° F to any GRD. Temperatures in excess of 140° F will dissolve grease, but the grease can re-congeal and cause blockages further downstream in the sanitary sewer collection system as the water cools.
- DO NOT discharge caustics, acids, solvents, or other emulsifying agents. Though emulsifying agents
 can dissolve solidified grease, the grease can re-congeal further downstream in the sanitary sewer
 collection system. Caustics, acids, and solvents can have other harmful effects on the wastewater
 treatment system and can be hazardous to those working in the wastewater collection system.
- DO NOT utilize biological agents for grease remediation without permission from the WWTP. The biological agents may disrupt the biological treatment process at the wastewater treatment plant.
- DO NOT connect a garbage disposal to the GRD unless a solid separator is installed to remove solids prior to entering the GRD.
- ANY outside dumpster bin drain shall be plumbed to go through the GRD. The bin area shall be
 enclosed as to not allow rain water to enter the drain. The site should also be graded as to not allow
 any storm water to drain into the dumpster bin area.

Kitchen Signage

Kitchen signage serves as reminder for employees to follow proper kitchen BMPs and procedures. "No Grease" signs should be posted in food preparation and dishwashing areas (above sinks and on the front of dishwashers). They emphasize the importance of keeping FOG out of sinks and drains. The signs should be produced in several languages, so that non-English speaking employees are aware of the BMPs.



Figure 10: "No Grease" sign.

Grease Removal Devices (GRD) Maintenance

Interior GRDs Monitoring and Cleaning

Interior GRDs (grease traps) can be installed above ground (Figure 16) or flush with the floor (Figure 17). They operate by retaining wastewater long enough to allow contaminants with specific gravities different than water to separate out by gravity flotation and settling. However, these small devices are flow based (have flow restrictions) and FSE owners/managers need to learn, from the plumber or the FOG Investigator, the maximum flow rate allowable through the unit and not exceed it.

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Grease traps they are typically maintained by selected FSE employees. The traps come with instruction manuals which provide directions about their care and maintenance. All safety precaution and manufacturer labels must be kept in good care and shown on the equipment as provided (Figure 18) and a copy of the exact information should be kept in a separate maintenance book.







Figure 16: Grease trap installed above ground.

Figure 17: Grease trap installed flush with the floor (an in-floor trap).

Figure 18: Labels displayed on the trap.

The necessary cleaning frequency of grease traps depends on the following:

- The capacity of the device.
- The amount of grease the FSE generates.
- BMPs the facility is implementing to reduce the amount of FOG discharged.

A grease trap should be cleaned out when about a quarter of its volume is filled with FOG and solids (see description of "25% Rule" in next section) however the trap should be checked regularly (initially on a daily basis to establish the required maintenance frequency and then proceed at that frequency). For example, if it is determined that a 35 gpm trap accumulates about 5 gallons of grease every 4 days it can be assumed that the interceptor should be cleaned no less than once a week. In FSEs where food specialty is high in FOG, and especially if food grinder is discharging into the grease trap, cleaning may be needed on a daily basis.

Regardless of the required cleaning cycle, field experience shows that one of the biggest obstacles to regular maintenance is odors usually associated with grease traps. The easiest way to eliminate that problem is frequent cleaning. If cleaning the grease trap becomes a part of the daily routine, it usually requires only about 15 minutes and there will be limited or no objectionable odors.

Grease traps should be placed so that it is easy to open them and clean. The baffle should be removed, the baffle and inside walls of the tank scraped removing the FOG buildup, and the grease removed (Figure 19). The device should be dry wiped rather than washed with water and cleaning chemicals. The grease removed from the device should be placed into a container and disposed of in the trash (Figure 20). Frequent skimming of the device makes it easier to clean later.



Figure 19: Removing grease from the grease trap.



Figure 20: Disposing removed grease into the trash.



Figure 21: Automatic GRD.

In addition to manual grease traps described so far in this chapter, automatic GRDs are also available (Figure 21) – these are generally more expensive and designed for the interception of large quantities of FOG. Automatic GRD have mechanical components including an external collection container for removal of grease, and timers and sensors that should be maintained at intervals recommended by the manufacturer.

FSEs should document monitoring and cleaning of grease traps. The date and approximate volume of FOG waste removed should be entered into the FSE's maintenance log each time the trap is cleaned. Maintenance documents must be kept on site at the FSE for at least three (3) years.

Exterior GRDs Monitoring and Cleanup

Exterior GRDs (grease interceptors) are installed outside of the facility. These devices are volume based and have no flow restrictions.

They must be cleaned out by permitted grease disposal contractors but is the responsibility of FSEs to monitor their condition and schedule their cleaning as needed.

The necessary cleaning frequency of grease interceptors depends, like with the grease traps, on the following:

- Capacity of the device,
- Volume of wastewater being placed into the GRD daily,
- Amount of FOG in wastewater coming to the GRD.

A "25% Rule" is used as a criterion to determine when the time for GRD cleaning has come, which is based on periodic checking of:

- Scum layer thickness (the floating scum layer in the GRD tank), and
- Solids layer thickness (solids accumulated on the bottom of the GRD tank).

It is the FSE's responsibility to verify that the accumulation of solids, grease and oils does not exceed 25% of the liquid retention capacity of the device. In other words, the thickness of both layers combined must not exceed 25% of the operating depth of the device, which is the internal depth from invert of outlet pipe to the bottom of tank. For example, a 4-ft deep interceptor (4-ft operating depth) must not have more than 1 ft of combined floating FOG and settled FOG/solids.

Grease interceptors should be checked regularly (initially it is recommended to check them on a weekly or bi-weekly basis to establish the required maintenance frequency and then proceed at that frequency). Field experience indicates that the cleaning frequency for large interceptors is usually in the range of 2 to 4 weeks.

An example of a GRD severe condition where the device was left to fill up to the top with grease is shown in Figure 22, which is completely unacceptable. This condition is referred to as "severe GRD non-compliance" in Section 10 and is subject to immediate penalty.

There should be an adequate number of access manholes, namely one manhole cover directly above each inlet and outlet on the interceptor tank, to provide access for inspection and cleaning all areas of an interceptor. The FSE personnel should learn to visually inspect the interceptor:

- The influent (or entry) side usually has the heavier amounts of grease (Figure 23). A baffle or elbow should be showing.
- The effluent side has less amounts of grease and the person doing the inspection should be able to see the outlet tee discharge (Figure 24).

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Figure 22: Interceptor filled with grease to the top.



Figure 23: View into a manhole on the interceptor inlet.



Figure 24: View into a manhole on the interceptor outlet.

The FSE operator should use a measurement tool which offers accurate readings and requires very minimal training for correct use (Figure 25).

The Standard Operating Procedure (SOP) for interceptor inspection in Appendix G should be followed every time a grease interceptor is inspected. Appendix B is an inspection checklist documents all the information that a facility operator will received and needs to keep on file. FSE owners/operators can usually find out by experience how often grease interceptors at their facilities need to be cleaned.

As FSEs are responsible for the condition of grease interceptors, it is recommended that an FSE representative witnesses and monitors how the grease haulers perform the interceptor cleaning. The FSE is responsible for the proper procedures to be followed (see Section 9) and

that the hauler does not take any shortcuts. The FSE representative can use "Checklist for Monitoring of FOG Hauler" form included in Appendix C.



Figure 25: Inspecting the interceptor.

FSEs should document maintenance of grease interceptors. Each time the grease interceptor is inspected, the date and results of inspection should be entered in the inspection log (Appendix G). The date and approximate volume of removed FOG waste should be recorded in the FOG Hauler Manifest form (Appendix D) each time the interceptor is cleaned. A copy of this form should be put into the maintenance log and kept on site; maintenance documents must be kept on site at the FSE for at least three (3) years.

Getting in Compliance with FOG Management Program

In order to get in compliance with the FOG Management Program, FSEs may use the following checklist for implementing BMPS:

- 1. Make sure drain screens are installed in all FOG bearing sink and floordrains.
- 2. Make sure employees scrape solid food from pots, pans, fryers, utensils, and dishes into a trash container and that there is no waste food in the sink. Make sure employees dry wipe pots and utensils prior to washing.
- 3. Make sure employees sweep the floor before mopping and there they don't attempt to remove floor drains to sweep in debris from the sweeping floors.

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- 4. Make sure temperature of faucet water is not over 140°F and set water heaters temperature accordingly.
- 5. Make sure employees promptly clean any grease spills on the floor using towels and absorbent material and using wet mops only to remove trace residues. Make sure proper spill cleanup kits are available in the facility.
- 6. Make sure small grease waste containers are available and used for collecting used oil and grease, and that these containers have lids.
- 7. Place proper signage about grease control and listing of BMPs on the wall.

In facility outside areas, FSEs should apply the following measures:

- 8. Make sure outside grease containers are covered and closed.
- Make sure there are no grease spills on the pavement or other surfaces from transporting grease to outside containers.
- 10. Make sure that outside grease containers are not leaking and replace any damaged one promptly.
- 11. Make sure that employees do not dump oil and grease into storm sewer.
- 12. Make sure that employees do not cleaning equipment (degrease) outside. The equipment should be scraped and dry wiped indoors and any washing done in utility sinks connected to a GRD.
- 13. Make sure that employees do not wash mats outdoors. The mats should be vacuumed and washed in utility sinks connected to a GRD.

The FOG Management Program also includes requirements to keep proper documentation about employee training and GRD maintenance. The FSE's checklist continues as follows:

- 14. Make sure that the employee training log is complete, i.e. that employees get training about proper FOG handling and learn requirements of the FOG Management Program (see 8.4). Keep training log current and provide training to new employees, as well as periodically do refreshment training to already trained employees.
- 15. Make sure that the GRD inspection/cleaning log is complete. Employees in charge of inspection and cleaning of grease traps and grease interceptors need to do these assignments regularly and keep the GRDs in good operating condition. Learn the required frequency of inspection and cleaning of a GRD in the facility and adopt the routine to inspect and clean accordingly.
- 16. Make sure that the FOG Hauler manifests are complete.

FSEs may use the following checklist for requirements of the FOG Management Program related to condition and performance of GRDs:

- 17. Make sure that a GRD functions. The device should contain wastewater with grease layer floating on the top and be filled below the invert of the outlet pipe.
- 18. Make sure that the 25% rule is met, i.e., that the thickness of the layer of floating grease and solids combined does not exceed 25% of the operating depth of the device (depth between the invert of the outlet pipe and the bottom of the device).
- 19. Make sure that the inlet pipe of the GRD is visible during inspection.
- 20. Make sure that the outlet pipe of the GRD is visible during inspection.
- 21. Make sure that there are no roots growing in the interceptor and have them cleaned if necessary.
- 22. Make sure that there is no corrosion damage to the GRD. If metal traps are corroded replace with new ones and consider grease traps made of plastic. Make sure to repair corrosion damage to the interceptor promptly and do not wait for severe damage to develop (for example, rebar to get exposed in a concrete grease interceptor).

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Make sure to correct any broken parts or replace missing parts, especially missing outlet T. If a GRD is not cleaned on time, the device keeps filling with grease and the level of grease may reach surface. Heavy cast iron manhole covers can be moved under pressure from grease built-up and grease can overflow from the GRD. This represents the "GRD severe condition" and is subject to immediate penalty (see Section 10). FSEs should make sure that such condition does never develop.

Employee Training

Employee education is the key to the implementation of kitchen BMPs and proper maintenance of GRDs. Employees who know and understand the problem, procedures, and benefits will be more willing to support and be able to implement the FOG Management Program requirements. Employee education should emphasize:

- Problems created by FOG discharge to the sewer system.
- Kitchen BMP procedures.
- Benefits to following the kitchen BMP procedures.

Employee education includes new employee training program, frequent refresher training program, employee award program for following BMPs and employee idea/suggestion program

The FOG Program Coordinator and the Collection systems Staff are the principal means for delivering the necessary education to the FSEs and they instruct the FSE owners/managers how to develop and carry on training of their staff (see Section 10).

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8 FOG Collecting and Disposal Proper Practices

Introduction

Grease interceptor cleaning is performed by permitted grease haulers. The cleaning entails pumping the interceptors completely dry and having all liquids, solids and grease removed from the interceptor. FOG haulers also collect the grease stored in grease bins and barrels. All collected FOG is transported to the WWTP where it is disposed of, with the exception of yellow grease which is used for recycling.

Grease Interceptor Cleaning

The interceptor cleaning begins with cleaning of the top grease layer. Using the truck suction hose, the top layer of FOG is vacuumed up first. The bottom layer consisting of the heavier sludge and FOG is vacuumed up next. In the last step, the remaining "water" or liquid is pumped out to leave the interceptor completely empty (Figure 26). This may be followed by high-pressure water scrubbing (Figure 27). "Definition of clean" means the tank is entirely pumped out (Figure 28).

Decanting is a practice of returning wastewater from a grease hauler truck back into the grease interceptor after it is vacuumed out. Decanting is not allowed. This wastewater has high grease and solids content and low pH, may be contaminated from the hauler's previous load and cause odors.



Figure 26: Vacuuming out the contents of the interceptor.



Figure 27: Use of high pressure water and suction hose.



Figure 28: Cleaned interceptor.

FOG haulers are required to keep a complete record of facilities cleaned and submit such records (manifests) to the EOCWD when requested, as per the FOG Ordinance. The form used for this purpose is a FOG Hauler Manifest included in Appendix D. It is a standard form that enables FSEs recording the times and volumes of FOG pumped and removed from their facility, and gives FOG haulers proof that they have properly discharged the collected FOG loads. It serves the District tracking the grease after it has been collected until it has been disposed and enables the District to assess the FOG haulers for the FOG quantities disposed at the plant.

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9 FOG Program Implementation

Educating public about FOG issues and problems and the importance of FOG program implementation is essential. The District's program is considering education and outreach activities and materials such as:

- Distribution and mailing of water/sewer bill inserts, posters, door hangers and fliers, especially to residential areas impacted by FOG related blockages and SSOs – these materials were created with specific tips on keeping pipes and sewers clear at home.
- Dissemination of information through electronic media. A portion of the District's website will be dedicated to information about the FOG Management Program and related issues.
- Participation in local exhibitions, meetings and public events.
- Presentations to apartment residents, school children, restaurants and FOG haulers.
- District truck stickers placed on District vehicles promoting the Fight FOG message allowing the
 clarity and simplicity of the message to speak to residents while front line workers are out dealing
 with the FOG. The stickers allow both residential and commercial customers to connect the trucks
 and work crews to the materials they see/receive at home and work, therefore maximizing the
 opportunity for outreach.
- Collaboration with local organizations including restaurant associations and chambers of commerce.

Public outreach to EOCWD residents will help reduce the amount of FOG entering the sanitary sewer system by educating them of the proper home kitchen grease disposal techniques and practices. Private residents are often contributors to FOG related blockages in wastewater collection systems.

Achieving Compliance from FSEs

In order to achieve compliance with the FOG Management Program from all FSEs while maintaining good public relations, the following compliance enforcement consequences are designed to directly vary with the degree of the FSE compliance cooperation and resolutions:

- Educate FSEs about the program and requirements through training provided at the program onset).
- Perform FSE inspections periodically for checking compliance with the program.
- Give compliance recognition.
- Encourage compliance through notices of non-compliance and warnings of potential fines and stringent enforcement measures that would follow for persistent non-compliance.
- Issue non-compliance citations following determination that the FSE is in a violation, as established by the FOG Program Coordinator or the Collections System Supervisor.
- Terminate sewer service to the FSE if all other measures have been tried and proved unsuccessful.

Training to FSEs

• Educating FSE owners and managers about the FOG Maintenance Program, specifically in implementing BMPs and performing proper GRDs maintenance, is essential for achieving their compliance with the program. The Program Coordinator and SSO/FOG Investigators are the principal means for delivering the FOG Management Program requirements and necessary education to the FSE

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community.

At the onset of the FOG program, FSE's knowledge and awareness of the program may vary greatly. A letter introducing the program and FSE inspection process, and signed by the General Manager, along with educational outreach will be sent to the FSE owners/managers. (The same should thereafter be done whenever any new or remodeled FSE, or FSE under new ownership, has a Business License issued.) The FOG Program Coordinator will visit the facility and provide training to instruct the FSE owner/manager (who will instruct all other employees) of how the FOG program should be implemented and how it affects their business.

During the visit, the SSO/FOG Investigator gives the following forms to the FSE owner/manager:

- Initial Training Checklist (Appendix B) This form is listing other forms that the FOG inspector will show and explain to the FSE owner/manager during this initial visit. The form must be kept in the FSE as a record of completed initial training.
- Training Development Form (Appendix F) This form is instructing the FSE owner/manager how to develop a FOG training program for the employees of the FSE.

The FSE owner/manager is also instructed about other forms that the FSE is required to use, which all will remain in the FSE and be shown to the SSO/FOG Investigator during future FSE inspections upon request:

- Tracking of Employee Training (Appendix E) This form will list employees working at the FSE and show the dates when they received the training in kitchen BMPs.
- Inspection/Cleaning Form for Grease Traps and Interceptors (Appendix G) This form will be used to keep record of how often grease traps are inspected and cleaned by the FSE personnel.
- Standard Operating Procedure (SOP) for "25% Rule" Form (Appendix H) This form explains the procedure for checking grease and solids accumulation in GRDs (both grease traps and grease interceptors). Each employee of the FSE who will be trained to inspect the GRDs will be shown this SOP and will be given all necessary explanations.
- Checklist for Hauler Monitoring (Appendix C) This form will be used by FSE personnel to monitor
 grease interceptor pump outs to ensure proper cleaning and maintenance procedures are followed
 and that the FOG hauler does not take any shortcuts

FSE Inspections

Scheduling Inspections

Routine inspections of all permitted FSEs are performed as random and unannounced inspections to observe their daily business operations and routines and check their compliance with the FOG Management Program. All FSEs will be inspected approximately twice per year but eventually will be prioritized and inspected based on criteria such as:

- Type and method of food preparation.
- Size and grade of sewer mainline pipe to which the FSE discharges.
- History of grease related pipe blockages and SSOs downstream of the FSE.
- Compliance history.

In addition to routine inspections, some FSEs will be inspected following complaints such as sewer backups or SSOs. These triggered inspections will be performed to identify facilities possibly responsible for the blockage. Triggered inspections will occur regardless of any prior and perhaps recent routine inspection of these facilities.

Performing FSE Inspections

A typical routine FSE inspection includes checking the implementation of BMPs, including FSE maintained logs, and the condition and performance of GRDs. In some cases it may also include sampling and laboratory testing of effluent wastewater from GRDs.

District staff have a right of entry (District Ordinance 2016-02, Section 5.3) to inspect food preparation and other areas of the facility where FOG is generated or stored, logs maintained by the facility, all grease traps/interceptors and wastewater lines from the establishment to the sanitary sewer system. Failure to permit the investigator entry in accordance with the specified conditions constitutes a misdemeanor punishable by fine up to \$1,000, or confinement in the District jail for a period not exceeding six (6) months, or both (Ord. No. 2016-02, Section 6.11).

If District staff are refused access to inspect the facilities, they will notify the Operations Manager and both will approach the FSE explaining the purpose of the compliance inspection and fines associated with violations with District Code requirements. If the access to the facility is still refused, the Operations Manager will contact the Orange County Health Department for a joint inspection of the facility and issue a Violation Notice.

Routine Inspection

When checking the BMPs implementation, the inspection includes:

- Inspect sink and floor drain screens.
- Look for evidence of proper dishwashing (there is a scraper for dishes) or improper dishwashing (evidence of food in the sink, as shown in Figure 29).
- Check for evidence of illicit dumping such as debris or loose screws in floor drains (Figure 30).
- Look for evidence of proper spill prevention/cleanup practices (there is aspill kit).
- Check that the BMP signage is posted on the wall.
- Check for evidence of equipment cleaning (degreasing) or mats washing in outside area.
- Inspect employee training log.
- Inspect FSE's inspection/cleaning log to confirm that GRDs are maintained properly. Check for missing or altered log entries.
- Inspect copies of FOG Hauler Manifest forms to see FOG pickup dates and volumes collected and verify FOG discharge at the WWTP.

For assessing the condition and performance of GRDs, the inspection includes:

- Check that GRDs function (Figure 33).
- Check grease/sediment depths (the 25% rule, as described in Appendix H).
- Check if inlet pipe and outlet pipe are visible (Figure 34).
- Check for root intrusion (Figure 35)
- Check for evidence of extensive corrosion in metal grease traps (Figure 36) and concrete interceptors (Figure 37).
- Check for any broken or missing parts (Figure 38, Figure 39) or damages such as cracks or big chips in the lids



Figure 29: Food in the sink (dishes were not wiped before washing).



Figure 30: Debris in the floor drain (floor was not swept before mopping).



Figure 31: Spills on and around grease recycle bin.



Figure 32: Waste leaks in the garbage and grease recycle storage area.



Figure 33: Grease interceptor not working.



Figure 34: Too short outlet tee allows short-circuiting.



Figure 35: Roots removed from the grease interceptor (root intrusion can completely clog the interceptor).



Figure 36: Severely corroded metal grease trap (these traps are highly prone to corrosion).



Figure 37: Exposed re-bar in a corroded concrete interceptor.



Figure 38: Missing inlet tee allows FOG buildup in front of discharge pipe.



Figure 39: Missing outlet tee allows floating FOG to escape into the sewer system.

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GRDs usually smell offensive when the top is disturbed. When the lid is down the smell should not be overly offensive. If the smell is offensive or strong with the lid down, the device has probably not been cleaned on time, or there may be a break in the integrity of the GRD structure, or a plumbing fitting may be cracked or broken.

Additional Activities in Triggered FSE inspections

Triggered FSE inspections are performed in the same manner as routine inspections but they also may include CCTV or zoom camera inspection of the pipes and inspection of manholes up to 1,500 feet downstream of the facility and several manholes upstream of the facility.

Documenting Findings

For documenting findings of the FSE inspection, the inspector uses SEDARU

Any change in the FSE business status (e.g., closed establishment), business name, facility ownership, or size of GRDs is entered into SEDARU. The SEDARU template contains a checklist of possible deficiencies in BMP implementation and in GRD maintenance (if these devices are not found properly functioning or in good condition).

If no deficiencies are found, the FSE is given the Certificate of Compliance (Figure 40). If deficiencies are found, the FSE is in violation and steps described in the Non-Compliance section are followed until compliance with the program is achieved.

Compliance Recognition Certificates

Compliance recognition certificates are issued to the FSEs that implement proper FOG control measures and meet program requirements. An examples is shown in Figure 40. FSEs can display these certificates so that customers can see and recognize their efforts to support the community.



Figure 40: Certificate of Compliance.

Steps to Change Non-Compliance into Compliance

Introduction

Achieving compliance after unsatisfactory FSE inspection includes repeated FSE inspections and gradually increased enforcement on FSEs. Non-compliant FSEs may be required to enter into a Compliance Schedule Agreement (CSA) (Ordiance 2016-02, Section 6.3).

Detailed explanation of criteria for enforcement measures in each enforcement tier is provided in this section.

Definitions

Definition of selected terms used in this chapter is given herein.

- First FSE inspection a routine or triggered FSE inspection performed for the "first time" after a period of several weeks or months as opposed to a FSE re-inspection which is usually scheduled within several days of an unsatisfactory first inspection. Re-inspections can be scheduled with longer time periods between the two inspections if necessary.
- FSE previous inspection the last routine or triggered FSE inspection performed prior to the current "first FSE inspection", typically six to 12 months before the current one.
- FSE re-inspection a repeated FSE inspection which is scheduled if a FSE inspection identifies a GRD
 deficiency or severe GRD non-compliance. Re-inspection is scheduled within five days from the
 unsatisfactory inspection, typically five working days, with the purpose to check and verify that the
 deficiencies are corrected between the two inspections.
- Deficiency a requirement of the FOG Management Program related to either BMPs implementation or GRD maintenance which is not met by a FSE. (See program requirements for FSEs in Section 7.)
- Violation a failure to meet requirements of the FOG Management Program. A "BMP violation" refers to one or more deficiencies in BMPs implementation or a "GRD violation" of one or more deficiencies in GRD maintenance.
- Non-compliance same as violation.
- Severe GRD non-compliance a deficiency in form of grease overflowing from a GRD onto the street, parking lot, or ground surface, or a GRD filled with grease to within a few inches of the upper rim of the manhole frame.
- Verbal warning the first disciplinary measure for BMPs where a FSE is told by the inspector that the BMPs implementation by the FSE does not comply with the District's standards and must be improved. Verbal warning may or may not stipulate a follow upinspection.
- Courtesy letter a standard letter issued by the District which specifies BMP or/and GRD deficiencies
 identified during the FSE inspection. The courtesy letter stipulates that a follow up inspection will be
 performed typically within five working days for GRD deficiencies and within two weeks for BMP
 deficiencies.
- Certified letter a standard letter which specifies BMP and/or GRD deficiencies identified during the
 inspection. The certified letter is the final warning to the FSE to correct deficiencies within a specified
 time frame and is followed by the FSE re-inspection. Failure to comply with FOG facility standards shall
 result in the issuance of a summons.

Non-Compliance at First FSE Inspection

BMPs Implementation Deficiencies

If the FSE inspection determines that there are violations related to the implementation of site BMPs, the SSO/FOG Investigator issues a verbal warning. If the facility has numerous BMP deficiencies (more than 50% of BMPs fail to comply) or has failed to address deficiencies documented during a previous inspection, the District may elect to issue a certified letter requiring immediate compliance with the BMPs. With a verbal warning, the Investigator explains to the FSE representative that the results of this inspection will be

documented and that all deficiencies must be corrected before the next inspection in approximately six months or sooner if the Inspector determines that a re-inspection should be performed.

If, after the next inspection, the requirements discussed in the verbal warning are not satisfied, the FSE will be issued a courtesy letter and the FSE is re-inspected typically within five working days.

GRD Maintenance Deficiencies

Any GRD deficiencies discovered during the inspection need to be promptly corrected. A FSE is given a notice of violation in the form of a courtesy letter (a standard letter completed at the time of inspection with details of found deficiencies and left with the FSE owner/operator, and a warning to correct all existing problems within five (5) working days when the follow-up inspection is scheduled. Courtesy letters issued to FSEs are tracked in SEDARU for future reference.

However, in cases when severe GRD non-compliance is found during the first inspection, i.e., grease interceptors and traps overflow (see Figure 41 through Figure 43), more strict disciplinary measure is required. The FSE may be issued a certified letter by the inspector immediately after the completed inspection requiring immediate corrective measures.



Figure 41: Grease interceptor completely full. Heavy lids can be lifted up under pressure and grease start overflowing.



Figure 42: Grease interceptor overflow.



Figure 43: Grease trap overflow is a hazard to kitchen employees.

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Non-Compliance at Second FSE Inspection

A follow-up FSE inspection is typically scheduled within five working days after the first inspection. The SSO/FOG Investigator checks if the problems cited by the first inspection have been properly addressed. If they have not been corrected, the FOG Program Coordinator issues a certified letter with written notice of violation and requesting that all deficiencies be corrected promptly and within five working days of the receipt of the letter. If correction doesn't occur, the FSE will be placed on a Compliance Schedule Agreement (CSA).

Non-Compliance at CSA Inspection

At the next (third) FSE inspection, the FOG I checks again if the deficiencies have been corrected. If the deficiencies are still present, the FSE is issued a Notice of Violation and \$1,000 fine. The FSE can appeal the violation to the General Manager after the deficiencies have been corrected. After a hearing, the General Manager makes a decision about any applicable penalties.

Non-Compliance after Notice of Violation

If after the Notice of Violation and penalties is issued and the problems still persists, the District may decide to terminate sewer service to the FSE upon determining that all other measures have been tried and proved unsuccessful.

In accordance with the District Ord. No. 2225, the District may revoke the permit and terminate sewer service when in the opinion of the District the discharge from the facility "presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment; causes stoppages, sanitary sewer overflows, or excessive maintenance to be performed to prevent stoppages in the sanitary sewer collection system; causes interference to the POTW, or causes the District to violate any condition of its WDR Permit".

If the service termination is deemed necessary, the General Manager shall send a written notice of the coming termination of services to the FSE giving the reasons for termination of service and explaining administrative procedure how to contest this decision in timely manner. The General Manager shall also notify the Orange County Health Department about the service termination.

Internal Training within the District about FOG Program

Comprehensive training of FOG inspectors will be undertaken to provide a consistent approach during inspections. The investigators need to be familiar with both inspection and enforcement procedures (they need to know how to calculate fines, penalties, and fees, and when they apply). It is important to understand how to deliver educational material to FSE owners/managers during initial visits at the onset of the program and train them about their role in developing FOG education programs in the FSEs.

The subject of interpersonal communication will also be addressed as part of training program. The inspectors should be prepared for difficult exchanges with the FSE employees and how to behave in situations when their authority may be challenged.

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10 FOG Program Performance Monitoring

Performance measures are important management tools that allow for continuous measurement and evaluation of program activities. Performance measures are designed to collect information that enable EOCWD to determine if established goals and level of service are being met and if not, what activities need to be adjusted to meet program goals.

The following key performance measures are included in the FOG Management Program for the District to evaluate and determine which one or more provide the best performance indicators for making needed program adjustments or determining FOG Program effectiveness:

Number of FSEs inspections – The number of inspections and follow-ups re-inspection per day and month conducted by the SSO/FOG Investigator is calculated to determine appropriate resources and training. The desired number is 4 to 6 inspections per work day and 30per month, which allows for inspections during periods other than prime FSE busy periods.

Time per inspection – Average time per inspection is calculated to ensure appropriate staffing and training (sum of actual inspection times divided by number of inspections). The desired duration is between 30 min and 60 min.

Number of FSEs in the database – This number determines required staffing for communication and inspection of FSEs.

Notices of Non-Compliance – The number of courtesy and certified letters is expected to decrease with proper education and outreach, and effective enforcement measures. The staff must have adequate training and resources for follow-up activities after FSE inspections.

Percentage SSOs due to FOG – The percentage of all SSOs correctly attributed to FOG is expected to decrease as a result of FOG Management Program.

The performance and effectiveness of the FOG Management Program using these or other key performance measures is tracked and documented quarterly.

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Appendix A - Grease Traps/Interceptor Design

Introduction

Sizing method described herein is intended as guidance in determining grease trap/interceptor sizes that will protect the District's sanitary sewer system against grease and other obstructing materials. It is the responsibility of FSE owners to control that the wastewater discharged from their facility is in compliance with the District's discharge limitations.

Sizing Requirements

Exterior Grease Interceptors

The minimum required grease interceptor trap size can be calculated using the formulas listed below. If the calculated required interceptor capaDistrict exceeds 1,500 gallons, multiple units in series should be installed. If the calculated required interceptor capaDistrict is less than 250 gallons, interior flow-through grease traps MAY be used. For capaDistrict between 250 and 500 gallons, the use of grease traps is approved on case-by-case basis.

(a) Dine-in restaurants

```
SIZE = [(Length × Width) / A] × Turnover_Rate × N × Grease_Per_Meal × Loading_Factor
```

Where:

```
SIZE...... Minimum grease trap size, in gallons
Length ...... Dining area length, in feet
Width ...... Dining area width, in feet
A ..... Factor
                        related
                                 to
                                      restaurant seating
                                                               style,
                                                                            square
                                                                                      feet:
               15 square feet for fixed seating or 7 square feet for non-fixed seating
Turnover Rate constant: 2.5
N...... Number of feedings offered by the food establishment (breakfast, lunch,
               dinner): 1, 2, or 3
Grease_Per_Meal ....... Standard grease production per meal, in gallons. Typically 3 gallons.
Loading Factor. ...... Factor related to restaurant volume and grease production:
               1 for normal (high to moderate volume restaurants, standard grease producers),
               0.8 for moderate (low volume upscale restaurants, standard grease producers),
               or 0.5 for other (light grease producers, e.g., sandwich shops).
```

(b) Fast food takeout restaurants, convenience stores

```
SIZE = CustomersPerDay X 1GALLON PER CUSTOMER CustomersPerDay ....... Number of customers per day
```

(c) Schools (excluding public schools), day cares, fraternities, sororities, group home, dining halls

```
SIZE = MealsPerDay × 5 GALLONS PER MEAL
MealsPerDay.... Number of meals served per day
```

(d) Other FSEs

```
SIZE = Water Use Ave X 25%
WaterUseAve... Average daily water usage, in gallons per day
```

Interior Grease Traps

The required minimum flow-through capaDistrict of the interior grease trap can be determined using the following formula:

FlowRate = SIZE / SRTime

FlowRate	Minimum grease trap flow rate, in gallons per minute
SIZE	Required grease trap holding capaDistrict, in gallons
SRTime	Standard retention time, typically 12 minutes

Compliance, Site Accessibility and Layout

Each grease interceptor should be installed and connected so that it is easily accessible for inspection, and cleaning at any time. Location of grease interceptor should be approved by EOCWD.

Exterior Grease Traps

The best location for exterior interceptors is in an area outside of an outside wall, but upstream from the black water drain line(s). Access should be provided by two (2) manholes terminating 1-in. above finished grade with 24-in. cast iron frame and cover.

Grease interceptor should have a minimum of two compartments with fittings designed for grease retention. Wastewater discharging to the grease interceptor should enter only through the inlet pipe. Each grease interceptor should have only one inlet and one outlet pipe. A by-pass path is prohibited. Inlet and Outlet sanitary tees must be visible from manholes.

Interior Grease Traps

Interior grease traps should be installed in strict accordance with manufacturer's instructions. Grease traps should be equipped with a cover that can be opened for inspection and sampling. A mechanism for a secure closing is also required.

Grease traps should be equipped with a device to control the rate of flow through the unit. The rate of flow in gallons per minute should not exceed the manufacturers rated capaDistrict recommended for the unit. The flow-control device and the grease trap should be vented in accordance with the Alabama State Plumbing Code's current edition. The flow-control device should terminate not less than 6-in. above the flood rim level and be installed in accordance with the manufacturer's instructions.

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Sand and Oil Interceptors (Car Wash Facilities)

Introduction

Sand and oil interceptors for carwash facilities are large devices located in-ground and outside of the facilities. They are similar in construction to grease interceptors, i.e., have two compartments which are designed in such way to allow oils to migrate to the second compartment while forcing sand and sludge to stay in the first compartment.

Sizing Requirements

The minimum required sand and oil interceptor size for car wash facilities can be calculated using the formula developed and used in the District of Austin, TX:

```
GIS = [FlowCapaDistrict_1 + (N - 1) \times FlowCapaDistrict_2] \times SRT
```

Where:

GIS minimum trap size, in gallons (acceptable variance \pm 15%)

N number of wash bays

FlowCapaDistrict_1 flow capaDistrict for the first wash bay, in gallons per minute, as follows:

20 gpm for hand held spray or brush wand type vehicle washes facility, 40 gpm for automated drive through car-wash facility

FlowCapaDistrict_2flow capaDistrict for each additional wash bay, in gallons per minute, as follows:

12 gpm for hand held spray or brush wand type vehicle washes facility, 40 gpm for automated drive through car-wash facility

SRT standard retention time, in minutes: 12 min

Typical approved sizes of sand/oil interceptors are 360 or 480 gallons.

Other Cities specify different sizes, for example Colorado Spring Utilities approves 500, 1000, 1500, 2500 gallon capaDistrict (Traffic rated) or 500, 1000, 1500, 2250 (Non-traffic rated). The maximum individual interceptor size should be 2500 gallons, and a series of interceptor's may be necessary if larger sand/oil interceptor capacities are necessary based on cleaning and maintenance requirements.

G.1.1. Site Accessibility and Layout

Each sand/oil trap should be installed and connected so that it is easily accessible for inspection, cleaning, and removal of the intercepted sand and oil at any time.

Standard/basic car-wash facilities, either single bay or auto bay configuration, should have an internal catch basin/drain connected to a sand/oil interceptor and then to District's sanitary sewer main line. Sand/oil interceptor should be located on the outside of buildings unless otherwise specifically approved in writing by the District. Location of all sand/oil interceptors and its outfall location should be shown on the approved construction or utility service plans approved by Springs Utilities. (Plumbing plans may be requested by the District to be attached to the approved construction plans for inspection and record purposes). Inlet and Outlet sanitary tees must be visible from manholes.

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FOG Management Program: Initial Training of FSE Owner/Manager

You, the owner/manager of the Food Service Establishment (FSE), have to develop a FOG training program for your employees!

This form certifies the material and information the EOCWD Inspector has reviewed with me.

Give one copy of this form to the EOCWD Inspector and keep one copy on file in the FSE as confirmation of completed initial training.

TO BE COMPLETED BY FSE OWNER OR MANAG	<u>EER</u>	
Your Name/Title:		
Facility Name:		
Facility Address:	_	
Training Performed by the EOCWD Inspector: _		
Date/Time of Training:	_	
Fact Sheets:	Forms Checklist:	
1 1. What Is FOG and Why Is It a Problem?	1 1. Training Development Form	
1 2. Grease Traps Fact Sheet	1 2. Tracking of Employee Training Form	
13. Grease Interceptors Fact Sheet	13. Tracking of GRD Maintenance Training Form	
	14. Inspection Form for Grease Interceptors	
	15. Inspection/Cleaning Form for Grease Traps	
	1 6. Standard Operating Procedure (SOP) for "25% Rule" Form	
	17. FOG Hauler Manifest Form	
	1 8. Checklist for Monitoring of FOG Hauler	
I certify that the SSO/FOG Investigator has instructed me about the FOG Management Program and how to organize FOG training program for employees of this FSE. I certify that we have together reviewed all Fact Sheets and Forms that are listed above and checked.		
FSE Owner/Manager's Signature	Date:	

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FOG Management Program: 1. Training Development Form

You, the owner/manager of the Food Service Establishment (FSE), have to develop a FOG training program for your employees!

Your employees need to understand how the equipment and operational procedures in your FSE affect the sanitary sewer lines. When they learn which practices allow excessive FOG discharges to the sanitary sewer system and the consequences, they will understand why it is important to important to use kitchen Best Management Practices (BMPs) and help avoid sanitary sewer overflows.

Keep on file in the FSE as confirmation of being instructed about training development in your FSE!

Initial BMPs Training

- 1. Provide initial BMPs training to current employees in your FSE, at the beginning of the program and later to every new employee at the FSE, explaining:
 - Problems created by FOG discharge to the sewer system.
 - Kitchen BMPs procedures.
 - Importance of following the kitchen BMPs procedures.
- 2. Make sure all employees see the FOG training presentation.
- 3. Go with your employees over the questions in quiz on the back of this form.
- 4. Enter record of each completed employee training in the Training Tracking Form.
- 5. Place signs in the kitchen to remind employees of the grease problem.

Initial Grease Trap/Interceptor Inspection/Cleaning Training

- 1. Train selected employees, at the beginning of the program and later as needed, how to:
 - a) Check if the grease trap/interceptor needs cleaning.
 - b) Complete the grease trap inspection form.
 - c) Clean the grease trap OR schedule grease haulers to perform the cleaning.
 - d) Complete the grease manifest form.

Follow-ups and Refresher Training

- 1. Observe employees and award employees who follow kitchen BMPs.
- 2. Ask employees for any ideas/suggestions.
- 3. Review the Training Tracking Form and provide refresher training to the employees (quarterly).

I certify that I have read and understood the contents of this form.

FCF Owner/Manager's Cignotium	Data	
FSE Owner/Manager's Signature_	Date	·

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FOG Management Program:
8. Checklist For Monitoring Of FOG Hauler
Form



You, the owner/manager of the Food Service Establishment (FSE) are responsible for the condition of the grease trap/interceptor.

A representative from FSE should witness and monitor grease interceptor pump outs to ensure proper cleaning and maintenance procedures are followed and that the grease hauler does not take any shortcuts.

	and Brease maker alone take and alone
Grease intercept	tor cleaning procedures
□ Rem	ove the manhole covers. Remove bolts as required.
	the entire grease cap and debris from the top of the interceptor.
☐ Place botte	e vacuum tube all the way into the interceptor to suck remaining solids from the om.
☐ <u>Vacı</u>	uum water out of the interceptor.
□ <u>Clean</u>	the sides of the interceptor.
□ <u>Remo</u>	ve any remaining solids from the bottom of the interceptor.
·	um any remaining water out of the interceptor.
· · · · · · · · · · · · · · · · · · ·	sure the interceptor is completely clean and the entire contents removed.
	e sure that the baffle is secure and in place.
	ct the interceptor for any cracks or defects.
com	that the sanitary "T's" on the inlet and outlet sides of the interceptor partments are not clogged, loose, or damaged. Notify the facility manager if ages or missing parts are observed.
☐ <u>If inte</u>	rceptor is equipped with a sample box, open it and clean the box.
	ck that manhole covers are securely and properly seated after completion of ning. Re-install bolts to secure manhole covers.
	n any grease spills on the ground from the cleaning. Use dry method (grease/oil orbent pads) if possible. Notify the FSE manager of any spill or damages observed.
from a grease h	ecanting is not permitted. DECANTING means the practice of returning wastewater auler truck back into the grease interceptor after it is vacuumed out. The grease and such water is very high and may cause odors.

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FOG Management Program:

FOG Hauler Manifest Form

p.1

See instructions for completing this form on the back page. TO BE COMPLETED BY FSE REPRESENTATIVE: Facility Name: Facility Address: Date/Time of GRD Cleaning: GRD Number Serviced: _____ Estimated Removed: _____ gallons. Print Name: _____Signature: _____ TO BE COMPLETED BY GREASE HAULER: Business Name: _____ Street or P.O. Box: City:_____State:____Zip:____ Access Pass Card #: _____ Driver's Name: _____ Driver's License #: _____ Print Name: _____Signature: _____ At Disposal Site (Hilliard Fletcher Wastewater Treatment Plant): Date/Time of Disposal: Signature: _____ Print Name: TO BE COMPLETED BY **EOCWD**: Date Form Processed: Print Name: _____Signature: _____

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INSTRUCTIONS FOR COMPLETING FOG MANIFEST FORM

Instructions to FSE representative

 An authorized representative of the FSE shall fill out all of the requested information in the first (top) box of the form. The address shall be the physical address of the FSE. The FSE representative shall sign and date the form when the FOG is removed, specify the number of GRDs cleaned and estimate the quantity of FOG removed in gallons.

Important Notes

- The FSE shall retain the PINK copy of the FOG manifest form (after the FOG Hauler filled the middle box except for the part relating to the disposal at the WWTP) and keep it at the FSE.
- It is the responsibility of the FSE to retain the PINK copy of the manifest at the FSE. The manifests will be examined by the SSO/FOG Investigator as part of future FSE inspections.

Instructions to FOG Hauler

- The driver of the FOG hauler truck is considered an authorized representative of the FOG hauling company. The driver shall fill in all of the information requested in the second (middle) box of the manifest. The address shall be the mailing address of the business.
- The driver shall leave the PINK copy of the FOG manifest form with the FSE representative.
- The driver shall transport the waste collected from 1 or more FSEs (depending on the hauler's truck capacity) to the WWTP for discharge, bringing one FOG Manifest form for each FSE serviced.
- The driver shall date and sign again each form and leave the original WHITE copy in the drop box at the WWTP plant and retains the CANARY copy for company records.
- It is the FOG Hauler's responsibility to keep the CANARY copy of the manifest at the Hauler's place of business and make it available upon request.

Instructions to EOCWD

- The EOCWD Inspector shall collect the forms and use them to update SEDARU
- EOCWD staff shall enter details of FOG pickup and discharge into the database and finish paperwork related to each Manifest to assess the FOG haulers based on FOG quantities disposed (once a month or as needed).

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FOG Management Program:	p.2
1. Training Development Form	

Quiz:

- 1. What are the sources of Fat, Oil, and Grease (FOG) in your facility? Examples: frying oil, butter, milk, and other dairy products, dish soap.
- 2. What devices discharge to the public sanitary sewer system?

Examples: pre-rinse station, sink, dishwashing machine, toilet, floor drain.

3. How can your employees prevent FOG from getting into the sewer system? Examples of BMPs are: (1) scrape food and residue into a trash can before washing dishes and cookware; (2) use paper towels to absorb spilled oils and dispose in trash can instead of washing down the drain, etc.

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FOG Management Program: 2. Tracking of Employee Training Form

p.1



TO BE COMPLETED BY **FSE OWNER OR MANAGER**

You, the owner/manager of the Food Service Establishment (FSE), must keep track of your employees FOG training.

Keep on file in the FSE as confirmation of completed employee training in kitchen BMPs, both initial and repeated!

Your Name/Title:			<u> </u>
Facility Name:			
Facility Address:			
	- Francisco	Tuning of in Kitchen DNADe	
	Employees	Trained in Kitchen BMPs	
Employee name:	Date training completed:	Employee signature:	Manager signature:

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	-		
	-		

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FOG Management Program:	p.2
2. Tracking of Employee Training Form	

Employees Trained in Kitchen BMPs (cont)

Employee name:	Date training completed:	Employee signature:	Employee signature:

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FOG Management Program:

p.1

3. Tracking of GRD Maintenance Training Form



You, the owner/manager of the Food Service Establishment (FSE), must keep track of your employees training.

Keep on file in the FSE as confirmation of completed employee training in grease trap/interceptor inspection/cleaning!

TO BE COMPLETED BY <u>F</u>	SE OWNER OR MANAGER
Keep on file ir	the FSE as confirmation of completed employee training in the FSE!
Your Name/Title:	
Facility Name:	
Facility Address:	

Employees Trained to Perform Grease Trap/Interceptor Inspection/Cleaning

	Date trained to:		
Employee name:	Inspect GRD*. Maintain log.	Clean GRD**. Fill in manifest.	Employee signature:

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^{*} GRD means grease trap and/or grease interceptor.

^{**} Clean the grease trap or monitor cleaning of grease interceptor.

FOG Management Program:	p.2
3. Tracking of GRD Maintenance Training Form	

Employees Trained to Perform Grease Trap/Interceptor Inspection/Cleaning (cont)

	Date	trained to:	
Employee name:	Inspect GRD*. Maintain log.	Clean GRD**. Fill in manifest.	Employee signature:

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FOG Management Program: 4. Inspection Form for Grease Interceptors



Complete this form for each interceptor inspected.

Keep on file in the FSE as confirmation of completed inspection!

TO BE COMPLETED BY TRAIN	ED FSE EMPLOYEES					
Facility Name:						
Facility Address:						
Employee name:						
		Operating dept	:h			
Location:						
11. GRD functions						
2. 25% Rule (H1 + H2 > 0.25 \times H0, See Standard Operating Procedure (SOP) for details)						
Inches of floating grease	·		H1+H2=	inches		
Inches of settled materia	il on bottom H2	=inches				
		0.25 × H0	inches			
Difference between (H1+H2) and $(0.25 \times H0)$			inches			
1 Cleaning needs to be scho	eduled?					
1 3. Inlet pipe visible 14. Outlet pipe visible						
1 5. No roots intrusion 1 6. No corrosion damage 1 7. No broken/missing parts						
If cle	aning or repairs are	needed, fill in the	back page!			
I certify that I have inspected	the interceptor as s	hown in this form.				
Employee Signature		Date:				

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FOG Management Program: 4. Inspection Form for Grease Interceptors

p.2

FOG Discharge Prohibitions:

- DO NOT discharge improperly shredded garbage, animal guts or tissues, paunch manure, bones, hide, hair, fleshing, or entrails. These materials in combination or alone can cause blockages and other operations and maintenance problems in the wastewater collection and treatment system.
- DO NOT discharge wastewater with temperatures in excess of 140° F to any GRD. Temperatures in excess of 140° F will dissolve grease, but the grease can re-congeal and cause blockages further downstream in the sanitary sewer collection system as the water cools.
- DO NOT discharge caustics, acids, solvents, or other emulsifying agents. Though emulsifying
 agents can dissolve solidified grease, the grease can re-congeal further downstream in the
 sanitary sewer collection system. Caustics, acids, and solvents can have other harmful effects on
 the wastewater treatment system and can be hazardous to those working in the wastewater
 collection system.
- DO NOT utilize biological agents for grease remediation without permission from the WWTP. The biological agents may disrupt the biological treatment process at the wastewater treatment plant.

Scheduled cleaning o	of grease interceptor:
FOG hauler name:	
Phone:	
Scheduled repairs of	grease interceptor:
Repair needed:	
Contractor:	
Date:	

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FOG Management Program: p.1 5. Inspection/Cleaning Form for Grease Traps

Complete this form for each grease trap inspected/cleaned. Keep on file in the FSE as confirmation of completed inspection!

TO BE COMPLETED BY TRAINED FSE E	MPLOYEES
Facility Name: Facility Address:	
The 25% Rule: See H1 + H2 > 0.25 × H0 Sta nda rd Operating Proc	H1 = Inches of floating grease blanket at top of liquid surface H2 = Inches of settled material on bottom of tank H0 = Depth from invert of outlet pipe to the bottom of tank. cedure (SOP) for "25% Rule" Form for details.
Identify Grease Trap:	
FOG discharge prohibitions:	
	ed garbage, animal guts or tissues, paunch manure, bones, hide,

hair, fleshing, or entrails. These materials in combination or alone can cause blockages and other operations and maintenance problems in the wastewater collection and treatment system.

- DO NOT discharge wastewater with temperatures in excess of 140° F to any GRD. Temperatures in excess of 140° F will dissolve grease, but the grease can re-congeal and cause blockages further downstream in the sanitary sewer collection system as the water cools.
- DO NOT discharge caustics, acids, solvents, or other emulsifying agents. Though emulsifying agents can dissolve solidified grease, the grease can re-congeal further downstream in the sanitary sewer collection system. Caustics, acids, and solvents can have other harmful effects on the wastewater treatment system and can be hazardous to those working in the wastewater collection system.
- DO NOT utilize biological agents for grease remediation without permission from the WWTP. The biological agents may disrupt the biological treatment process at the wastewater treatment plant.

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				FOG Management Program: p.25 5. Inspection/Cleaning Form for Grease Traps					
Checks	1-5:								
1. GRD 2. Inlet pipe visible		3. Outlet pipe visible		4. co	No rrosion	5. No broken/missing parts			
Trap Date/Tim ID# Inspectio) H1 H2 (in.)		H1+H2 (in.)	Trap Cleaned?	Checks 1-5 OK?	Employee initial:
							1	1	
							1	1	
							1	1	
							1	1	
							1	1	
							1	1	
							1	1	
							1	1	
							1	1	
							1	1	
	Employee:	s Inspect	ing/Cleani	ing Trapi	(s):			1 yee initial:App	ensix
ı <i>y</i>								,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	

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FOG Management Program: 6. SOP for "25% Rule" Form

Clear Plastic

Tube Device Method

Grease Layer (H1)

Settled Solids (H2)

Wastewater

Depth (H0)

Design



The purpose of this Standard Operating Procedure (SOP) is to ensure that inspections of grease traps/interceptors are completed and documented uniformly. The 25% Rule is a general rule to assess the proper maintenance and cleaning of grease removal facilities and not the sole determining factor of compliance.

This procedure shall be followed every time a grease trap is inspected.

Method:

To inspect a grease trap using a clear plastic tube and to document the results.

Tools and Equipment:

- 1. Facility specific equipment necessary to open a grease trap or a grease interceptor.
- 2. Safety equipment if necessary to redirect vehicles (cones, etc.)
- 3. Measuring device (such as DipStick-Pro® available through Environmental BioTec, 800-314-6263).
- 4. Cleaning materials (Earth Clean Technologies).

Preparation:

- 1. Locate and gain access to grease trap or grease interceptor.
- 2. Place safety equipment around the grease trap or interceptor as needed to prevent pedestrian or vehicular accidents during inspection.
- 3. Use appropriate tool to remove the grease trap lids or grease interceptor manhole covers.
- 4. Complete visual inspection of the condition of the device and record information on appropriate inspection form.

Procedures for Checking Grease & Solids Accumulation in a Grease Trap

- 1. Push the metal rod down so that the valve opens at the bottom of the plastic tube.
- 2. Slowly insert the plastic tube into the grease trap until it touches the bottom of the tank.
- 3. Pull up on the metal rod to close the valve and pull the tube out.
- 4. Measure the height of the grease layer (H1) and the settled solids (H2).
- 5. Record measurements on the Grease Trap Inspection Form.
- 6. Release contents back into grease trap by pushing down on metal rod.
- 7. Check the 25% rule: $H1 + H2 > 0.25 \times H0$ H0 is the design hydraulic depth (the depth from invert of outlet pipe to the bottom of tank).

I certify that I have read this SOP and understand the procedure for checking the grease trap/interceptor. I also understand that the 25% rule is only a best management practice and not the determining rule for GRD maintenance needs.

Employee Signature	Date:

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Part III A.	BMPs Implementation						
1.	1 No sink/floor drain screens?	Number of checks:					
2.	1 Wastefoodinthesink?						
3.	1 Debris or loose screws in floor drains?	This inspection =					
		Previous inspection =					
4.	1 Spilled grease on the floor?						
5.	1 Spill cleanup kits readily available?						
6.	1 No grease waste containers?						
7.	1 No signage on the wall?						
8.	1 Employee training log incomplete?						
9.	1 GRD inspection/cleaning logs incomplete?						
10.	1 FOG Hauler manifests incomplete?						
How BMP disciplinary measure is determined if BMPs implementation is in violation: If total number of checks is ≥ 7: Courtesy Letter If no checks at previous inspection: Verbal Warning If this is the first inspection ever: Verbal Warning							
10		oliance, Courtesy Letter					
	1 Non-Com _l -	pliance, Verbal Warning					

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FOG Management Program: p.3
FSE Inspection

III B. GRD Performance/Condition

	GRD #:	1	2	3	4	5	6	7	8	Total
1 Grease overflow? *		1	1	1	1	1	1	1	. 1	
2 GRD does not function?		1	1	1	1	1	1	1	1	
3 The 25% rule not met?		1	1	1	1	1	1	1	1	
4 Inlet pipe not visible?***	1 NA	1	1	1	1	1	1	1	1	
5 Outlet pipe not visible?***	1 NA	1	1	1	1	1	1	1	1	
6 Roots intrusion?		1	1	1	1	1	1	1	1	
7 Corrosion damage?		1	1	1	1	1	1	1	1	
8 Broken/missing parts?		1	1	1	1	1	1	1	1	
								Tot	al**:	

* If Severe GRD non-compliance: Certified Letter

** If total number of checks > 0: Courtesy Letter

GRDs Performance/Condition Inspection Outcom
--

1 Compliance

1 Non-Compliance, Courtesy Letter

1 Non-Compliance, Certified Letter

1 Re-inspection scheduled on:

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^{***} Pipe not visible because it is covered with grease.

				FOG		ageme E Inspe		gram:	p.4
Part IV A. Re-Inspection. INSPECTION #2									
Inspection Date/Time:By:					_				
GRD #:	1	2	3	4	5	6	7	8	Total
1 Grease overflow? *	1	1	1	1	1	1	1	1	
2 GRD does not function?	1	1	1	1	1	1	1	1	
3 The 25% rule not met?	1	1	1	1	1	1	1	1	
4 Inlet pipe not visible?*** 1 NA	1	1	1	1	1	1	1	1	
5 Outlet pipe not visible?*** 1 NA	1	1	1	1	1	1	1	1	
6 Roots intrusion?	1	1	1	1	1	1	1	1	
7 Corrosion damage?	1	1	1	1	1	1	1	1	
8 Broken/missing parts?	1	1	1	1	1	1	1	1	
1 Compliance 1 Non-Compliance 1 Severe GRD Non				ation					
	n-Com	plian	ce, Cit	ation	~~~~				
1 Severe GRD Non 1 Re-inspection sci Part IV B. Re-Inspection. INSPECTION #3	n-Com hedul	plian	ce, Cit	ation	*****	******			
1 Severe GRD Non 1 Re-inspection scl Part IV B. Re-Inspection. INSPECTION #3 Inspection Date/Time:By:	n-Com hedul	plian	ce, Cit	ation	-				
1 Severe GRD Non 1 Re-inspection sc Part IV B. Re-Inspection. INSPECTION #3 Inspection Date/Time:By: GRD #:	n-Com hedul	ed on	ce, Cit	4	- 5	6	7	8	Total
1 Severe GRD Non 1 Re-inspection sci Part IV B. Re-Inspection. INSPECTION #3 Inspection Date/Time:	hedul	ed on	3 1	4 1	1	1	1	1	Total
1 Severe GRD Non 1 Re-inspection scl Part IV B. Re-Inspection. INSPECTION #3 Inspection Date/Time:	n-Com hedul 1 1	ed on	3 1 1	4 1 1	1	1	1	1	Total
1 Severe GRD Non 1 Re-inspection sci Part IV B. Re-Inspection. INSPECTION #3 Inspection Date/Time:	1 1 1	ed on 2 1 1	3 1 1	4 1 1 1 1	1 1 1	1 1 1	1 1 1	1 1 1	Total
1 Severe GRD Non 1 Re-inspection scl Part IV B. Re-Inspection. INSPECTION #3 Inspection Date/Time:	1 1 1 1	ed on 2 1 1 1	3 1 1 1 1 1	4 1 1 1	1 1 1	1 1 1	1 1 1	1 1 1	Total
1 Severe GRD Non 1 Re-inspection sci Part IV B. Re-Inspection. INSPECTION #3 Inspection Date/Time:	1 1 1	ed on 2 1 1	3 1 1	4 1 1 1 1	1 1 1	1 1 1	1 1 1	1 1 1	Total

1 Compliance 1 Non-Compliance, Certified Letter
1 Re-inspection scheduled on: _____

* If total number of checks > 0:

** Pipe not visible because it is covered with grease.

Citation

Total*:

FOG Management Pro FSE Inspection								ogram:	p.5	
Part V. Final Re-Inspection. IN	SPECTION #	! 4								
Inspection Date/Time:	Ву:					_				
	GRD #:	1	2	3	4	5	6	7	8	Total
1 Grease overflow?		1	1	1	1	1	. 1	1	1	
2 GRD does not function?		1	1	1	1	1	1	1	1	
3 The 25% rule not met?		1	1	1	1	1	1	1	1	
3 Inlet pipe not visible?*	1 NA	1	1	1	1	1	1	1	1	
4 Outlet pipe not visible?*		1	1	1	1	1	1	1	1	
5 Roots intrusion?		1	1	1	1	1	1	1	1	
6 Corrosion damage?		1	1	1	1	1	1	1	1	
7 Broken/missing parts?		1	1	1	1	1	1	1	1	
* Pipe not visible because it is covere Comments:	d with grease.									
OUTCOME		· · · · · · · · · · · · · · · · · · ·				XXXXX				
1 Compliance 1 No	n-Compliand	ce, Te	rmina	tion c	of wate	er and	sewe	er serv	vice	

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				nagement Program: SE Inspection	p.6
Part VI. GRD Mo	difications.				
Specify location of the the device, etc.		odifications (chan	ge in dimensions	, new or removed con	nections
If GRD is a grease	e interceptor:				
Location: _					
Size of tank: •	gallons				
• Dimensi • ons:	ft deep,_	ft wide,	ft long,	ft diameter (if ro	und)
	1No 1 Yes fyes, are all compa	irtments accessib	le for cleaning?	1 No 1Yes	
Comments:	, ,		O.		
,					
If GRD is a grease	e trap:				
Location: _					
Size of tank:	gpm				
Dimensions:	ft long,	ft wide,	_ft high		
Comments:					
1					
1					
,					

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Appendix J - FSE Compliance Recognition Certificates



EOCWD FOG Program Page **61** of **63**

DEFINITIONS

Black Water	Wastewater from sanitary fixtures such as toilets and urinals.
Brown Grease	Waste grease from grease traps or grease interceptors that cannot be rendered.
Compliance	Conforming to requirements of the FOG Management Program
Customer	A user of the sanitary sewer system who produces wastes from their process operations. The customer is responsible for assuring that the produced wastewater is disposed of in accordance with all Federal, State and local disposal regulations.
Deficiency	implementation or GRD maintenance which is not met by a FSE.
	One who transfers waste from the site of a customer to an approved site for disposal or treatment. The hauler is responsible for assuring that all Federal, State and local regulations are followed regarding waste transport.
Food Grinder	A device, which shreds or grinds up solid or semisolid waste materials into smaller portions for discharge into the sanitary sewer collection system.
Food Service Establishment (FSE)	A facility which cuts, cooks, bakes, prepares, serves food, or disposes of food related wastes.
Gray Water	All wastewater other than "Black Water" as defined in this section
GRD Effluent	A wastewater discharged from a grease removal device into the sanitary sewer lateral.
Grease	A material composed primarily of fats, oil, and grease (FOG) from animal or vegetable sources. Grease does not include petroleum-based products.
Grease interceptor	A large tank or device so constructed as to separate and trap or hold FOG substances from the sewage discharged from a facility in order to keep FOG substances from entering the sanitary sewer collection system. Grease interceptors are typically located outside of food service facilities.
Grease trap	A device placed under or in close proximity to sinks or other facilities likely to discharge grease in an attempt to separate, trap or hold, FOG substances to prevent their entry into the sanitary sewer collection system.
Grease removal device (GRD)	A device which slows the discharge time so that grease and water separate upon which grease remains in the device while water continues to the District's wastewater collection system.

EOCWD FOG Program Page **62** of **63**

POTW	Stands for Publicly-Owned Treatment Works or "Treatment Works" as defined by Section 212 of the Clean Water Act (33 U.S.C. § 1292), which is owned or operated in this instance by OCSD.
Sewage	The liquid and water-carried domestic or industrial wastes from dwellings, commercial establishments, industrial facilities, and institutions, whether treated or untreated.
Sewer Lateral	A sewer line typically maintained and controlled by private persons for the purpose of conveying sewage from the wastewater producing location to the public sanitary sewer collection system.
User	EOCWD's customer operating a food service establishment inside the District's wastewater service area.
Wastewater	The liquid and water-carried domestic or industrial wastes from dwellings, commercial establishments, industrial facilities, and institutions, whether treated or untreated. Wastewater may include but not be limited to, discharges from sinks, dishwashing machines, soup kettles, and floor drains located in areas where grease-containing materials may exist.
Yellow Grease	Waste cooking oil and grease that can be recycled, such as fryer grease.
25% Rule	A rule determining when the grease trap or interceptor needs cleaning. If 25% of interceptor capacity is taken up by FOG and Solids, then the interceptor needs pumping. Example: If interceptor operating depth is 48-in. and has 6-in. of FOG and 6-in. of settled solids, then 25% of capacity is met.

EOCWD FOG Program Page **63** of **63**

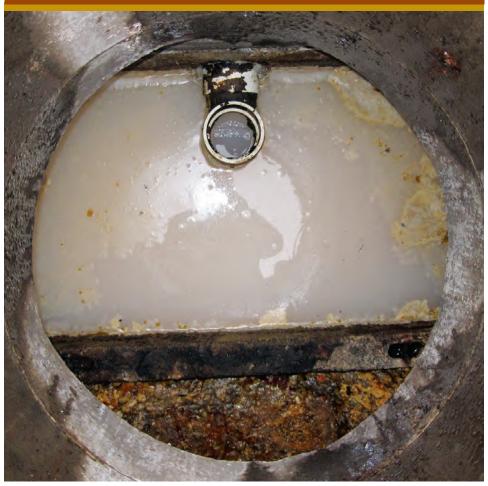


APPENDIX S

FOG BINDER CONTAINING GUIDANCE AND RESOURCES FOR FSES

FOG Program Fats, Oils & Grease

Proper disposal of fats, oils and grease protects your business, public health and the environment. It's the law, and it's the right thing to do.





It's cheaper and easier to prevent than clean up



Grease from first dishwasher cycle.

FOG buildup can clog sewer and drainage pipes, resulting in messy, costly overflows. It's bad for business, the environment and public health. Costs of a raw sewage backup may include:

- Loss of business while you're closed to clean up and get the kitchen back into service
- **Cleanup** of the premises by staff and a cleaning or restoration service
- Hiring a service to clean the sewer lines
- Repairs or replacement of the building, fixtures and equipment
- **Reimbursement** for damages to neighbors and the public sewer system
- Higher insurance premiums
- Fines and penalties

Common sources of FOG

- Fried foods
- Cooking meats
- Butter, ice cream, other dairy products
- Gravy and sauces
- Mayonnaise and salad dressings

FOG myths

Myth: Restaurant workers know how to prevent FOG problems.

Fact: Few employees have been properly trained to handle and dispose of cooking fats, oils and grease. The owner and management are responsible to train staff in best management practices (BMPs) and oversee the work of contractors hired to clean, remove and recycle FOG.

Myth: Pour hot water and detergent or degreasers into the drain to dissolve oil or grease.

Fact: That just pushes oil or grease deep into the building sewer pipe where it cools and coats the inside of the pipe. Eventually, the pipe will clog and cause raw sewage to back up into the building.

Myth: Storm drains and catch basins are for disposal of dirty water, debris, etc.

Fact: Outside drains are built to direct stormwater runoff to the nearest creek or wetland. Using them for any other purpose is a violation of the federal Clean Water Act

Myth: If the sewers back up, the sewer utility will fix it.

Fact: Owners are responsible for the sewers on their property. If they damage or back up the public sanitary sewer or drainage systems, they must pay for cleanup and repair and may be subject to fines and penalties.

Grease interceptors

All food/beverage establishments that are connected to the public sewer system must have an approved grease interceptor. It must be effectively sized, installed and maintained to keep FOG and food debris out of the public sewer system. If your business does not have an adequate grease interceptor, you will be required to install one.



Kitchens generate a lot of FOG.

A grease interceptor is designed to capture

FOG before it discharges to the public sewer. All fixtures and drains in food/beverage service areas must connect to a grease interceptor. Grease interceptors need effective inspection and pumpout service. They are inspected by the local authority that enforces the federal Clean Water Act and related state and local laws, in partnership with the public works department.

Types of grease interceptors

Hydromechanical grease interceptors (HGIs) manage FOG using flow control. They can be installed indoors and have relatively small FOG storage capacity.

Gravity grease interceptors (GGIs) manage FOG using gravity separation. They are installed outdoors and have larger FOG storage capacity than HGIs.

General care for grease interceptors

Grease interceptors lose efficiency as they fill with FOG. The recommended cleaning frequency varies by the type of grease interceptor, types of food served and kitchen cleaning practices.

- Effectively size, install, and maintain a pumpout interval.
- Set an effective pumpout interval just prior to unacceptable levels of FOG leaving the grease interceptor.
- Train staff to inspect the work of contractors to ensure they used proper cleaning procedures before allowing contractors to leave the site.
- Reminder: Kitchen clean-up practices impact the grease interceptor (pumpout interval).
- A Preferred Pumper knows industry approved standards for grease interceptor cleaning and maintenance (see page 5 for more on Preferred Pumpers).
- Keep documentation of maintenance service done and where the waste was deposited.

Food service establishment inspection

An inspector from the public utility will visit a food service establishment to ensure that it is effectively managing FOG in order to keep it out of the public sewer system. The inspector will assess the condition of the facility's grease interceptor(s). He or she will also assess FOG management practices and help teach kitchen staff about best practices for controlling FOG at the source.



Train staff to prepare for the inspection.

Following inspection, the inspector will issue a report that indicates any required corrective actions. Establishments that need to be inspected again will pay a minimum fee of \$84. Failure to comply with the local sewer use ordinance could result in monetary penalties, or the business could be ordered to cease all discharges to the public sewer system.

The chart below indicates the rankings and required response.

Inspection Rank	Establishment Response
Excellent or Good	Continue effective cleaning and maintenance.
Fair	Increase the frequency of cleaning and maintenance. The inspector may reinspect.
Poor Inspector issues Notice of Non-Compliance	The establishment is issued a notice of Non-Compliance that lists required corrective actions, the due date to complete the corrective actions and to notify the inspector for reinspection.
Reinspection required	Failure to comply could lead to monetary penalties (up to \$25,000 per day/per violation) or ordered to cease discharge.

Preparing for the inspection

When the inspector comes to inspect your grease interceptor and food service establishment's FOG management practices, please be prepared. Your preparation and assistance with the inspection will help the process run smoothly.

- Train staff to assist with opening and closing the grease interceptor (HGI).
- Keep a screwdriver or Allen wrench handy to open and close the grease interceptor.
- Keep maintenance records, training logs and FOG reports nearby.*
- * Preferred Pumpers submit FOG reports for their clients.

Inspectors prefer to coach and counsel rather than issue penalties. Ask for their advice.

Preferred Pumper Program

The Preferred Pumper Program is a registry of grease interceptor pump-out companies that have agreed to train staff on approved cleaning procedures and submit reports to the local public utility. For a list of companies, please go to preferredpumper.org.*

A well maintained grease interceptor will reduce or eliminate building sewer issues and expenses related to food service operation. An effective pumpout interval is specific to an individual kitchen's menu



Oversee contractors for complete, correct service.

and clean-up practices. For advice on an effective pumpout interval or more training materials, contact your local sewer agency or visit **cleanwaterservices.org/fog**.

* You must ensure that your contractor(s) properly handle your establishment's FOG.

Exhaust hoods, vents and filters

This booklet does not fully address grease removal from exhaust hood systems (vents, filters) or fire prevention systems because these are regulated by other agencies. These systems must be cleaned and maintained to prevent fires and greasy buildup on roofs. Build up will cause degradation of roofing materials, which will wash into storm drains when it rains. Discharge of any contaminated rainwater to the public stormwater system is an illicit discharge by federal, state and local codes.

- Clean vent hoods and filters as needed.
- Inspect the exhaust system often enough to prevent grease buildup.
- Maintain the grease collection unit on the roof to protect your business and avoid penalties.
- Hire a service to clean and maintain the exhaust hoods, vents and filters frequently.
- Ensure proper disposal of waste and retain documentation of the disposal.





Exhaust systems must be FOG free.

About inside and outside drains

It's important to keep FOG out of inside and outside drains to prevent sanitary sewer overflows, drainage backups and pollution of local waterways. Many people don't know that inside drains take wastewater to the sanitary sewer system and a wastewater treatment facility. Outside drains take stormwater runoff to pipes or ditches that lead to the nearest wetland or creek.



Inside drain sanitary sewer wastewater treatment facility



Outside storm drain/catch basin pipe/ditch creek or wetland

Storm drains, catch basins and sumps

The public drainage system is designed to carry stormwater runoff and protect local creeks and wetlands from water pollution. It is the food service establishment and property owner's responsibility to maintain the storm drains and catch basins on or near the business premises. The catch basin under the storm drain or grate has a compartment or sump that is designed to capture debris, not chemicals.



Storm drains are for rainwater. What goes in the storm drain goes straight to the nearest creek or wetland.



- Inspect and clean storm drains, catch basins and sumps that serve the establishment.
- Increase the frequency of inspections and cleanings if necessary to prevent problems.
- Properly dispose of material from the catch basin and sump.
- Keep FOG and cleaners from polluting the public drainage system, creeks and wetlands.
- Never wash or sweep liquids, suds, FOG or debris into storm drains.

Disposing of cleaning solutions or soapy water into gutters and storm drains can harm or kill wildlife, even if it's labeled nontoxic or biodegradable. Even when soap is not used, pollutants such as metals, grease and dirt are washed into drains and are harmful to aquatic organisms and wildlife.

Failure to properly clean and maintain the storm drain system can result in costly overflows, cleanup, business interruptions or closure. If the public drainage system is clogged or damaged, or pollutants reach waterways due to poor maintenance, the owner may be fined and required to pay cleanup costs.

It is the owner's responsibility to know if the debris cleaned from the catch basin qualifies as a hazardous material that must be handled separately from regular waste. Contact the local sewer utility or municipality for advice.

Place "No Dumping – Drains to River" markers near storm drains in parking lots and streets as a reminder that all the rain running off impervious surfaces flows directly to our local creeks, streams and wetlands without treatment. Contact the local Public Utility for markers.



Is your staff trained in Best Management Pract

It's easy to keep FOG out of the sewer and drainage systems if employees are t

Proper disposal of Fats, Oils, and Grease (FOG)

Kitchen FOG belongs in the trash, a grease interceptor or a recycling container. Keep FOG in its place and out of the building and public sewer drainage systems.

- ☐ Recycle cooking grease, oil and food wastes.
- ☐ Contact your waste hauler or a rendering company to get a waste oil container.



Interceptor too full of FOG and not maintained properly; will cause building sewer problems.

- ☐ If containers or bins leak or spill, ask the vendor for new ones.
- ☐ Cover the rendering container (i.e., garbage corral) with a roof if possible.
- ☐ Clean up any spills or leaks immediately using dry methods.
- ☐ Prevent odor, rats and other pests with clean, closed rendering containers and dumpsters.
- ☐ Never dump used cooking oil down the drain.
- Never use hot water, detergent or degreasers to flush FOG down the drain; this pushes grease into the pipe where it will cool, congeal and clog the sewer.
- ☐ Never dump FOG (or anything!) on the street, parking lot or into storm drains.
- ☐ Schedule frequent FOG pickup or service.
- ☐ Keep records of training, cleaning, service, preventative maintenance and inspections.



Proper disposal of FOG is easier and cheaper—and that's good for your bottom line.

ices (BMPs)?

rained in best management practices (BMPs).

Dry clean up

Before washing with water, use dry clean up methods to control FOG and food waste.

- Scrape or wipe instead of washing food waste from utensils, fixtures and equipment.
- ☐ Use rubber scrapers to remove FOG from cookware and serving surfaces.
- ☐ Scrape food waste into trash bins with plastic liners.



Dry wipe before washing.

- ☐ Soak up oil and grease under fryer baskets with paper.
- Sweep floors before mopping.
- ☐ Wipe down work areas with paper towels.
- ☐ Place disposal and recycling containers within easy reach for kitchen employees.
- ☐ Sweep instead of hosing down parking lots, sidewalks and outside areas.

Dry clean up methods have many benefits. Dry floors are safer than slick floors that may cause employees to slip and fall.



Sweep floors before mopping.



Dry clean up saves water and energy costs.

Make sure staff and management understand how to use the BMPs and tips

Dishwashing, work areas, floors and spills

After dry scraping, wiping and sweeping, use these BMPs to keep FOG and food waste out of drains and sewers.

- ☐ Keep work areas clean.
- ☐ Install properly sized screens, baskets or strainers in sink and floor drains to catch food debris.
- □ Only fill FOG transfer containers halfway so that they are easier to lift. PREVENT SPILLS!



Keep FOG and food waste out of drains.

- ☐ Wash floor mats and greasy equipment in an area that drains to a grease interceptor—not outside.
- □ Never pour grease or oil into sinks, floor drains or onto a parking lot or street.
- ☐ When mopping, don't force food debris down the drain.
- ☐ Keep liquid waste out of trash or dumpster bins.
- ☐ Train workers to put FOG into recycling/rendering containers without spilling.
- ☐ Prevent spills through proper storage, handling and transfer of supplies.
- ☐ Provide proper equipment to handle FOG.
- ☐ Be careful not to drop or splash fats, oils and grease.
- ☐ Keep a spill kit with absorbent materials nearby.
- ☐ Clean up spills immediately.



Disconnect the garbage disposal; this may qualify for a reduced sewer bill and will save water and energy.

s in this booklet to keep drains and pipes flowing.

Storage, trash and recycling areas

Property owners and the owners of food service establishments are responsible for keeping trash enclosure areas from contaminating stormwater.

- ☐ Store waste oil and cleaners in closed containers indoors or under cover outside.
- ☐ Provide dumpsters and bins that are large enough not to overflow.
- □ Repair or replace leaky dumpsters, compactors and trash/oil waste bins.
- ☐ Protect stormwater. Keep lids closed.
- ☐ Transfer containers should only be filled 1/2 to 3/4 when transfering oil waste to outside bin.
- ☐ Keep dumpster and storage areas clean and swept.
- ☐ Hire a contractor to clean-up contaminated trash enclosures. Keep documentation of work done and disposal site.



Trash and recycling areas reflect your kitchen practices.



Standing water due to clogged drains can damage pavement.



Proper maintenance reduces costly repairs.

It's the law, and it's good business

Sewer overflows are harmful to public health and the environment. Federal, state and local laws require FOG control to protect people and water sources. It is the business and property owner's responsibility to comply with the law and ensure that employees and contractors are using BMPs that protect the public sanitary sewer, stormwater drainage systems and water quality. Property and business owners may be held liable for water quality violations, misuse of the public sanitary sewer and stormwater drainage systems, and resulting water pollution.



Grease clog inside a pipe.

Did you know?

- Storm drains are for clean rainwater only.
- Food service establishments must install and maintain an approved grease interceptor.
- Obstruction of public sewers may result in penalties, fines and other costs.

For more information on these laws, please visit cleanwaterservices.org/fog

Inspector contact:	





APPENDIX T

AGREEMENT FOR
PROVISION OF
ENVIRONMENTAL
HEALTH SERVICES
BETWEEN THE
COUNTY OF ORANGE
AND ORANGE
COUNTY SANITATION
DISTRICT

AGREEMENT FOR PROVISION OF 2 ENVIRONMENTAL HEALTH SERVICES 3 **BETWEEN** 4 COUNTY OF ORANGE 5 AND 6 EAST ORANGE COUNTY WATER DISTRICT 7 8 THIS AGREEMENT entered into this day of 2017, which date is enumerated for 9 purposes of reference only, is by and between the COUNTY OF ORANGE, a political subdivision of 10 the State of California (COUNTY) and EAST ORANGE COUNTY WATER DISTRICT, a special 11 district of the State of California (DISTRICT) 12 13 WITNESSETH: 14 15 WHEREAS, the California Regional Water Quality Control Board-Santa Ana Region, Region 8 16 ("RB8") has adopted Order No. R8-2002-0014, General Waste Discharge Requirements (the "Order"), 17 requiring cities and local wastewater agencies within its jurisdiction in northern and central Orange 18 County to develop site-specific sewer system management plans to reduce sewer system overflows 19 ("SSOs"); 20 21 WHEREAS, the EOCWD is a successor in interest to OCSD, a Co-Permittee of the Order for local 22 sewer service in the area formerly known as Service Area 7; and 23 24 WHEREAS OCSD, was one of 31 Co-Permittees and acted as a facilitator agency to assist in 25 obtaining regional compliance with the Order by Co-Permittees. The Co-Permittees include 16 cities 26 and 13 local wastewater agencies, including 2 existing military bases, that provide sewer service in 27 northern and central Orange County (although the City of Los Alamitos is named in the Order, the RB8 28 is expected to remove it from the Order because it does not provide sewer service in its jurisdiction; 29 sewer service in Los Alamitos is provided by the Rossmoor-Los Alamitos Area Sewer District, a Co-30 Permittee); 31 32 WHEREAS, the Co-Permittees are individually required by the Order to develop a Sewer System 33 Management Plan to provide the framework as well as specific management guidance to prevent, 34 control, mitigate, track, and report sewer spills including, but not limited to, funding, staffing, training 35 plans, and enforcement of site-specific Fats, Oils, and Grease (FOG) Control Programs when indicated; 36

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WHEREAS, DISTRICT and Co-Permittees have established their own FOG Control Programs applicable to food service establishments to comply with the Order; WHEREAS, the FOG Control Programs of most Co-Permittees closely follow the FOG Control Program adopted by DISTRICT pursuant to DISTRICT's model FOG Control Ordinance; WHEREAS, COUNTY serves as the Health Officer of the Cities within COUNTY, and contracts to provide Environmental Health Services to the Cities, including inspections of food service establishments: WHEREAS, DISTRICT is the local sewer agency for County of Orange Unincorporated local sewers north of the City of Tustin and the DISTRICT owned and operated parts of City of Tustin, and other areas where parcels may be directly connected to the DISTRICT's regional collection system, and wishes to contract with COUNTY for the provision of food service establishment inspection services described herein: WHEREAS, DISTRICT is coordinating the extension of such Kitchen Best Management Practices (BMPs) screening inspection services to food service establishments within the jurisdiction of Co-Permittees who wish to participate in a jointly coordinated effort to implement the RB8 Order and monitor and control SSOs; and WHEREAS, COUNTY is agreeable to the rendering of such services on the terms and conditions hereinafter set forth with DISTRICT acting as the lead contracting agency for the participating Co-Permittees: NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS: // // | //

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3	//			
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I. ALTERATION OF TERMS

This Agreement, together with Exhibit A attached hereto and incorporated herein by reference fully expresses all understanding of COUNTY and DISTRICT with respect to the subject matter of this Agreement, and shall constitute the total Agreement between the parties for these purposes. No addition to, or alteration of, the terms of this Agreement, whether written or verbal, shall be valid unless made in writing and formally approved and executed by the parties.

II. <u>INDEMNIFICATION</u>

A. MUTUAL INDEMNIFICATION

- 1. Each party agrees to indemnify and hold harmless the other party, its officers, agents, and employees from all liability, claims, losses, and demands, including defense costs, whether resulting from court action or otherwise, arising out of the acts or omissions of the indemnifying party, its officers, agents, or employees, or the condition of property used in the performance of this Agreement.
- 2. Each party agrees to provide the indemnifying party with written notification of any claim within thirty (30) days of notice thereof, to allow the indemnifying party control over the defense and settlement of the claim, and to cooperate with the indemnifying party in its defense.

B. THIRD-PARTY INDEMNIFICATION

1. Prior to COUNTY extending the services hereunder within the jurisdiction of any Co-Permittee, DISTRICT in its coordination function shall first secure an indemnification agreement identical in the scope and form provided for herein from each such Co-Permittee indemnifying COUNTY from all liability, claims, losses, and demands, including defense costs, arising out of each such Co-Permittee's acts or omissions in the performance of services provided for in this Agreement.

III. NOTICES

- A. Unless otherwise specified, all notices, claims, correspondence, and/or reports authorized or required by this Agreement shall be effective when:
- 1. Written and deposited in the United States mail, first class postage prepaid and addressed as follows:

DISTRICT: General Manager
East Orange County Water District
185 N. McPherson Rd
Orange, CA 92869

COUNTY: Director Health Care Agency
County of Orange Health Care Agency
405 W. 5th Street, 7th Floor
Santa Ana, CA 92701

- 2. Accepted by U.S. Postal Service Express Mail, Federal Express, United Parcel Service, or other expedited delivery service; or
 - 3. Faxed, transmission confirmed.
- B. Termination Notices shall be effective when written and deposited in the United States mail, certified, return receipt requested; when faxed, transmission confirmed; or when accepted by U.S. Postal Service Express Mail, Federal Express, United Parcel Service, or other expedited delivery service and addressed as specified in subparagraph A. above.
- C. For the purposes of this Agreement, any notice to be provided by COUNTY may be given by Health Care Agency Director or his/her authorized representative.

IV. PAYMENTS

- A. In consideration of the services provided hereunder, including services which may be extended to participating Co-Permittees, DISTRICT agrees to pay COUNTY the fees or rates adopted by the Orange County Board of Supervisors in effect at the time that such services were rendered. It is understood by the parties that such fees and rates are only for the purpose of meeting COUNTY'S cost associated with providing the services.
- 1. COUNTY shall invoice DISTRICT for such services quarterly and payment to COUNTY should be released by DISTRICT no later than thirty (30) days after receipt of the invoice, unless DISTRICT requests clarification or correction of the invoice within the same period. Failure of DISTRICT to reimburse COUNTY may be considered a breach of the terms of this Agreement and may result in termination of this Agreement.
- 2. COUNTY shall give DISTRICT a minimum of thirty (30) days notice of any change in fees or rates adopted by the Orange County Board of Supervisors.
- B. All fees or rates collected by COUNTY from DISTRICT shall be paid to and deposited in the County Treasury and become property of COUNTY.

V. <u>SERVICES</u>

A. DISTRICT shall designate the Health Care Agency Director or his/her designee as an Inspector under DISTRICT's FOG Control Program applicable to food service establishments. DISTRICT agrees that the Health Care Agency Director or his/her designee, shall have all the powers and authority associated with the position of Inspector within DISTRICT and shall, at no cost to COUNTY, have access to any and all information and records as well as assistance from officers and employees of

DISTRICT necessary to perform services to be provided pursuant to this Agreement. Where the services hereunder are to be extended to any participating Co-Permittee, DISTRICT shall in its coordination function secure a similar designation and delegation of authority to the Health Care Agency Director or his/her designee, by the participating Co-Permittee.

Furthermore, DISTRICT shall ensure that the participating Co-Permittees' FOG Control Programs are substantially similar to DISTRICT's FOG Control Program to ensure uniformity among participating agencies.

B. The Health Care Agency Director or his/her designee shall perform all environmental health services as described in Exhibit A related to the implementation of DISTRICT's and participating Co-Permittees' FOG Control Programs applicable to food service establishments. DISTRICT and COUNTY may amend this Agreement, in writing, to reflect any additions or deletions of DISTRICT ordinances to be implemented by the Health Care Agency Director or his/her designee. In the event of such additions or deletions, DISTRICT shall in its coordination function ensure that each participating Co-Permittee adopt similar additions or deletions to ensure uniformity among participating agencies.

1. It is agreed that nothing in this Agreement shall be construed as binding DISTRICT to demand of COUNTY, or as requiring COUNTY to perform any particular number of inspections or visits except for the annual inspection identified in Exhibit A. Services under this Agreement may be denied to DISTRICT if the Health Care Agency Director or his/her designee determines that appropriate personnel or other resources are unavailable or the Health Care Agency Director or his/her designee does not have legal capacity to act or perform a particular function or functions.

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2. COUNTY shall furnish all necessary labor, supervision, equipment, communication services, facilities, and supplies necessary to perform the scope of work and level of services to be provided.

3. The Health Care Agency Director or his/her designee shall not perform any code enforcement functions and shall not enforce any building code, electrical code, or plumbing code and shall not enforce any vector control functions assumed by the Orange County Vector Control District for which these functions are provided pursuant to an agreement with COUNTY dated December 17, 1974.

VI. SEVERABILITY

If a court of competent jurisdiction declares any provision of this Agreement or application thereof to any person or circumstances to be invalid or if any provision of this Agreement contravenes any Federal, State, or County statute, ordinance, or regulation, the remaining provisions of this Agreement or the application thereof shall remain valid, in full force and effect, and to that extent the provisions of this

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Agreement are severable.

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VII. STATUS OF COUNTY

COUNTY shall be wholly responsible for the manner in which it performs the services required of it by the terms of this Agreement. COUNTY is entirely responsible for compensating staff and consultants employed by COUNTY. This Agreement shall not be construed as creating the relationship of employer and employee, or principal and agent, between COUNTY and DISTRICT or any of COUNTY's employees, agents, or subcontractors. COUNTY assumes exclusively the responsibility for the acts of its employees, agents, or subcontractors as they relate to the services to be provided during the course and scope of their employment. COUNTY, its employees, agents, or subcontractors shall not be entitled to any rights or privileges of DISTRICT employees and shall not be considered in any manner to be DISTRICT employees. Where the services hereunder are to be extended to any participating Co-Permittee, DISTRICT shall in its coordination function secure a similar stipulation by the participating Co-Permittee.

VIII. <u>TERM</u>

A. The term of this Agreement shall commence on January 19, 2017, and shall remain in effect until such time as it is terminated in accordance with the Termination Paragraph of this Agreement; provided, however, the parties shall be obligated to perform such duties as would normally extend beyond this term including, but not limited to, obligations with respect to confidentiality, indemnification, audits, reporting, and accounting.

B. In the event of termination of this Agreement, the Health Care Agency Director or his/her designee shall have no obligation to implement environmental health services as described in Exhibit A of DISTRICT or of any participating Co-Permittee. Where the services hereunder are to be extended to any participating Co-Permittee, DISTRICT shall in its coordination function secure a similar stipulation by the participating Co-Permittee.

IX. TERMINATION

A. TERMINATION WITHOUT CAUSE

1. Either party may terminate this Agreement, without cause, upon no less than one hundred eighty (180) days written notice given the other party.

B. TERMINATION FOR CAUSE

1. Either party may terminate this Agreement upon five (5) days written notice given the other, if either party fails to perform any of the terms of this Agreement, provided the allegedly breaching party has been given written notice of the alleged breach and has failed to cure the alleged breach within thirty (30) days.

C. CONTINGENT FUNDING

- 1. Any obligation of COUNTY under this Agreement is contingent upon the following:
 - a) The continued availability of Federal, State, or COUNTY funds for reimbursement of

1	COUNTY's expenditures, and			
2	b) Inclusion of sufficient funding for the services hereunder in the applicable budget			
3	approved by the Board of Supervisors.			
4	2. In the event such funding is subsequently reduced or terminated, COUNTY may terminate			
5	this Agreement, or reduce or eliminate services, upon thirty (30) days written notice given DISTRICT.			
6	//			
7	//			
8	D. NON-EXCLUSIVE RIGHTS The rights and remedies of either party provided in this			
9	Termination paragraph shall not be exclusive and are in addition to any other rights and remedies			
10	provided by law or under this Agreement.			
11				
12	X. <u>WAIVER OF DEFAULT OR BREACH</u>			
13	Waiver of any default by either party shall not be considered a waiver of any subsequent default.			
14	Waiver of any breach by either party of any provision of this Agreement shall not be considered a waiver			
15	of any subsequent breach. Waiver of any default or any breach by either party shall not be considered a			
16	modification of the terms of this Agreement.			
17				
18	// IN WITNESS WHEREOF, the parties have executed this Agreement, in the County of Orange,			
19	State of California.			
20				
21	EAST ORANGE COUNTY WATER DISTRICT			
22				
23				
24	BY: DATED:			
25				
26	TITLE: President			
27				
28				
29	COUNTY OF ORANGE			
30				
31				
32	BY: DATED:			
33	CHAIRMAN OF THE BOARD OF SUPERVISORS			
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2	SIGNED AND CERTIFIED THAT A COPY	
3	OF THIS DOCUMENT HAS BEEN DELIVERED	
4	TO THE CHAIRMAN OF THE BOARD.	
5		
6		
7		DATED:
8	ROBIN STIELER	
9	Clerk of the Board of Supervisors	
10	of Orange County, California	
11		
12		
13	APPROVED AS TO FORM	
14	OFFICE OF THE COUNTY COUNSEL	
15	ORANGE COUNTY, CALIFORNIA	
16		
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18	BY:	DATED:
19	DEPUTY	
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EXHIBIT A SERVICES TO BE PROVIDED BY COUNTY OF ORANGE, HEALTH CARE AGENCY FOOD PROTECTION PROGRAM

I. FIELD FUNCTIONS

Conduct one food service establishment FOG Control Program Kitchen BMP screening inspection annually. Inspections will be conducted at those facilities identified in the COUNTY Food Protection Program inventory as unpackaged food facilities. Environmental Health Specialists will report observations of noncompliance to DISTRICT; no FOG separation/containment/interceptor equipment inspections, follow up inspections, enforcement actions, additional inspection information, or joint inspections will be made or required. COUNTY will provide DISTRICT with the inventory (names and addresses) of unpackaged food facilities. DISTRICT will provide COUNTY the jurisdictional boundaries of the participating agencies and provide a listing of the inventoried unpackaged food facilities within the boundaries of each participating agency. Kitchen Best Management Practices (BMPs) screening inspections shall:

- 1. Verify the removal of garbage disposals
- 2. Verify the use of drain screens (sinks, floor sinks, floor drains)
- 3. Review fats, oils, and grease maintenance logs or manifests
- 4. Verify the presence of kitchen signage outlining proper grease disposal and dry scraping of dishes
 - 5. Verify the presence of Kitchen BMP Training records
 - 6. Verify use of FOG recycling containers (yellow grease and proof of recycling records)
- 7. Provide education and outreach that will consist of disseminating literature provided by the DISTRICT
 - 8. Observe evidence of improper FOG disposal within the food service establishments

II. ADMINISTRATIVE FUNCTIONS

COUNTY will report Kitchen BMPs observations to one centralized location agreed to between COUNTY and DISTRICT. COUNTY will revise the Food Facility Inspection Report by adding fields pertaining to Kitchen BMPs observations. COUNTY will create a database query that identifies all the unpackaged food facilities that received Kitchen BMPs screening inspection and transfer to the DISTRICT annually. COUNTY will perform quality assurance on Kitchen BMP data prior to transfer to DISTRICT. However, DISTRICT may periodically audit COUNTY's records to ensure that all the appropriate data is being procured, processed, and transferred. Kitchen BMP screening inspection observation data will be provided no later than the 15th of the month following an inspection. COUNTY will transfer screening inspection data electronically to DISTRICT or other mutually agreed upon

mechanism. COUNTY will perform program evaluations periodically to ensure that each facility 1 2 requiring an inspection has received one within the specified time period and to review time values. 3 III. TRAINING 4 COUNTY will create a training presentation for COUNTY Food Protection Program staff. 5 COUNTY will provide training to the COUNTY Food Protection Program staff on Kitchen BMP 6 screening inspections and allow DISTRICT and their program-related designees and contracted Co-7 Permittees to observe. Refresher training will be left to the discretion of COUNTY. COUNTY will 8 incorporate Kitchen BMP screening components into the new Specialist-training program. 9 10 // 11 // 12 // 13 14 15 // 16 // 17 18 // 19 // 20 // 21 22 // 23 24 // 25 // 26 27 // 28 29 // 30 // 31 32 33 // 34 35 // 36 37



APPENDIX U MATERIALS DEVELOPED TO EDUCATE THE PUBLIC ABOUT PROPER FOG AND DEBRIS DISPOSAL

website Home Page

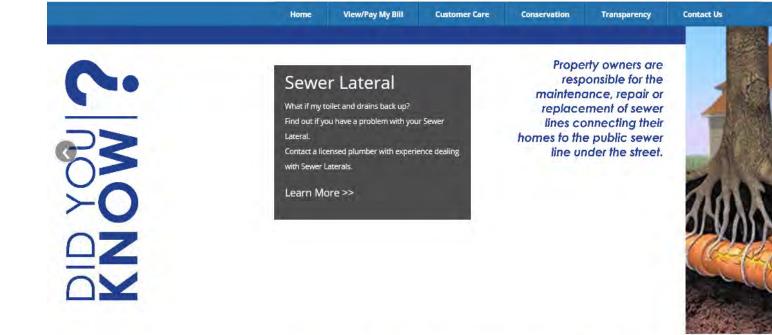


(714) 538-5815

available 24 hours a day







Hometown Service, Fiscal Discipline. Direct Accountability

East Orange County Water District (EOCWD) was founded in 1961 under the principles of local community service and stringent fiscal discipline, which it maintains to this day. With all five water district Directors living locally in East Orange and North Tustin, this small local water district understands the needs of our local community. EOCWD prides itself on providing high-quality, reliable water to you and your neighbors at a fair price. Our field staff, like our directors, live in the community in which they work. We're your neighbors and you can rely on us to be responsive to you your needs and responsible with your hard-earned ratepayer dollars. We strive to make our operations transparent and have dedicated a section of this website to making it easier for our customers to understand our budget and financial reports and track the actions of the Board of Directors. If you have any questions or need any assistance with your water use

LPostcard sent to 80,000 resident



Dear Neighbor,

The Orange County Sanitation District (OCSD) has owned and operated a handful of community sewer systems in north and central Orange County since inheriting them from the County of Orange in 1985. Over the past 10 years, however, OCSD has been gradually divesting itself of local system ownership so it can focus exclusively on its core mission of providing wastewater collection, treatment, and recycling at the regional level.

About three years ago, OCSD proposed a transfer of ownership and operation of your local sewer system (Sewer Area 7) to East Orange County Water District (EOCWD), which has provided local water service in the cities of Tustin and Orange as well as the unincorporated communities of North Tustin, East Orange, and Santa Ana for more than a half century. We are pleased to announce that our districts recently received the necessary governmental approvals from the Orange County Local Agency Formation Commission to finalize this transfer and that EOCWD will officially take over as your new local sewer service provider on August 1, 2016. OCSD will remain your regional sewer provider.

This transfer is good for OCSD and EOCWD but as a Sewer Area 7 customer, here is what you receive:

- 50% Rate Reduction on your local fees (starting with your upcoming 2016/2017 property tax bill) from \$216/year to \$108/year for a single family home.
- High-quality sewer service with continued annual inspections, cleanings, and maintenance of community sewer lines
- Local accountability and representation by a Board of Directors that you elect
- System ownership/operation by your community's local water district

Please note that because of the timing of this change, you will continue to see "Orange County Sanitation District-Sewer Area 7" on your property tax bill for 2016/17. The bill will reflect your local fees with EOCWD's name beginning in July, 2017. Regardless of the name, the 50% rate reduction on your local fees will be put into effect immediately.

EOCWD understands and appreciates the responsibility that comes with the acquisition of the sewers in your community and its team of professional and experienced staff is ready and eager to get started on August 1st. We will be reaching out to you with some other informative material about how to take care of the sewer that leads from your home to the street, and to connect with us on our website and social media. If you have any questions about the transfer or you wish to find out more about EOCWD, please call 714.538.5815 or visit www.eocwd.com.

Sincerely,

Lisa Onlund General Manager

East Orange County Water District





PRESORT STANDARD PAID BC

HOMETOWN SERVICE
FISCAL ACCOUNTABILITY
LOCAL REPRESENTATION

HELLO LAM...

EAST ORANGE COUNTY WATER DISTRICT

Your Hometown Sewer Service Provider

School News



Education + Communication = A Better Nation**Covering the Tustin Unified School District**

Volume 12, Issue 60

www.SchoolNewsRollCall.com November 2016-January 2017

Dual Language Program Looks to the Future



Student Ravenna Rodriguez explains to teacher Adriana Zamora how many dots there are during a math talk.



Students Macey Albarian and Christopher Calvo practice counting skills through counting collections.



Veeh teacher Bertha Picasso helps her students identify Spanish words and say them frequently through rhymes and songs. (story on page 7)

Board of Education



Lynn Davis *President*



Jonathan Abelove Vice President



Tammie Bullard



James Laird Member

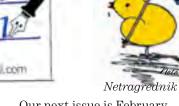


Francine Scinto
Member



Kay Coop Founder/Publisher





This school year is going way too fast. Reading Dr. Franklin's message and the articles in this issue it is easy to see the students haven't let a moment go to waste.

Our next issue is February 15. Until then have a Happy Thanksgiving, fun Winter Break, Happy Holidays and Happy New Year!

AEducational message about roots and overflows



Education + Communication = A Better Nation

www.schoolnewsrollcall.com Covering the TUSTIN UNIFIED SCHOOL DISTRICT

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Property owners are responsible for the maintenance, repair or replacement of sewer lines connecting their homes to the public sewer line under the street.

Sewer lines connecting homes to public sewer lines are called "Sewer Laterals," These privately owned Sewer Laterals are especially vulnerable as Southern California faces historic drought conditions and tree roots seeking water extend, potentially damaging and clogging Sewer Laterals.

What should I do if my drains or toilets back up?

First, find out if you have a problem with your Sewer Lateral. Contact a licensed plumber with experience dealing with Sewer Laterals. You should also contact your sewer provider. East Orange County Water District at 714-538-5815 or adminiserand.com when any work will be done on your Sewer Lateral.

Learn more at www.eocwd.com





Same ad published in Foothill Sentry - 50,000 circulation



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What should I do if my drains or toilets back up?

First, find out if you have a problem with your Sewer Lateral. Contact a licensed plumber with experience dealing with Sewer Laterals. You should also contact your sewer provider, East Orange County Water District at _____ when any work will be done on your Sewer Lateral.



Learn more at www.eocwd.com





APPENDIX V SSMP QUARTERLY MEETING LOG



SSMP Quarterly Audit Log

A review of the Sewer System Management Plan (SSMP) shall be completed quarterly by all designated personnel and shall be documented by leading staff member below.

Year/Quarte	er	Review Date	Reviewer Initials	Notes
2025	4			
	1			
2026	2			
2026	3			
	4			
	1			
2027	2			
2027	3			
	4			
	1			
2020	2			
2028	3			
	4			
	1			
2020	2			
2029	3			
	4			
	1			
2070	2			
2030	3			
	4			
	1			
2071	2			
2031	3			
	4			
	1			
2072	2			
2032	3			
	4			
	1			
2077	2			
2033	3			
	4			
	1			
2077	2			
2034	3			
	4			



APPENDIX WSSMP AUDIT LOG



SSMP Elements Audit Log

A review of the Sewer System Management Plan (SSMP) shall be completed annually by all designated personnel and shall be documented below. The review log provides six entries for each SSMP element, intended for each year until the next required SSMP update.

SSMP Section	n	Review Date	Reviewer Initials	Notes
	1			
	2			
Element 1	3			
Eleffiell	4			
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Element 2	3			
Element 2	4			
	5			
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Element 3	4			
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Element 4	4			
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	1			
	2			
	3			
Element 5	4			
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	6			
	1			
	2			
	3			
Element 6	4			
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Flamson+ 7	3		
Element 7	4		
	5		
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	1		
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Element 8	4		
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	6		
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Element 9	4		
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Element 10	4		
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Element 11	3		
Fierment II	4		
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