

RULES AND REGULATIONS
FOR WATER, SEWER,
RECYCLED WATER,
AND NATURAL TREATMENT SYSTEM SERVICE



Irvine Ranch Water District
Orange County, California

Board Approved
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RULES AND REGULATIONS FOR WATER, SEWER,
RECYCLED WATER AND NATURAL TREATMENT SYSTEM SERVICE

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Exhibits:

- A. Maps
 - A.1 Water Improvement Districts
 - A.2 Sewer Improvement Districts
 - A.3 Cities within IRWD Boundaries
- B. Rates and Charges for Water, Sewer, and Recycled Water Service (Separate Document)
- C. Maximum Allowable Local Limits

SECTION 1: GENERAL

Availability of Service Subject to these Rules and Regulations. Water, sewer, recycled water, and natural treatment system service by the Irvine Ranch Water District, subject to the availability of facilities, adequate capacity in facilities, or funds or financing for the construction thereof, or all of the foregoing, is available on the following terms and conditions including all fees and charges established under Exhibit B. Service will be made available to each member of the public or each segment of the public on the same basis to the extent applicants, owners, or customers are similarly situated and desire to be served and may be served in an equal and comparable manner.

Boundaries. The boundaries of the District and its Improvement Districts are depicted on Exhibits A-1 (Potable Water System Improvement Districts) and A-2 (Sewer System Improvement Districts). The cities and villages within the District's boundaries are depicted on Exhibit A-3. Upon a change in the boundaries of the District or any of its Improvement Districts, Exhibits A-1, A-2, and A-3 will be revised and replaced as necessary. The area served by the District is discussed further in Section 1.

Improvement Districts. The Improvement Districts have been formed for the purpose of funding the construction and acquisition of facilities and capacities to provide water, sewer, and recycled water service. The Board may consolidate or form additional Improvement Districts or annex additional areas to any Improvement District.

Contracts. Contracts with the District may also provide for the funding of construction and acquisition of facilities for water, sewer, recycled water or natural treatment system service. Such contracts require the construction of necessary facilities or the payment of the capital cost and annual cost of operating and maintaining such facilities.

Facilities Plan. The plans for facilities to be constructed within the District and any Improvement District are intended to be an integrated part of the District's Water Resources Master Plan, Sewer Master Plan, Natural Treatment System Master Plan, Sub-Area Master Plans, and addenda thereto, and are referred collectively to as "the Plan."

Recycled Water. The State of California mandates conservation of water resources whenever possible, and accordingly the Plan includes collecting, treating, and reclaiming sewage and wastewater and beneficially reusing the resulting recycled water. The District intends that recycled water use comply with any and all applicable Federal, State, and local laws, regulations, and other governmental requirements. If the District determines that recycled water service is feasible under Section 4.12, the applicant, owner, or customer will be required to utilize recycled water service.

Urban Runoff – Natural Treatment System. The District also intends, in cooperation with the County and Cities, to treat certain urban runoff through the operation, maintenance and monitoring of constructed water quality wetlands and bioretention cells, known as Natural Treatment Systems. Natural Treatment Systems will be sited in various locations in the District, as outlined in the Natural Treatment System Master Plan or as otherwise determined by the District. Use of the Natural Treatment System for urban runoff treatment is subject to the

requirements of these Rules and Regulations. The District will determine the level of treatment. Property owners and developers will be responsible for any urban runoff minimization or other best management practices that may be required by the County or Cities, notwithstanding the operation of the District's natural treatment systems.

Land Use. The District constructs facilities in concert with environmental and land use decisions. The District neither determines nor intends to determine or precipitate land use decisions or the accomplishment of any plans of development of various owners of undeveloped property within the District.

Sewer Service Requires Water Service. In most instances, sewer service is provided only where the District has determined that it will also be providing permanent water service to the applicant, customer, or property owner.

Variations. The District may modify by special contract the requirements of these Rules and Regulations, including but not limited to applicable rates and charges, only upon the determination that unique circumstances exist.

SECTION 2: DEFINITIONS

For the purpose of these Rules and Regulations, the following terms, phrases, words, and their derivations will have the meaning given below. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular number, and words in the singular include the plural number. The word “shall” is always mandatory and not merely directory.

AIR-GAP SEPARATION means a physical break between a supply pipe and a receiving vessel. The air gap shall be at least double the diameter of the supply pipe, measured vertically above the top rim of the vessel, and in no case less than one inch.

APPLICANT means any person, firm, corporation, association, or agency who desires to obtain water, sewer, recycled water and/ or natural treatment system service from the District.

APPLICATION RATE means the rate at which irrigation water, expressed in inches per hour, is applied to a DESIGN AREA.

APPROVED CHECK VALVE means a check valve that seats readily and completely. It must be carefully machined to have free moving parts and assured water tightness. The face of the closure element and valve seat must be bronze, composition, or other non-corrodible material that will seat tightly under all prevailing conditions of field use. Pins and bushings shall be of bronze or other non-corrodible, non-sticking material, machined for easy, dependable operation. The closure element (e.g., clapper) shall be internally weighted or otherwise internally equipped to promote rapid and positive closure in all sizes where this feature is obtainable.*

APPROVED DOUBLE CHECK VALVE ASSEMBLY means an assembly of at least two independently acting approved check valves including tightly closing shut-off valves on each side of the check valve assembly and suitable leak-detector drains plus connections available for testing the water tightness of each check valve.

APPROVED REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTION DEVICE means a device incorporating two or more check valves and an automatically operating differential relief valve located between the two checks, two shut-off valves, and equipped with necessary appurtenances for testing. The device shall operate to maintain the pressure in the zone between two check valves, less than the pressure on the District’s water supply side of the device. At cessation of normal flow, the pressure between the check valves shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve shall operate to maintain this reduced pressure by discharging to the atmosphere. When the inlet pressure is two pounds per square inch or less, the relief valve shall be open to the atmosphere thereby providing an air gap in the device. To be approved, these devices must be readily accessible for

* Devices used within the District shall be included on the list of devices approved by the Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California.

maintenance and testing, and installed in a location where no part of the valve will be submerged.

AUTOMATIC SYSTEM means with reference to landscape irrigation systems; automatic controllers, valves, and associated equipment required for the programming of effective water application rates when using recycled water.

AUXILIARY WATER SUPPLY means any water supply on or available to the premises other than the District's potable water and recycled water supplies.

BACKWATER DEVICE means a unit that permits flow in lines normally under open channel flow conditions, such as sewers, to occur in one direction only by mechanically blocking the flow or by providing a pressure relief opening such that flow may not occur in the uphill direction, as approved by the District and local governing agencies.

BASE INDEX means a water budget applicable for commercial, industrial or public authority usage.

BUILDING SEWER - see "UPPER LATERAL."

BOARD means the Board of Directors of the District.

COMMODITY CHARGE means a charge imposed by the District for all water used by general metered, temporary, and agricultural customers, whether such water used is actually metered or only estimated.

CONNECTION FEE means a charge imposed by the District for obtaining water, sewer, recycled water or natural treatment system service from the District, including charges for capacity. Connection fees are set forth in Exhibit B to these Rules and Regulations.

CONSTRUCTION MANUAL means the District's "Construction Manual for the Construction of Water, Sewer, and Recycled Water Facilities," as amended from time to time.

CONTINGENCY PLAN is the Water Shortage Contingency Plan adopted by the District, as amended from time to time.

CROSS CONNECTION means any unprotected connection between any part of a water system used or intended to supply water for drinking purposes and any source or system containing water or substance that is not or cannot be approved as safe, wholesome, and potable for human consumption.

CUSTOMER means any person, firm, corporation, association, or agency that has a permit to obtain water, sewer, recycled water and/or natural treatment system service from the District.

DESIGN AREA means the specific land area or facilities designated to be served through on-site facilities when used in reference to recycled water systems.

DISTRICT means the Irvine Ranch Water District.

IMPROVEMENT DISTRICT means any of the Improvement Districts of the District existing or hereafter established.

INFILTRATION RATE means the rate at which the soil will accept water, expressed in inches per hour, during the irrigation period.

IRRIGATION SYSTEM means all equipment and materials required for applying irrigation water to the design area from the service connection including all piping, valves, sprinkler heads, and appurtenances.

LATERAL CONNECTION means the point of connection of the customer's upper lateral with the lower lateral of the District.

LOWER LATERAL means the District's facility between its collection system and the lateral connection, which is normally the exterior boundary of the easement or the street or access road right-of-way.

LOWER LATERAL CHARGE means a charge imposed by the District for installation by the District of a lower lateral.

MANAGER or **GENERAL MANAGER** means the General Manager of the District or the person authorized by the Board or the General Manager to act for him.

NATURAL TREATMENT SYSTEM means the network of constructed water quality wetlands and bioretention cells providing treatment of urban runoff. Natural treatment systems are not flood control facilities.

NON-POTABLE WATER means that water that has not been treated for human consumption in conformance with the standards referred to in the definition of **POTABLE WATER**, below, such as untreated imported water received from the Metropolitan Water District of Southern California, non-potable well water, and water collected in the District's reservoirs from natural runoff.

NON-RECYCLABLE SEWAGE means any and all liquid or solid waste substance other than recyclable sewage emanating from within the District, including but not limited to liquid or solid waste substance from any production, manufacturing, or processing operation. Non-recyclable sewage includes any liquid or solid substance that cannot be treated or disposed of by the then-existing facilities of the District's Reclamation Plant for the treatment or disposal of sewage by reason of the design thereof, applicable waste discharge or other requirements, actual or possible increased operation and maintenance costs, or possible damage to the District's facilities.

NON-RECYCLABLE WASTEWATER SEWERAGE FACILITIES means facilities used in the collection of wastewater that is not to be treated for direct beneficial use or a controlled use that otherwise would not occur. Such non-recyclable wastewater sewerage facilities shall generally be limited to industrial and commercial wastes that would have a

detrimental effect on the treatment processes of the reclamation plant and the resultant recycled water.

NTS DESIGN GUIDELINES means the District’s “Natural Treatment System Design Guidelines,” as amended from time to time

OFFSITE FACILITIES means facilities under the control of the District including but not limited to water, sewer, and recycled water pipelines, reservoirs, pumping stations, fire hydrants, manholes, valves, connections, supply interties, treatment facilities, natural treatment systems and other appurtenances and property up to the point of connection with the customer’s facilities.

ONSITE FACILITIES means facilities under the control of the applicant, owner, or customer including but not limited to residential, commercial, and industrial building water and sewerage systems, landscape irrigation systems, and agricultural irrigation systems. For water and recycled water service, the onsite facilities shall be those downstream of the service connection, which shall normally be the downstream end of the meter tailpiece.

ONSITE RECYCLED WATER SUPERVISOR means a qualified person designated by a recycled water user and approved by the District. This person shall be knowledgeable in the construction and operation of onsite recycled water and irrigation systems and in the application of the guidelines, criteria, standards, and rules and regulations for recycled water.

PERMIT means a processed and approved application and agreement with the District for service.

PERSON means any individual, firm, partnership, association, company, or organization of any kind.

PLAN means the plans for facilities to be constructed within the District and each of the existing and future Improvement Districts are intended to be an integrated part of the District’s Water Resources Master Plan, Sewer Master Plan, Natural Treatment System Master Plan, Sub-Area Master Plans; and addenda thereto, which are approved from time to time.

POTABLE WATER means that water furnished to the customer which meets applicable local, state and federal standards for drinking water.

PRETREATMENT means treatment that the District may require prior to permitting discharge of sewage into any District sewerage facility if necessary to insure compliance by the District with these Rules and Regulations and any and all applicable Federal, State, or local statues, ordinances, regulations, contracts, or all of the foregoing, individually or collectively, or if determined by the District to be necessary to protect the facilities of the District from any possible present or future damage.

PROCEDURES GUIDE means the District’s “Procedural Guidelines and General Design Requirements,” as amended from time to time.

PROPERTY OWNER or **OWNER** means the holder of legal title, contract purchaser, or lessee under a lease with an unexpired term of more than one (1) year jointly with the holder of title.

RECLAMATION PLANT means District treatment facilities that receive and treat wastewater for beneficial uses.

RECYCLABLE SEWAGE means wastewater that can be treated and recycled by the District's facilities so as to be usable for beneficial purposes.

RECYCLED WATER means disinfected tertiary recycled water which is produced by the treatment of wastewater by a District reclamation plant and is suitable for direct beneficial uses in accordance with California Administrative Regulations Title 22, Division 4, Chapter 3.

RECYCLED WATER DISTRIBUTION SYSTEM means individually or collectively any recycled water facility or facilities which are installed by the District or financed, constructed, and dedicated to the District by an applicant, owner, or customer or which are the result of local initiative and financing in tracts and subdivisions, as well as commercial or industrial developments, and which are typically less than 6" in diameter. The District shall determine what facilities are part of a distribution system from time to time as necessary. The District's determination in this regard shall be final and conclusive.

RECYCLED WATER FACILITIES means facilities used in the storage, pumping, and conveyance of recycled water. The term recycled water facilities may be used synonymously with the term irrigation water facilities in the context of references to the District's irrigation water system master plan.

RECYCLED WATER SERVICE CONNECTION means the point of connection of the customer's recycled water line with the recycled water service line of the District, which will normally be the downstream end of the recycled water meter tailpiece.

RECYCLED WATER SERVICE LINE means the District's facility between its recycled water distribution system and the recycled water service connection.

RECYCLED WATER SERVICE LINE CHARGE means a charge imposed by the District for installation by the District of recycled water meters and service lines.

RECORD DRAWINGS means drawings that correctly show the completed facilities as constructed or modified (as-built).

RULES AND REGULATIONS means these "Rules and Regulations for Water, Sewer, Recycled Water and Natural Treatment System Service," as amended from time to time.

SECURITY DEPOSIT means monies required to be deposited with the District for the purpose of guaranteeing payment of monthly or bimonthly utility bills rendered for water, sewer, recycled water or natural treatment system service.

SELF-REGENERATIVE WATER SOFTENER means a unit that in removing minerals from water produces a waste containing minerals in greater amounts than those in the influent water.

SEWAGE – see WASTEWATER

SEWER COLLECTION SYSTEM means individually or collectively any sewer facilities which are financed, constructed, and dedicated to the District by an applicant, owner, or customer or which are the result of local initiative and financing in tracts and subdivisions, as well as commercial or industrial developments, and which are typically less than 12” in diameter. Sewer collection systems shall include dry sewers installed by developers prior to construction of trunk sewers. The District shall determine what facilities are part of a collection system from time to time as necessary. The District’s determination in this regard shall be final and conclusive.

SEWER [SEWERAGE] FACILITIES means any facilities used in the conveyance, pumping, and treatment of wastewater.

SERVICE CHARGE means a monthly or bimonthly charge established by the District from time to time for water, sewer, recycled water or natural treatment system service. This charge does not include the commodity charge for the consumption of water or recycled water.

SURCHARGE means a charge imposed by the District for the provision of a special service not normally provided by the District, such as situations involving unusual quantity or quality requirements. This surcharge may include, but is not necessarily limited to, pumping surcharges.

TRUNK SEWERS means sewer lines and appurtenances purchased or constructed by the District with bond proceeds and/or capacity charges or those constructed by an applicant, owner, or customer subject in whole or in part to reimbursement typically larger than 12” in diameter. The District shall determine what facilities are trunk sewers from time to time as necessary based on the currently adopted master plan and the terms and provisions of any reimbursement agreements. The District’s determination in regard to these matters shall be final and conclusive.

UNAUTHORIZED DISCHARGE means any release of recycled water that violates the Rules and Regulations or any applicable federal, state, or local statute, regulation, ordinance, contract, or other requirement.

UPPER LATERAL means the line from the lateral connection to the building or improvements of the applicant, owner, or customer.

URBAN RUNOFF means dry and wet weather low flow runoff from urban spaces and small storm flow.

WASTEWATER means liquid and water carried waste and water, whether treated or untreated, discharged into or permitted to enter a District sewer. Also sometimes called SEWAGE.

WASTEWATER CONSTITUENTS AND CHARACTERISTICS means 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.

WATER means, in the general usage of these Rules and Regulations, potable water.

WATER BUDGET means an a reasonable amount of water for a given customer's needs and property characteristics, including: the number of occupants, lot size, size of irrigated area, any business requirements, and climate. See also **BASE INDEX**.

WATER DISTRIBUTION SYSTEM means (individually or collectively) any water facilities that are financed, constructed, and dedicated to the District by an applicant, owner or customer or which are the result of local initiative and financing in tracts and subdivisions, as well as commercial or industrial developments, and which are typically less than 12" in diameter. Water distribution systems include all fire hydrants. The District shall determine what facilities are part of a distribution system from time to time as necessary. The District's determination in this regard will be final and conclusive.

WATER FACILITIES means any facilities used in the treatment, storage, pumping, and conveyance of water.

WATER SERVICE CONNECTION means the point of connection of the customer's building water line with the water service line of the District, which will normally be the downstream end of the water meter tailpiece.

WATER SERVICE LINE means the District's facility between its distribution system and the water service connection.

WATER SERVICE LINE CHARGE means a charge imposed by the District for installation by the District of water meters, service lines, and connections for private fire protection facilities.

SECTION 3: AREA SERVED

The Rules and Regulations pertain to water, sewer, recycled water, and natural treatment system service to land or improvements, or both, within the boundaries of the District, and to service outside of its boundaries pursuant to contract. If water, sewer, recycled water, or natural treatment system facilities and/or capacity do not exist in the immediate area, then the applicant, owner, or customer must provide or finance those facilities and/or that capacity. The owner of property outside of a then-existing Improvement District, which property has adequate water, sewer, recycled water and/or natural treatment system facilities and/or capacity or funds therefor, must cause all such facilities and/or capacity or funds to be transferred to the District.

Annexation. Property not within the District and/or not within an Improvement District, and which is to be provided with service by the District, is subject to annexation to the District and/or Improvement District(s). Annexation to the District and/or Improvement Districts may, in turn, be subject to annexation to other agencies, such as Metropolitan Water District of Southern California, Municipal Water District of Orange County, Orange County Water District and/or Orange County Sanitation District, except as otherwise provided by agreement.

Improvement Districts. The District, may from time to time contract with an applicant, owner, or customer to initiate and pursue to completion the establishment of an Improvement District and the sale of bonds to provide the funds to construct the District facilities or capacity necessary for service to distribution or collection facilities that are required to be provided by the applicant, owner or customer as a condition of obtaining service from the District.

SECTION 4: GENERAL REQUIREMENTS

4.1 SERVICE CONDITIONS

Service by Permit Only. The District will provide water, sewer and natural treatment system service only if a permit for that service is obtained in the manner described below, unless otherwise determined by the Board. Furthermore, if the District has determined that recycled water will be provided in accordance with the provisions of Section 4.12, the service will be provided only if a permit for recycled water service is obtained in the manner described below, unless otherwise provided by the Board.

Service Subject to These Rules & Regulations. Water, sewer, recycled water and natural treatment system service is available only in accordance with these Rules and Regulations, as well as applicable federal, state, and local statutes, ordinances, regulations, and contracts, and other requirements including, but not by way of limitation, the California Water Code, and other state statutes and regulations imposed by the California Regional Water Quality Control Boards, and state and local health departments, as well as the terms of any service agreement and permit issued by the District. The District may revoke any permit at which time all water, sewer, recycled water and natural treatment system service under that permit will cease in the manner provided for in these Rules and Regulations (see Sections 7 and 14).

4.1.1 Water Supply Sufficiency

- (1) In 2001, the California State Legislature enacted legislation to improve coordination between the water supplier and the city or county during the land use entitlement process for certain large-scale developments, to ensure that projected water supplies will meet the proposed project's water demands in addition to the water supplier's planned demands.
- (2) The California statutes enacted by that legislation include:
 - (a) Water Code Section 10910 et seq. (the "Water Supply Assessment Law"), which requires a water supply assessment in conjunction with the California Environmental Quality Act ("CEQA") process. The Water Supply Assessment Law applies to subdivisions of more than 500 units and certain other categories of projects defined by the Assessment Law.
 - (b) Government Code Section 66473.7 (the "Water Supply Verification Law"), which requires a water supply verification in conjunction with the tentative map approval process. The Water Supply Verification Law applies to subdivisions of more than 500 units, subject to specified exemptions.
- (3) The Water Supply Assessment Law and the Water Supply Verification Law require the District to determine, based on the record, whether the District's currently available and under-development water supplies are sufficient to meet

the demands of applicant's project and the District's existing and planned uses over a 20-year projection during normal, single-dry and multiple-dry years.

(4) **Applicant's Duties in Connection with Water Supply Assessments.**

The applicant is responsible for completing the process established by the city or county, including required application submittals, to secure a water supply assessment and/ or water supply verification from the District if required for the applicant's project.

(5) **No Entitlement to Service.** Any water supply assessment or verifications prepared by the District will not entitle the applicant's project to water service or to any right, priority, or allocation in any supply, capacity, or facility, or affect the District's obligation to provide service to its customers or potential future customers. In order to receive service, the applicant must meet all of the applicable requirements of these Rules and Regulations.

4.2 APPLICATION PROCEDURE

4.2.1 **Application.** An application for water, sewer, recycled water and natural treatment system service must be made in writing, via the telephone, the District website, or in person. The District may require an application be signed by the applicant, and the owner or customer, if they are not one and the same. The Manager may provide an abbreviated form of application for permits if he determines that no unusual facts exist.

4.2.2 **Information Required.** The applicant may be required to provide the following information per account:

- (1) Name of applicant(s)
- (2) Date service is required
- (3) Location of service
- (4) Mailing address
- (5) Purpose for which service is to be used (e.g. residential, commercial or irrigation)
- (6) Contact phone number
- (7) Social Security Number or Tax Identification Number
- (8) Driver License Number, Passport, or State Identification
- (9) Such other information as the District may reasonably require.

4.2.3 **Application Fees and Deposits.** The applicant shall pay a non-refundable, one-time service establishment fee. A security deposit may be assessed in lieu of providing a Social Security Number or Tax Identification Number or based on prior credit history with the District. See Exhibit B for fee and deposit amounts.

4.2.4 **Additional Discharge Permit.** An applicant for sewer service may be required to obtain a discharge permit for use of the District's sewerage facilities in addition to the permit required for all applicants for sewer service. The conditions under which the additional permit is required are based on quantities and constituents of wastewater discharged into the District's sewerage facilities. Section 7 sets forth

these requirements. The applicant shall comply with all Federal and State requirements including, but not by way of limitation, any and all requirements of the Environmental Protection Agency and any commitments for reimbursements required by the Environmental Protection Agency in excess of the charges of the District. These requirements are set forth in the Federal Water Pollution Control Act and the Code of Federal Regulations, which by this reference are herein incorporated as though set forth in full.

4.2.5 **Compliance with Law; Additional Approvals.** By applying for service, the applicant for a water, sewer, recycled water, or natural treatment system service permit agrees to comply with the requirements of any and all applicable Federal, State, and local statutes, ordinances, regulations and other requirements. The District may, at its discretion, require specific prior approval of any permit by any Federal, State, or local agency having jurisdiction over or an interest in the operation of the District's facilities.

4.2.6 **Additional Requirements.** Upon receipt of an application, the Manager shall review the application and make any investigation he deems necessary. The Manager may prescribe requirements in writing to the applicant as to the facilities necessary to be constructed, the manner of connection, the financial requirements, and the use of service including the availability of adequate water, sewerage, recycled water, and natural treatment system facilities, and in cases of sewer service pretreatment facilities, if necessary, to insure initial and future continued compliance with the District's Rules and Regulations and any other applicable requirements.

4.3 PERMITS

4.3.1 **Compliance.** The applicant shall adhere to requirements prescribed by these Rules and Regulations and to any additional requirements prescribed by the Manager or by the Board, or both, to insure compliance with the District's Rules and Regulations as to obtaining water, sewer, recycled water and natural treatment system service and as to characteristics, quality, and quantity of recyclable and non-recyclable sewage that the District is willing to receive into its facilities.

4.3.2 **Payment Prior to Permit Issuance.** The applicant shall pay the District's specified fees and charges prior to the issuance of a permit. These charges are set forth in Exhibit B, and may be changed by the District from time to time. If assessment bond proceeds finance facilities normally funded by connection fees or by a developer subject to reimbursement, then those assessments must be paid concurrently with the payment of the associated connection fees. The Board may defer in its discretion the payment of any such assessment bonds in instances when an interim nonresidential use is to occur.

4.3.3 **Termination of Service.** By reason of circumstances beyond the control of the District, or in order to protect the facilities of the District, or for the protection of the public health, safety, and welfare of the residents or property owners of the District, the District may terminate service under the conditions set forth below:

(1) Water, sewer, recycled water, and/or natural treatment system service may be terminated on a temporary or permanent basis in the manner provided for in Section 7 or Section 14 at any time the applicant's, owner's, or customer's operations do not conform to the applicable requirements, as provided for herein.

(2) The District may terminate recycled water service on a temporary basis at any time recycled water at the terminal point of the District's reclamation plant does not meet the requirements of regulatory agencies, including those prescribed by the State of California, Administrative Code, Title 22, Chapter 4. Recycled water service will, in that case, be restored when the recycled water at the terminal point of the reclamation plant again meets the requirements of regulatory agencies or when the District supplements the recycled water system from sources other than the reclamation plant.

4.3.4 **Limit of Liability.** The District shall not be liable for any damage by water or recycled water or otherwise resulting from defective plumbing, broken or faulty services, or water or recycled water mains; or resulting from any condition of the water or recycled water itself, or any substance that may be mixed with or be in the water or recycled water as delivered to any customer. All applicants for service connections or water or recycled water service shall be required to accept such conditions of pressure and service as are provided by the distribution system at the location of the proposed service connection and to hold the District harmless from all damage arising from low pressure or high pressure conditions or from interruptions of service. The District shall not be liable for any damage by sewage or inadequate capacity, from defective plumbing, broken or faulty upper or lower laterals, sewers, or collection systems resulting from any conditions beyond the control of the District or otherwise.

4.4 SIZE, LOCATION, AND INSTALLATION OF SERVICE LINE OR LOWER LATERAL

4.4.1 **Water and Recycled Water Service Lines.** The District may determine the size of the water and recycled water service lines, the service connections, and the meters and will also determine the kind and size of backflow protection devices for potable water service, in accordance with Section 4.10, and any and all other appurtenances to the service. The water or recycled water service lines shall be installed to a curb line or property line of the customer's property, abutting upon a public street, highway, alley, easement, lane, or road (other than a freeway) in which are installed water and/or recycled water mains of the District.

4.4.2 **Lower Lateral and Lateral Connections.** The District may determine and specify in the permit the size, location, and manner of installing the lower lateral.

Such design shall be in accordance with the District's Procedures Guide and Construction Manual. If a lower lateral is installed by the applicant, owner, or customer, the lower lateral joints shall remain exposed until they have been inspected and approved by the District. The size, slope, alignment, and materials of construction of the lower lateral and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling of the trench shall conform to the District's Procedures Guide and Construction Manual. The size, slope, alignment, and materials of construction of the upper lateral and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling of the trench shall conform to the applicable plumbing code(s) enacted and enforced by the cities of Irvine, Laguna Beach, Lake Forest, Newport Beach, Orange, Santa Ana, and Tustin, as well as by the County of Orange or its successor.

- 4.4.3 **Natural Treatment System Design.** The District reserves the right to give final approval of the design of natural treatment systems by developers. The design must be in accordance with the District's Procedures Guide, Construction Manual, and NTS Design Guidelines.

4.5 LIMITATIONS ON SERVICE CONNECTIONS

Permits will be issued according to the following conditions:

4.5.1 **Water Service Connections**

- (1) Each residence and/or building under separate ownership must be provided with a single and separate water service connection and water meter except under special conditions as determined by the District. Except as provided below, two or more buildings under one ownership and on the same lot or parcel of land must be supplied by a single water meter. A separate landscape irrigation meter is required for a property under the conditions described in Section 4.16.
- (2) The District reserves the right to limit the number of buildings, such as apartments, or the area of land under one ownership to be supplied by one water service connection and water meter.
- (3) Except for a condominium building, not more than one water meter for domestic or commercial supply shall be installed for one building, except under special conditions as determined by the District.
- (4) A water service connection and water meter must not be used to supply adjoining property of a different owner, or to supply property of the same owner across a street or alley.
- (5) When property provided with a water service connection and water meter is subdivided, that connection and meter will be considered as serving the lot or parcel of land that it directly or first enters. Additional water mains and/or service lines will be required for all subdivided areas in accordance with these Rules and Regulations.

- (6) All water used on any premises where a meter is installed must pass through the meter. Customers will be held responsible and charged for all water passing through their meters.
- (7) Every water service will be equipped with an angle curb stop or wheel valve on the inlet side of the meter; that valve or angle curb stop is intended exclusively for the use of the District in controlling the water supply through the water service line. If the curb stop or wheel valve is damaged by the customer's use to an extent requiring replacement, that replacement will be at the customer's expense.
- (8) If the customer's rate of consumption results in excessive wear of the meter, or is such that the meter is unable to measure the flow of water accurately, the District may increase the size of the meter and require payment of the actual cost of installing the new meter.
- (9) Fire protection systems must not be supplied through District meters that serve more than one residential unit.
- (10) As of July 1, 2018, water meter service lines must not be combined, connected or looped on the customer side. Private or customer side service lines must be kept independent from other service lines and supply independently plumbed zones within the same building. Any water meter service lines that were combined, connected, or looped on the customer side and permitted by the District prior to July 1, 2018 will be considered legal non-conforming uses and may remain (subject to permit) unless and until the property is redeveloped.

4.5.2 Lower Laterals

- (1) For single family detached unit residential development a separate and independent lower lateral must be provided for every individual parcel or building under individual ownership.
- (2) For condominium developments the following minimum number of lower laterals must be provided:
 - (a) *Non Stacked*: 1 lower lateral per every two units – Minimum 4" size.
 - (b) *Two-Story Stacked*: 1 lower lateral per every four units - Minimum 6" size.
 - (c) *Multi-Story*: 2 lower laterals per building – Minimum 6" size.
- (3) For apartment developments the following minimum number of lower laterals must be provided: 1 lower lateral per building – Minimum 6" size

(4) The District reserves the right to limit the number of buildings or the area of land under one ownership to be connected to one lower lateral.

(5) When property provided with a lower lateral is subdivided, that lower lateral will be considered as serving the lot or parcel of land that it directly or first enters. Additional sewers and/or lower laterals may/will be required for all subdivided areas in accordance with these Rules and Regulations.

4.5.3 Recycled Water Service Connections

(1) The District reserves the right to limit the area of land under one ownership to be supplied by one recycled water service connection and recycled water meter.

(2) A recycled water service connection and recycled water meter shall not be used to supply adjoining property of a different owner.

(3) When property provided with a recycled water service connection and recycled water meter is subdivided, such connection and meter shall be considered as serving the lot or parcel of land that it directly or first enters. Additional recycled water mains and/or recycled water service lines will be required for all subdivided areas in accordance with these Rules and Regulations.

(4) All recycled water used on any premises where a meter is installed must pass through the meter. Customers shall be held responsible and charged for all recycled water passing through their meters.

(5) Every recycled water service line shall be equipped with an angle curb stop or wheel valve on the inlet side of the meter; such valve or angle curb stop being intended exclusively for the use of the District in controlling the recycled water supply through the recycled water service line. If the curb stop or wheel valve is damaged by the customer's use to an extent requiring replacement, such replacement shall be at the customer's expense.

4.6 RELOCATION OF WATER SERVICE LINE, LOWER LATERAL, OR RECYCLED WATER SERVICE LINE OR FIRE HYDRANT

If a water service line, lower lateral, or recycled water service line or fire hydrant installed pursuant to the request of the applicant, owner, or customer is of the wrong size or installed at a wrong location, then the cost of all changes required must be paid by the applicant, owner, or customer. All water services, lower laterals, and recycled water services and fire hydrants provided prior to final street improvements will be considered temporary and the costs for all repairs or changes required to be performed by the District must be paid by the applicant, owner, or customer.

4.7 ILLEGAL CONNECTIONS, DIVERSIONS, OR TAMPERING

4.7.1 Definitions

(1) “**Divert**” means to change the intended course or path of water or wastewater into or out of the District’s system without the authorization or consent of the District. Any unpermitted discharge into the District’s facilities, and any unpermitted withdrawal of potable or recycled water from the Districts’ facilities is a “**diversion.**”

(2) “**Tampering**” means the unauthorized entering, breaking, damaging, destroying, uncovering, defacing, rearranging, injuring, altering, or interference with any temporary or permanent structure (including any pipeline), equipment (including any pumps or back-flow devices), or appurtenance owned by the District or that is part of the District’s water, wastewater, recycled water, or natural treatment systems. Any unpermitted connection to the District’s facilities is “**tampering.**”

4.7.2 **Prohibition.** Diversion and tampering are prohibited.

4.7.3 **Specific Prohibited Diversions to Sewers.** The following must not be connected to a District sewer facility (or to a building sewer or building drain that in turn is connected directly or indirectly to a District sewer facility): roof downspouts, exterior foundation drains, areaway drains, car wash pads not covered by a roof, or other sources of surface runoff or ground water.

4.7.4 **Penalties for Diversion or Tampering.** Diversion and tampering are crimes under the California Penal Code and are violations of the Water Code and the Civil Code. Diversion and tampering may be subject to charges and penalties, as well as referral to the District Attorney for criminal prosecution. All charges and penalties shall be applicable and collected in accordance with section 14 and Exhibit B of these Rules and Regulations and pursuant to all other applicable laws and regulations.

4.8 METER TESTING

4.8.1 If a water or recycled water meter fails to register during any period or is known to register inaccurately, the customer shall be charged using a reasonable average daily consumption based on prior consumption or based other reasonable calculation in the absence of historical consumption data. Upon the customer’s written demand and payment of a testing deposit, the District will examine and test the meter through which water or recycled water is being furnished to determine whether it is correctly registering the amount of water or recycled water being delivered through it.

4.8.2 If the District determines the meter to register over two percent (2%) more water than actually passes through it, then the District shall properly adjust the meter or replace the meter, return the deposit, and adjust the customer’s bill accordingly.

If the meter registers not more than two percent (2%) more water than actually passes through it, then the District will retain the deposit as the testing cost.

4.9 FIRE HYDRANTS

- 4.9.1 Fire hydrants connected to the District's mains and fire hydrants that are served by an applicant, owner, or customer fire line are provided for the sole purpose of furnishing water to fight fires and shall be opened and used only by persons authorized by the District. If the District permits the use of hydrants for purposes other than extinguishing fire, that permit will be granted only through the procedures and provisions contained in Section 4.1 of these Rules and Regulations. Rates to be charged for water extracted from a hydrant for temporary construction use or other purposes will be in accordance with the applicable schedule contained in Exhibit B to these Rules and Regulations.
- 4.9.2 Unpermitted hydrant use is hereby deemed a waste of water, and is subject to interim or permanent revocation of the underlying connection permit and fees or fines pursuant to Section 14 and Exhibit B of these District Rules and Regulations. Interim and or permanent revocation of water service provided for the sole purpose of fighting fires may require, pursuant to Orange County Fire Authorities regulations, the applicant, owner, or customer to provide sufficient fire protection and or fire watch at no cost to the District.

4.10 WATER BACKFLOW PREVENTION

4.10.1 **General**

- (1) The purpose of these provisions is to protect the District's potable water supply against actual or potential cross-connections by isolating, within the premises, contamination or pollution that may occur because of undiscovered or unauthorized cross-connection on the premises. These provisions are in accordance with the California Administrative Code, Title 17 (Public Health), entitled "Regulations Relating to Cross-Connections."
- (2) These provisions shall be in addition to and not in lieu of the controls and requirements of other regulatory agencies, such as local governmental agencies and local and State Health Departments. These regulations are intended to protect the District's potable water supply and are not intended to provide regulatory measures for protection of users from the hazards of cross-connections within their own premises. Notwithstanding these provisions, the District accepts no responsibility for cross-connections or resulting hazards or contamination.
- (3) The District has developed an active cross-connection control program with a Cross-Connection Control Inspector to administer the program. Any questions or notifications regarding these provisions or the program should be directed to the Inspector.

(4) Backflow prevention devices, as required in these provisions, shall be provided installed, tested, and maintained by the applicant, owner, or customer at his expense. For specific materials and installation requirements, see the District's Procedures Guide and Construction Manual. The devices shall be located on the premises served and shall not be on the District's portion of the system. All devices shall be readily accessible for testing and maintenance and no device shall be submerged at any time.

(5) When water service is initiated, the applicant must provide sufficient information, including plumbing and building plans, to enable the District to determine the level of backflow protection required. The proper backflow protection, as determined by the District, shall then be installed and inspected before water service is provided.

(6) Each time there is a change of customer (either owner or tenant) on any commercial or industrial premise, the new or previous owner or customer shall notify the District immediately. The District will then reassess the level of protection required. Also, any alterations to existing onsite facilities that may affect the level of protection required must be reported immediately to the District.

(7) From time to time, representatives of any health agency having jurisdiction and/or the District may conduct evaluations of any premises where water service is provided by the District. The purpose of such evaluations is to determine if any actual or potential cross-connections exist, if there are any unapproved uses, and to assess compliance with applicable laws and regulations. The applicant owner or customer shall provide reasonable cooperation in facilitating such evaluations.

(8) Additional information concerning backflow prevention may be obtained from the "Manual of Cross-Connection Control," Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California, School of Engineering.

4.10.2 **Where Protection is Required.** Backflow protection for the District's potable water supply shall be provided on each water service connection to:

(1) Premises having an auxiliary water supply such as recycled or non-potable water. If the auxiliary water supply is approved for potable use by the public health agency having jurisdiction, backflow protection will not be required.

(2) Premises on which any substance is handled in such fashion that could permit entry into the water system. This shall include the handling of process waters and waters originating from the District's system that have been subject to deterioration in sanitary quality.

- (3) Premises that have internal cross-connections, unless such cross-connections are abated to the satisfaction of the District and approved by the state or local health agency.
- (4) Premises having intricate plumbing and piping arrangements or where not all portions of the premises are readily accessible for inspection purposes.
- (5) Premises having a repeated history of cross-connections being established or re-established.
- (6) Premises being served water through a temporary above ground water service connection.

4.10.3 **Type of Protection.** The type of protection required is related to the degree of hazard that exists on the premises served. The type of protective device that may be required (listed in increasing level of protection) includes: Double Check Valve (DC), Reduced Pressure Principle Backflow Prevention Device (RPPD), and an Air Gap Separation (AG). The water user may choose a higher level of protection than required by the District. The minimum types required, relative to various situations shall be as required by California Administrative Regulations, Title 17, or to the extent not covered thereby, as determined by the District and/or health agency.

4.10.4 **Inspection and Maintenance of Protective Devices**

- (1) It shall be the duty of the water user on any premises on which backflow prevention devices are installed to have competent inspections made at least once a year, or more often in those instances where successive inspections indicate repeated failure. All inspections and testing shall be performed by a tester certified by the local health department. The devices shall also be tested immediately after they are installed, relocated or repaired and shall not be placed in service unless they are functioning as required.
- (2) The District will notify the applicant, owner or customers when routine testing is needed and also supply them with the necessary forms that must be filled out each time a device is tested or repaired. The notice will include the date when the test must be completed, generally 30 days after the date of the notice. The completed, original forms shall be returned to the District. Copies of the completed forms shall also be sent to the local health department. The applicant, owner or customer shall notify the District any time the device is repaired, replaced or relocated. A device shall be repaired or replaced by, and at the expense of the water user, whenever it is found to be defective. Records of all such tests and repairs shall be maintained by the water user. The District may request records regarding any backflow prevention device on the premises.
- (3) A device may be removed for repair or replacement, provided that (a) water use is discontinued until repair or replacement is completed and the device is returned to service, or (b) the service connection is equipped with other

backflow protection approved by the District. A retest will be required following the repair or replacement of the device.

(4) A device may be relocated following confirmation by the District that the relocation will continue to provide the required protection and satisfy installation requirements. A retest will be required following the relocation of the device.

4.10.5 **Marking Safe and Unsafe Water Lines**

(1) Where the premises other than single-family residences contain dual or multiple water systems and piping, the exposed portions of pipelines shall be painted, banded, or marked at sufficient intervals to distinguish clearly which water is safe for drinking purposes and which is not safe. All outlets intended for drinking purposes shall be plainly marked to indicate that fact.

(2) For single-family residences which have recycled water services provided, only those water outlets which serve non-potable water shall be marked with the words "Recycled Water - Do Not Drink."

(3) For single-family residences which contain water systems, all potable water service piping shall all be designed and constructed in compliance with IRWD's Procedures Guide.

4.10.6 **Reporting of Pollution or Contamination.** In the event of contamination or pollution of the potable water system due to a cross-connection on the premises, the local health officer and District shall be promptly advised by the person responsible for the water system so that appropriate measures may be taken to mitigate the contamination or pollution.

4.10.7 **Water Service Termination**

(1) If the District determines that water uses or conditions encountered by the District represent a clear and immediate hazard to the District's water supply that cannot be immediately abated, the District shall institute the procedure for discontinuing water use. Conditions or water uses that create a basis for water service termination shall include, but are not limited to, the following:

- (a) Refusal to install a required backflow prevention device.
- (b) Refusal to test a backflow prevention device.
- (c) Refusal to repair a faulty backflow prevention device.
- (d) Refusal to replace a faulty backflow prevention device.
- (e) Direct or indirect connection between the District's water system and a sewer.

- (f) Unprotected direct or indirect connection between the District's water system and a system or equipment containing contaminants.
- (g) Unprotected direct or indirect connection between the District's water system and an auxiliary water system.
- (h) A situation which presents an immediate health hazard to the District's water system, as determined by the health agency or the District.
- (i) At single-family residences which contain water systems, the installation of any piping shall be in conformance with IRWD's Procedures Guide.

(2) For conditions 4.10.7(1)a, b, c, d or i above, the District will terminate service to a customer's premises as follows:

- (a) *First Notice.* The District will notify the applicant, owner or customers when routine testing or corrective action is needed and also supply them with the necessary forms that must be filled out each time a device is tested or repaired. The notice will include the date when the test or corrective action must be completed, generally 30 days after the date of the notice.

(1) The completed, original forms shall be returned to the District. Copies of the completed forms shall also be sent to the local health department.

(2) The applicant, owner or customer shall notify the District any time the device is repaired, replaced or relocated.

- (b) *Second Notice.* A second notice shall be sent to each water user that does not have the backflow prevention device tested or take other corrective action as prescribed in the first notice within the time allowed. The second notice will give the water user a 15-day period to have the backflow prevention device tested or take other corrective action.

- (c) *Third Notice.* If no action is taken within the 15-day period, then a third notice will be sent to the water user giving the water user a final 10-day period to have the device tested or take other corrective action.

- (d) *Notice of Service Termination.* If no action is taken within the 10-day period, then the District will notify the user that water service will be terminated and proceed to turn off the water until the device is tested and passes the test or other corrective action is taken and approved. If no action is taken within the time period

stated in the District's *Notice of Service Termination*, then water service may be terminated in accordance with Section 14, ENFORCEMENT AND PENALTIES.

(3) For conditions 4.10.7(1)e, f, g, or h above, the District will make reasonable effort to advise the water user of intent to terminate water service. Then, the District will terminate the water service and lock the service valve in the closed position. Water service will not be reinstated until correction of all violations has been approved by the District. Failure to correct the violations may result in permanent termination of water service in accordance with Section 14, ENFORCEMENT AND PENALTIES.

4.11 SEWER BACKFLOW PREVENTION

4.11.1 Residences and other buildings served by the District's sewerage facilities shall be protected from the backflow of wastewater in the lower laterals as herein provided. Drainage piping serving fixtures, the flood level rims of which are located below the rim elevation of the uphill manhole of the District sewer and above the crown level of the District main sewer, shall drain by gravity into the District main sewer and shall be protected from backflow of sewage by installing an approved type backwater device, and each such backwater device shall be installed only in that branch or section of the drainage system that receives the discharge from fixtures located below the elevation of the curb or property line.

4.11.2 Backwater devices required by this section must be located where they will be readily and easily accessible for inspection and repair at all times and, unless continuously exposed, must be enclosed in a watertight masonry pit fitted with an adequately sized removable cover.

4.11.3 The applicant, owner, or customer must provide and maintain, at his expense, backwater devices and appurtenances as required in this section. Each such device must be located on the property it protects and must not be allowed in the public right of way.

4.12 USE OF RECYCLED WATER

4.12.1 **Determination of Feasible and Authorized Uses.** In accordance with the provisions of Section 1, the uses of recycled water may include, but not by way of limitation, landscape irrigation, agricultural irrigation, natural treatment system irrigation, construction water, industrial process water, cooling tower makeup water, water for flushing toilets and urinals, trap primers in dual-plumbed buildings, and public and private recreational impoundment. Each such use must be considered for approval by the District on a case-by-case basis, and the District may determine in its discretion whether it is feasible to furnish recycled water for the specific use involved. Prior to approving such uses, the District may, in its discretion, set forth specific requirements as conditions to providing such services

and/or require specific prior approval from the appropriate regulatory agencies. The District's determination of feasibility will be based on the following factors:

- (1) Whether recycled water may be furnished for the intended use at a reasonable cost to the customer and the District;
- (2) Whether recycled water use is in accordance with the standards of treatment and water quality requirements set forth in Title 22, Chapter 4, of the Code of California Regulations and all other applicable federal, state and local laws and regulations;
- (3) Whether the use of recycled water can be made in a manner not detrimental to public health.

4.12.2 Requirement to Use Recycled Water

The District will identify customers who are located within the District's service area and within an area identified in the Plan as an area capable of receiving service from the District's recycled water system and will determine the feasibility of providing recycled water service to these customers. The District will also review applications for new permits to determine the feasibility of providing recycled water service to these applicants. If recycled water service is determined by the District to be feasible, applicants for new water service must install onsite facilities to accommodate both potable water and recycled water service in accordance with these Rules and Regulations. The District may also require existing customers to retrofit existing onsite water service facilities to accommodate recycled water service. Potential recycled water customers identified by the District that elect not to use recycled water that is available but can use recycled water in compliance with State and County regulatory requirements, these Rules and Regulations and can meet the criteria identified in Section 13550 of the California Code of Regulations, may be subject to the provisions in Section 4.12.5 of this document. Potential recycled water customers that believe recycled water cannot be used at their site shall provide written justification to support their position. The District assumes identified customers meeting the above referenced criteria can use recycled water until or unless the potential recycled water customer can provide documentation otherwise. If the District's recycled water distribution system has not yet been extended to the vicinity of the customer's property, the District may require a written commitment from the customer to use recycled water when the extension has been made. A customer that does not provide a written commitment may be subject to the provisions in Section 4.12.6. If the District does not require the use of recycled water service, the customer may obtain recycled water service upon request but only if the District has determined that recycled water service to the customer is feasible and authorizes such use.

4.12.3 Installation Costs

Except as otherwise provided herein, when an existing customer is required by the District to convert to recycled water service, the customer will pay the reasonable capital costs of retrofitting the onsite water service facilities (as defined in Section 4.12.4.1) and the District will provide the offsite facilities necessary to deliver recycled water to the meter. Applicants for new or expanded water service shall be responsible for the full capital cost of onsite recycled water

facilities and applicant-furnished offsite distribution facilities required as a condition of service pursuant to Section 5.

4.12.4 Process of Determination

The following describes the process by which the District will determine which potential recycled water customers may be served, contact by District, response by potential recycled water customers and appeal provision to the District's Board of Directors:

- (1) District staff will identify potential sites at which it believes recycled water may be used. Identified potential recycled water use sites must meet the following criteria:
 - (a) Recycled water is served to an available location. "Available location" means (1) the District's recycled water distribution system is in a street adjacent to the subject property, or (2) the District has notified a customer that if a written commitment to use recycled water has been received from the customer, the District will complete an extension of the distribution system to a street adjacent to the customer's property, and the customer has failed or refused to provide the written commitment, and any determination sought by the customer pursuant to 4.12.4(3) through 4.12.4(6) has become a final and non-appealable determination that recycled water use is feasible;
 - (b) The District can provide recycled water in the needed volume, quality, pressure and flow rate;
 - (c) The anticipated use(s) at the subject site are allowed for in Title 22 of the California Code of Regulations;
 - (d) The construction/retrofit can be accomplished in compliance with Federal, State, County and District requirements;
 - (e) The anticipated use(s) will not negatively impact public health;
 - (f) The use of recycled water will not diminish water rights; and
 - (g) Recycled water is available at a reasonable cost, meaning:
 - (1) The commodity cost for recycled water is less than the commodity cost for a like quantity of potable water; and
 - (2) The net customer cost of facilities and appurtenances required to be installed can be amortized by the difference in potable and recycled water rates over a period of not more than one-hundred and twenty (120) months.

- (2) District will contact potential recycled water use site representative to discuss the use of recycled water.
- (3) Potential recycled water customers shall respond to District inquiries as to its ability to use recycled water. Customer and IRWD shall engage in dialogue to determine if recycled water can be used. At the completion of dialogue, the potential recycled water customer shall have ninety (90) calendar days to indicate its intent regarding the use of recycled water. If recycled water can be used, the customer shall work with the District toward the successful introduction and use of recycled water including obtaining regulatory approvals. If, according to the customer, recycled water cannot be used, customer shall provide written documentation to the General Manager to support their position.
- (4) District staff will review documentation provided by customer supporting why recycled water cannot be used.
 - (a) In the case of potential customers that provide sufficient evidence as to why recycled water cannot be used, District shall consider the matter closed; or
 - (b) In the case of potential customers that elect not to respond to District inquiries or do not provide documentation as to why recycled water cannot be used, the General Manager or designee shall report those occurrences to the Water Resources Policy and Communications Committee. With Water Resources Policy and Communications Committee approval, the General Manager or designee shall send a certified letter to the potential recycled water customer urging contact with the District to continue meaningful dialogue regarding the potential use of recycled water. The potential recycled water customer shall have thirty (30) calendar days in which to contact the District. If the potential recycled water customer does not respond within thirty (30) calendar days, a second certified letter will be sent notifying the potential recycled water customer that the billed per Section 4.12.5 of this document beginning sixty (60) calendar days after notification.
- (5) The potential recycled water customer who contends recycled water is not feasible based on criteria described in Sections 4.12.4(1) may appeal to the General Manager by filing a written appeal within thirty (30) calendar days of the date of the notice described in Section 4.12.4(4). The General Manager shall consider the information provided and respond within thirty (30) calendar days to the potential recycled water customer.
- (6) The decision of the General Manager may be appealed to the Board of Directors in writing filed with the District Secretary within thirty (30) calendar days of the General Managers decision. The Board of Directors will conduct a hearing to consider the appeal at the next regularly scheduled Board meeting. The

decision of the Board of Directors shall be transmitted in writing to the potential recycled water customer within thirty (30) calendar days of the hearing. The decision of the Board of Directors is final.

4.12.5 Recycled Water Non-Conforming Use Billing Rate. For potential recycled water customers that elect not to comply with section 4.12.2 (“Requirement to Use Recycled Water”) and fail to provide reason(s) why recycled water cannot be used, all metered potable water use at the site that could otherwise be served with recycled water shall be billed at the applicable potable water rate plus the “non-conforming use” rate until the site is converted or acceptable justification as to why the recycled water cannot be used is provided. No refunds will be provided unless a justification is accepted by the District.

4.12.6 Potential Recycled Water Customer Non-Participation/Non-Cooperation. Potential recycled water customers identified and contacted by the District that elect not to use recycled water or are not cooperating with the District as defined in Section 4.12.4 of this document, will be billed as defined in Section 4.12.5 of this document. In cases where the potential recycled water customer elects not to pay their bill, that customer will be subject to the provisions in Section 1.20 (“Delinquency and Service Restoration Charges”) of the District’s prevailing “Schedule of Rates and Charges.”

4.12.7 Termination of Prior Recycled Water Service. If an end user that was previously accepting recycled water elects to suspend or terminate delivery of recycled water and use potable water for reasons other than those identified in Section 4.12.4 of this document, that end user may be subject to the provisions in Section 4.12.6.

4.13 SCHEDULING RECYCLED WATER; SUPPLY OF OTHER WATER TO RECYCLED WATER DISTRIBUTION SYSTEM

Recycled water shall be used in compliance with District’s “Procedural Guidelines and General Design Requirements.” The District reserves the right to control and schedule the use of recycled water if, in the opinion of the Manager or his designated representative, scheduling is necessary for purposes including, but not limited to, the maintenance of an acceptable working pressure in the recycled water system and providing for reasonable safeguards in relation to public health. Guidelines for such scheduling shall be as deemed appropriate by the Manager or his designated representative. The District reserves the right to supply potable or non-potable water to the District’s recycled water distribution system from time to time, as the Manager or his designated representative determines to be necessary or useful to augment the recycled water supply to such system. The supply of such other water to the system shall be at the District’s discretion and shall not change the rates or charges billed for recycled water service nor relieve any recycled water customer of the applicable requirements of the Rules and Regulations, including but not limited to Section 6.2.2.

4.14 EMERGENCY CONNECTIONS TO RECYCLED WATER SYSTEM

If in the opinion of the District, an emergency exists whereby in all or a portion of the recycled water system recycled water is not available, the Manager may approve a temporary connection to the potable water system. Before a temporary connection is made, the portion without recycled water must be isolated by an air gap separation from the remainder of the recycled water system either at individual services or on the offsite system, as determined by the District and an approved backflow prevention device or devices of the type determined in accordance with Section 4.10 herein, shall be installed on the potable water line or lines in accordance with these Rules and Regulations and any and all applicable rules and regulations of the State and local health departments. Before the emergency connection or connections shall be removed, whether onsite or offsite, the customer shall notify the District's cross-connection department. This emergency connection or connections shall be removed before connection is re-established to the remainder of the recycled water system.

4.15 RESPONSIBILITY FOR MAINTENANCE

4.15.1 **Water and Recycled Water.** The applicant, owner, or customer is responsible for maintaining all onsite facilities that are under the ownership of parties other than the District.

4.15.2 **Sewer - Single Family Units.** The applicant, owner, or customer is responsible for maintenance of the upper lateral and lower lateral. Any upper lateral or lower lateral shall be cleared and cleaned by the applicant, owner, or customer at his own expense. The upper lateral is the responsibility of the owner to repair or reconstruct. The lower lateral is the responsibility of the District to repair or reconstruct.

4.15.3 **Sewer - Multi-Dwelling Units (Condominium Complexes and Townhomes).** Maintenance of onsite sewer main lines shall be the responsibility of the District up to the main line cleanout or last manhole. In order to qualify for such maintenance, these facilities must be fully dedicated to the District, including proper easements, and approved by the Manager or his designee. All laterals upstream of the main line are the responsibility of the applicant, owner or customer to maintain, repair, or reconstruct

4.15.4 **Sewer – Commercial and Industrial Properties**

(1) If the property has a single sewer lateral connection, the applicant, owner, or customer is responsible for maintenance of the upper lateral and lower lateral. Any upper lateral and lower lateral shall be cleared and cleaned by the applicant, owner, or customer at his own expense. The upper lateral is the responsibility of the owner to repair or reconstruct. The lower lateral is the responsibility of the District to repair or reconstruct.

(2) If the property has an onsite sewer collection system, the maintenance of onsite sewer main lines shall be the responsibility of the District up to the main line cleanout or last manhole. In order to qualify for such maintenance, these

facilities must be fully dedicated to the District, including proper easements, and approved by the Manager or his designee. All laterals upstream of the main line are the responsibility of the applicant, owner, or customer to maintain, repair, or reconstruct.

4.15.5 **Obstruction of or Deposit of Material in Meter Boxes or Hydrants**

(1) No person shall place, dispose, or deposit or permit the placement, disposal or deposit of oil, toxic, hazardous or contaminated liquid or waste, trash, dirt, building materials or other substances, objects or obstructions in, on or around meter boxes, and it shall be the responsibility of each applicant, owner, or customer to prevent meter boxes, District hydrants or other District facilities from becoming obstructed or obscured by such applicant, owner, or customer's trees, shrubs, plants or in any other manner so as to impede their use or access to them or make their location difficult to determine.

(2) If such substances, objects or obstructions are not cleaned and removed or are permitted to obscure or impede such facilities, the District may, after providing reasonable notice to the applicant, owner or customer, accomplish the cleaning and removal and charge the applicant, owner or customer for the cost of doing so.

4.15.6 **Natural Treatment Systems.** The developer shall be responsible for maintenance during the construction and establishment period as specified in the Procedures Guide and the NTS Design Guidelines.

4.16 WATER EFFICIENCY, CONSERVATION AND MANAGEMENT PRACTICES

4.16.1 As stated in Section 1, it is the desire of the District to effect conservation and efficient use of water resources whenever possible, such measures being consistent with legal responsibilities to utilize the water resources of the State of California and the District. Without limiting standards that may otherwise apply pursuant to Section 4.1, facilities and fixtures shall meet the applicable water efficiency standards referenced in this section.

4.16.2 Facilities for irrigation of new or existing parks, median strips, landscaped public areas or landscaped areas, lawns, or gardens surrounding single-family homes, condominiums, townhouses, apartments, and industrial parks shall be designed and installed in such a way as to meet or exceed the water efficiency requirements of any applicable local or State standards.

4.16.3 After January 1, 2008 a separate landscape meter shall be required to provide new water service to a property with more than 5,000 square feet of landscape irrigated with potable water. This provision does not apply to single family residential connections, agricultural crops or landscape, or where water service has previously been provided.

- 4.16.4 Recycled water is considered a water resource by the District, therefore, the same restrictions shall apply for all uses of recycled water as for potable water.
- 4.16.5 Rate and extent of application of water shall be controlled by the user so as to minimize run-off from the irrigated areas.
- 4.16.6 All plumbing fixtures installed shall meet or exceed the applicable standards in effect at the time of service application.

4.17 INTERIM WATER SERVICES

4.17.1 **General.** The District's potable water system has been master planned to serve the ultimate needs of residential, commercial, and industrial developments in the District's service area. Design and construction of facilities are phased in unison with the above mentioned developments. However, the District will provide service for interim uses whenever possible, although such uses shall be subject to the conditions set forth herein.

4.17.2 **Temporary Service Connections**

- (1) Temporary service connections are primarily installed for the convenience and use of individuals, contractors, and companies during construction work. However, they are not limited to construction purposes but may be installed for any use.
- (2) The Contractor or other person applying for a meter or meters shall be held responsible for loss or damage to the meter from the time it is installed until it is removed, or until 48 hours after notice in writing has been given the District that the contractor or other person is finished using the meter.
- (3) Flows through a 2 1/2 inch or larger temporary service fire hydrant meter shall be limited to a maximum of 250 gallons per minute, unless otherwise authorized in writing at the time of application. Any deliberate attempt on the part of the applicant or user to increase the flow is just cause for the District to discontinue service.
- (4) The District reserves the right to interrupt service without notice if such usage is causing pressure in the system to drop below an acceptable range.
- (5) Each temporary service customer shall make every attempt to maintain a constant flow through the meter. To achieve this requirement, the customer may be required to provide and install a storage facility (construction tank, small interim reservoir, etc.), approved by the District, in conjunction with the meter.
- (6) When using fire hydrants for temporary service connections, no more than one outlet per hydrant shall be used for this purpose; however, the use of siamese fittings approved by the District is acceptable provided that the additional flow does not significantly impair pressures in the distribution system.

(7) The maximum duration of time a temporary service may be applied for is six months. At the conclusion of six months, the customer may reapply for service, subject to approval from the District.

4.17.3 **Agricultural Service Connections**

(1) The District reserves the right to regulate agricultural users without notice if pressures in the distribution system drop below the minimum acceptable range. The District reserves the right to interrupt agricultural service at any time without notice if such usage is causing pressures in the system to drop below a minimum acceptable range. When pressure is resumed to an acceptable range for a reasonable period of time, all regulated agricultural services will be returned to their requested flows. Repeated occurrences of pressures dropping below a minimum acceptable range may result in permanent discontinuation by the District of the agricultural user's service upon 30 days, notice.

(2) All requests for water and recycled water for agricultural purposes must be made 24 hours in advance of the intended use. Only authorized District personnel will set and adjust flows from all agricultural service connections.

(3) Water and recycled water for agricultural use shall be delivered at a constant rate.

(4) All changes in flows will be made between the hours of 7:00 a.m. and 3:00 p.m. All changes in flow shall be requested prior to 10:00 a.m. the day prior to the intended change.

SECTION 5: FACILITIES DESIGN AND CONSTRUCTION

5.1 GENERAL

All offsite water, sewer, recycled water and natural treatment system facilities and all onsite recycled water facilities shall be designed and constructed according to the requirements, conditions, and standards set forth in the Procedures Guide and Construction Manual which document is on file at the office of the District, and by this reference is incorporated herein.

The recycled water system, including both offsite and onsite facilities, shall be separate and independent of any potable water system.

Any required backflow prevention devices on potable water services and flow or pressure control devices shall be downstream of the meter and provided by the applicant, owner, or customer at his expense.

5.2 OFFSITE WATER, SEWER, RECYCLED WATER FACILITIES

Any water distribution, sewage collection, recycled water distribution system facilities determined by the District to be required to provide service within developments of the property within the District shall be provided by the applicant, owner, or customer at his expense.

Plans and specifications for all water distribution, sewer collection, recycled water distribution facilities shall be submitted to and approved by the District in advance of construction.

The District will assume responsibility for providing water, sewer, and recycled water service to the point of connection (individual lots for residential water and sewer service and residential yard recycled water irrigation service) of such development upon transfer to the District of title to all facilities in the required systems and any necessary easements therefore. All easements shall be in a form acceptable to the District and not subject to outstanding obligations to relocate such facilities or any deeds of trust, except in instances where such is determined by the Board or the Manager to be in the best interests of the District.

Modification or relocation of the meter or other facility which results in nonconformance with applicable provisions of these Rules and Regulations, the Procedures Guide or the Construction Manual is prohibited and shall be corrected at the expense of the applicant, owner, or customer. Upon failure or refusal of the applicant, owner or customer to make such correction, the District may, after providing reasonable notice to the applicant, owner or customer, make the correction and charge the applicant, owner or customer for the cost of doing so.

5.3 ONSITE RECYCLED WATER FACILITIES

Any onsite recycled water facility shall be provided by the applicant, owner, or customer at his expense. The applicant, owner, or customer shall retain title to all such onsite facilities.

Onsite recycled water facilities, in addition to conforming to the Procedures Guide and Construction Manual shall conform to local governing codes, rules, and regulations. The Cities of Costa Mesa, Irvine, Lake Forest, Newport Beach, Orange, Santa Ana, and Tustin, and the

County of Orange shall have authority over materials, equipment, design, and construction methods used for onsite recycled water facilities within their jurisdiction, provided that when the District's Procedures Guide and Construction Manual require a higher quality material, equipment, design or construction method than that required by the above local governing codes, rules, and regulations, the District's Procedures Guide and Construction Manual shall be controlling.

Plans and specifications and record drawings shall be prepared and submitted to the District in accordance with the Procedures Guide and Construction Manual. Plans and specifications must be approved by the District prior to commencing construction. Prior to commencement of service to any onsite system using recycled water, record drawings shall be provided and approved and the installed system shall be tested under active conditions to ensure that the operation is in accordance with the intent of these Rules and Regulations.

In accordance with Section 1 herein, in those areas where recycled water is not immediately available for use when the design area is ready for construction, and if the District has determined that recycled water will be supplied in the future, the onsite facilities shall nevertheless be designed to use recycled water. Provisions shall be made and these Rules and Regulations followed to allow for connection to the recycled water facilities when they become available. In the interim, potable domestic water will be supplied to the recycled water facilities through a temporary potable meter connection. A backflow preventer of the type determined in accordance with Section 4.10 herein will be required as long as the onsite facilities are using potable water. The backflow preventer shall be downstream of the meter and shall be a part of the onsite facilities. The District will remove the backflow preventer and will make the connection to the onsite facilities when recycled water becomes available.

5.4 NATURAL TREATMENT SYSTEM FACILITIES

Natural treatment systems that are designated as capital facilities shall be designed and constructed by the District. All other natural treatment systems shall be designed, constructed and established by the developer in accordance with the District's Procedures Guide and the NTS Design Guidelines.

Plans and specifications for developer-constructed natural treatment systems shall be submitted to and approved by the District in advance of construction.

5.5 CONVERSIONS OF EXISTING FACILITIES FOR RECYCLED WATER

Where it is required pursuant to Section 4.12.2 that any existing water system be converted to a recycled water facility, a comprehensive investigation shall be performed by or for the District. The facilities to be converted to recycled water use shall be investigated in detail, including review of any record drawings, preparation of required reports, and determinations by the District of measures necessary to bring the system into full compliance with these Rules and Regulations for recycled water service including, but not limited to Section 5.3 thereof and the District's Procedures Guide and Construction Manual. No potable water facilities shall be connected to or incorporated in the recycled water system that have not been approved for recycled water service by the District.

5.6 ALTERNATE FINANCING FOR AFFORDABLE AND/OR LOW INCOME HOUSING PROJECTS

- 5.6.1 **Request for Public Financing.** If property within the District for which water, sewer and/or recycled water service is requested will include not less than ten percent of the units as affordable and/or low income housing units as herein defined or has been designated by the City of Irvine, County of Orange, or other such entity for land use which requires that a portion of the units being developed shall be affordable and/or low income housing units as herein defined, any such applicant, owner or customer when requesting water, sewer and/or recycled water service for such property may request the District to initiate proceedings pursuant to applicable laws to form a special assessment district for the purpose of publicly financing the offsite and onsite water, sewer and/or recycled water facilities necessary to serve said development as well as any assessable portion of the future capital costs which will be incurred by or benefit the initial property owners at the time of connection to said facilities. The proposed assessment district shall include all of the area eligible for alternate financing as provided for in this Section 5.5.1 and such other area logically served by the facilities as determined by the District in its discretion. This proviso is intended to include the affordable and/or low-income housing units as well as the market rate units for which service is requested pursuant to this Section 5.5.1.
- 5.6.2 **Initiation of Public Financing.** Upon receiving a request pursuant to Section 5.5.1, the District shall, unless it makes the findings set forth in Section 5.5.3, initiate proceedings pursuant to applicable laws to form a special assessment District for the purpose of publicly financing the offsite and onsite water, sewer and/or recycled water facilities necessary to serve said development as well as any assessable portion of the future capital costs which will be incurred by or benefit the initial property owners at the time of connection to said facilities.
- 5.6.3 **Refusal to Initiate Public Financing.** The District may deny a request made pursuant to Section 5.5.1 only after notice and a public hearing and only if it finds that such assessment district financing is no longer consistent with sound municipal financing practices or is not economically feasible for the particular project. If other means of such alternate financing are available and are consistent with sound municipal financing practices, such other means of financing shall be implemented by the District. In making a finding under this Section 5.5.3, the District shall render a written decision which identifies the evidence it relied upon and the reasons supporting its decision.
- 5.6.4 **Time for Acting on Request.** The District shall act upon a request made pursuant to Section 5.5.1 within 60 days of the receipt of the request.
- 5.6.5 **Affordable and/or Low Income Housing.** “Affordable and/or Low Income Housing” has the same meaning as used in the housing element adopted pursuant to Government Code Section 65580 of the governmental agency having jurisdiction over the zoning of any given development.

- 5.6.6 **Off-Site Facilities.** “Off-Site Facilities” means other than in-tract facilities which are not paid for by the District pursuant to its Rules and Regulations from general obligation bonds or otherwise.
- 5.6.7 **Coordination with Other Agencies.** When possible, in the event that District agrees to initiate proceedings pursuant to Section 5.5.1, the District will attempt to coordinate such proceedings with similar proceedings initiated by another agency or other agencies having jurisdiction over other aspects of the infrastructure required for the development such as, but not by way of limitation, streets, lighting, open space, sidewalks, and curbs.

SECTION 6: FACILITIES OPERATION

6.1 OFFSITE WATER, SEWER, RECYCLED WATER AND NATURAL TREATMENT FACILITIES

Operation and surveillance of all of the District's offsite water, sewer, recycled water and natural treatment system facilities, including, but not limited to, water, sewer, and recycled water pipelines, reservoirs, pumping stations, fire hydrants, manholes, valves, connections, supply interties, treatment facilities, and other appurtenances and property up to and including the District's meter, shall be under the management and control of the District. No other persons except authorized employees and/or representatives of the District shall have any right to enter upon, inspect, operate, adjust, change, alter, move, or relocate any portion of the foregoing or any of the District's property. In the event that such should occur, all charges and penalties shall be applicable and collected. Such action shall also be in violation of any and all applicable federal, state, and local statutes, ordinances, regulations, and other requirements.

6.2 ONSITE FACILITIES

6.2.1 **General.** The operation and surveillance of onsite water distribution, sewer collection, and recycled water distribution facilities are the responsibility of the applicant, owner, or customer.

6.2.2 **Onsite Recycled Water Facilities**

(1) The operation and surveillance of all onsite recycled water system facilities using the District's recycled water, shall be under the management of an "Onsite Recycled Water Supervisor" designated by the applicant, owner, or customer and approved by the District.

(2) If there is a non-resident owner, a local Onsite Recycled Water Supervisor shall be appointed. For single-family residences which have a recycled water service connection, the owner shall be considered to be the designated "Onsite Recycled Water Supervisor" unless otherwise indicated on the application for the service connection request. In the event that someone other than the owner is designated as the "Onsite Recycled Water Supervisor" and this person is no longer associated with the property, the owner shall again be considered the "Onsite Recycled Water Supervisor" until written notification is made to the District. The District shall furnish the name of the Onsite Recycled Water Supervisor to the Regional Water Quality Control Board and State and County Health Departments at least 30 days prior to commencing service.

(3) However, pursuant to Section 8.2 of these Rules and Regulations, the Manager or authorized representatives of the District shall monitor and inspect the entire recycled water system, including onsite and offsite facilities, and for these purposes shall have the right to enter upon the customer's premises during reasonable hours.

(4) The Onsite Recycled Water Supervisor shall be responsible for the installation, operation, and maintenance of the onsite recycled water system, enforcing applicable requirements of the District's permits, preventing potential hazards related to such system, maintenance of the system plans in "as-built" form, and distribution of recycled water in accordance with applicable laws and permits held by the District.

(5) In particular, but not by way of limitation, the Onsite Recycled Water Supervisor shall have the following responsibilities in relation to operation of onsite facilities:

- (a) To make sure that all operations personnel are trained and familiarized with the use of recycled water.
- (b) To furnish their operations personnel with maintenance instructions, controller charts, and record drawings to ensure proper operation in accordance with the onsite facilities design and these Rules and Regulations.
- (c) To prepare and submit to the District one (1) set of record drawings.
- (d) To notify the District of any and all updates or proposed changes, modifications, or additions to the onsite facilities, which changes shall require approval by the District and shall be designed and constructed according to the requirements, conditions, and standards set forth in the District's and set forth in these Rules and Regulations, including but not limited to Section 5.3 thereof. In accordance with the above referenced requirements, conditions, and standards changes must be submitted to the District for plan check and approval prior to construction. The construction shall be inspected by the District, and revised record drawings and controller charts shall be approved by the District. The District may, if it deems such to be in the best interest of the District, waive or modify any of the foregoing.
- (e) To ensure that the recycled water facilities remain in accordance with these Rules and Regulations including the District's Procedures Guide and Construction Manual. For example, but not by way of limitation, as stated in the design criteria section of the above referenced specifications:
 - (1) Cross-connections between potable water facilities and onsite recycled water facilities are forbidden.
 - (2) Hose bibs on recycled water facilities are forbidden.

- (3) Drinking fountains shall be protected from the spray of recycled water.
 - (4) The District shall provide special labels for any backflow preventer and house pressure regulator, and homeowner agrees to inform plumbing or landscaping contractors of the presence of recycled water on the site.
- (f) To operate and control the system in order to prevent direct human consumption of recycled water and to control and limit runoff. The applicant, owner, or customer shall be responsible for any and all subsequent uses of the recycled water. Operation and control measures to be utilized in the regard shall include, where appropriate, but not be limited to the following:
- (1) Onsite recycled water facilities shall be operated to prevent or minimize discharge onto areas not under control of the customer. Full circle sprinklers shall not be used adjacent to sidewalks, roadways, and property lines and sprinkler types shall be selected so as to confine the discharge from sprinklers to the design area.
 - (2) The operation of the onsite recycled water facilities shall be during the periods of minimal use of the service area. Consideration shall be given to allowing a maximum dry-out time before the design area will be used by the public.
 - (3) Recycled water shall be applied at a rate that does not exceed the infiltration rate of the soil. Where varying soil types are present, the design and operation of the recycled water facilities shall be compatible with the lowest infiltration rate of the soil present.
 - (4) When the application rate exceeds the infiltration rate of the soil, automatic systems shall be utilized and programmed to prevent or minimize the ponding and runoff of recycled water. The sprinkler shall not be allowed to operate for a time longer than the landscape's water requirement. If runoff occurs before the landscape's water requirements are met, the automatic controls shall be reprogrammed with additional watering cycles of shorter duration to meet the requirements. This method of operation is intended to control and limit runoff.
- (g) To orally report any failure in the onsite recycled water system that causes an unauthorized discharge of recycled water, or other non-compliance with applicable laws and the District's permits to the District and to the Regional Water Quality Control Board and State and County Health Departments, within 24 hours from the time the

Onsite Recycled Water Supervisor becomes aware of the circumstances. The Onsite Recycled Water Supervisor shall also make a written submission to the District, with a copy to the Regional Water Quality Control Board and State and County Health Departments, within five days of the time the Onsite Recycled Water supervisor becomes aware of the circumstances, which shall contain (a) a description of the non-compliance and its cause; (b) the period of non-compliance, including exact dates and times, and if the non-compliance has not been corrected, the anticipated time it is expected to continue; and (c) steps taken or planned to reduce, eliminate and prevent recurrence of the non-compliance.

- (h) To comply with any and all applicable Federal, State, and local statutes, ordinances, regulations, contracts, these Rules and Regulations, the service application and agreement, and all requirements prescribed by the Manager and the Board pursuant to Section 4. In the event of violation, all charges and penalties shall be applied and collected by the district.

6.2.3 **Onsite Recycled Water Supervisor Training Program.** The District may, from time to time, require that an “Onsite Recycled Water Supervisor” obtain instruction in the use of recycled water, such instruction being provided by or approved by the District.

SECTION 7: USE OF DISTRICT SEWERAGE FACILITIES

7.1 GENERAL

- 7.1.1 The provisions established in Section 7 shall pertain to all discharges into any District sewerage collection facility that either directly or indirectly transports wastewater to the District's Michelson Water Recycling Plant. The last paragraph of this Section 7.1 provides information relating to the applicable requirements for discharges into District sewerage collection facilities that transport wastewater to facilities other than the Michelson Water Recycling Plant.
- 7.1.2 Pursuant to the authority provided by California Government Code Section 54739, 54740, and by other applicable provisions of law, provisions are made in this document for the regulation of wastewater discharges into the District's sewerage facilities in order to comply with Federal and State of California policies and requirements and to permit the District to meet applicable standards of treatment plant effluent quality. These Rules and Regulations establish quantity and quality limitations on all wastewater discharges, which may adversely affect the District's sewerage systems, processes, or effluent quality. It is the intent of these limitations to improve the quality of wastewater being received for treatment; an implication of this intent is the District's policy of discouraging an increase in the quantity (mass emission) of waste constituents being discharged. This document also provides for regulation of the degree of waste pretreatment required, the issuance of permits including those for wastewater discharge connections, and the establishment of penalties for violation of these Rules and Regulations.
- 7.1.3 Since the District is committed to a policy of wastewater renovation and reuse in order to provide an alternate source of water supply, the renovation of wastewater through secondary and tertiary wastewater treatment processes may necessitate more stringent quality requirements on wastewater dischargers than those required by other governmental regulatory agencies.
- 7.1.4 The District has joined the Orange County Sanitation District (OCSD) in order to secure an alternate method of sewage treatment and disposal. To accomplish the administration of this union within the portion of the District that is within Revenue Area 14 of OCSD, the District entered with OCSD into a Memorandum of Understanding effective February 11, 1987, to provide for cooperative implementation of these Rules and Regulations and the ordinance of the Orange County Sanitation District as part of its regulations. In the event of a conflict between the District's Rules and Regulations and OCSD's ordinance, OCSD's ordinance shall have precedence, unless the District's Rules and Regulations are more stringent. The OCSD ordinance is also applicable in areas of the District that are within other portions of OCSD that do not transport water to the District's Michelson Water Recycling Plant. Similarly, the area of the District within the service area of the South Orange County Wastewater Authority (SOCWA) is subject to SOCWA's discharge regulations as adopted by the District, and the

area discharging to the Chiquita System of Santa Margarita Water District (SMWD), the Portola Hills area, is subject to SMWD's discharge regulations as adopted by the District. In each case where dischargers are subject to the discharge regulations of two agencies, it is the responsibility of the discharger to meet the discharge requirements of both agencies.

7.2 SPECIAL DEFINITIONS

In addition, 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 (herein referred to as "**Standard Methods**"). The testing procedures for waste constituents and characteristics shall be as provided in 40 CFR 136, (Code of Federal Regulations: Title 40; Protection of Environment; Chapter I United States Environmental Protection Agency (US EPA); Part 136, Test Procedures for the Analyses of Pollutants), or as specified herein. Other terms not herein defined shall have the definitions given such terms in the latest adopted applicable editions of the California codes applicable to building construction adopted pursuant to the California Building Standards Law.

The terms hereinafter set forth shall have the following meanings when used in these Rules and Regulations or any permits or orders issued pursuant hereto, and the following definitions supersede the definitions in Section 2 for purposes of this Section 7:

ADMINISTRATIVE COMPLAINT means a document used by the District to initiate a proceeding to impose civil penalties pursuant to Section 7.6.2.7.2.

BIOCHEMICAL OXYGEN DEMAND (BOD) means the quantity of oxygen utilized in the biological oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Celsius expressed in terms of milligrams per liter mass per volume (mg/l) as determined by appropriate testing procedure.

BUILDING DRAIN - SANITARY means that part of the lowest horizontal piping of a drainage system which receives sanitary or industrial sewage only, inside the walls of a building and conveys it to the building sewer beginning three (3) feet outside the building wall.

BUILDING DRAIN - STORM means that part of the lowest horizontal piping of a drainage system which receives stormwater or other clear water discharge, but no wastewater, from soil and other drainage pipes inside the walls of a building and conveys it to the building sewer beginning three (3) feet outside the building wall.

BUILDING SEWER - SANITARY means a sewer pipe receiving flow from a single building and connecting to a sewer main or lateral, and constructed on private property, except for street crossing.

BUILDING SEWER - STORM means the extension from the building storm drain to the public sewer or other place of disposal which conveys storm water or other clear water drainage, but no sanitary or industrial sewage.

BYPASS means the intentional diversion of waste streams from any location within an industrial users facility not approved in a user's permit.

CALIFORNIA WATER DISTRICT LAW means the law of the State of California that governs the formation of California Water Districts and establishes procedures and powers of such Districts.

CALIFORNIA TOXICS RULE means the most current update of numeric criteria for priority toxic pollutants established for the State of California as codified in 40 CFR Part 131.38.

CHEMICAL OXYGEN DEMAND (COD) means the measure of chemically oxidizable material in domestic or other waste waters as determined by appropriate testing procedures and expressed in terms of milligrams per liter (mg/l).

CLASS I USER means any user who discharges wastewater that is subject to Federal Categorical Pretreatment Standards; or averages 25,000 gallons per day or more of regulated process wastewater; or is determined to have a reasonable potential to adversely affect the District's facilities or operation or for violating any pretreatment standard, local limit, or discharge requirement; or may cause pass through or interference with the District's or OCSD sewerage facilities.

CLASS II USER means any industrial user who discharges wastewater at a volume greater than 10,000 gallons per day and has a BOD and Suspended Solids greater than 375 mg/L, that discharges wastes other than sanitary, and that is not otherwise required to obtain a Class I permit.

CODE OF FEDERAL REGULATIONS (CFR) or FEDERAL REGULATIONS means the codification of the general and permanent rules published in the Federal Register by the Executive departments and agencies of the Federal Government.

COLIFORM means any number of organisms common to the intestinal tract of man and animals whose presence in sanitary sewage is an indicator of pollution.

COLLECTION SEWER means a sewer whose primary purpose is to collect wastewaters from individual point source discharges.

COMBINED SEWAGE means a combination of both wastewater and storm or urban runoff.

COMBINED SEWER means a sewer intended to receive both wastewater and storm or urban runoff.

COMPATIBLE POLLUTANT means BOD, suspended solids, pH, coliform bacteria, and such additional pollutants as are now or may be in the future specified and controlled by the District's permit, for its wastewater treatment works as said works have been designed and are operated to reduce or remove such pollutants. Some compatible pollutants may be considered non-compatible when discharged in significant quantities.

COMPOSITE SAMPLE means 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 waste stream discharged during the sample period. Samples will be collected during the time manufacturing, processing, and/or sewer discharge occurs.

DEPARTMENT HEAD means that person duly designated by the General Manager to direct the Industrial Waste Program and perform those delegated duties as specified in these Rules and Regulations.

DISCHARGER means any public or quasi-public agency, including the State of California and the United States of America but not including the District, individual, partnership, firm, company, association, society, corporation, or group discharging, causing the discharge of, or proposing to discharge or cause the discharge of any wastewater into a public sewer. Used interchangeably with the term “User” and “Industrial User”.

DISSOLVED SOLIDS means that concentration of matter in the sewage consisting of colloidal and particulate matter 0.45 micron in diameter or less, and both organic and inorganic molecules and ions present in solution.

DISTRICT CONNECTION CHARGE means a fee imposed by the District for connecting directly to a public sewer or to a sewer which ultimately discharges into the District sewerage facility.

DISTRICT’S SEWERAGE FACILITIES means any property belonging to the District used in the treatment, reclamation, reuse, transportation, or disposal of wastewater or sludge.

DOMESTIC WASTEWATER MEANS THE LIQUID AND SOLID WATERBORNE WASTES DERIVED FROM THE ORDINARY LIVING PROCESSES of humans of such character as to permit disposal, without special treatment, into the public sewer or by means of a private disposal system.

DWELLING UNIT means one or more habitable rooms which are intended or designed to be occupied by one family with facilities for living, sleeping and cooking.

EASEMENT means an acquired legal right or interest for the specific limited use of land owned by others.

EFFLUENT means any liquid outflow that is discharged to the sewer.

ENFORCEMENT COMPLIANCE SCHEDULE AGREEMENT (ECSA) means a mutual agreement between the District and permittee in accordance with Section 7.6.2.2.

FEDERAL PRETREATMENT REQUIREMENT, NATIONAL PRETREATMENT STANDARD, PRETREATMENT STANDARD or STANDARD means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with 40 CFR 307 (b) and (c) which applies to Industrial Users. This term includes prohibitive

discharge limits established pursuant to 40 CFR 403.5. Categorical pretreatment standards are promulgated in 40 CFR Chapter I, Subchapter N or 40 CFR Parts 401-471.

FLOOR AREA means the area included within the surrounding exterior walls of a building or portion thereof, exclusive of ramps, docks, vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

GARBAGE means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of food.

GRAB SAMPLE means 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.

INDUSTRIAL USER means any user that discharges industrial wastewater.

INDUSTRIAL WASTEWATER means all liquid wastes resulting from the processes employed in industrial manufacturing, trade, or business establishments, as distinguished from domestic wastes.

INDUSTRY means any establishment listed in the Standard Industrial Classification Manual, 1972 Edition, or revision thereof, which is categorized in Divisions A, B, D, E, or I.

INFILTRATION means the water unintentionally entering the District's sewerage facilities, or sanitary building drains and sewers, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls.

INFILTRATION/INFLOW means the total quantity of water from both infiltration and inflow without distinguishing the source.

INFLOW means the water discharge into the District's sewerage facilities, or building storm drains and sewers, from such sources as, but not limited to, roof leaders, cellar, yard, and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and/or combined sewers, catch basins, storm waters, surface runoff, street wash waters or drainage. (Inflow does not include, and is distinguished from infiltration.)

INSPECTOR means a person authorized by the General Manager to inspect any existing or proposed wastewater generation, conveyance, processing and disposal facilities.

INTERCEPTOR SEWER means a sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.

INTERFERENCE means a discharge which, by itself or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the District's facilities, its treatment processes or operations, or its sludge process, use, or disposal, or causes a violation of any requirement of the District's permits (including an increase in the magnitude or duration of a violation) or prevents sewage sludge use or disposal in compliance with the

following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA, the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

LOCAL SEWERING AGENCY means any public or private corporation duly authorized under the laws of the state of California to construct and/or maintain public sewers.

MANIFEST means that receipt which is retained by the generator of wastes for disposing solid wastes, recyclable wastes or liquid wastes as required by the District.

MASS EMISSION RATE means the weight of material discharged to the District's sewerage facilities during a given time interval. Unless otherwise specified, the mass emission rate means pounds per day of a particular constituent or combination of constituents.

“MAY” is permissive (see “Shall”).

MEMORANDUM OF UNDERSTANDING (MOU) means any memorandum of understanding or other agreement between the District and OCSD governing the administration of the joint industrial waste pretreatment program.

MICROGRAMS PER LITER ($\mu\text{g}/\text{l}$) means a unit measurement of the concentration of a water or wastewater constituent. It is 0.001 gram of the constituent in one (1) cubic meter of water. It has replaced the unit formerly used, parts per billion, to which it is approximately equivalent in reporting the results of water and wastewater analyses.

MILLIGRAMS PER LITER (mg/l) means a unit measurement of a concentration of water or wastewater constituent. It is 0.001 gram of the constituent in 1,000 milliliters of water. It has replaced the unit formerly used, parts per million, to which it is approximately equivalent in reporting the results of water and wastewater analyses.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) means the Federal pollution regulation system as detailed in Public Law 92-500, Section 402, or a permit issued pursuant to such system.

NEW SOURCE means those sources that are new as determined by 40 CFR 403.3 (k) as revised October 17, 1988.

NON-COMPATIBLE POLLUTANT means any non-treatable waste product, including non-biodegradable dissolved solids, which is not a compatible pollutant as defined herein.

NORMAL DOMESTIC WASTEWATER means all household-type discharges from places of human habitation including sanitary conveniences, kitchen and laundry wastes. Discharge wastes strength shall be considered to average 250 mg/l BOD and 250 mg/l Suspended Solids at a discharge rate of 100 gallons per capita per day.

NORMAL WORKING DAY means the period of time during which the dischargers production or operation is taking place.

NPDES PERMIT means the National Pollutant Discharge Elimination System permit that is issued by the EPA setting the limits on constituents that the permittee may legally discharge. The limits are set in both concentration and quantity.

OCSD means the Orange County Sanitation District.

OCSD ORDINANCE means OCSD's ordinance establishing wastewater discharge regulations, currently in effect from time to time.

PASS THROUGH means discharge through the District's facilities to navigable water or point of reuse which, alone or in conjunction with discharges from other sources, is a cause of a violation of the District's NPDES permit or Regional Water Quality Control Board Order.

PERMITTEE means a discharger who has received a permit to discharge wastewater into the District's sewerage facilities subject to the requirements and conditions established by the District and/or OCSD.

pH means the logarithm of the reciprocal of the quantity of hydrogen ions in moles per liter of solution used in expressing 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.

POPULATION EQUIVALENT means a term used to evaluate the impact of industrial or other waste on a treatment works or stream. One population equivalent of normal domestic wastewater is 100 gallons of sewage per day, and/or 0.17 pounds of BOD, and/or 0.21 pounds of suspended solids. The impact on a treatment works is evaluated as the equivalent of the highest of the three parameters. Impact on a stream is the higher of the suspended solids parameters.

POLLUTANT means any constituent or characteristic of wastewaters on which discharge limitation may be imposed either by the District or the regulatory bodies empowered to regulate the District.

POTW means Publicly Owned Treatment Works.

PRETREATMENT means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to discharge of the wastewater into the District's sewerage facilities. The reduction or alteration can be obtained by physical, chemical or biological process, or process changes by other means.

PRETREATMENT FACILITY means any works or devices for the treatment or flow limitation of wastewater prior to discharge into a public sewer.

PRETREATMENT STANDARDS means requirements for the quality of wastewaters discharged into the District's sewerage facilities.

PRIORITY POLLUTANTS means a listing of the toxic pollutants identified by EPA as having the greatest environmental concern and as non-compatible and requiring pretreatment prior to discharge in order to prevent interference with District's operation, or to prevent sludge contamination or treatment system pass-through into receiving waters or into the atmosphere.

PRIVATE SEWER means a sewer which is not owned by the District.

PROBATION ORDER means an order issued with terms and conditions to a permittee upon a violation of these Rules and Regulations or the terms, conditions, and limitations of its discharge permit, or upon a failure to make payment to the District of user charges, non-compliance fees, or any other fees.

PUBLIC AGENCY means the United States and its agents, the State of California and any city, county, district, or other local governmental authority or public body of or within the State of California.

PUBLIC SEWER means a sewer owned and operated by the District, or a sewer operated by a local public agency which is tributary to the District's sewerage facilities.

PUMPING STATION means a station positioned at a location in a sewer system at which wastewater is pumped to a higher level.

REGIONAL ADMINISTRATOR means the Regional Administrator of Region IX of the EPA.

REGIONAL BOARD means the California Regional Water Quality Control Board, Santa Ana Region or San Diego Region.

REGULATORY AGENCIES are those agencies having regulatory jurisdiction over operations of the District, such as including but not limited to the U.S. Environmental Protection Agency (EPA), the State Department of Health Services (DOHS), the State Water Resources Control Board (SWRCB), the California Regional Water Quality Control Board (RWQCB), the South Coast Air Quality Management District (SCAQMD) and Orange County Health Care Agency.

REGULATORY COMPLIANCE SCHEDULE AGREEMENT (RCSA) means an agreement between the District 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 limitations.

RULES AND REGULATIONS means that document entitled "Rules and Regulations for Water, Sewer, and Recycled Water Service" containing District requirements, conditions, and limitations for connecting and discharging to the District's sewerage facilities and other requirements, conditions and limitations, as may be amended and modified.

SAMPLE POINT means 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 AND EVALUATION PROGRAM (S&E) means a program for the determination of mass emission of constituents or compliance or non-compliance with the conditions specified in the user's permit.

SAMPLING FACILITIES means 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.

SANITARY SEWER means a sewer which carries sanitary and industrial wastes, and to which storm, surface and groundwater are not intentionally admitted.

SEWAGE means wastewater.

SEWER means a pipe or conduit that carries wastewater or drainage water.

SEWER LATERAL means 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.

SEWERAGE FACILITIES OR SYSTEM means any and all facilities used for collecting, conveying, pumping, treating, and disposing of wastewater and sludge.

“SHALL” is mandatory; (see “May”).

SHREDDED GARBAGE means garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.25 centimeters) in any dimension.

SIGNIFICANT INDUSTRIAL USER means all users subject to Federal Categorical Pretreatment Standards and any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater; contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the District's treatment facilities; or is designated by the District as a significant industrial user.

SIGNIFICANT NON-COMPLIANCE means a compliance status a) in which a major violation remains uncorrected for 45 days after notification of non-compliance; or b) which is a result of chronic violations (66% or more of all samples which exceed the daily maximum limit or average limit of the same constituent during a 6-month period), or acute violations (33% or more of all samples which exceed the product of the daily maximum limit or average maximum limit times the applicable technical review criterion in a 6-month period; or c) which is a result of failure to provide reports in response to Notice of Violation, permit application information, Report of Progress, a Report of Non-Compliance, or other reports required to administer these Rules and Regulations, within

30-days from the due date; d) any violation of any limitation that the District determined to cause alone or in combination with other discharges, interference or pass through; e) any discharge which has caused imminent endangerment to human health, welfare or to the environment, or has resulted in the District's exercise of its emergency authority (Section 7.6.2.6); f) failure to meet, within 90 days after the scheduled date, a compliance schedule milestone contained in a permit or enforcement action, for starting construction, completing construction, or attaining final compliance; or g) failure to accurately report non-compliance.

SLUDGE means any solid, semi solid or liquid decant, subnate or supernate from a manufacturing process, utility service, or pretreatment facility.

SLUG LOAD means any discharge of water or wastewater which in concentration of any pollutant or in quantity of flow will cause interference with the District's reclamation plant or subsequent Publicly Owned Treatment Works (POTW).

SPENT SOLUTIONS means any substance defined as a hazardous waste by RCRA, 40 CFR 261.21 through 261.24, and unable to be used for its original purpose.

SPILL CONTAINMENT means an approved protection system installed by the permittee to prohibit the accidental discharge to the sewer of non-compatible pollutants.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) means a system of classifying a user as identified in the 1987 or subsequent SIC manual as prepared by the Office of Management and Budget.

STANDARD METHODS means the laboratory procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater" prepared and published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation, and 40 CFR Part 136, 3, 4 and 5, and/or other recognized procedures established by EPA and California Regional Water Quality Control Board.

STORM WATER means all water directly derived from rainwater which has not been utilized in domestic, agricultural, industrial or other beneficial use.

SUSPENDED SOLIDS (SS) means the solids that either float to the surface or are suspended in water, wastewater or other liquids and which are removable from said liquid through standard laboratory filtration procedure.

TECHNICAL REVIEW CRITERIA means those factors which, when multiplied by the appropriate limitation, set the lower limit of a significant violation. The Technical Review Criteria factor is 1.2 for all limitations except for BOD, total suspended solids, fats, oil, and grease where the factor is 1.4.

TOTAL ORGANIC CARBON (TOC) means the measure of total organic carbon in domestic or other wastewater as determined by the appropriate testing procedure.

TOTAL SOLIDS means the sum of suspended and dissolved solids.

TOXIC SUBSTANCES means any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse effects, such as cancer, genetic mutations and physiological manifestations.

UNPOLLUTED WATER means water to which no constituent has been added either intentionally or accidentally.

USER means any person who discharges or causes a discharge of wastewater directly or indirectly to a public sewer. User shall also have the same meaning as “Discharger” or “Industrial User”.

USER CHARGE means a charge imposed by the District for the provision of a special service not normally provided by the District, such as situations involving unusual quantity or quality requirements.

WASTE means sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing or processing operation of whatever nature, including such wastes placed within containers of whatever nature, prior and for the purpose of disposal.

WASTE MINIMIZATION PRACTICES means plans or programs intended to reduce or eliminate discharges to the District’s sewerage 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 and/or solid waste produced.

WASTEHAULER means any person or entity, duly licensed, carrying on or engaging in vehicular transport of waste as part of, or incidental to, any business for that purpose.

WASTEWATER DISCHARGE PERMIT means any of the following permits: Class I Permit, Class II Permit, Special Purpose Permit or FOG Wastewater Discharge Permit. Used interchangeably with the word “permit”.

WASTEWATER TREATMENT means the structures, equipment and processes required to collect, transport and treat domestic and industrial wastewater and dispose of the effluent and accumulated residual solids.

7.3 WASTEWATER DISCHARGE REGULATIONS

7.3.1 Prohibitions and Limitations on Wastewater Discharges. These prohibitions apply to all Users of District sewerage facilities whether or not they are subject to Federal Categorical Pretreatment Standards or any other National, State or Local pretreatment standards or requirements. No person shall discharge or allow to be discharged wastewaters directly or indirectly into District’s sewerage facilities that cause or are capable of causing, either alone or by interaction with other substances, interference with the operation of the District’s sewerage facilities, including but not limited to the following:

- (1) Oils and Grease. Wax, grease or oil of mineral origin in a concentration of more than 100 mg/l whether emulsified or not, or any other waste containing substances which may precipitate, solidify or become viscous at temperatures between 32° and 150°F (0° and 65°C) at the point of discharge into the District's sewerage facilities).
- (2) Explosive Mixtures. Liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the District's sewerage facilities or to the operation of the District's sewerage facilities. At no time shall the discharge into the District's sewerage facilities have a closed cup flash point less than 140°F (60°C). Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.
- (3) Noxious Materials. Noxious or malodorous solids, liquids or gases, which, either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or are or may be sufficient to prevent entry into a sewer for its maintenance and repair.
- (4) Improperly Shredded Garbage. Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the public sewers, with no particle greater than one-half (1/2) inch in any dimension.
- (5) Radioactive Wastes. No person shall discharge, or cause to be discharged, any radioactive waste into a public sewer except:
 - (a) When the person is authorized to use radioactive materials by the State Department of Health or other governmental agency empowered to regulate the use of radioactive materials;
 - (b) When the waste is discharged in strict conformity with current California Radiation Control Regulations (California Administrative Code, Title 17) for safe disposal;
 - (c) When the person is in compliance with all rules and regulations of all other applicable regulatory agencies; and,
 - (d) When a Class I permit has been obtained from OCSD.
- (6) Solid or Viscous Wastes. Solid or viscous wastes which will or may cause obstruction to the flow in a sewer, or otherwise interfere with the proper operation of the sewerage facilities. Prohibited materials include, but are not limited to, grease, uncomminuted garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags,

spent grains, spent hops, waste paper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, and similar substances.

- (7) **Slug Loads.** Wastewaters at a flow or containing such concentrations of pollutants that will cause interference with the District's treatment plant or subsequent POTW.
- (8) **Toxic Substances.** Any toxic substances in amounts exceeding established standards, and any chemical elements or compounds, phenols or other taste or odor producing substances, or other substances which are not susceptible to treatment or which may interfere with the biological processes or efficiency of the treatment processes, cause acute worker health and safety problems, or that will pass through the District's sewerage facilities.
- (9) **Discolored Material.** Wastes with objectionable color not removable by the treatment process.
- (10) **Corrosive Wastes.** Any waste which will cause corrosion or deterioration of the District's sewerage facilities. All wastes discharged to a public sewer must have a pH value in the range of (6) to (12) standard units. Prohibited materials include, but are not limited to, acids, sulfides, concentrated chloride and fluoride compounds and substances which will react with water to form acidic products.
- (11) **Organic Phosphorous Compounds.** Any amounts of organic phosphorus compounds released in a discharge at a flow rate or in a concentration which will cause pass through or interference with the sewerage facilities.
- (12) **Non-Compliant Waste.** Any waste not in compliance with national categorical pretreatment standards as represented in 40 CFR Chapter I Subchapter N or 40 CFR Parts 401-471.

7.3.2 **Storm Water.** Ground water, street drainage, subsurface drainage, foundation drains, or yard drainage shall not be discharged directly or indirectly to the District's sewerage facilities. The District at its sole discretion may approve the discharge of such water by granting a Special Purpose Permit only when no alternative method of disposal is reasonably available. The applicant shall bear the burden of demonstrating that no alternative method of disposal is reasonably available. If a Special Purpose Permit is granted for the discharge of such water into a sewer, the user shall pay connection fees, applicable charges and fees for use and shall meet such other conditions as required by the District.

7.3.3 **Self-Regenerative Water Softeners.** Any brine waste discharge from an onsite self-regenerative water softener unit is prohibited. Installation of such onsite self-regenerative water softener units within the District is specifically prohibited. However, the District may, on an individual basis, approve such units if the applicant, owner, or customer demonstrates that such brine waste will be discharged into a permanent facility other than a District sewer as approved by the plumbing codes of the cities of Irvine, Laguna Beach, Newport Beach, Orange,

Santa Ana, Tustin and the County of Orange or its successors, as may be applicable or as deemed justified by the District.

7.3.4 **Unpolluted Water.** Unpolluted water, such as single-pass cooling water, shall not be discharged through direct or indirect connection to a public sewer. The District may approve the discharge of such water only when no alternative method of disposal is reasonably available by issuing a Special Purpose Permit.

7.3.5 **Septic Tank and Cesspool Wastes.** Discharges of septic tank, or cesspool wastes, into the public sewer or directly into the treatment plant facilities is prohibited.

7.3.6 **Temperature.** No person shall discharge wastewater with a temperature higher than 140°F (60°C). Heat in discharged wastewater shall not cause the temperature of wastewater entering the headworks of any wastewater treatment plant to exceed 104°F (40°C).

7.3.7 **Point of Discharge.** No person, except District personnel involved in maintenance functions of sewer facilities, shall discharge any water, wastewater or any substance directly into a manhole or other opening in a sewer other than through an approved building sanitary sewer, unless upon written application by the user and approved by the District and payment of the applicable charges for use and fees.

7.3.8 **Wastewater Strength Limitations**

- (1) No person shall discharge wastewater containing substances in excess of the quantities or concentrations listed in Exhibit B, Schedule of Rates and Charges, to these Rules and Regulations entitled “Discharge Limits”, or containing other materials, or having other characteristics, including, but not limited to, ammonia, biochemical oxygen demand (BOD), chemical oxygen demand, total organic carbon, suspended solids, oil or grease of animal or vegetable origin, total dissolved solids, and phenolic compounds in quantities that may cause or are found to cause problems, pass through, or interference with the sewerage facilities.
- (2) No person shall discharge wastewater containing in excess of 0.01 mg/l of pesticides as a daily maximum, to include, but not limited to the following: DDT (dichlorodiphenyltrichloroethane, both isomers), DDE (dichlorodiphenylethylene), DDD (dichlorodiphenyldichloroethane), Aldrin, Benzene Hexachloride (alpha, beta, and gamma isomers), Chlordane, Endrin, Endrin aldehyde, TCDD (2,3,7,8-tetrachlorodibenzo-p-dioxin), Toxaphene (alpha)-Endosulphan, (beta)-Endosulphan, Endosulphan sulfate, Heptachlor, Heptachlor epoxide, and Dieldrin.
- (3) No person shall discharge wastewater containing in excess of 0.01 mg/l of polychlorinated biphenyls as a daily maximum to include, but not limited to the following: Aroclors 1016, 1221, 1228, 1232, 1248, 1254, 1260, and 1262.

7.3.9 **Prohibition on Dilution.** No user shall increase the use of water in, or in any other manner attempt to dilute, a discharge as a partial or complete substitute for treatment to achieve compliance with these Rules and Regulations and the user's permit or to establish an artificially high flow rate for permit mass emission rates.

7.3.10 **Prohibition on Infectious Waste.** The District shall have the authority to require that any discharge of an infectious waste to the sewer be rendered non-infectious prior to discharge if the infectious waste is deemed to pose a threat to the public health and safety, or will result in any violation of applicable waste discharge requirements.

7.3.11 **Limitations on Disposal of Spent Industrial Solutions and Sludges**

(1) Spent solutions, sludges, and materials of quantity or quality in violation of, or prohibited by these Rules and Regulations, or any permit issued under these Rules and Regulations must be disposed of in a legal manner at a legally acceptable point of disposal as defined by the appropriate Regulatory Agency. All waste manifests shall be retained for a minimum of three years, and made available to the District upon request.

(2) No person shall batch dump to the District's sewerage facilities. Non-compliance fees applicable for such discharge will be as shown in Exhibit B, Schedule of Rates and Charges.

7.3.12 **New or Increased Pollutant Discharge.** No person shall increase the discharge of existing pollutants or discharge new pollutants that do not meet pretreatment standards, local limitations, or other requirements, or cause the District to violate any permit condition or limitation.

7.3.13 **Mass Emission Rate Determination.** 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 a part of each user's permit. These rates shall be based on Local Discharge Limits contained in Exhibit C or Federal Categorical Pretreatment Standards, and the discharger's average daily wastewater discharge for the past three years, the most recent representative data, or other data acceptable to the General Manager or their designee.

7.4 WASTEWATER DISCHARGE PERMITS

7.4.1 **General.** In addition to District connection charges required by these Rules and Regulations, all significant industrial users, proposing to connect to or discharge into the District's sewerage facilities must first obtain a Wastewater Discharge Permit. No vested right shall be deemed given by issuance of permits provided for in this document. The issuance of a Wastewater Discharge Permit does not authorize the commission of any act causing injury to the person or property of another, nor relieve the discharger from compliance with, or protect the discharger from liability under Federal, State or local laws, nor guarantee the discharger a capacity right in the District's sewerage facilities.

7.4.2 Permit Application Procedure

Applicants for Wastewater Discharge Permits shall complete an application form available at the District's office. This application shall be accompanied by the applicable fees.

As part of the permit application process the District may require the submittal of detailed plans for a review of existing or proposed construction of pretreatment facilities, spill containment facilities, monitoring and metering facilities, and operating procedures. The approval of the District shall be received prior to the start of construction. This review of 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 meet the requirements of these Rules and Regulations or any requirements of other Regulatory Agencies.

If required the user shall submit four (4) copies of all drawings for review. All drawings shall include the following:

- (1) North arrow.
- (2) Scale size.
- (3) User name and address.
- (4) Drawing name and drawing number.
- (5) Date drawn or revised.
- (6) Name of drafter and person approving drawing.

These scaled drawings shall include but not be limited to depictions of the manufacturing process (waste generating sources), spill containment, pretreatment facilities, and monitoring/metering facilities. Schematic drawings of pretreatment facilities may be required. The District may also require that drawings be signed and sealed by a California Registered Chemical, Mechanical, or Civil Engineer.

Upon receipt of all required information, the application shall be processed and, upon approval, a permit will be issued, signed by a District representative, and returned to the applicant. When properly signed, the permit together with any documents attached thereto shall constitute a valid Wastewater Discharge Permit for the time period specified therein. Where the discharger becomes aware that relevant facts were omitted or incorrect information was submitted in the application, the facts or corrected information shall be promptly submitted to the District and the permit shall be amended if appropriate.

- 7.4.3 **Permit Conditions.** Wastewater Discharge Permits shall be expressly subject to all provisions of these Rules and Regulations and all other regulations, user charges and fees established by the District. The conditions of wastewater discharge permits shall be uniformly enforced by the District in accordance with these Rules and Regulations and applicable state and federal regulations. Permits may contain the following:

- (1) The unit charge or schedule of user charges and fees fixed in this section for the sewage to be discharged;
- (2) The average and maximum sewage constituents and characteristics which may be discharged into the District's sewerage facilities;
- (3) Limits on rate and time of discharge or requirements for flow regulations and equalization;
- (4) Requirements for installation of inspection and sampling facilities;
- (5) Pretreatment requirements;
- (6) Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types and standards for tests and reporting schedule;
- (7) Requirements for submission of technical reports or discharge reports;
- (8) Requirements for maintaining plant records relating to sewage discharge as specified by the General Manager, and affording the General Manager access thereto;
- (9) Mean and maximum mass emission rates, or other appropriate limits when non-compatible pollutants are proposed or present in the user's sewage discharge;
- (10) A time schedule for meeting certain pretreatment requirements;
- (11) Other conditions as deemed appropriate by the General Manager to insure compliance with this section.

7.4.4 **Duration of Permits.** Permits shall be issued for a specified time period, not to exceed four years. If the user is not notified by the District ninety days prior to the expiration of the permit, the permit shall be extended one additional year. The terms and conditions of the permit are subject to modifications and change by the District and OCSD during the life of the permit as limitations or requirements are modified and changed. The user shall be informed of any proposed changes in his permit at least thirty days prior to the effective date of change. Any change or new conditions in the permit shall include a reasonable time schedule for compliance.

7.4.5 **Transfer of a Permit.** Wastewater Discharge Permits are issued to a specific operation. A Wastewater Discharge Permit shall not be reassigned or transferred or sold to a new owner or lessee, new user, different premises, or a new or changed operation. In the event of any change in the name, ownership or control of the discharger's operation or a change in the operation itself, the discharger shall so notify the District. The District may require the new owner or operator to submit a new permit application.

7.4.6 **Permit Renewal or Modification.** An industrial discharger shall file a new application with the District sixty days prior to the expiration of its existing waste discharge permit, or the implementation of changes in the operation of a discharger which increase flows beyond that specified in the existing permit or cause a significant change in the nature of the wastewater or location of the discharge, or which changes may result in non-compliance with these Rules and Regulations. A new application shall also be required to reestablish sewer service following revocation of a permit or upon disclosure of omitted relevant facts or incorrect information submitted in an application.

7.4.7 **Pretreatment.** Users shall make sewage acceptable under such limitations as may be established herein before discharging to the District's sewerage facilities. Any facilities required to pretreat sewage to a level acceptable to the District and OCSD shall be provided and maintained at the user's expense. Detailed plans, specifications and other pertinent data showing the pretreatment facilities and operating procedures shall first be submitted to the General Manager for review, and shall be approved by the General Manager before construction of the facility. These plans shall be signed by an engineer or responsible officer certifying that they will meet the pretreatment requirements. The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the District under provisions of this section. Any proposed changes in the pretreatment facilities or method of operation subsequent to issuing a permit shall be reported to and be approved by the General Manager before implementing such changes. Such approval of plans or changes therein shall not exempt the user from compliance with any applicable code, ordinance, rule, regulation or order of any regulatory agency or governmental authority.

7.4.8 **Protection from Accidental Discharge.** Each user shall prevent accidental discharge to the public sewer of prohibited wastes or other materials regulated by these Rules and Regulations or Federal categorical pretreatment standard by providing spill containment facilities. Such facilities shall be provided and maintained at the user's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the General Manager for review, and shall be approved by the General Manager before construction of the facility and before making any changes therein. The review and approval of such plans and operating procedures or change therein will in no way relieve the user from the responsibility of modifying the facility as necessary to provide the protection necessary to meet the requirements of this section or any other applicable code, ordinance, rule, regulation or order of any regulatory agency or governmental authority.

7.4.9 **Procedure for Accidental Discharge.**

- (1) In the event the discharger is unable to comply with any of the permit conditions due to a breakdown of waste treatment equipment, accidents caused by human error or acts of God, the discharger shall notify the

District by telephone as soon as he or his agents have knowledge of the incident, but within 24 hours. Confirmation of this notification shall be made in writing within two weeks of the telephone notification. The written notification shall include pertinent information explaining reasons for the non-compliance and shall indicate what steps were taken to correct the problem and the date of the incident, as well as what steps are being taken to prevent the problem from recurring and the results of repeat sampling and analyses.

- (2) If it can be shown that the discharge is the cause of the District violating its discharge requirements or incurring extraordinary operational expenses or suffering loss or damage to the sewerage facilities, then that discharger may be responsible for any costs or expenses, including assessments by other agencies or the court, incurred by District.

7.4.10 **Types of Permits.** The Wastewater Discharge Permit shall be in one of three forms and is dependent upon the volume and characteristics of wastewater to be discharged. The three Wastewater Discharge Permits are a Class I Permit, a Class II Permit, and a Special Purpose Permit.

- (1) **Class I Permit.** All Class I Users discharging or proposing to discharge into the District's sewerage facilities must obtain a Class I Wastewater Discharge Permit jointly issued by the District and OCSO before discharging.
- (2) **Class II Permit.** A Class II permit shall be required for all Class II Users who are not required to obtain a Class I permit. The purpose of a Class II permit is to facilitate the collection of compatible pollutant surcharges from the user. All Class II Users discharging or proposing to discharge into the District's sewerage facilities must obtain a Class II Wastewater Discharge Permit by filing an application pursuant to Section 7.4.2.
- (3) **Special Purpose Permit**
 - (a) A special purpose permit shall be required for a user proposing to discharge storm water, groundwater, surface runoff, subsurface drainage, or unpolluted water directly or indirectly to the District's sewerage facilities. This permit may be granted when no alternative method of disposal is reasonably available, or to mitigate an environmental risk or health hazard. The applicant shall bear the burden of demonstrating that no alternative method of disposal is reasonably available.
 - (b) Applicants seeking a special purpose wastewater permit shall complete and file with the District, prior to commencing discharge, an application in the form prescribed by the District. This application shall be accompanied by the applicable fees, plumbing

plans, a detailed analysis of the alternatives for disposal, or other data needed by the District for review.

- (c) Discharge conditions and limitations shall be no less stringent than Section 7.3 of these Rules and Regulations and Article 2 of the OCSD Ordinance. For constituents not listed in Section 7.3 of these Rules and Regulations or in Article 2 of the OCSD Ordinance, the District shall exercise its sole discretion to base conditions and limitations on the California Toxics Rule and other water quality criteria.
- (d) Monitoring requirements contained in the Special Purpose Permit for storm water, groundwater, surface runoff, subsurface drainage, or unpolluted water shall be for those non-compatible pollutants known or suspected to exist in the discharge and at least one analysis prior to sewer discharge shall be performed for all constituents contained in the most current Environmental Protection Agency (EPA) "Priority Pollutant" list, excluding Asbestos, and in other water quality criteria deemed appropriate by the District.

7.4.11 **Monitoring.** Management of a pollution control program requires a constant flow of information on the quantity and quality of discharges into the District's sewerage facilities. The monitoring of discharges serves three specific purposes. These purposes include ascertaining compliance with the Rules and Regulations, completion of necessary discharge reports as required, and determination of user charge fees, if applicable. There are several modes of a monitoring program. Self-Monitoring develops a data base, and provides the necessary information for determination of compliance and calculation of user charges, if applicable. This monitoring is performed by the user. Scheduled Monitoring is a systematic sampling and inspection survey of all industrial contributors to the District's sewerage facilities in accordance with a predetermined schedule. Unscheduled Monitoring is a random spot check of users to ascertain permit compliance. Demand Monitoring is conducted when some disruption of the District's sewerage facilities develops. The District will perform scheduled, unscheduled and demand monitoring to ensure compliance with the provisions of the Rules and Regulations and permits, and will review self-monitoring reports.

7.4.12 **Self-Monitoring.**

- (1) Users required to obtain a Wastewater Discharge Permit may be required to develop a self-monitoring and reporting program. The frequency of self-monitoring and reporting will be based on the following criteria as evaluated by the District:
 - (a) The effect of the discharger's wastewater on the District's sewerage facilities;

- (b) The degree of toxic materials which may pass through the treatment plant;
 - (c) The need to ensure that any pretreatment standards are met;
 - (d) The size, nature, and type of the industrial wastewater discharge;
 - (e) The extent to which the user could contribute to violation of the District's discharge requirements.
- (2) Self-monitoring programs include, at minimum, the following:
- (a) A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics.
 - (b) For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible.
 - (c) Where flow proportional composite sampling is infeasible, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) grab samples where the User demonstrates that this will provide a representative sample of the effluent being discharged.
- (3) Samples collected shall be in accordance with proper sampling and handling techniques outlined in the latest edition of "Standard Methods" or that publication entitled "Methods for Chemical Analysis of Water and Wastes" published by the EPA, or other appropriate method approved by the Regional Board.

7.4.13 Monitoring and Metering Facilities

The General Manager may require the user to construct at his own expense monitoring and metering facilities to allow inspection, sampling and flow measurement of the sewage or internal drainage systems. The General Manager may also require sampling and metering equipment to be provided, installed and operated at the user's expense. The monitoring and metering facility should normally be situated on the user's premises. When such a location would be impractical or cause undue hardship on the user, the user may construct such facilities in the public right-of-way provided said user has obtained any and all permits required therefore and that such equipment is located so that it will not be obstructed by landscaping or parked vehicles. If the monitoring and metering facility is inside the user's fence, there shall be accommodations to allow access for District personnel, such as a gate secured with a District lock. There shall be ample room in or near such monitoring and metering facility to allow accurate sampling and compositing of samples for analysis. The monitoring and metering facility and sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. Whether constructed on public or private property, the monitoring and metering facilities shall be provided in accordance with the District requirements and all applicable construction standards and specifications. Construction shall be

completed within ninety days following written notification by the General Manager, unless a time extension is otherwise granted by the General Manager.

7.4.14 Inspection and Sampling

The District shall inspect the wastewater generating and disposal facilities of any user to ascertain whether the intent of these Rules and Regulations is being met and the user is complying with all requirements. Persons or occupants of premises where wastewater is created or discharged shall allow the District or its representatives ready access during the normal working day to all parts of the wastewater generating and disposal facilities and monitoring and metering facilities for the purposes of inspection and sampling. The District shall have the right to set up on the user's property such devices as are necessary to conduct sampling or metering operations. Where a user has security measures in force, the user shall make necessary arrangements so that personnel from the District will be permitted to enter without delay for the purpose of performing their specific responsibilities.

7.4.15 Discharge Reports

An industrial user discharging or proposing to discharge sewage into the District's sewerage facilities shall be required to file discharge reports periodically or at anytime requested by the District. Industrial users subject to Federal categorical pretreatment standards, shall submit to the District by June 30 and December 31, unless required more frequently by the standard or by the District, a report indicating the nature and concentration of pollutants in the discharge which are limited by such categorical pretreatment standards. Reports generated by OCSD may serve to meet this requirement. In addition, this report shall include a record of flows as required by the District. The District may agree to alter the months during which the reports are to be submitted based on an industrial user's high or low flow rates, holidays, budgets, etc.

Where the District has imposed mass limitations on an industrial user, the report shall indicate the mass of pollutants regulated by the pretreatment standards in the discharge of the industrial user. Where the District has imposed equivalent mass or concentration limits on an industrial user, the report shall contain a reasonable measure of an industrial user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of pollutant discharge per unit of production, the report shall include the industrial user's actual average production rate for the reporting period.

The District may also require an industrial user to include other information in the report including, but not limited to hours of operation, number and classification of employees, and quantities of liquid or gaseous materials stored on site even though they may not be discharged. Industrial users who monitor more frequently than required by permit must report the results of such monitoring.

Industrial users required to submit these reports or to keep other records under the conditions of their permit shall retain for three years all records of monitoring activities including dates, times, exact places, methods, names of persons who sampled and analyzed the discharge, and results of analysis, and shall make such records available for inspection and copying by the

Regional Board, and the District. This period of retention may be extended during the course of any unresolved litigation regarding the User or the District, when requested by the Regional Board.

These reports shall be signed per Section 7.4.20 of the Rules and Regulations.

7.4.16 Confidential Information. All information and data on a user obtained from reports, questionnaires, permit applications, permits, monitoring programs, and from inspections shall be available to the public or other governmental agencies without restriction unless the user specifically requests confidentiality and is able to demonstrate to the satisfaction of the General Manager that the release of such information would divulge information, processes or methods which would be detrimental to the user's competitive position. Any such claim must be asserted at the time of submittal of the information by stamping the words "confidential business information" on each page containing such information. If a claim is so asserted, the District will treat the information in accordance with Chapter 40, Code of Federal Regulations, Part 2. When requested by the person furnishing a report or other document, the portions of a report or document which might disclose trade secrets or secret processes shall not be made available to the public, but shall be made available to governmental agencies; and such portions of a report or document shall be subject to use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report or document. Sewage constituents and characteristics will in no instance be recognized as confidential information.

7.4.17 Toxic Solid Wastes. Industrial dischargers identified as generators of toxic solid wastes shall be notified by the District of applicable requirements promulgated under the Solid Waste Disposal Act, and the Resource Conservation and Recovery Act (RCRA) and shall be referred to the State of California Department of Health Services. The foregoing provision shall in no way relieve the discharger of full responsibility for ascertaining and complying with all such requirements.

7.4.18 Hazardous Waste Discharge

(1) All industrial dischargers are required to file a one-time notification with the District of the discharge of wastes which, if otherwise disposed of, would be considered RCRA hazardous wastes. Industrial dischargers which discharge more than 220 pounds (100 kilograms) of RCRA classified wastes per month must include in the notification an identification of hazardous constituents, estimates of mass and concentration on a monthly basis for twelve consecutive months. Industrial dischargers who discharge less than 33 pounds (15 kilograms) per month of non-acute hazardous waste as defined by RCRA do not have to report under this Section. In addition, industrial dischargers need not report pollutants already addressed under self-monitoring, baseline monitoring, and other periodic compliance reports.

- (2) Industrial dischargers subject to this Section are required to certify that they have developed a program to reduce the volume or toxicity of hazardous wastes generated to the degree it has been determined to be economically practical.

7.4.19 Baseline Monitoring Reports. All dischargers may be required to comply with applicable mandatory toxic waste and pretreatment standards promulgated in accordance with Sections 307 and 308 of the Federal Water Pollution Control Act, or amendments thereto. Within 180 days of the date such pretreatment standards are promulgated, or become applicable to the discharger, dischargers subject to the standards shall submit a baseline monitoring report to the District and to the U.S. Environmental Protection Agency detailing, in accordance with Section 403.12, Chapter 40, Code of Federal Regulations, as amended, the discharger's compliance status with the regulations. If the discharger is in non-compliance, the report shall include a time schedule outlining how the discharger will achieve compliance within the date established for the applicable pretreatment standards. Progress reports, monitoring and reports of compliance shall also, as required by Section 403.12, be submitted by the discharger at the specified times.

7.4.20 Signatory Requirements. All reports and permit applications required by the District for satisfying Federal Regulations 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 Federal Pretreatment Requirements.”

This statement shall be signed by a manager and the person responsible for environmental matters of the industrial user as defined in 40 CFR 403.12 (1) (1-4).

7.5 CHARGE FOR USE

7.5.1 General

The purpose of a charge for use is to insure that each recipient of sewerage service from the District pays its reasonably proportionate share of all the costs of providing that sewerage service. Charges for use shall be used to recover the total cost of operation and maintenance, including the conveying, treating and disposing of wastewater in the District's sewerage facilities, as well as capital expenditures and reserve requirements for providing wastewater collection treatment and disposal. In addition, they will be used to reimburse District for the cost of monitoring and enforcement of these Rules and Regulations. Charges for sewerage service use will be the District's non-residential service/quantity/commodity rates as specified in the District's Schedule of Rates and Charges, based on return of metered water to the sewer. Dischargers may, upon request to the District, be permitted to have the amount of water being discharged into the sewer determined by means acceptable to the District. In lieu of the rates specified in the Schedule of Rates and Charges, upon request by the discharger and at the sole discretion of the District, an alternative service charge may be applied pursuant to Section 7.5.2

of these Rules and Regulations. Additional fees will be levied by the District for compatible or non-compatible pollutants in excess of those amounts specified in the user permit.

7.5.2 **Alternative Service Charge.** Dischargers may request the application of an Alternative Service Charge for use. The acceptance of such requests and the formation and continuing application of an Alternative Service Charge shall be at the sole discretion of the District. The Alternative Service Charge shall be based on the quantity and quality of water being discharged to the sewer from the discharger's facility, measured by a means acceptable to the District. The District may revise an Alternative Service Charge, or discontinue the application of an Alternative Service Charge to a discharger and apply the rates specified in the Schedule of Rates and Charges, if the District determines, in its sole discretion, that the Alternative Service Charge does not adequately recover costs in accordance with the purposes described in Section 7.5.1; such action may, but need not, be taken in conjunction with any enforcement remedies under Section 7.6.

(1) **Determination of Flow.** There are three methods for determining the volume of wastewater discharged into the sewer: direct measurement, metered water supply, or adjusted metered water supply. Those users exceeding 10% of the design capacity of any District sewerage facility may be required to provide a continuous, automatic total flow measurement system incorporating flow indication, totalization, and recording of the wastewater flow (direct measurement system). Those users not required to have a continuous wastewater flow measurement system shall use metered water supply or adjusted metered water supply measurements to determine flow. The District shall approve the method of wastewater flow measurement to be used in each instance.

- (a) **Direct Measurement.** Direct Measurement reports the volume of industrial wastewater determined by a full time flow meter, measuring the wastewater leaving the plant.
- (b) **Metered Water Supply.** Metered water supply reports the amount of industrial wastewater discharged when the flow volume is a measurement of the total water entering the user's plant. This amount can be taken from water bills or flow measuring device which measures the intake of water from either the District, water wells, or other sources.
- (c) **Adjusted Metered Water Supply.** Adjusted metered water supply reports the amount of industrial wastewater discharged when amounts of water consumed in plant operations are subtracted from the total volume of metered water entering the plant. This results in a calculated rather than a measured flow volume of industrial wastewater leaving the plant. The adjusted metered water supply is determined by deducting measured quantities of water consumed in plant operations from the metered water supply.

(2) **Determination of Biological Oxygen Demand (BOD) and Suspended Solids (SS).**

- (a) The BOD and SS concentrations in the discharged wastewater shall be determined in accordance with the results of analytical tests performed on samples collected by the District and/or discharger and in a manner specified by the District. The frequency of sampling to determine wastewater strength shall be determined by the District.
 - (b) The samples collected shall be in accordance with proper sampling and handling techniques outlined in the latest edition of “Standard Methods for the Examination of Water and Wastewater” (American Public Health Association), and/or 40 CFR 136 “Guidelines Establishing Test Procedures for the Analysis of Pollutants”, promulgated by the EPA or other appropriate methods approved for use by the Regional Board. Samples collected shall be delivered to a California State Certified Laboratory for analysis within the holding period of the sample. The District may require samples to be split for concurrent analyses.
- (3) The Alternative Service Charge for District approved dischargers shall be computed by the following formula:

$$\text{Charge for use} = \mathbf{VRv} + \mathbf{BRb} + \mathbf{SRs}$$

Where **V** = total volume of flow, in hundred cubic feet

B = total discharge of biochemical oxygen demand, in pounds

S = total discharge of suspended solids, in pounds

Rv,Rb,Rs = unit charge rates for volume, BOD, and suspended solids, respectively, adopted and adjusted as needed by the District Board of Directors as shown in Exhibit B, Schedule of Rates and Charges.

Each unit rate shall be based on the amount attributable to the respective component as a proportionate share of the total cost for operations and maintenance, capital expenditures, debt service, and reserve requirements for providing wastewater collection, treatment, and disposal in dollars per unit. Other measurements of the organic content of the wastewater of a discharger, such as COD or TOC may be used instead of BOD when BOD is not applicable. However, the discharger must establish for the District a relationship between the BOD of his wastewater and the other measured parameter to convert the other parameter to an equivalent BOD. This relationship shall be used by the District in determining the Alternative Service Charge for use. When wastewater from typical domestic use facilities is discharged separately from the other wastewaters of a discharger, the charge for use for discharging the domestic wastewater may be determined by using the following:

- (1) 10,000 gallons per employee per year; and,

(2) 20 pounds of suspended solids per employee per year; and,

(3) 20 pounds of BOD per employee per year. (The number of employees will be considered at the average of people employed full time on a daily basis. This may be determined by averaging the number of people employed at the beginning and ending of each quarter, or other period that reflects normal employment fluctuations.)

7.5.3 Special Purpose Discharge Permit Charge for Use. A charge for use to cover all costs of the District for providing sewerage service and monitoring shall be established by the General Manager. 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.

7.5.4 Charges for Non-Compliance

(1) Non-compliance with permit requirements, mass emission rate limits, concentrations, and/or these Rules and Regulations may be determined by an analysis of a grab or composite sample of the discharge of a permittee.

(2) If routine sampling of the discharge of a permittee reveals non-compliance by the permittee with the mass emission rates or other conditions and limitations specified in the permittee's discharge permit, or with any provisions of these Rules and Regulations, then the permittee shall pay fees to the District as specified in Exhibit B, Schedule of Rates and Charges. The purpose of the non-compliance fees is to compensate the District for additional costs of 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 7.6.2, 7.6.3, and 7.6.4, and charges under Section 7.5.8.

(3) Upon discovery of non-compliance with any pretreatment standard and requirement, the District shall be authorized to immediately proceed with enforcement action against the industrial user as outlined in Section 7.6. The user's status shall remain in violation until all necessary steps have been taken to restore or achieve compliance.

7.5.5 Damage to Facilities or Interruption of Normal Operations

(1) When a discharge of wastes causes an obstruction, interference, damage, or any other impairment to District's operation or facilities, the District may assess a charge to the discharger for the work required to clean or repair the facility or costs incurred to resume normal operations and such discharge shall be grounds for permit revocation. A service fee of 25 percent of District's costs shall be added to these charges and shall be payable within forty five (45) days of invoicing by the District.

- (2) If it can be shown that the discharge is the cause of the District violating its discharge requirements established by any Regulatory Agency or incurring additional expenses or suffering losses or damage to the sewerage facilities, then that discharger shall be responsible for any costs or expenses incurred by the District, including regulatory fines, penalties, and assessments made by other agencies or a court.

7.6 ENFORCEMENT

7.6.1 Duty of Enforcement

- (1) The General Manager is hereby charged with the duty of enforcing this Section. The provisions of this Section shall be applicable to any discharge and any building, structure or property temporarily or permanently connected to the District's sewerage facilities, whether the same is owned, operated or controlled by a private party or by a public agency, other than the District, or quasi-public agency, corporation or association.
- (2) The District shall have legal authority to obtain remedies for non-compliance by industrial users with any pretreatment standard and requirement, including the authority to seek injunctive relief. The District shall have authority and procedures (after informal notice to the discharger) to immediately and effectively halt or prevent any discharge of pollutants which may constitute an imminent endangerment to the health or welfare of persons or to the environment, or cause interference with the operation of any treatment plant.
- (3) In addition to such other penalties as may be prescribed for a violation of these Rules and Regulations, whenever the General Manager finds that a discharge of waste has been taking place in violation of any prohibitions or limitations prescribed herein or pretreatment standards promulgated in accordance herewith, he may require the user to submit for his approval best management practice plans (BMPs) wherever necessary to implement the District's pretreatment program (e.g. plans ensuring industrial users conduct necessary routine maintenance, cleaning operations, chemical storage practices, segregation of wastes for reclamation, reduction of contaminated runoff, etc.). Any failure to comply with such BMPs shall likewise be deemed a violation of this article.

7.6.2 **Enforcement Remedies.** The District may, at its discretion, utilize any one, combination, or all enforcement remedies provided in Section 7.6 in response to any violation of a permit or these Rules and Regulations.

7.6.3 Probation Order

- (1) In the event that it is determined that a user has discharged in violation of any provision of these Rules and Regulations, or the terms, conditions and limitations of its discharge permit, or has not made payment of all amounts owed to the District for user charges, non-compliance fees, or any other fees,

the General Manager may issue a Probation Order, whereby the user must comply with all directives, conditions, and requirements therein within the time prescribed.

- (2) The Probation Order may contain terms and conditions including, but not limited to, installation of pretreatment equipment and facilities, submittal of drawings or technical reports, payment of fees, limits on rate and time of discharge, or other provisions to ensure compliance with these Rules and Regulations.
- (3) If at any time while a Probation Order is in effect, a user discharges wastewater to the District's sewerage facilities which is not in compliance with the Probation Order, the terms, conditions, or the limitations specified in the user's discharge permit, or with any provision of these Rules and Regulations, then the user shall pay fees to the District as specified in Exhibit B, Schedule of Rates and Charges, and the user may be assessed all other costs incurred during the sampling, including labor, equipment, materials, and overhead. The user may also be subject to permit suspension pursuant to Section 7.6.2.4 of these Rules and Regulations.
- (4) A Probation Order issued by the General Manager shall be in effect for a period not to exceed ninety (90) days. Upon satisfactory compliance with the terms of the Probation Order and expiration thereof, any fees to be assessed due to subsequent non-compliance by user shall be in accordance with these Rules and Regulations, re-established at the rate set forth in Exhibit B, Schedule of Rates and Charges. All enforcement actions thereafter shall be based on applicable provisions of these Rules and Regulations.

7.6.4 Enforcement Compliance Schedule Agreement (ECSA)

- (1) Upon determination that a permittee is in non-compliance with the terms, conditions or limitations specified in its permit or any provision of these Rules and Regulations, 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 the 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, acquisition, and installation of required equipment related to pretreatment.
- (2) An ECSA shall have a maximum term of one hundred-eighty (180) days, and upon showing of good cause, including but not limited to reasonable progress under the terms of the ECSA, it may be extended by the General Manager for an additional period not to exceed one hundred-eighty (180) days. No further extensions shall be granted except on approval of the Board of Directors.

(3) The 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, or other provisions to ensure compliance with these Rules and Regulations.

(4) An ECSA shall not be approved by the District until such time as all amounts owed to the District, including fees, charges for use, Section 7.5.8 charges, non-compliance fees, deposits, or civil penalties are paid in full, or an agreement for deferred payment secured by acceptable collateral or a third party, is approved by the District. Failure to pay all amounts owed to the District shall be grounds for permit suspension or permit revocation as set forth in Sections 7.6.2.4 and 7.6.2.5.

(5) If, during the term of an ECSA, sampling reveals non-compliance by the permittee with the terms, conditions or limitations specified in the ECSA, the user's permit, or any provision of these Rules and Regulations, the permittee shall pay the fees as specified in Exhibit B, Schedule of Rates and Charges, and may be assessed all other costs incurred during the sampling, including labor, equipment, materials, and overhead.

(6) 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 Sections 7.6.2.4 and 7.6.2.5.

(7) If following the expiration of an ECSA, sampling reveals non-compliance by the permittee with the terms, conditions or limitations specified in the permit, or any provisions of these Rules and Regulations, the permittee shall pay an amount based on the fees set forth in Exhibit B, Schedule of Rates and Charges, for each violation.

(8) If the permittee remains in consistent compliance for a two-year period following ECSA expiration, then the fees shall be re-established in accordance with Exhibit B, Schedule of Rates and Charges. All enforcement actions thereafter shall be based on applicable provisions of these Rules and Regulations.

7.6.5 Regulatory Compliance Schedule Agreement (RCSA)

(1) 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 EPA, or in the event the District enacts revised discharge limitations, the General Manager, upon determination that an industrial user would not be in compliance with the future limitations, may require the industrial user to enter into a RCSA with the District 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.

(2) The 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 these Rules and Regulations.

(3) During the period said RCSA is in effect, any discharge by the permittee in violation of the RCSA will require payment of non-compliance fees as specified in Exhibit B, Schedule of Rates and Charges.

(4) Upon RCSA expiration, and in the event of non-compliance by the permittee, non-compliance fees shall be established in accordance with Exhibit B, Schedule of Rates and Charges. All enforcement actions thereafter shall be based on applicable provisions of these Rules and Regulations.

7.6.6 **Permit Suspension**

(1) **Conditions for Suspension.** The District may suspend any permit when a permittee:

- (a) Fails to comply with the terms and conditions of either an ECSA or RCSA.
- (b) Knowingly provides a false statement, representation, record, report, or other document to the District.
- (c) Refuses to provide records, reports, plans, or other documents required by the District to determine permit terms, conditions, or limitations, discharge compliance, or compliance with these Rules and Regulations.
- (d) Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or sample collection method.
- (e) Fails to report significant changes in operations or wastewater constituents and characteristics.
- (f) Violates a Probation Order.
- (g) Refuses reasonable access to the permittee's premises for the purpose of inspection and monitoring.
- (h) Does not make timely payment of all amounts owed to the District for user charges, non-compliance fees, penalties, deposits, or any other fees and charges.

- (i) Violates any condition or limitation of its discharge permit or any provision of the District's Rules and Regulations.
- (j) Discharges effluent that causes pass through or interference with the District's collection, treatment, or disposal facilities.
- (k) Fails to submit oral notice or written report of bypass occurrence.

(2) When the General Manager has reason to believe that grounds exist for permit suspension, he 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 a Department Head. The hearing date shall not be less than fifteen (15) calendar days nor more than forty-five (45) calendar days after the mailing of such notice.

- (a) 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.
- (b) After the conclusion of the hearing, the Department Head 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.
- (c) Upon receipt of the written report, the General Manager shall make his determination and should he find that grounds exist for suspension of the permit, he shall issue his decision and order in writing within thirty (30) calendar days after the conclusion of the hearing by the Department Head. The written decision and order of the General Manager shall be sent by certified mail to the permittee or its legal counsel or representative at the permittee's business address.

(3) Upon an order of suspension by the General Manager becoming final, the permittee shall have no right to discharge any industrial wastewater, directly or indirectly to the District's sewerage facilities for the duration of the suspension. All costs for physically terminating and reinstating service shall be paid by the permittee. Any owner or responsible management employee of the permittee shall be bound by the order of suspension. An order of permit suspension issued by the General Manager shall be deemed final upon delivery to the permittee, unless appealed to the Board of Directors pursuant to Section 7.6.2.9.

7.6.7 **Permit Revocation**

(1) **Conditions for Revocation.** The District may revoke any permit when it is determined that the permittee:

- (a) Knowingly provided a false statement, representation, record, report, or other document to the District.
- (b) Refuses to provide records, reports, plans, or other documents required by the District to determine permit terms, conditions, or other limitations, discharge compliance, or compliance with these Rules and Regulations.
- (c) Falsifies, tampers with, or knowingly rendered inaccurate any monitoring device or sample collection method.
- (d) Failed to report significant changes in operations or wastewater constituents and characteristics.
- (e) Failed to comply with the terms and conditions of an ECSA, permit suspension, or probation order.
- (f) Discharged effluent to the District's sewerage facilities while its permit is suspended.
- (g) Refused reasonable access to the permittee's premises for the purpose of inspection and monitoring.
- (h) Did not make timely payment of all amounts owed to the District for user charges, non-compliance fees, penalties, deposits, or any other fees and charges.
- (i) Discharged a batch dump to the District's sewerage facilities.
- (j) Discharged effluent that causes pass through or interference with the District's collection, treatment, or disposal facilities.
- (k) Failed to submit oral notice or written report of bypass occurrence.
- (l) Violated any condition or limitation of its discharge permit or any provision of the District's Rules and Regulations.

(2) **Notice of Hearing.** When the General Manager has reason to believe that grounds exist for revocation of a permit, he 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 a Department Head. The hearing date shall not be less than fifteen (15) calendar days nor more than forty-five (45) calendar days after the mailing of such notice.

(3) **Hearing Procedure.** 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.

(4) **Hearing Report.** After the conclusion of the hearing, the Department Head 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.

(5) **Manager's Determination.** Upon receipt of the written report, the General Manager shall make his determination and should he find that grounds exist for permanent revocation of the permit, he shall issue his decision and order in writing within thirty (30) calendar days after the conclusion of the hearing by the Department Head. The written decision and order of the General Manager shall be sent by certified mail to the permittee or its legal counsel or representative at the permittee's business address.

In the event that the General Manager determines to not revoke the permit he may order other enforcement actions, including, but not limited to, a temporary suspension of the permit, under terms and conditions that he deems appropriate.

Upon an order of revocation by the General Manager becoming final, the permittee shall permanently lose all rights to discharge any industrial wastewater directly or indirectly to the District's sewerage facilities. All costs for physical termination shall be paid by the permittee. Any owner or responsible management employee of the permittee shall be bound by the order of revocation. An order of permit revocation issued by the General Manager shall be deemed final upon delivery to the permittee, unless appealed to the Board of Directors pursuant to Section 7.6.2.9.

Any future application for a permit at a location within the District by any person subject to 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.

7.6.8 **Emergency Suspension.** The District may, by order of the General Manager without notice or hearing, suspend sewerage service when 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 with the District's sewerage facilities, or may cause the violation of any State or Federal Law or Regulation. An emergency suspension order is final and not appealable.

7.6.9 **Civil Penalties**

(1) **Imposition By Court.** Any permittee, discharger or other person who violates any provision of Section 7 of these Rules and Regulations, any permit condition, prohibition or effluent limitation, or any order, compliance schedule, suspension or revocation shall be civilly liable in a sum not to exceed twenty-five thousand dollars (\$25,000) a day for each violation. Pursuant to Sections 54739 and 54740 of the California Government Code, the District, upon order 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 under Federal or State law.

(2) **Imposition By Administrative Procedure.** Any permittee, discharger, or other person who violates any provision of Section 7 of these Rules and Regulations, any permit condition, prohibition or effluent limitation, or any order, compliance schedule, suspension or revocation shall be civilly liable in the following amounts, as applicable, imposed by the District pursuant to an administrative complaint: a sum not to exceed two thousand dollars (\$2,000) a day for failing or refusing to furnish technical or monitoring reports, a sum not to exceed three thousand dollars (\$3,000) a day for failing or refusing to comply with any compliance schedule, a sum not to exceed five thousand dollars (\$5,000) a day for each violation for discharges in violation of any waste discharge limitation, permit condition or other requirement issued, reissued or adopted by the District, and a sum not to exceed ten dollars (\$10) per gallon for any discharge in violation of any suspension, cease and desist order or other order, or prohibition issued, reissued or adopted by the District.

- (a) The District may proceed under Section 7.6.9(2) by issuing an administrative complaint to any person who violates any provision of Section 7 of these Rules and Regulations, any permit condition, prohibition or effluent limitation, or any order, compliance schedule, suspension or revocation, alleging the act or failure to act that constitutes the violation, the provisions of law authorizing civil liability to be imposed and the proposed civil penalty. The administrative complaint shall be served by personal delivery or certified mail on such person and shall inform the person that a hearing shall be conducted, within 60 days following service, before the General Manager. The person may waive the right to a hearing, in which case it shall not be conducted.
- (b) 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.
- (c) After the conclusion of the hearing, the General Manager shall make his determination and should he find that grounds exist for imposition of a civil penalty, he shall issue his decision and order in writing within thirty (30) calendar days after the conclusion of the hearing. If not appealed, the order shall be final on the 31st day after it is served on the person.
- (d) A person dissatisfied with the decision of the General Manager may appeal to the Board of Directors within thirty (30) days of notice of the General Manager's decision, in accordance with Section 7.6.11.

- (e) 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.
- (f) In the determination of the amount of the civil penalty, all relevant circumstances may be taken into consideration, 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 the corrective action, if any, attempted or taken by the person.
- (g) Payment of civil penalties shall be due within thirty (30) days of the date the order assessing the penalties becomes final. The amount of any civil penalties which have remained delinquent for a period of sixty (60) days from the date they are due shall constitute a lien against the real property of the discharger from which the discharge resulting in the imposition of the penalty originated. The lien shall have no force and effect until recorded with the county recorder and when recorded shall have the force and effect and priority of a judgment lien and continue for ten (10) years and be renewable in accordance with law.
- (h) Copies of the order shall be served by personal service or by registered mail upon the party served with the administrative complaint and upon other persons who appeared at the hearing and requested a copy of the order.
- (i) Any party 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, by filing in the court a petition for writ of mandate within thirty (30) days following the service of a copy of the decision and order issued by the Board of Directors.

7.6.10 Appeals To The General Manager

- (1) Any user, permit applicant, or permittee affected by any decision, action or determination made a Department Head may file a written request for an appeal hearing. The request must be made within fifteen (15) days of mailing of the decision. The request for a hearing shall set forth in detail all facts supporting the appellant's request.
- (2) The General Manager shall, within fifteen (15) days of receiving the request for appeal, provide written notice to the user 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 original decision shall be deemed final.

(3) At the hearing, the appellant shall have the opportunity to present information supporting its position concerning the staff'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.

(4) After the conclusion of the hearing, the General Manager shall prepare a written report setting forth a brief statement of facts found to be true, a determination of the issues presented, and conclusions. The General Manager shall make his determination whether to uphold, modify, or reverse the decision, action, or determination of the Department Head and shall issue his decision and order within thirty (30) calendar days of the hearing. The written decision and order of the General Manager shall be sent by certified mail to the appellant or its legal counsel or representative at the appellant's business address.

(5) The order of the General Manager shall be final in all respects fifteen (15) days after it is mailed to the appellant unless a request for hearing is filed with the Board of Directors pursuant to Section 7.6.2.9.

7.6.11 Appeals To The Board Of Directors

(1) If the General Manager's order is adverse to the user, permit applicant, or permittee, it may prior to the date that the General Manager's order becomes final, file a written request for a hearing by the Board of Directors accompanied by an appeal fee in an amount shown in Exhibit B, Schedule of Rates and Charges. 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.

(2) No later than sixty (60) days after receipt of the request for hearing, the Board of Directors shall either set the matter for hearing, or deny the request for hearing.

(3) The Board of Directors shall grant all requests for a hearing on appeals concerning administrative civil penalties, permit suspension or revocation. Whether to grant or deny the request for a hearing on appeals of other final decisions of the General Manager shall be at the sole discretion of the Board of Directors.

(4) The appeal fee shall be refunded if the Board of Directors denies a hearing or reverses or modifies the order of the General Manager. The fee is not refunded if the Board of Directors denies the appeal.

(5) A hearing shall be held by the Board of Directors within sixty (60) days from the date of determination granting a hearing, unless a later date is agreed to by the permittee 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.

(6) The Board Secretary shall within fifteen (15) days of the Board of Directors determination, provide written notice to the appellant by certified mail of the hearing date, time, and place, or the denial. If the hearing is denied, the General Manager's decision shall be final fifteen (15) days after the date such notice is mailed.

(7) At the hearing, the appellant shall have the opportunity to present written or oral evidence supporting its position concerning the original decision, action, or determination, in accordance with adopted Rules of Procedure of the Board of Directors.

(8) After the hearing, the Board of Directors shall make a determination whether to uphold, modify, or reverse the original decision, action, or determination as ordered by the General Manager.

(9) 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 or representative at the appellant's business address.

(10) 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.

- 7.7 **COSTS.** In addition to the penalties provided herein, the District may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated these rules and regulations, orders of the board or conditions of permits issued hereunder.
- 7.8 **OTHER PENALTIES.** Any violation of these Rules and Regulations which is also a violation of federal or state laws or regulations is, in addition to any enforcement penalties and proceedings contained in the Rules and Regulations, subject to enforcement penalties and proceedings applicable under such federal or state laws or regulations.
- 7.9 **FALSIFYING INFORMATION.** Any person who knowingly makes any false statement, representation, record, report, plan or other document filed with the district or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this regulation, shall violate these rules and regulations.
- 7.10 **PUBLISHED NOTICE OF NON-COMPLIANCE.** The names of industries in significant non-compliance with federal pretreatment standards shall be annually published by the district, in accordance with EPA requirements specified in 40 CFR 403.8(f)(2)(vii), in the largest daily newspaper published in the District service area.
- 7.11 **WAIVER OF PROVISIONS.** Waivers of federal categorical pretreatment standards and thus the provisions of these rules and regulations are prohibited under any circumstances

other than those authorized under section 403, general pretreatment regulations, of the clean water act.

7.12 CONFLICT. If any portion of this section pertaining to industrial waste discharge is inconsistent or in conflict with any other provisions of the district's rules and regulations as to such discharge, the provisions of this section will take precedence.

7.13 FATS, OILS AND GREASE CONTROL

7.13.1 **Purpose**

(1) The purpose of this regulation 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.

(2) This FOG regulation shall use the general definitions set forth in Section 7.2 and the additional definitions set forth in Section 7.11.2. The provisions of this regulation shall apply to the direct or indirect discharge of all wastewater or waste containing FOG carried to the sewer facilities of the District.

(3) To comply with Federal, State, and local policies and to allow the District to meet applicable standards, this regulation shall govern discharges of all wastewater or waste containing FOG carried to the sewer facilities of the District.

(4) This regulation 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.

(5) For convenience of reference, the District's regulations concerning discharges containing FOG are set forth in this Section 7.11. Notwithstanding compliance with this Section 7.11, discharges of wastewater or waste containing FOG to the sewer facilities shall also be subject to Section 7 generally and all other applicable requirements of these Rules and Regulations.

7.13.2 **Definitions.** The terms hereinafter set forth shall have the following meanings when used herein or in any permits or orders issued pursuant hereto. Terms used in this Section 7.11 and not defined below shall be as defined in Section 7.2.

BEST MANAGEMENT PRACTICES means schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the introduction of FOG to the sewer facilities.

CALIFORNIA PLUMBING CODE means Uniform Plumbing Code.

CHANGE IN OPERATIONS means 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.

EFFECTIVE DATE of this FOG Regulation means December 30, 2004.

EMULSIFY means to disperse (as an oil) in an emulsion or to convert two or more immiscible liquids into an emulsion.

FATS, OILS, AND GREASE (“FOG”) means any substance such as a vegetable or animal product that is used in, or is a byproduct of, the cooking or food preparation process, and that turns or may turn viscous or solidifies with a change in temperature or other conditions.

FOG CONTROL PROGRAM means the program required by and developed pursuant to RWQCB Order No. R8-2002-0014, Section (c)(12)(viii).

FOG CONTROL PROGRAM MANAGER means the individual designated by the General Manager 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 means 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 means a facility defined in California Uniform Retail Food Service Establishments Law (CURFFL), Health and Safety Code 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 it is 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.

GENERAL PERMIT CONDITIONS means the FOG Control Program General Permit Conditions.

FOOD GRINDER means 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 means 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 INTERCEPTOR or **INTERCEPTOR** means 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 means 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.

HOT SPOTS means Areas in sewer lines that have experienced sanitary sewer overflows or that must be cleaned or maintained frequently to avoid blockages of sewer system.

NEW CONSTRUCTION means any structure planned or under construction for which a sewer connection permit has not been issued.

REMODELING means 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, set forth in the FOG Control Program, 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) an increase in the net public seating area meeting the criteria specified in the FOG Control Program, (3) an increase in the size of the kitchen area meeting the criteria specified in the FOG Control Program, or (4) any change in the size or type of food preparation equipment.

SSO means sewer system overflow.

7.13.3 FOG Discharge Limitations, Prohibitions and Requirements – General

- (1) **FOG Discharge Prohibition.** 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) Food Service Establishment 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 is prohibited. Furthermore, all food grinders shall be removed from all existing Food Service Establishments within 180 days of the effective date of this FOG regulation, 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 is prohibited, 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, except as permitted in the FOG Control Program, is prohibited.
- (f) The use of biological additives for grease remediation or as a supplement to interceptor maintenance, without prior authorization from the FOG Control Program Manager, is prohibited.
- (g) Discharge of wastes from toilets, urinals, and other fixtures containing fecal materials to sewer lines intended for grease interceptor service, or vice versa, is prohibited.
- (h) 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 wastehailed periodically as part of the operation and maintenance requirements for grease interceptors.
- (i) Increasing the use of water or in any other manner attempting to dilute a discharge as a partial or complete substitute for treatment to achieve compliance with this Section 7.11 and the FOG Wastewater Discharge Permit is prohibited.

- (j) Any other prohibited practice identified in the FOG Control Program from time to time, is prohibited.

(3) **FOG Wastewater Discharge Permit Required.** No person shall discharge, or cause to be discharged any wastewater from a Food Service Establishment directly or indirectly into the sewer system without first obtaining a FOG Wastewater Discharge Permit if required by the District pursuant to Section 7.11.6.

(4) **Best Management Practices Required.** Food Services Establishments shall implement Best Management Practices in their 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 is essential in minimizing FOG discharge.

7.13.4 **FOG Pretreatment.** Food Service Establishments are required to install, operate and maintain approved type and adequately sized grease interceptors necessary to maintain compliance with the objectives of this Section 7.11. Grease interceptors 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:

(1) **New Construction of Food Service Establishments.** New construction of Food Service Establishments after the effective date of this FOG regulation shall include and install grease interceptors prior to commencing discharges of wastewater to the sewer system.

(2) **Existing Food Service Establishments**

(a) For Food Service Establishments existing on the effective date of this FOG regulation, 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 FOG regulation (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.

(b) Existing Food Service Establishments that have reasonable potential to adversely impact the sewer system or have sewer laterals connected to hot spots, as determined by the FOG Control

Program Manager, shall install grease interceptors within 180 days of the effective date of this FOG regulation.

- (c) Existing Food Service Establishments undergoing remodeling or a change in operations, or Food Service Establishments that change ownership, shall be required to install a grease interceptor.

(3) **Variance from Grease Interceptor Requirements.** A variance from the grease interceptor requirements to allow alternative pretreatment technology, that is at least equally effective in controlling the FOG discharge, in lieu of a grease interceptor may be granted to Food Service Establishments demonstrating that it is impossible or impracticable to install, operate or maintain a grease interceptor. The applicant shall bear the burden of demonstrating that the alternative method of disposal is at least equally effective. The FOG Control Program Manager's determination to grant a variance will be based upon, but not limited to, evaluation of the following conditions:

- (a) There is no adequate space for installation and/or maintenance of a grease interceptor.
- (b) 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.
- (c) The Food Service Establishment can justify that the alternative pretreatment technology is equivalent to 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.

(4) **Conditional Waiver from Installation of Grease Interceptor.** A conditional waiver from installation of a grease interceptor may be granted for Food Service Establishments that have been determined to have negligible FOG discharge and insignificant impact to the sewer system. 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:

- (a) 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.

- (b) Adequacy of implementation of Best Management Practices and compliance history.
- (c) 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.
- (d) Changes in operations that significantly affect FOG discharge.
- (e) Any other condition deemed reasonably related to the generation of FOG discharges by the FOG Control Program Manager.

(5) Reserved.

(6) **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. Terms and conditions for issuance of a variance to a Food Service Establishment shall be set forth in the permit. 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.

(7) **Grease Interceptor Serving Multiple Food Service Establishments on a Single Parcel.** 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.

7.13.5 Sewer System Overflows, Public Nuisance, Abatement Orders and Cleanup Costs

(1) Notwithstanding the three-year amortization period established in Section 7.11.4.2, 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 or threaten to cause 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.

(2) Sewer blockage, SSOs, obstruction, interference, damage, or any other impairment to the District's sewer facilities or to the operation of those facilities, and any discharge of a waste which causes or contributes to the District's violating its discharge requirements established by any Regulatory Agency or incurring additional expenses or suffering losses or damage to the facilities, shall be subject to Section 7.5.8.

7.13.6 FOG Wastewater Discharge Permits for Food Service Establishments

(1) FOG Wastewater Discharge Permit Required

- (a) If required by the District under criteria established in the FOG Control Program, 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. This requirement shall be effective 180 days from the effective date of this FOG regulation.
- (b) FOG Wastewater Discharge Permits shall be expressly subject to all provisions of this Section 7.11 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 Section 7.11 and applicable State and Federal Regulations.
- (c) If applicable, Class I and Class II dischargers may have requirements established under Section 7.11.6 incorporated in their permits, in which event the Class I or Class II Permit shall also serve as a FOG Wastewater Discharge Permit.

(2) FOG Wastewater Discharge Permit Application

- (a) Any person required to obtain a FOG Wastewater Discharge Permit shall complete and file with the District prior to commencing discharges, an application on a form prescribed by the District. Applicants for FOG Wastewater Discharge Permits shall complete an application form available at the District's office.

The District's FOG Control Program General Permit Conditions shall be obtained from the District office or on the District's website at , and reviewed by the Applicant prior to the submittal of plans. The applicable FOG Wastewater Discharge Permit fees as set forth in Exhibit B, Schedule of Rates and Charges, shall accompany the application. The General Permit Conditions must also be met.

- (b) The applicant shall submit two (2) copies of all drawings for review. All drawings shall include the following:
 - (1) North arrow.
 - (2) Scale size.
 - (3) User name and address.
 - (4) Drawing name and drawing number.
 - (5) Date drawn or revised.
 - (6) Name of drafter and person approving drawing.
- (c) Applicant will be required to submit site plans, floor plans, mechanical and plumbing plans, and details to show all sewer locations and connections, FOG control device, grease interceptor or other pretreatment equipment and appurtenances by size, location, and elevation for evaluation. Applicant may be required to submit a schematic drawing of the grease control device, grease interceptor or other pretreatment equipment, piping and instrumentation diagram, and wastewater characterization report. District review of plan submittals will include, among other requirements, the prohibitions specified in Section 7.11.3.2 and the requirements specified in Section 7.11.6.8 and Section 7.11.6.9. The review of the plans and procedures shall in no way relieve Applicant 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 Section 7.11 or any requirements of other Regulatory Agencies.

(3) **FOG Wastewater Discharge Permit.** 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.

- (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 permittee to construct, operate and maintain, at its own expense, FOG control device and sampling facilities.
- (i) 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 Section 7.11.

(4) **FOG Wastewater Discharge Permit Fee.** The FOG Wastewater Discharge Permit fee shall be paid by the applicant in the amount set forth in Exhibit B, Schedule of Rates and Charges. Payment of permit fees must be received by the District prior to issuance of either a new permit or a renewed permit. A permittee shall also pay any delinquent invoices for sewer, service, fines or penalties in full prior to permit renewal.

(5) **Duration; Modification of Terms and Conditions; Renewal**

- (a) The duration of permits shall be in accordance with Section 7.4.4. The terms and conditions of an issued permit are subject to modification and change during the life of the permit in accordance with Section 7.4.4, as limitations or requirements are modified and changed, or based on determination by the FOG Control Program Manager that such modification is appropriate to further the objectives of this Section 7.11.
- (b) Permits are subject to the requirements concerning renewal and modification set forth in Section 7.4.6. 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.

(6) **Exemption for Limited Food Preparation Establishments.** A limited food preparation establishment (as defined in the definition of Food Service Establishment), is not considered a Food Service Establishment and is exempt from obtaining a FOG Wastewater Discharge Permit.

(7) **Non-Transferability of Permits.** FOG Wastewater Discharge Permits are restricted as to transferability, in accordance with Section 7.4.5.

(8) **Pretreatment - Grease Interceptor Requirements**

- (a) In accordance with Section 7.4.7 and 7.4.8, all Food Service Establishments shall provide wastewater acceptable to the District, under the requirements and standards established herein, before discharging it to any public sewer. Any Food Service Establishment required to pretreat shall install, operate, and maintain an approved type and adequately sized grease interceptor necessary to maintain compliance with the objectives of this Section 7.11.
- (b) Grease interceptor sizing and installation shall conform to the current edition of the Uniform Plumbing Code. Grease interceptors shall be constructed and located in accordance with the requirements and criteria set forth in the FOG Control Program.
- (c) Grease Interceptors shall be maintained in efficient operating condition in accordance with the practices, requirements and restrictions set forth in the FOG Control Program and with a maintenance frequency approved by the FOG Control Program Manager pursuant to said Program.
- (d) Food Service Establishments with grease interceptors may be required to submit data and information necessary to establish the maintenance frequency grease interceptors.

(9) **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 and with applicable requirements and criteria set forth in the FOG Control Program.
- (c) Grease traps shall be maintained in efficient operating condition in accordance with the practices, requirements and restrictions set forth in the FOG Control Program and with a maintenance frequency approved by the FOG Control Program Manager pursuant to said Program.

(10) **Monitoring Facilities Requirements.** To ensure proper operation and maintenance of the grease control device or grease interceptor and compliance

with this Section 7.11, in accordance with Section 7.4.13, 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, and to submit waste analysis plans, contingency plans, and meet other necessary requirements.

(11) **Best Management Practices.** All Food Service Establishments shall implement best management practices in accordance with the requirements and guidelines established by the District and set forth in its FOG Control Program in an effort to minimize the discharge of FOG to the sewer system

7.13.7 **Monitoring, Reporting, Inspection and Sampling**

(1) **Monitoring for Compliance with Permit Conditions and Reporting Requirements**

- (a) 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.
- (b) 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.
- (c) The FOG Control Program Manager may require reports for self monitoring 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 Section 7.11. 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 shall constitute a violation of this Section 7.11 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 Section 7.11. The Permittee shall be responsible for any and all expenses of the District in undertaking such monitoring analyses and preparation of reports.
- (d) 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 Section 7.11.

(2) **Record Keeping Requirements**

(a) 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 not 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. The logbook must be available during any inspection by a District representative or inspector. Failure to locate the logbook during an inspection, whether misplaced or lost, will result in the issuance of a replacement logbook by the District and require the Permittee to pay the logbook replacement fee in the amount set forth in Exhibit B, Schedule of Rates and Charges, for each violation. The replacement fee will be billed to the Permittee at the time of the replacement.

(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) Any other information deemed appropriate by the FOG Control Program Manager to ensure compliance with this Section 7.11.

(3) **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 Section 7.11.

(4) **Inspection and Sampling**

(a) The wastewater discharges of Food Service Establishments are subject to inspection and sampling in accordance with the requirements of Section 7.4.14 to ascertain whether the intent of this Section 7.11 is being met and the Permittee is complying with

all requirements. District access to the Food Service Establishment premises and records for such purposes shall include grease control devices or interceptor, and manifests, receipts and invoices relating to the cleaning, maintenance and inspection of the grease control devices or interceptor.

- (b) 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 Section 7.11. All such records shall be subject to inspection and shall be kept by the Permittee in accordance with Section 7.4.15.

(5) **Notification of Spill**

- (a) In the event a 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 his/her/its discharge will exceed the discharge provisions of the FOG Wastewater Discharge Permit or this Section 7.11, 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 Section 7.11 or other applicable law.

7.13.8 **Enforcement.** Enforcement of the provisions of this Section 7.11 and the provisions of any FOG Wastewater Discharge Permit shall be governed by Section 7.6, and for such purpose the District may utilize any one, combination or all enforcement remedies provided in Section 7.6 to the extent determined by the District to be applicable to a violation under this Section 7.11. For this purpose, “Department Head” as used in Section 7.6 means the FOG Control Program Manager. In addition to the non-compliance fees specified under Section 7.6, the Permittee shall be subject to fees for FOG Program non-compliance as specified in Exhibit B, Schedule of Rates and Charges.

7.13.9 **California Building Standards Law.** Pursuant to the provisions of the California Building Standards Law, California Health and Safety Code §§ 18941.5, 17958, 17958.5 and 17958.7, the Board hereby finds that variations of this Section 7.11 from the State Building Standards and Housing Laws, more particularly the California Plumbing Code are necessary because of climatic, geological or topographical conditions of property in the District’s jurisdiction, and as more specifically described below:

(1) Sections 7.11.4 and 7.11.6 modify the authority and discretion of the “Administrative Authority” of Section 1014.1 of the 2001 California Plumbing Code by requiring all Food Service Establishments to install and operate a grease control device, which may be a grease interceptor or grease trap, if no other device, mechanism, or process is found to successfully trap or collect or treat FOG prior to its being discharged into the sewer system.

(2) Section 7.11.6 modifies the general maintenance requirements for grease interceptors of Section 1014.6 of the 2001 California Plumbing Code and establishes more stringent maintenance requirements.

(3) With respect to the foregoing differences (1) and (2), the District finds that the District’s topography and geography and the District’s proximity to the Pacific Ocean coupled with the general waste discharge requirements imposed by the RWQCB require the strict compliance with grease control device regulations to prevent sewer system overflows that threaten the health and safety of the public within the immediate vicinity of the overflow and downstream to the local beaches.

(4) Additional amendments and deletions to the California Plumbing Code are found to be administrative or procedural and are found to be reasonable and necessary to safeguard life and property within the District.

(5) A copy of this Section 7.11 shall be filed with the California Building Standards Commission and the California Department of Housing and Community Development by the Secretary of the Board as required by State law (Health & Safety Code Section 17958.7).

SECTION 8: MONITORING AND INSPECTION

8.1 WATER AND SEWER SYSTEMS

The Manager or his authorized representative shall have the right to enter upon the customer's premises during reasonable hours for the purpose of inspecting the customer's water and sewer systems and to insure compliance with these Rules and Regulations including the provision that self-regenerating water softeners shall not be connected to the sewer facilities of the District and the provision that all cross-connections be properly protected.

8.2 RECYCLED WATER SYSTEMS

The Manager or authorized representatives of the District shall monitor and inspect the entire recycled water system including both onsite and offsite facilities. The District shall conduct monitoring programs, maintain a record as deemed necessary, and provide reports as requested by regulatory agencies including the California Regional Water Quality Control Board. The Manager or authorized representatives of the District, in carrying out these functions, shall have the right to enter upon the customer's premises during reasonable hours for the purpose of inspecting onsite recycled water facilities and areas of recycled water use and to ensure compliance with these Rules and Regulations, including the provision that runoff be controlled and limited and the provision that cross-connections between potable water facilities and recycled water facilities not exist.

For sites receiving recycled water, the permit holder shall be responsible for providing access to and cooperation with the District's Inspector or designee so that the District's Inspector or designee can perform a periodic cross-connection test, site evaluations and backflow prevention device test. This evaluation shall include pressure testing of the system(s) as well as a visual check of the entire system to verify that no cross-connections or unapproved exist. The permit holder will be responsible for correcting any work which violates the District regulations at their sole expense including any costs associated with repair and re-testing the backflow prevention device should the backflow prevention device fail to pass the required test. Additionally, at such times that the permit holder changes, the District's Inspector or designee will perform a and evaluation and test to verify compliance with these Rules and Regulations.

8.3 NATURAL TREATMENT SYSTEMS

Natural treatment systems that are designed and constructed by the developer shall be monitored as specified in the Procedures Guide and the NTS Design Guidelines. If, during the periods specified in the Procedures Guide and the NTS Design Guidelines, monitoring results indicate that the system is not operating as designed, the developer will provide the necessary improvements.

SECTION 9: CONNECTION FEES

9.1 GENERAL

- 9.1.1 Connection fees applicable to all property to be served will be established from time to time by the Board and set forth in Exhibit B. The property to be served must be legally described in the application for service.
- 9.1.2 If, subsequent to the issuance of the initial permit, there is a change in owner, applicant, tenant, customer, class of use, or consumption, then the District may determine that additional connection fees are required. These additional charges will be computed on the basis of the resulting increase in service capacity and flow, or on any reclassification of user type.
- 9.1.3 Whenever a change necessitates the payment of further charges to the District, the District may compare the actual use occurring on the property (based on readings taken from the water meter(s)) with the capacity estimated to be required for existing or probable future consumption to determine whether a different use permit is required. Determination by the District in this regard shall be made in a manner and following the procedures specified for revoking a permit as set forth in Section 14 of these Rules and Regulations. Such additional amount shall be payable on the effective date of such decision specified in Section 14 and shall be delinquent thirty (30) consecutive calendar days thereafter.
- 9.1.4 Any delinquent amount shall be the responsibility of all persons, entities, or concerns who are the applicant, owner, or customer who signed the application for service or any successor thereof. Any such amount may be recovered directly from any of the foregoing by means of proceedings initiated in the proper municipal or superior court of the State of California. In addition to recovering such amount by means of judicial determination or proceeding, the District may, to the extent now or subsequently permitted by law, cause such amounts to be collected by the County Tax Collector, together with any general or special taxes or similar charges on the property to which this service has been provided, and as described in the appropriate application for service. In either event, the applicant, owner, or customer and all persons signing the application shall be liable in addition to such amount individually and collectively for all costs incurred in collecting such additional amounts to the District, as determined in the manner herein provided, including a reasonable amount for attorney's fees. Also, the District may, at its discretion, terminate water, sewer, recycled water and/or natural treatment system service in the manner provided for in these Rules and Regulations if such amounts are not paid on the date in the manner herein provided.
- 9.1.5 Land which has been designated to remain undeveloped by a governmental agency exercising land use authority and which will not receive water, sewer or recycled water service (open space) will be excluded from acreage in the

computation of density for residential connection fees and from gross acreage of any parcel in the computation of commercial-industrial connection fees.

9.2 INTERPRETATION OF CONNECTION FEES

- 9.2.1 **Manager's Determination.** If the factual situations presented in an application by an applicant, owner, or customer do not fall within the classifications set forth in Exhibit B, the Manager shall interpret them to establish a reasonable classification and fee. In making that interpretation, the Manager shall be guided by the policy of the District set forth herein.
- 9.2.2 **Appeal.** Any applicant, owner, or customer that does not concur in Manager's determination under Section 9.2.1 may appeal that determination to the Board. The appeal must be in writing and must set forth detail and facts supporting the differences between the request of applicant, owner, or customer and the Manager's determination. The appeal must include a specific and detailed request for action proposed by an applicant, owner, or customer setting forth the exact amount of fees that the applicant, owner or customer believes should be established and must include supporting information. Preferably, such supporting information should be prepared and submitted by a Registered Civil Engineer experienced in the construction, operation, management, and financing of municipal water and/or sewage facilities.
- 9.2.3 **Special Agreement.** If the Board grants the applicant, owner, or customer's appeal, then that connection fee charge will be implemented by a special agreement between the applicant, owner, or customer and the District, including adequate guarantees and assurances of further or additional payment at such time as the proposed use of the property described in the application for such action by the Board is modified, changed, or amended, or the extent of the use of the applicant, owner, or customer exceeds that represented to District. The decision of the District in all instances shall be final, subject to administrative or judicial review, except as otherwise provided by law.

SECTION 10: WATER AND RECYCLED WATER SERVICE LINE CHARGES,
LOWER LATERAL CHARGES AND
NATURAL TREATMENT SYSTEM CHARGES

10.1 WATER AND RECYCLED WATER SERVICE LINE CHARGES

10.1.1 **Installation Charges.** The District shall impose charges for the installation of and perpetual maintenance of all service lines, water and recycled water meters, and appurtenances thereto, all of which facilities are the property of the District. These service line charges, including the water connection fees, must be paid before work will be performed. Any required backflow prevention devices on potable water services and flow or pressure control devices must be provided by the applicant, owner, or customer at his expense.

10.1.2 **Charge for Meter Only.** If the applicant provides (at no cost to the District) the water or recycled water service line and appurtenances, then the District shall impose a charge for the installation of the water or recycled water meter only. The meter will remain the property of the District. The meter charge, in addition to all other usual and regular charges of the District, including any connection fee, as set forth in Exhibit B, must be paid before work will be performed.

10.1.3 **Fire Suppression Facilities Charges.** The District shall impose charges for the installation of and perpetual maintenance of all service lines for on-site fire hydrants or automatic fire sprinkler systems, including a check valve on potable water services of a type approved by the National Board of Fire Underwriters, equipped with a bypass meter, but not including the downstream control valve, if required by the customer, all to remain the property of the District. Said charges, in addition to all other usual and regular charges of the District, including any specified connection fee, as set forth in Exhibit B, must be paid before work will be performed.

10.1.4 **Extraordinary Work.** Whenever an installation is required by an applicant that is not covered by the schedule of charges established from time to time by the Board and set forth in Exhibit B to these Rules and Regulations, such work will be done with charges based upon an estimate of costs made by the District. If a water or recycled water service line exceeds 50 feet in length, or for any other valid reason it cannot be installed for the amount stated in the appropriate schedule of charges set forth in Exhibit B owing to the peculiarity of the proposed service, the District reserves the right to make said installation. A deposit will be required to cover estimated costs prior to the performance of any work. Upon completion of the service installation, the deposit will be adjusted based on actual costs. If actual costs differ from the deposit amount, the applicant, owner, or customer shall be invoiced by the District for the excess of the actual cost over the deposited amount, or refunded the difference if less than the deposit.

10.1.5 **Relocation.** Whenever water or recycled water service lines, meters, fire hydrants, or other appurtenances are requested to be moved by the applicant for

any reason whatsoever, a deposit will be required to cover estimated costs prior to the performance of any work. Upon completion of the service relocation, the deposit will be adjusted based on actual costs. If actual costs differ from the deposit amount, the applicant, owner, or customer shall be invoiced by the District for the excess of the actual cost over the deposited amount, or refunded the difference if less than the deposit.

10.1.6 **Temporary Service Connection.** A temporary service connection may be installed for use over a period of time not exceeding six (6) months. For each such connection, an application shall be filed in accordance with the provisions of Section 4.2 of these Rules and Regulations. Rates to be charged for water used from such connection shall be in accordance with “Temporary Construction Service” contained in Exhibit B. The user of a temporary recycled water service shall designate an “Onsite Recycled Water Supervisor” in accordance with the requirements of Section 6.2.2.

10.2 LOWER LATERAL CHARGE

10.2.1 **Installation Charge.** The District will impose a charge for the installation of a lower lateral and connection to the customer’s upper lateral. Said charges, in addition to all other usual and regular charges of the District, including the sewer connection fee, must be paid before the work is performed. Such work will be done with charges based upon an estimate of costs made by the District. Any required backwater valves and appurtenances must be provided by the applicant, owner, or customer at his expense.

10.2.2 **Relocation.** Whenever lower laterals, manholes, or other appurtenances are requested to be moved by an applicant for any reason whatsoever, the charges shall be made on the basis of an estimate of costs by the District. The charges herein required are in addition to all other charges required by the District for sewer service and are payable pursuant to arrangements approved by the Board. A deposit will be required to cover estimated costs prior to the performance of any work. Upon completion of the service relocation, the deposit will be adjusted for actual costs. If actual costs differ from the deposited amount, the applicant, owner, or customer shall be invoiced by the District for the excess of the actual cost over the deposited amount, or refunded the difference if less than the deposited amount.

10.3 NATURAL TREATMENT SYSTEM CHARGES

The District will impose charges for modifications to natural treatment systems requested by the developer after the system has been constructed. Those charges, in addition to all other usual and regular charges of the District, including any specified connection fee, will be as determined by the District and must be paid to the District before work will be performed.

SECTION 11: SECURITY DEPOSIT

As permitted by law, the District may require of an applicant, owner, or customer such a deposit, if deemed necessary by reason or estimated future water, sewer, and recycled water billings or if there is an instance or instances of monthly delinquency. The security deposit amount will not be less than the estimated cost of water, sewer, and recycled water service for a one month-period or such other amount as determined by the Manager or Board.

The District may return deposits after one year at the request of the applicant, owner, or customer, but only if all bills rendered during the twelve-month period prior to the request were paid within 21 days after presentation.

A deposit determined by the District will be required for all construction water meters.

Upon termination of service, deposit amounts not previously returned will be applied to the final utility bill and any remaining amount refunded to the applicant, owner, or customer.

SECTION 12: SERVICE CHARGES

12.1 ESTABLISHMENT OF RATES

Rates to be charged and collected and the terms, provisions, and conditions to be effective respecting such rates for water, sewer, recycled water and natural treatment system service supplied by the District to customers within the District shall be as fixed and established by the Board from time to time and set forth in Exhibit B to these Rules and Regulations, which charges shall have no effect on any existing or subsequent reimbursement agreements. This provision is in addition to and not by way of derogation of any other remedies or procedures available to the District pursuant to any law or regulation or by any of the provisions of these Rules and Regulations.

12.2 CHANGE OF SERVICE CHARGE

The Board reserves the right to change the schedule of water, sewer, recycled water and natural treatment system service charges and other charges at any time.

12.3 SERVICE CHARGE BILLING

Water, sewer, recycled water and natural treatment system service charges will be rendered as part of the District water service bill at intervals of one month or multiples thereof. The District may estimate bills, based on prior consumption or other reasonable calculation in the absence of historical consumption data, and will back-bill the customer all service and other charges as set forth in Exhibit B.

12.4 METERING

For the purpose of computing charges, each meter on the customer's premises will be considered separately, and readings of two or more meters will not be combined as equivalent to measurement through one meter except in those instances in which, by reason of special operating conditions, the District substitutes two or more meters of a smaller size for a single larger meter on the same service connection. In this special case, the size of service connection shall be substituted for the size of the meter in the application of the rate schedule, and shall be the basis for computing charges.

12.5 TIME AND MANNER OF PAYMENT

- 12.5.1 All bills and charges for water, sewer, recycled water and natural treatment system service hereunder are due and payable upon presentation and become delinquent twenty-five (25) days later. Bills and charges are deemed to have been presented upon having been sent electronically or deposited in the United States mail, postage paid, and addressed to the applicant, owner, or customer reflected in the records of the District. Failure to receive the bill will not release the customer from payment obligation nor will it entitle the customer to a billing discount or exempt the customer from late fees or service disconnection for non-payment. Electronic billing and automatic payment are available to the customer on request

and subject to compliance with all terms and conditions for enrollment in and use of such programs.

12.5.2 If payment is not received within twenty-five (25) days after presentation of the bill, a late charge will be levied on any unpaid balance and, following such notice and proceedings as may be required by law, the water and/or recycled water service may be discontinued. Water and/or recycled water service shall not again be supplied until all delinquent bills, plus a restoration charge, which is established by the Board have been paid; if the turn-on is requested to be made outside regular working hours, an increased restoration charge shall be paid before service is restored. Payment shall be made electronically, in person or by mail at the office of the District or, at the option of the District, to its authorized collectors.

12.5.3 Discontinuance of service by reason of a delinquent bill shall not automatically constitute revocation of permit. However, such delinquency may be considered as sufficient reason for a revocation of permit in accordance with the provisions of these Rules and Regulations.

12.6 VARIANCE FROM RESIDENTIAL RATE STRUCTURE BUDGETS; NONRESIDENTIAL ACREAGE AND BASE INDEX REVISIONS

12.6.1 Residential Variance - Procedure

- (1) Variance request forms must be submitted to the Customer Service Department.
- (2) Variance requests will be processed by the Customer Service Department.
- (3) At the discretion of the District, the requesting customer may be required to have a water audit, which will be conducted by the District at no charge prior to review of the request.
- (4) Staff will notify a customer in writing if their variance request is denied.
- (5) Documents submitted by any customer as part of the variance procedure are reviewed and returned to the customer if requested. If the customer does not request the documentation back, it will be destroyed to protect the customer's privacy, except for information retained by the District to document variances or as otherwise required by law.

12.6.2 Residential Variance – Determination

- (1) Grounds for a variance are:
 - (a) number of people residing in a dwelling unit
 - (b) medical needs

- (c) licensed care facilities
- (d) fire control zones (or other regulatory requirements)
- (e) landscape area
- (f) livestock/horses
- (g) common area washing machines
- (h) other, as determined on a case by case basis

(2) Proof acceptable to the District will be required of each ground(s) for a requested variance. The variance request form provides examples of acceptable proof.

(3) Limitations

- (a) An approved variance will become effective on the date the request for variance was submitted to the District.
- (b) An approved variance will be valid for a period specified by the District and must be re-confirmed on or before the expiration date to remain in effect.

(4) Calculation of the increased budgets for approved variances will be made by the District pursuant to Exhibit B (Rates and Charges)

12.6.3 Nonresidential Acreage, Base Index and Sewer Charge Revisions – Procedure

(1) Acreage (landscape) revision requests will be made by submitting an acre-change request to the Water Efficiency Department.

(2) Base index (water budget) and sewer charge revision requests for commercial industrial and public authority customers will be made by submitting a request for account evaluation to the District.

(3) At the discretion of the District, the requesting customer may be required to have a water audit, which will be conducted by the District at no charge prior to review of the request.

(4) Staff will notify a customer or their agent in writing (including email) if their request is denied.

(5) Documents submitted by any customer as part of the account evaluation procedure are reviewed and returned to the customer if requested. If the customer or agent does not request the documentation back, it will be destroyed to protect the customer's privacy, except for information retained by the District to

document the acreage, base index or sewer service charge revision or as otherwise required by law.

12.6.4 **Nonresidential Acreage, Base Index and Sewer Charge Revisions – Determination**

(1) **Landscape Acreage – Grounds.** It is the obligation of the customer to provide to the District acceptable documentation of the actual area served by each metered connection. Acceptable documentation is an irrigation plan or a controller chart (site map with irrigation zone boundaries clearly marked and square footage per zone called out) signed by a California licensed landscape architect or Irrigation Association certified irrigation designer (CID).

(2) **Commercial/Industrial/Public Authority – Grounds**

(a) **Base Index.** Relevant factors will include expansion of productive capacity, water efficiency or conservation practices that can be shown to have reduced water usage, severe economic hardship, and other factors determined on a case by case basis.

(b) **Sewer Charges.** Relevant factors will include evaporation, product water, irrigation, or other uses that do not discharge to the sewer, and dual plumbed connections that discharge to a shared sewer line.

(3) **Limitations**

(a) An approved acreage or base index increase will become effective on the date the request was submitted to the District.

(b) An approved acreage increase need not be resubmitted and will remain valid unless a further acreage-change is made

(c) An approved base index increase will be valid until the account is closed or a new nonresidential tenant applies for service. When a new account is opened, the nonresidential customer will be billed at the c“Base Rate” for an initial period of six months. The District will then establish a base index for the customer based on the customer’s usage for the initial six month period and may conduct on-site surveys to ensure water efficient business and irrigation practices are in place prior to beginning to bill the customer in accordance with the applicable rate structure. In the event a new tenant accepts responsibility for an existing account and the account is not closed, the existing base index for the account will remain in effect unless and until the District, on its own review or at the tenant’s request, modifies the existing base index or establishes a new base index by implementing a six-

month base index reestablishment period as described in the preceding sentence.

- (4) **Calculation.** Calculation of the increased acreage, base index, or sewer charges will be made by the District pursuant to Exhibit B (Rates and Charges)

12.7 ADJUSTMENT OF CHARGES

12.7.1 **Billing Errors.** In the event of discovery of an error in the computation of charges, crossed meters, unbilled meter or other error, a retroactive adjustment of the charges will be made by means of a credit or additional charge to the next bill, to the extent the District determines it has information from which the correct amount can be ascertained.

12.7.2 **Variance Adjustment – Residential.** If a variance is approved as provided in Section 12.6.2, a retroactive adjustment of the charges to the customer may be made for no more than three months prior to the variance effective date if the District determines a retroactive adjustment is warranted in accordance with the variance request and the proof submitted by the customer.

12.7.3 **Increase of Nonresidential Landscape or Base Index.** If a nonresidential customer's base index or landscape acreage is increased as provided in Section 12.6.4, a retroactive adjustment of the charges may be made for no more than six months prior to the effective date of the increase if the District determines a retroactive adjustment is warranted in accordance with the increase request and the proof submitted by the customer.

12.7.4 **Residential Landscape Adjustments.** The District will authorize a retroactive adjustment of no more than three months for the purpose of establishing new landscape if the District determines a retroactive adjustment is warranted in accordance with the proof submitted by the customer. Training shall be completed if required under Section 12.7.8.

12.7.5 Leak Repair Adjustments – Grounds

- (1) The IRWD budget-based tiered rate structure is intended to serve as a warning sign to alert customers to possible water waste, such as a leak, by charging over-budget at the “Inefficient” and “Wasteful” tiers. When an adjustment is made for a repaired leak, the excess units of water attributed to the leak and billed in the “Inefficient”, “ or “Wasteful” tiers are re-billed at the “Base Rate”. When a customer has a leak repaired, and usage after the repair is within the customer's budget, the District will authorize an adjustment, for residential customers, of no more than two bills affected by the leak. The District may, at its discretion, authorize additional bill adjustments on a case by case basis for customers who encounter circumstances that cause delays to a leak repair.

(2) The customer is required to contact the District within two months of completing the repair of the leak in order to receive a leak adjustment. Training shall be completed if required under Section 12.7.8.

12.7.6 Nonresidential Landscape Adjustments. To be eligible for adjustment, an over-budget charge on a single bill must exceed the minimum amount specified in the Landscape Irrigation Adjustment Form (“LIAF”) instructions available at www.irwd.com.

(1) Mainline breaks and leaks are eligible for adjustment.

(2) Other non-residential landscape adjustments shall be made on a case-by-case basis at the District’s discretion, based on the request and supporting documentation submitted by the customer.

(3) Adjustment requests shall be submitted on an IRWD LIAF which is available online at , in accordance with the LIAF instructions. Training shall be completed if required under Section 12.7.8.

12.7.7 Courtesy Adjustments – Residential and Nonresidential Customers. An adjustment of charges not otherwise provided for in this Section 12.7 may be authorized by the District as a courtesy adjustment for special circumstances determined on a case-by case basis. A courtesy adjustment may include up to, but no more than six months of charges, and no more than one courtesy adjustment will be authorized within a 12-month period.

12.7.8 Training Requirement for Adjustments. For billing adjustments made under 12.7.4, 12.7.5 and 12.7.6, the District, at its discretion, may require the customer to complete a free water use efficiency training session offered or provided by the District, in order to receive the billing adjustment.

SECTION 13: SEVERABILITY

If any section, subsection, clause, or phrase of these Rules and Regulations is for any reason held to be invalid or unconstitutional, that decision will not affect the remaining portions of these Rules and Regulations. The Board declares that it would have passed said Rules and Regulations by section, subsection, sentence, clause, or phrase thereof.

SECTION 14: ENFORCEMENT AND PENALTIES

14.1 GENERAL

14.1.1 **Violation.** It is unlawful to violate any provision of these Rules and Regulations or a permit issued by the District.

14.1.2 **Notice of Violation.** The District shall notify any person found violating any of these Rules and Regulations, any permit issued by the District, or any applicable Federal, State, or local statutes, regulations, ordinances, or other requirement. The written notice of violation will state the nature of the violation and provide a reasonable time to correct that violation. The offender must, within the time stated in the notice, permanently cease all violations. This provision is in addition to and not by way of derogation of any other remedies or procedures available to the District by law, regulation, or pursuant to any of the provisions of these Rules and Regulations including, but not limited to, Section 7 and Section 15.

14.1.3 **Misdemeanor; Fines.** Pursuant to Water Code Section 35424, any violation of these Rules and Regulations is a misdemeanor, the violation of which shall, upon conviction, be subject to a fine of not less than \$25.00 nor more than \$200.00. Pursuant to Water Code Section 377, any violation of Section 15 is a misdemeanor punishable by imprisonment in the County Jail for not more than 30 days or by fine of not more than \$1,000, and a violator may also be held civilly liable in an amount not to exceed \$10,000.

14.1.4 **Revocation.** Failure to permanently cease all violations within the time stated in the Notice of Violation will result in revocation of the permit by the District and termination of water, sewer, recycled water and/or natural treatment system service as provided in Sections 14.2 and 14.3. Violations regarding any one service may result, at the sole discretion of the Board or Manager, in termination of any combination of or all water, sewer, recycled water and natural treatment system service.

14.2 INTERIM REVOCATION

In cases where the serious nature of the violations described above require immediate action, the Board or Manager may, in the sole discretion of the Board or Manager, immediately revoke the permit on an interim basis and thereupon cease water, sewer, recycled water and/or natural treatment system service, subject to a timely decision on permanent revocation of permit pursuant to a public hearing as provided herein. In cases of sewer service termination, there shall be no discharge of any type by an applicant, owner, or customer into the District's sewer facilities.

14.3 PERMANENT REVOCATION

14.3.1 **Notice; Public Hearing.** Permanent revocation of a permit shall occur only subsequent to a public hearing held in the manner hereinafter provided. The

applicant, owner, or customer shall be given written notice ten (10) calendar days prior to a hearing on the possible permanent revocation of any permit by the District. The notice shall specify the grounds of the proposed revocation of any such permit in reasonable detail. It may but need not describe suggested corrective action acceptable to the District. Notice may be delivered personally to the applicant, owner, or customer or it may be given by depositing such in the United States mail with postage prepaid, addressed to the applicant, owner, or customer either at the address for the applicant, owner, or customer as reflected on the last equalized assessment roll of the County of Orange as defined in the Revenue and Taxation Code of the State of California.

14.3.2 **Effectiveness of Revocation.** Any action to permanently revoke the permit shall be effective ten (10) calendar days after notice of the Board's decision. The District shall notify the applicant, owner, or customer by United States mail, postage prepaid, addressed to the applicant, owner, or customer.

14.3.3 **Surcharge.** In the alternative to revocation, the District may establish a fine or penalty amount on the continuation of water, sewer, recycled water and/or natural treatment system service by the District until such time as the applicant, owner, or customer has taken action to comply with all of the herein above described requirements for obtaining service from the District in its reasonable discretion. Any request to reestablish service subsequent to the revocation of a permit and the termination of water, sewer, recycled water and/or natural treatment system service shall be in the manner prescribed for initially obtaining service from the District, which may include the collection of a security deposit. However, in addition, the District may, in its discretion, require that an agreement and financial security conditioned upon compliance with the District's Rules and Regulations be provided in an amount, manner, and for a period of time as determined by the Board.

14.3.4 **Application.** The foregoing provisions of these Rules and Regulations apply to all permits.

14.3.5 **Waiver/Modification.** The Board, if it deems such to be in the best interest of the District, may on an interim basis or otherwise waive or modify any of the foregoing.

SECTION 15: WATER CONSERVATION AND
WATER SUPPLY SHORTAGE PROGRAM AND REGULATIONS

15.1 GENERAL

15.1.1 **Title.** This section will be known as the Irvine Ranch Water District Water Conservation and Water Supply Shortage Program.

15.1.2 **Findings**

- (1) A reliable minimum supply of water is essential to the public health, safety and welfare of the people and economy of the southern California region.
- (2) Southern California is a semi-arid region. A growing population, climate change, environmental concerns and other factors in other parts of the State and western United States make the region susceptible to water supply reliability issues.
- (3) Careful water management that includes active water efficiency and conservation measures, not only in times of drought but at all times, is essential to ensure a reliable supply of water to meet current and future water supply needs.
- (4) Article X, Section 2, of the California Constitution declares that the general welfare requires that water resources be put to beneficial use, that waste or unreasonable use or unreasonable method of use of water be prevented and that conservation of water be fully exercised with a view to the reasonable and beneficial use thereof.
- (5) California Water Code section 375 authorizes a water supplier to adopt and enforce a comprehensive water conservation program to reduce water consumption and conserve supplies.
- (6) The adoption and enforcement of a water conservation and supply shortage program is necessary to manage the District's water supply to avoid or minimize the effects of a supply shortage within the District. Such a program is essential to ensure a reliable and sustainable minimum supply of water for the public health, safety and welfare.
- (7) Recycled water is produced and supplied by the District to conserve potable water. Recycled water, like potable water, must be used efficiently and is therefore included in this Program.

15.1.3 **Application.** The provisions of this section apply to all persons using water in any area of the District in which the District provides retail water service, regardless of whether any person using water has a permit or contract for service with the District, and applies to all potable and recycled water supplied by the District.

15.1.4 **Water Shortage Contingency Plan.** The District has adopted a Water Shortage Contingency Plan pursuant to Water Code Section 10632. The Water Shortage Contingency Plan, as amended from time to time, describes the restrictions and other response measures that can be implemented by the Board in declaring a water shortage level and provides policy considerations, criteria and other guidance for the selection and implementation of these measures.

15.2 DECLARATION OF PURPOSE AND INTENT

15.2.1 The purpose of this section is to establish a water conservation and supply shortage program that will reduce water consumption within the District through conservation, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, and maximize the efficient use of water within the District to avoid and minimize the effect and hardship of water shortage to the greatest extent possible.

15.2.2 This section establishes permanent water use efficiency standards intended to alter behavior related to water use efficiency for non-shortage conditions and further establishes six levels of water supply shortage response actions to be implemented during times of declared water shortage or declared water shortage emergency, with measures designed to achieve progressively greater levels of conservation in response to worsening shortage or emergency conditions and decreasing supplies.

15.2.3 This section is intended to complement and be used in tandem with the budget-based tiered pricing structure adopted by the District in 1991 and implemented under Section 12.1 of these Rules and Regulations on an ongoing basis as part of the District's rates and charges. The budget-based pricing structure encourages use within a water budget through a significantly tiered commodity pricing system, and discourages wasteful use. The response measures for the levels of water supply shortage include a set of measures, referred to as "demand management" measures, that can be implemented through the budget-based pricing structure. Any modifications to the pricing structure must be consistent with the provisions of Proposition 218.

15.3 EXEMPTIONS

15.3.1 The General Manager may permit an exemption from the permanent restrictions set forth in 15.4 or restrictions implemented pursuant to the Water Shortage Contingency Plan during a shortage level under 15.5, upon a finding that enforcement of the applicable restriction would either (1) cause an unnecessary and undue hardship to the applicant or the public, or (2) would cause or threaten an emergency condition affecting the health, sanitation, fire protection, or safety of the applicant or the public.

15.3.2 The General Manager of the District or his designee may require the use of any water conservation devices or practices as he deems appropriate as a condition of the exemption permit. He shall promulgate a list of approved devices.

15.3.3 Section 12.6 sets forth the procedures to apply for variances from water budgets under the budget-based tiered pricing structure.

15.4 GENERAL PROHIBITIONS AND ONGOING MEASURES

15.4.1 **Prohibitions.** The following prohibitions are in effect at all times, regardless of whether any declared shortage condition is in effect.

(1) **Gutter Flooding** - No person shall cause or permit any water furnished to any property within the District to run or to escape from any hose, pipe, valve, faucet, sprinkler, or irrigation device into any gutter or otherwise to escape from the property if such running or escaping can reasonably be prevented.

(2) **Leaks** - No person shall permit leaks of water that he has the authority to eliminate.

(3) **Washing Hard Surface Areas** - Washing down hard or paved surfaces, including but not limited to sidewalks, walkways, driveways, parking areas, tennis courts, patios or alleys, is prohibited except when necessary to alleviate safety or sanitary hazards.

(4) **Waste** - No person shall cause or permit water under his control to be wasted.

(5) **Washing of Motor Vehicle** – No person shall wash a motor vehicle with a hose not fitted with a shut-off nozzle.

(6) **Use of Potable Water in a Fountain** – No person shall use potable water in a fountain or other decorative feature, except where the water is recirculated, or recirculation would cause a public health safety or sanitary hazard.

(7) **Application of Potable Water to Outdoor Landscapes** – No person shall apply potable water to outdoor landscapes during and within 48 hours of measureable rainfall.

(8) **Irrigation of Public Street Medians** – No person shall use potable water to irrigate ornamental turf on public street medians during a declared shortage or pursuant to any regulation adopted by the State Water Resources Control Board.

(9) **Single Pass Cooling** – No person shall operate a single pass cooling system.

(10) **Commercial Car Washes** –

(a) All new commercial car washes must be equipped with and operate recirculating systems.

- (b) Existing car washes with recirculating systems must maintain and operate the recirculation system.

15.4.2 **Demand Management.** When a declared shortage condition is not in effect, basic water budgets established by the District under the water budget-based tiered pricing structure will be limited to the amount that is reasonable for the customer's needs and property characteristics, and will exclude wasteful use. Reductions may be applied to basic budgets to establish a reasonable amount during a declared shortage condition, as specified herein.

15.5 IRWD WATER SUPPLY SHORTAGE LEVELS

15.5.1 **General.** The District's Water Shortage Contingency Plan provides representative measures that may be implemented during water shortage resulting from drought conditions or system interruptions. The measures may be applied individually or in combination and may vary according to the severity and duration of the shortage.

15.5.2 **Shortage Levels.** The following are the levels of shortage which may be declared by the Board in the manner prescribed by applicable provisions of the California Water Code, the approximate ranges of conditions the levels represent and the reductions to be achieved:

(1) Level One (Shortage Warning): Up to 10% shortage. Measures selected would be designed to achieve the following voluntary actions:

- Increase public awareness of the water supply situation and conservation opportunities
- Reduce over-irrigation
- Reduce over-budget use
- Encourage diligent repair of water leaks

(2) Level Two (Significant Shortage Condition): 11-20% shortage. Measures selected would be designed to incorporate the objectives listed under Level One, and achieve the following further reduction in use:

- Discourage filling of fountains, pools and water features and other discretionary uses
- Potential adjustments to outdoor water budgets to target discretionary uses for residential and landscape customers to be specified in the shortage declaration
- Establish water waste reporting hotline
- Expand conservation programs and projects, including workshops

(3) Level Three (Severe Shortage): 21-30% shortage. Measures selected would be designed to incorporate the objectives listed under Level Two, and achieve the following further reduction in use:

- Implement a public outreach campaign to increase public awareness
- Enhance incentives for water saving devices and programs
- Targeted outreach to high use non-residential customers
- Potential further reductions to outdoor water budgets to a level that sustains only drought-tolerant landscaping

(4) Level Four (Severe Shortage): 31%- 40% shortage. Measures selected would be designed to incorporate the objectives listed under Level Three, and achieve the following further reduction in use:

- Further reduce or eliminate discretionary uses
- Implement direct install programs to retrofit inefficient devices and landscape equipment
- Reductions to water budgets for commercial, industrial and public authority customers, while minimizing economic impacts
- Elimination of specific municipal uses such as non-required hydrant flushing, street cleaning and water-based recreation

(5) Level Five (Crisis Shortage): 41%- 50% shortage. Measures selected would be designed to incorporate the objectives listed under Level Four, and achieve the following further reduction in use:

- Implement pay to save incentive programs for industrial customers
- Potential adjustments to residential and landscape water budgets to the elimination of all non-recycled water outdoor uses
- Cease all non-recycled water outdoor water uses for landscape and agriculture, subject to reserved rights relating to local wells

(6) Level Six (Crisis Shortage): More than 50% shortage. Measures selected would be designed to incorporate the objectives listed under Level Five, and achieve the following further reduction in use:

- Potential adjustments to water budgets to target all uses not required for health and safety
- Use of flow restrictors on severely over-budget accounts that are non-responsive to outreach
- Possible discontinuation of non-health and safety services in order to achieve the necessary demand reductions
- Other mandatory restrictions and enforcement, as necessary

15.5.3 Generally, in all Levels, it is anticipated that the District will use voluntary customer response measures and demand management measures implemented under Section 12 through the adjustments in the budget-based pricing structure. Any adjustments to the pricing structure would require conformance to the requirements of Proposition 218. Response measures during Levels Five and Six are anticipated to also include restrictions or prohibitions, but this will be

determined by the District in its discretion at time of implementation. To achieve the reductions indicated above under the various levels, the conservation measures that may be implemented by the shortage declaration are listed below, shown with the levels in which they are anticipated to be used. Reference is made to the Water Shortage Contingency Plan for a more detailed discussion of response measures and the manner in which they may be used in the various shortage levels. At the time of declaring a level of shortage conditions, the Board in its discretion will determine the particular response measures that will be implemented. The list below is intended to be illustrative and not exclusive, and does not preclude the implementation of measures in a different level from the level(s) shown or the implementation of other measures in lieu of or in addition to those described below or in the Water Shortage Contingency Plan:

- Enhanced public awareness campaign (all Levels)
- Intensified use of surveys/assistance for customers in highest budget tiers (all Levels)
- Reduction of basic water budgets (all Levels)
- Adjustment of pricing tier thresholds, shifting usage into higher tiers (Levels Two, Three, Four, Five and Six)
- Restriction of uses (Level Four)
- Prohibition of uses (Levels Four, Five and Six)

The demand management measures included in the list above will be implemented through changes in the District's budget-based tiered pricing structure designed to strengthen the pricing signal and achieve desired water savings in the declared shortage level, including changes in the budget based water budgets of customers or customer classes (residential, landscape, commercial, etc.), changes in the usage volumes subject to the pricing tiers, and changes in the applicable commodity rates for the tiers. These changes will be implemented under Section 12 through the adoption of a revised Exhibit B setting forth the District's rates and charges.

The general prohibitions specified in Section 15.4 apply to the use of potable (domestic), untreated and recycled water. The application of shortage level response measures or restrictions may vary as to type of water service. In the implementation of measures or restrictions on potable water service through the declaration of a shortage level, the District will determine and set forth how and to what extent, if any, such measures or restrictions, or different measures or restrictions, will be applied to non-potable water services furnished by the District.

15.6 REPORTING AND ENFORCEMENT

15.6.1 Measures implemented through budget-based tiered pricing structure. As described in Section 15.2, the District's budget-based tiered pricing structure complements and is used in an integral manner within the water conservation and water supply shortage program. As part of the program, the pricing structure performs both reporting and enforcement functions: (1) the billing of water usage within the various pricing tiers serves as an effective reporting mechanism to identify customers who are overusing water or may be using water in discouraged or prohibited manners, and tells the District and the District's customer what

amounts of conservation are being achieved and where high usage should be the focus of additional effort; and (2) the effectiveness of the budget-based tiered pricing structure means that the rate structure and adjustments to it can achieve the same result as, and be used by the District in lieu or partially in lieu of, restrictions and enforcement measures in times of declared shortage conditions. As a result the response measures in Section 15.5 include demand management measures to be implemented through the budget-based tiered pricing structure, which is enforced through the District's billing procedures.

15.6.2 Enforcement of Restrictions

(1) This Section 15 and Section 4 are part of the District's water conservation program and are adopted pursuant to Water Code Section 376. Subject to appeal to the Board of Directors, the General Manager may take any measures authorized under Water Code Section 377 to hold a person civilly liable for violation of the District's water conservation program.

(2) Prior to enforcement of the restrictions pursuant to Section 15.4 (General Prohibitions) and 15.5 (Shortage Restrictions), any person who is suspected of violating the restrictions hereby imposed shall be given a preliminary notice in writing of such violation, with the description of violation set forth in such preliminary notice. Such person shall have 24 hours to correct such violation, or terminate the use. If the violation is not corrected or the use not terminated, the General Manager may immediately:

(a) disconnect service,

(b) install flow-restricting devices restricting non-health and safety related water service, or

(c) order issued a second preliminary notice.

(3) Service disconnected or restricted pursuant to 1(a) or 1(b) above will be restored only upon payment of the turn-on and other charges fixed by the Board of Directors as provided in these Rules and Regulations.

(4) Any other sanctions or penalties that the District is presently authorized to impose or that the District may at some future time be authorized to impose may be imposed to enforce this prohibition of water wastage.

(5) From and after the publication or posting of any ordinance or resolution implementing any restrictions or mandatory measures under the Water Shortage Contingency Plan, violations thereof shall be misdemeanors punishable by imprisonment in the County Jail for not more than 30 days or by fine of not more than \$1,000, or both, or as otherwise provided by law or such resolution or ordinance.

SECTION 16: WATER WELLS

16.1 PURPOSE

16.1.1 The District has an important interest, along with other appropriate regulatory agencies, in monitoring the groundwater basin located within its boundaries to obtain information as to its quantity, quality and other characteristics on an historical and ongoing basis. Many wells have been constructed and operated within the District for agricultural purposes by private users. From time to time, due to increasing urbanization, some of these wells are no longer needed as production wells.

16.1.2 The purpose of this section is to regulate the construction and reconstruction of all existing and future water wells, to provide for the destruction or other use of abandoned wells, and to provide for the initiation and completion of corrective measures relative to wells within the District, to accomplish the following:

- (1) To protect the quality of the groundwater within the District;
- (2) To protect the health, safety, and welfare of the residents of the District;
- (3) To protect the capability of the District to produce and distribute water for the use, benefit and protection of the residents of the District;
- (4) To avoid premature destruction of wells that can be converted to monitoring or production use.

16.2 DEFINITIONS

16.2.1 “**Destruction**” of a well means the complete filling and sealing of the well in accordance with the procedures outlined in the standards incorporated into this Section.

16.2.2 “**Well**” means any excavation constructed by any method for the purpose of extracting water from or injecting water into the underground, for providing cathodic protection or electrical grounding of equipment, for making tests or observations of underground conditions, or for any other similar purpose. Wells shall include, but shall not be limited to, community water supply wells, individual domestic wells, industrial wells, agricultural wells, cathodic protection wells, electrical grounding wells, test and exploratory holes, observation wells, saltwater barrier wells, and other wells whose regulation is necessary to fulfill the purpose of this chapter as determined by the Manager. Wells do not include:

- (1) Oil and gas wells, geothermal wells, or other wells constructed under the jurisdiction of the State Department of Conservation, except any such wells converted to use as water wells;

(2) Wells used for the purpose of dewatering excavations during construction, monitoring high groundwater during construction, monitoring or ascertaining the existence of groundwater contamination, or stabilizing hillsides or earth embankments; or

(3) Wells less than 50 feet in depth or 6 inches in diameter.

(4) Other wells whose regulation is not necessary to fulfill the purpose of this chapter as determined by the Manager.

16.2.3 A well will be presumed to be “abandoned” when it has not been used for its intended purpose for a period of one year.

16.3 PROHIBITED ACTS — PERMITS REQUIRED

16.3.1 No person, firm, or private or public corporation or agency shall construct or reconstruct any well within the boundaries of the District unless such construction or reconstruction is carried out pursuant to and in conformance with a written permit issued for that purpose by the Manager as provided in this Section.

16.3.2 No owner or operator of an existing well shall allow it to remain in an unused condition except in accordance with Section 16.4. An used well determined to be abandoned shall be destroyed pursuant to and in conformity with the requirements of the District as set forth in this Section unless the Manager determines that the District desires to acquire and equip the well for monitoring or production purposes.

16.4 UNUSED WELLS — DETERMINATION OF NONABANDONMENT

16.4.1 If a well has not been used for any of the purposes set forth in the definition of “well” for a period of one year, such well shall be presumed to have been abandoned, and the burden of proof shall thereupon be upon the owner or operator of the well to establish to the satisfaction of the Manager that the well has not been abandoned and that the owner and operator intends to continue to use the well for the intended purposes. The Manager shall require a written declaration under penalty of perjury concerning intended future use to be filed by the owner or operator of the well before the Manager determines that the well has not been abandoned. Application for the renewal of a determination of nonabandonment shall be required to be presented to the Manager by the owner or operator at the beginning of each calendar year. Such renewal applications shall be accompanied by a new written declaration filed under penalty of perjury. Test holes and exploratory holes shall be considered abandoned twenty-four hours after construction work has been completed unless otherwise determined by the Manager.

16.4.2 In the event the Manager determines that a well is indeed abandoned, unless the Manager determines that the District desires to acquire and equip the well for monitoring or production purposes, the well shall be destroyed within thirty days

in accordance with the provisions of this chapter. However, the owner shall be given written notice of this determination by the Manager. The notice shall specify the reasons for this decision and shall notify the owner of his right to request a hearing before the Board of Directors within ten days.

16.5 PERMITS

16.5.1 Applications for permits to construct, reconstruct, or destroy any well shall be made to the Manager and shall contain or provide such information as he shall require.

16.5.2 Each application shall be accompanied by a fee which shall be established by the Board of Directors. A permit shall remain in effect for one year from the date of issuance.

16.5.3 Permits may be issued subject to any condition or requirement found by the Manager to be necessary to accomplish the purposes of this chapter.

16.5.4 A permit may be canceled or the conditions amended by the Manager if he determines that to proceed with the work would result in a violation of the terms of the permit or of this Section.

16.5.5 In the event that a permit is denied or canceled, the applicant or permit holder shall be given written notice by the Manager, which notice shall specify the reasons for his action, and shall notify the applicant or permit holder of his right to request a hearing before the Board of Directors within ten days.

16.6 COMPLETION OF WORK — NOTICE TO MANAGER — INSPECTION

The permittee shall notify the Manager in writing upon completion of the work performed under the permit, and no work shall be deemed to have been completed until such written notification has been received. A final inspection of the work shall be made by the Manager, and no permittee shall be deemed to have complied with the provisions of this chapter of his permit until such inspection has been performed and the work approved by the Manager.

16.7 NOTICE UPON DETERMINATION OF THREAT TO WATER QUALITY, HEALTH OR SAFETY

In the event the Manager determines that a well threatens to impair the quality of the groundwater or otherwise jeopardize the health or safety of the public, he shall send written notice to the owner and shall post a copy of the notice on the property. The notice shall state the specific facts relative to the condition, the corrective measures deemed necessary, and the date on or before which such measure shall be completed. The owner shall also be notified of his right to request a hearing before the Board of Directors within thirty days from the date such notice is issued.

16.8 IMMEDIATE ABATEMENT OF THREAT TO WATER QUALITY, HEALTH OR SAFETY

If the Manager finds that immediate action is necessary to prevent impairment of the groundwater or a threat to the health or safety of the public he may correct the condition without giving notice. The District may charge the cost of the corrective measure to the owner. However, within twenty-four hours after initiating such corrective measure, the Manager shall notify the owner of the time, date and place at which a hearing shall be held by the Board of Directors relating thereto; which date shall be not less than ten nor more than thirty days after the date of such notification.

16.9 BOARD OF DIRECTORS HEARING

- 16.9.1 At the time fixed for a hearing before the Board of Directors concerning an abandoned well, a permit, or a threat to water quality, health or safety, as provided for in this chapter, the Board of Directors shall hear and consider all relevant testimony and evidence offered by the property owner and by any other interested person.
- 16.9.2 If the Board of Directors determines that an unused well was incorrectly classified as abandoned or that a permit was improperly denied or canceled, it shall direct the Manager to reclassify the well or to issue or reinstate the permit.
- 16.9.3 If the Board of Directors finds that a threat to water quality, health or safety, as determined by the Manager, does exist, then it shall direct the Manager to take any necessary action to protect the groundwater or the health and safety of the public unless the situation is corrected by the owner on or before a date to be specified by the Board of Directors. The cost of such corrective measures by the Manager shall be charged to the owner or operator.
- 16.9.4 In instances where the Manager has corrected a condition under the immediate correction provision of Section 16.8, the Board of Directors shall ascertain and review the pertinent facts concerning the correction. If the Board of Directors determines that the Manager's actions were justified, then it shall direct that the cost be charged to the owner or operator.

16.10 STANDARDS FOR CONSTRUCTION, RECONSTRUCTION OR DESTRUCTION

Standards for the construction, reconstruction, or destruction of wells shall be the standards recommended in the State Department of Water Resources Bulletin No. 74, Chapter II, and future amendments thereto. Standards for the construction, reconstruction, or destruction of cathodic protection wells shall be the standards recommended in the State Department of Water Resources Bulletin No. 74-1, and future amendments thereto.

16.11 VIOLATION — PENALTY

Any violation or failure to comply with any of the provisions of this Section shall be handled as provided in herein and shall also be subject to Section 14 as applicable.

16.12 AGREEMENTS

The District may enter into agreements with property owners concerning the drilling or abandonment of wells and/or other matters covered in this Section, and providing for alternate or modified methods of meeting certain of the requirements contained herein. In such cases, the agreement(s) will govern as to the applicability of the affected requirements, in the area(s) subject to such agreements.

16.13 NO LIABILITY ASSUMED

Notwithstanding the provisions of this Section permitting or requiring the District or Manager to issue permits, make determinations and/or take corrective measures relative to construction, reconstruction abandonment and destruction of wells and quality of groundwater, the District assumes no liability to the property owners or operators of wells or any third parties, for the making of or failure to make any such determination, or the taking of or failure to take any such measure, or the issuing of or failure to issue any such permit.

SECTION 17: DISTRICT NATURAL TREATMENT SYSTEM FACILITIES

17.1 GENERAL

The District, in cooperation with the County of Orange and various local cities, is developing a network of constructed water quality wetlands and bioretention cells designed to treat urban runoff within the drainage watersheds that are completely or partially within the District boundaries. These constructed water quality wetlands and bioretention cells are also known as natural treatment systems (NTS).

Developers shall provide for the design, construction and establishment of one or more natural treatment systems per the Procedures Guide, the District's Natural Treatment System Master Plan, the NTS Design Guidelines and these Rules and Regulations to treat urban runoff from their proposed development and reduce pollutants to the levels set by the regulating agencies. If permissible, and at the District's discretion, these natural treatment systems may be located within first flush stormwater retention basins provided by the developer to comply with other regulatory requirements. If, during the period specified in the Procedures Guide and the NTS Design Guidelines, the natural treatment system's level of treatment provided does not meet other regulatory requirements the District, at its discretion, may act on behalf of the County and various local Cities to direct the developer to make corrective improvements to the natural treatment system to meet the aforementioned regulatory requirements.

The operation, maintenance and water quality monitoring of the natural treatment system will be governed by agreements between the District and the County or City, as applicable. The responsibility for regulation and enforcement of surface water runoff discharges shall remain with the County and Cities.

17.2 URBAN RUNOFF DISCHARGE PERMITS

The County of Orange, Orange County Flood Control District and the Incorporated Cities of Orange County within the Santa Ana and San Diego Regions of the Regional Water Quality Control Board are required, under the terms of their National Pollutant Elimination Discharge System Permit, to control and manage the discharge of pollutants from urban runoff. The definition and enforcement of permitted discharges into the natural treatment system will be the responsibility of the County of Orange and the co-permittees under the NPDES permit.

17.3 FEES AND CHARGES FOR USE

The applicant for Natural Treatment System service shall pay the fees and operational charges set forth in the rates and charges attached as Exhibit B, as may be amended from time to time by the District.

17.4 MONITORING AND MAINTENANCE

The District shall monitor and maintain the natural treatment system, as specified in the Procedures Guide and the NTS Design Guidelines, to ensure that the system is operating as designed. The District reserves the right to make modifications to the natural treatment system,

based on the monitoring results, to increase the water quality treatment effectiveness of the system.

The District's monitoring and maintenance shall be limited to the water quality functions of the natural treatment system operation and, and the District assumes no responsibility or liability for flood control functions of natural treatment systems or sites. The District, at its discretion, may provide water quality monitoring for the combined natural treatment system and first flush stormwater retention facilities.

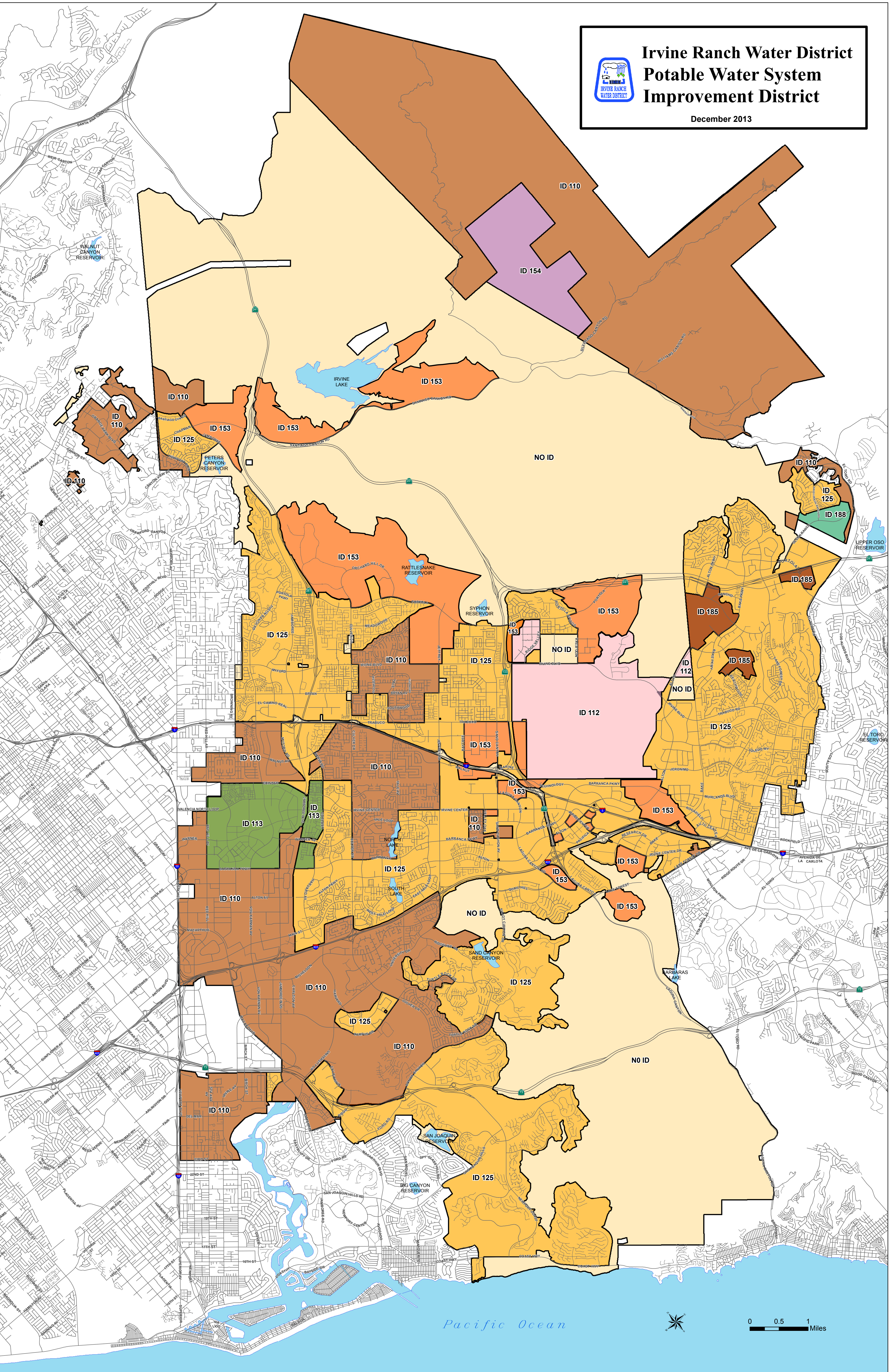
17.5 CONFLICT

In the event that any portion of this Section pertaining to discharges to the natural treatment system is inconsistent with any other provisions of the Rules and Regulations as to that discharge, the provisions of this Section will take precedence.



Irvine Ranch Water District Potable Water System Improvement District

December 2013

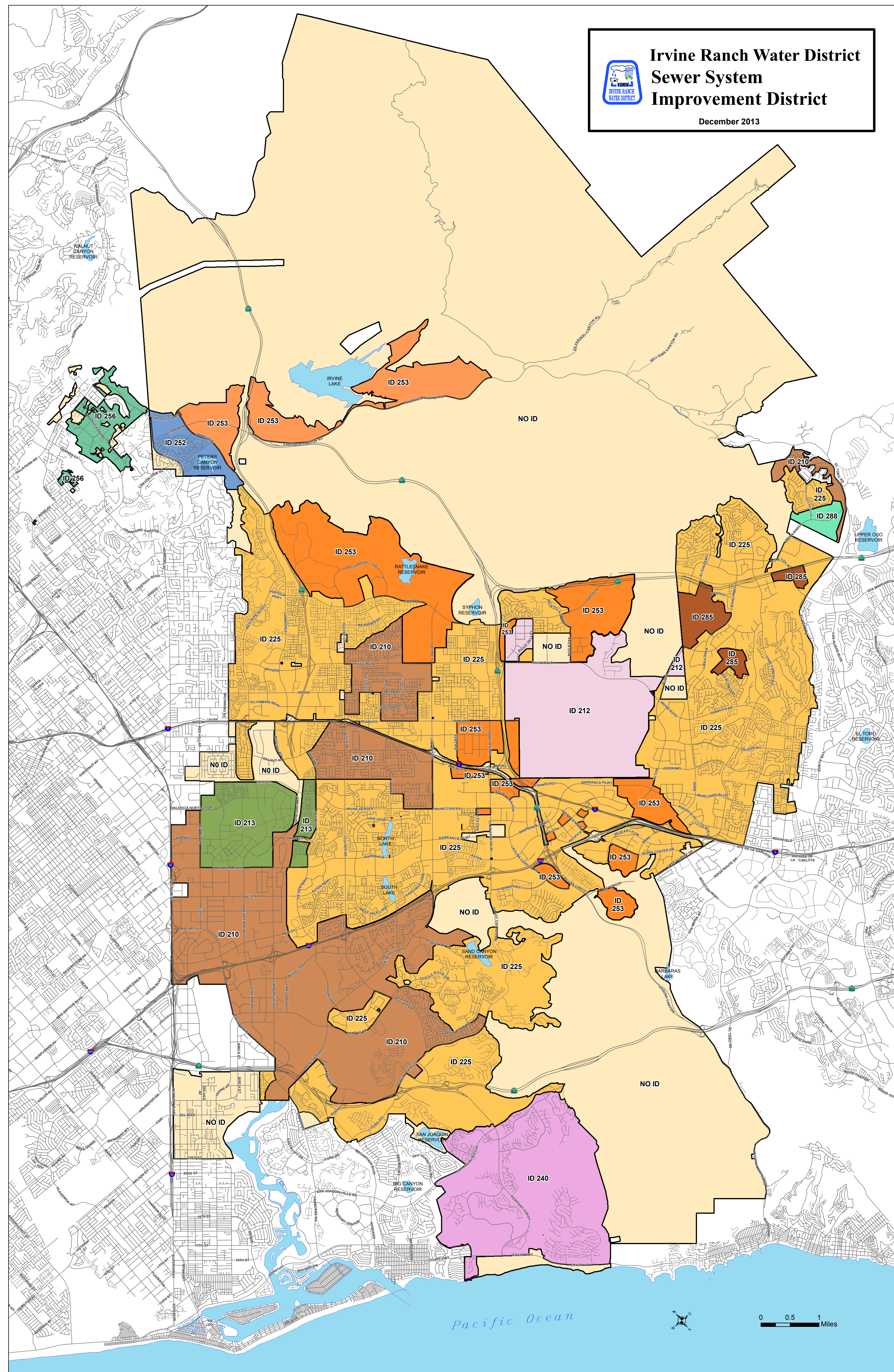


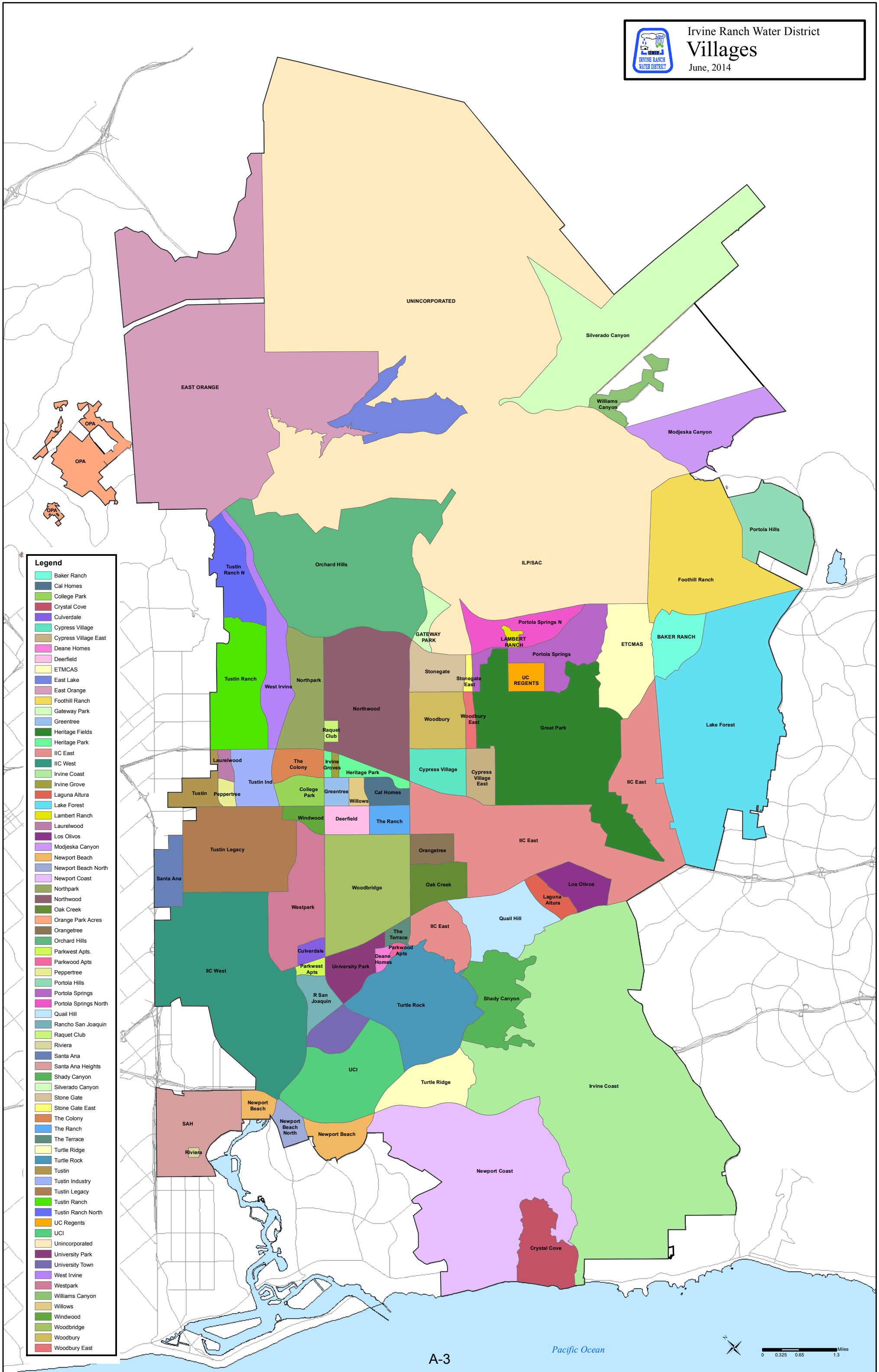
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Irvine Ranch Water District Sewer System Improvement District

December 2013





- Legend**
- Baker Ranch
 - Cal Homes
 - College Park
 - Crystal Cove
 - Culverdale
 - Cypress Village
 - Cypress Village East
 - Deane Homes
 - Deerfield
 - ETCMAS
 - East Lake
 - East Orange
 - Foothill Ranch
 - Gateway Park
 - Greentree
 - Heritage Fields
 - Heritage Park
 - IIC East
 - IIC West
 - Irvine Coast
 - Irvine Grove
 - Laguna Alta
 - Lake Forest
 - Lambert Ranch
 - Laurelwood
 - Los Olivos
 - Modjeska Canyon
 - Newport Beach
 - Newport Beach North
 - Newport Coast
 - Northpark
 - Northwood
 - Oak Creek
 - Orange Park Acres
 - Orangetree
 - Orchard Hills
 - Parkwest Apts.
 - Parkwood Apts.
 - Peppertree
 - Portola Hills
 - Portola Springs
 - Portola Springs North
 - Quail Hill
 - Rancho San Joaquin
 - Raquet Club
 - Riviera
 - Santa Ana
 - Santa Ana Heights
 - Shady Canyon
 - Silverado Canyon
 - Stone Gate
 - Stone Gate East
 - The Colony
 - The Ranch
 - The Terrace
 - Turtle Ridge
 - Turtle Rock
 - Tustin
 - Tustin Industry
 - Tustin Legacy
 - Tustin Ranch
 - Tustin Ranch North
 - UC Regents
 - UCI
 - Unincorporated
 - University Park
 - University Town
 - West Irvine
 - Westpark
 - Williams Canyon
 - Willows
 - Windwood
 - Woodbridge
 - Woodbury
 - Woodbury East

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Exhibit B
Rates and Charges for Water, Sewer, and Recycled Water Service
(Separate Document)

**EXHIBIT C to the Rules and Regulations
IRVINE RANCH WATER DISTRICT
MAXIMUM ALLOWABLE LOCAL LIMITS***

Constituent	Concentration Limit in Milligrams/Liter (mg/L)
1,4-Dioxane	1.0
Ammonia ⁽¹⁾	Mass
Arsenic	1.4
BOD ⁽¹⁾	Mass
Cadmium	0.25
Chromium (Total)	20.0
Copper	3.0
Lead	1.5
Mercury	0.03
Molybdenum	2.3
Nickel	3.2
Selenium	0.14
Silver	2.2
Zinc	9.2
Cyanide (Total)	2.4
Cyanide (Amenable)	1.0
pH (s.u.)	6.0 – 12.0
Polychlorinated Biphenyls	0.01
Pesticides	0.01
Sulfide (Total)	5.0
Sulfide (Dissolved)	0.5
Oil and grease of mineral or petroleum origin	100.0

* Users subject to Federal Categorical Pretreatment Standards may be required to meet more stringent limits.

⁽¹⁾ BOD and ammonia mass discharged will be tracked by OCSD and Users