

**REGULATIONS
OF
SILICON VALLEY CLEAN WATER**

**ESTABLISHING UNIFORM STANDARDS,
CONDITIONS AND REQUIREMENTS
FOR THE USE OF THE
SANITARY SEWERAGE FACILITIES OF SAID
AUTHORITY AND ITS MEMBER AGENCIES**



**1990 Regulations
1991 Amendments
2000 Amendments
2005 Amendments
2021 Amendments**

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REGULATIONS OF THE SILICON VALLEY CLEAN WATER
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ARTICLE I. GENERAL.

SECTION 1.1. The purpose of these regulations is to establish standards, conditions and requirements relating to the use of the sanitary sewerage facilities of the Silicon Valley Clean Water and its member agencies. In adopting these regulations the Commission of Silicon Valley Clean Water intends that, pursuant to the Joint Exercise of Powers Agreement hereinafter defined, the member agencies of the Authority shall likewise adopt these regulations as uniform wastewater ordinances enforceable throughout their respective jurisdictions. It is further the purpose of these regulations to enable this Authority and the member agencies thereof to comply with and meet applicable laws, regulations, standards and conditions established by federal and state law, or by agencies thereof in the implementation of such law. The Commission of Silicon Valley Clean Water hereby finds and declares that the health, safety and welfare of the people within its service area, and within the respective service areas of the member agencies of this Authority, require the enactment and uniform implementation of these regulations throughout said service areas.

SECTION 1.2. TECHNICAL TERMINOLOGY. Words, phrases, or terms not specifically defined herein, and having a technical or specialized meaning shall be defined as set forth 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 Pollution Control Federation.

Waste constituents and characteristics, and measurements thereof, as used herein shall have the meanings and descriptions ascribed thereto in the aforesaid publication, or as established by federal or state regulatory agencies.

SECTION 1.3.0. SPECIFIC DEFINITIONS. The following words or phrases wherever used in these regulations shall have the meanings respectively ascribed thereto.

SECTION 1.3.1. ACT or the ACT. The Federal Water Pollution Control Act as amended by the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500), and as amended from time to time thereafter (33 U.S.C. §1251 et seq.), commonly referred to as the Clean Water Act.

SECTION 1.3.2. AGENCY or AGENCIES. The member agencies of the Silicon Valley Clean Water, to wit: the Cities of Belmont, Redwood City, and San Carlos, municipal corporations of the State of California, and the West Bay Sanitary District, a political subdivision of the State of California, together with public agencies which, pursuant to contract with the Authority or its member agencies, use the sanitary sewerage facilities of said member agencies and the Authority.

SECTION 1.3.3. AGENCY'S DIRECTOR or AGENCIES' DIRECTORS.
The officer or employee of each Agency vested with the power by said Agency to administer its uniform wastewater regulations, or his or her designees, including, but not limited to, duly authorized personnel of Authority. The plural form shall refer to the Directors of all Agencies.

SECTION 1.3.4. AUTHORITY. The Joint Exercise of Powers Authority for the Silicon Valley Clean Water, a public entity established by agreement between the Cities of San Carlos, Belmont, and Redwood City, California, and the Menlo Park Sanitary District (now named the West Bay Sanitary District) dated November 13, 1975, and any successor entity thereto.

SECTION 1.3.5. AUTHORITY'S COMMISSION. The governing body of Authority.

SECTION 1.3.6. AUTHORITY'S MANAGER. The Manager of the Authority, or his or her designee.

SECTION 1.3.7. BUILDING SEWER. A sewer conveying wastewater from the premises of a user to the sewerage facilities.

SECTION 1.3.8. BENEFICIAL USES. Uses of the waters of an Agency or the State which may, or do require protection against quality degradation thereof, including, but not necessarily limited to, waters used for domestic, municipal, agricultural, industrial, power generation, recreation, aesthetic enjoyment, or navigation purposes, or for the preservation and enhancement of fish, wildlife or other aquatic resources or reserves, and such other uses, both tangible or intangible, as are or may be specified by federal or state law as beneficial uses.

SECTION 1.3.9. CATEGORICAL STANDARDS. National pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged into the sewerage facilities by existing or new industrial users classified in specific industrial subcategories established as separate regulations under the appropriate subpart of 40 Code of Federal Regulations, Chapter I, Subchapter N. Unless specifically provided otherwise, said standards shall be adhered to in addition to the general prohibitions established in Article II of these regulations.

SECTION 1.3.10. CHARGE. A rental or other charge established pursuant to these regulations or an Agency's uniform wastewater ordinance for services and facilities furnished by the Authority or an Agency to any premises in connection with the operation of the sewerage facilities.

SECTION 1.3.11. COMPATIBLE POLLUTANT. Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, additional pollutants identified in the Authority's NPDES permit, and such other pollutants as may be designated by Authority's Manager upon a finding by him or her that such pollutants are substantially treated and removed by the sewerage facilities.

SECTION 1.3.12. CONTAMINATION. An impairment of the quality of the waters of an Agency or the State by waste to a degree which creates a hazard to the public health. Contamination shall include any equivalent effect resulting from the disposal of wastewater whether or not waters of an Agency or State are affected thereby.

SECTION 1.3.13. DETRIMENTAL DISCHARGE. A discharge which, alone or in conjunction with a discharge or discharges from other sources, does, or may, endanger the health, safety or welfare of persons, or the environment, or threatens to, or reasonably may be deemed to threaten, the operation of the sewerage facilities, or causes or may reasonably be deemed to cause a violation of the Authority's NPDES permit, or any applicable federal, state, or local regulation relating to the operation of the sewerage facilities.

SECTION 1.3.14. HAZARDOUS WASTE. Any liquid, semisolid, solid, or gaseous waste which conforms to the definition of "Hazardous Waste" in Section 25117 of the California Health & Safety Code, as said section may from time to time be amended, revised or recodified.

SECTION 1.3.15. HOLDING TANK WASTE. Any waste from sewage or waste disposal holding tanks as, e.g., those which are associated with vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

SECTION 1.3.16. INCOMPATIBLE POLLUTANT. Any pollutant which is not a compatible pollutant.

SECTION 1.3.17. INTERFERING DISCHARGE. A discharge into the sewerage facilities which, alone or in conjunction with a discharge or discharges from another source or sources, inhibits or disrupts the sewerage facilities, the treatment processes or operations thereof, the sludge processes thereof, or the use or disposal of said sludge, or the disposal of sewage, and which causes or significantly contributes to either a violation of the Authority's NPDES permit or to the inability of the Authority to use or dispose of sewage sludge in compliance with the federal or state regulations or permits promulgated or issued thereunder.

SECTION 1.3.18. MASS EMISSION RATE. The weight of material discharged into the sewerage facilities during a specified time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of a particular waste constituent or combination of constituents.

SECTION 1.3.19. NEW SOURCE. Any building, structure, facility, or installation from which there is or may be a discharge of Pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section.

SECTION 1.3.20. NPDES PERMIT, OR AUTHORITY'S NPDES PERMIT.

The National Pollutant Discharge Elimination System Permit issued to Authority pursuant to the provisions of the Act, as said permit may from time to time be amended, revised or superseded.

SECTION 1.3.21. PASS THROUGH. The discharge of pollutants through the sewerage facilities into surface waters in quantities or concentrations which cause or significantly contribute to violation of the Authority's NPDES permit.

SECTION 1.3.22. PERSON. Any individual, firm, company, partnership, association, private corporation, public corporation, or governmental entity, authority, or agency, and the officers, agents, or employees of such organizations.

SECTION 1.3.23. POLLUTANT. The human-made or human-induced waste which alters the chemical, physical, biological, or radiological integrity of waters of an Agency or of the State manifesting pollution.

SECTION 1.3.24. POLLUTION. An alteration of the chemical, physical, biological, or radiological integrity of waters of an Agency or of the State by waste made or induced by humans which unreasonably affects such waters for any beneficial use or so affects facilities serving such beneficial use. The term pollution may also include contamination.

SECTION 1.3.25. PREMISES. A parcel of land, or portion thereof, including any improvements thereon, which is directly or indirectly connected to the sewerage facilities for purposes of receiving, using, and paying for service, or other purposes relating to the sewerage facilities, by an individual user. Each dwelling unit of a duplex, apartment, or any other multi-family residence shall be

deemed separate premises. Subject to the foregoing, the Agencies' Directors shall determine what constitutes a premises.

SECTION 1.3.26. PRETREATMENT. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to, or in lieu of, discharging or otherwise introducing such pollutants into the sewerage facilities. Such reduction or alteration may be obtained by physical, chemical or biological processes, or process changes or other means, except as prohibited by requirements of law.

SECTION 1.3.27. RECLAIMED WATER. Water which, as a result of treatment of waste, is suitable for direct beneficial use, or a restricted beneficial use, which would not otherwise occur but for such treatment.

SECTION 1.3.28. REQUIREMENT OF LAW or OTHER REQUIREMENTS OF LAW. Any pertinent provision of the Act, or of any statute, ordinance, rule, regulation, order, or directive implementative of the Act, or of Authority's NPDES permit, or of any amendments, revisions, or other superseding provisions or requirements of the foregoing authorities.

SECTION 1.3.29. SEWERAGE FACILITIES. Any or all devices, facilities, equipment, improvements or systems owned or used by the Agencies or the Authority in the collection, storage, treatment, recycling, reclamation, or disposal of wastes or wastewater, including interceptor sewers, outfall sewers, or lines, sewage collection systems, pumps, power plants, treatment plants, recycling or reclamation plants, and other equipment and appurtenances thereto; extensions, improvements, remodeling, modifications, additions or alterations thereof; chemicals, materials, or supplies used in connection therewith; or any other facilities, including land and improvements thereon, which are an integral part of the sewage collection, transporting or treatment process of the Agencies or the Authority, or which are used for ultimate disposal of residues, effluent, or discharges resulting from such treatment, or any other method or system for preventing, abating, reducing, storing, treating, separating or

disposing of wastes or wastewater, including storm water runoff, industrial wastes, domestic wastes, or any combination thereof.

SECTION 1.3.30. SIGNIFICANT INDUSTRIAL USER.

(a) Any user within an industry subject to Categorical Pretreatment Standards under 40 CFR chapter I, subchapter N; or

(b) Any user that discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater); or

(c) Any user that contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(d) Any user within a user classification listed in Division D (Manufacturing) of the Standard Industrial Classification Manual, 1972 edition, issued by the Executive Office of the President, Office of Management and Budget, as said manual may from time to time be amended, revised, or superseded, who or which discharges 1,000 gallons or more per day of process wastewater into the sewerage facilities; or

(e) Any user who or which discharges, or causes or permits a discharge of wastewater which would or does have a reasonable potential for adversely affecting the sewerage facilities or for violating any pretreatment standard or requirement (as determined by an Agency's Director or Authority's Manager), either individually or in combination with other contributing industries, on the sewerage facilities, or on the quality, of effluent from the sewerage facilities.

(f) Upon a finding that a user, meeting the criteria above in subsections (b) through (d), has no reasonable potential for adversely affecting the sewerage facilities or for violating any pretreatment standard or requirement, the Authority may at any time, on its own initiative or in response to a petition received from a user or agency, and in accordance with 40 CFR 403.8(f)(6), determine that such user is not a significant industrial user.

SECTION 1.3.31. UNPOLLUTED WATER. Water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to an Agency or the Authority for disposal to storm or natural drainages, or directly to surface waters.

SECTION 1.3.32. USER. Any person who or which discharges, causes or permits the discharge of wastewater into the sewerage facilities.

SECTION 1.3.33. USER CLASSIFICATION. A classification of users based upon classifications set forth in the Standard Industrial Classification Manual, 1972 edition, issued by the Executive Office of the President, Office of Management and Budget, as said manual may from time to time be amended, revised, or superseded.

SECTION 1.3.34. WASTE. Sewage and any and all waste substances, whether 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 waste placed within containers of any nature prior to, and for purposes of, disposal.

SECTION 1.3.35. WASTEWATER. Waste and water, whether treated or untreated, discharged into, or permitted to enter into the sewerage facilities.

SECTION 1.3.36. WASTEWATER CONSTITUENTS AND CHARACTERISTICS.

The individual chemical, physical, bacteriological and radiological parameters, including volume and flow rate, and such other parameters that serve to define, classify or measure the contents, quality, quantity, or strength of wastewater.

SECTION 1.3.37. WATERS OF THE AGENCIES OR STATE. Any water, whether surface, underground, and whether saline or non-saline, within the boundaries of the agencies, or within the boundaries of an Agency flowing into, touching, or otherwise combined with waters outside the limits of said Agency but within the boundaries of the State.

ARTICLE II. PROHIBITIONS.

SECTION 2.1 GENERAL PROHIBITIONS.

(a) No person shall discharge waste into the sewerage facilities which cause, threaten to cause, or are capable of causing, either alone or by interaction with other substances:

- (1) A fire or explosion;
- (2) Obstruction of flow in, or injury to, the sewerage facilities, or any portion thereof;
- (3) Danger to life or safety of persons;
- (4) Conditions inhibiting or preventing the effective maintenance or operation of the sewerage facilities;
- (5) Strong or offensive odors, air pollution, or any noxious, toxic, or malodorous gas or substance, or gas producing substances;
- (6) Interference with the wastewater treatment process, or overloading of the sewerage facilities, or excessive collection or treatment costs, or use of a disproportionate share of the capacity of the sewerage facilities;
- (7) Interference with any wastewater reclamation process, which does or may operate in conjunction with the sewerage facilities, or overloading, or a breakdown of such reclamation process, or excessive reclamation costs, or any product of the treatment process which renders such reclamation process impracticable or not feasible under normal operating conditions;
- (8) A detrimental environmental impact, or a nuisance wherever located, or a condition unacceptable to any public agency having regulatory jurisdiction over operation of the sewerage facilities;
- (9) Discoloration, or any other adverse condition in the quality of the effluent from the sewerage facilities such that receiving water quality requirements established by any statute, rule, regulation, ordinance, or permit condition cannot be met by an Agency or the Authority;
- (10) Conditions at or near the sewerage facilities, or any portion thereof, which cause, or may cause, an Agency or Authority to be in violation of the requirements of law.
- (11) Pollutants introduced into the sewerage facilities which pass through or interfere with the operation or performance of the sewerage facilities.

(b) No person shall discharge hazardous waste into the sewerage facilities except pursuant to a permit issued by Authority's Manager upon a determination that such hazardous waste will not constitute or create a detrimental discharge.

(c) Except pursuant to an express applicable Pretreatment Standard, no user shall ever increase the use of process water or, in any other way, attempt to dilute a discharge of waste or wastewater as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard. The Authority may impose limitations upon mass emission rates on users which are using dilution to meet applicable Pretreatment Standards or in other cases where the imposition of mass limitations is appropriate.

SECTION 2.2. SPECIFIC SOURCES PROHIBITED. No person shall discharge, cause to be discharged, or permit to be discharged, either directly or indirectly into the sewerage facilities, waste or wastewater from any of the following sources unless a permit therefor is issued by an Agency's Director subject to the concurrence of Authority's Manager:

- (a) Any stormwater, groundwater, rainwater, street drainage, sub-surface drainage, or yard drainage;
- (b) Any unpolluted water, including, but not limited to, cooling water, process water, or blow-down water from cooling towers or evaporative coolers;
- (c) Waste from garbage grinders, provided, that wastes generated in preparation of food normally consumed on the premises may be so discharged, provided, further, that such grinders shall be of such design and capacity to shred waste used therein such that all waste particles shall be carried freely under normal flow conditions into and through the sewerage facilities;
- (d) Any wastes or wastewater, or any object, material, or other substance directly into a manhole or other opening into the sewerage facilities other than wastes or wastewater through an approved building sewer;
- (e) Any holding tank waste, provided, that such waste may be placed into facilities designed to receive such wastes and approved by an Agency's Director;
- (f) Any radioactive waste, provided, that persons authorized to use radioactive materials by the State Department of Health or other governmental agency with regulatory jurisdiction over the use of radioactive materials may discharge, cause to be discharged, or permit to be discharged such wastes, provided that such wastes are discharged in strict conformance with current California Radiation Control regulations (California Code of Regs. Title XVII, Ch. 5, Sub.Ch. 4, Group 3, Art. 5), and federal regulations and recommendations for safe disposal of such wastes, and, provided further, that the person so acting does so in compliance with all applicable rules and regulations of all other regulatory agencies having jurisdiction over the matter.

SECTION 2.3. WASTEWATER STRENGTH LIMITATIONS. Except pursuant to a permit issued under Section 2.5, no Person shall discharge, cause to be discharged, or permit to be discharged any Wastewater into the Sewerage Facilities containing any of the following Wastewater constituents in excess of the maximum allowable amounts respectively hereinafter established therefor:

| Wastewater Constituent | Amount in Milligrams per Liter (mg/L) |
|---------------------------------------|--|
| Arsenic | 0.27 |
| Cadmium | 0.13 |
| Chromium (Total) | 3.3 |
| Copper | 2.3 |
| Lead | 1.2 |
| Mercury | 0.00097 |
| Nickel | 0.17 |
| Selenium | 0.098 |
| Silver | 0.44 |
| Zinc | 6.5 |
| Cyanide | 0.06 |
| Methylene Chloride | 0.07 |
| Chloroform | 0.03 |
| Tetrachloroethene (Perchloroethylene) | 0.03 |
| Benzene | 0.002 |
| Carbon Tetrachloride | 0.001 |
| cBOD | 2,000 |
| Total Dissolved Solids (TDS) | 3,600 |
| Electrical Conductivity | 1,800 μ S/cm |

SECTION 2.4. SPECIFIC WASTES PROHIBITED. No Person shall discharge, cause to be discharged, or permit to be discharged any Wastewater into the Sewerage Facilities:

- (a) The temperature of which is higher than 150° Fahrenheit (65° centigrade);
- (b) Containing more than 300 mg/l of oil or grease of animal or vegetable origin;
- (c) Containing more than 100 mg/l of oil or grease of mineral or petroleum origin;
- (d) Having a pH lower than 6.0, or greater than 11.0, or having a corrosive property capable of causing damage or hazard to structures or equipment of the Sewerage Facilities, or any portion thereof;

- (e) Any sand, grit, straw, metal, glass, rags, feathers, paper, tar, plastic, wood, leaves, garden clippings, manure, dead animals, offal, or any other solid or viscous substance capable of causing obstruction to the flow in the Sewerage Facilities, or which in any way interferes with the proper operation of the Sewerage Facilities;
- (f) Any Pollutant not otherwise specifically prohibited in these regulations, in sufficient quantities to constitute a hazard to humans or animals, or to create a hazard to the Sewerage Facilities, or to injure or interfere with the operation thereof;
- (g) Any Waste containing suspended solids not otherwise specifically prohibited under the provisions of these regulations, the characteristics or quantity of which require or requires unusual attention, treatment, or expense in handling or treating in the Sewerage Facilities, or any portion thereof;
- (h) Any Waste streams with a closed cup flashpoint of less than 140° Fahrenheit
- (i) Any trucked or hauled Wastes except at points designated by the Authority or Agency.

SECTION 2.5. SPECIFIC USER LIMITATIONS. Notwithstanding the limitations upon the characteristics or quantity of Wastewater discharged, caused to be discharged, or permitted to be discharged into the Sewerage Facilities pursuant to this Article, Authority’s Manager may, in connection with the issuance of permits pursuant to the provisions of Article IV, establish additional or different specific limitations on Wastewater strength, or deny an application for any such permit, upon a finding by him or her that:

- (a) The limitations set forth in this Article may not be sufficient to protect the operation of the Sewerage Facilities, or any portion thereof, or the Waste or Wastewater proposed to be discharged constitutes a hazard to, or an unreasonable burden upon, such operation, or otherwise causes or may cause, or significantly contributes, or may contribute, to a violation of Authority’s NPDES Permit; or
- (b) The limitations set forth in Section 2.3 may be unreasonably restrictive when applied to a specific User or User Category and the proposed discharge, if allowed, when added to the total amount authorized by existing permits issued pursuant to these regulations will not cause the amount of any of the following Wastewater constituents to exceed the aggregate maximum allowable amount respectively hereinafter established therefore:

| Wastewater Constituent | Aggregate Maximum Permitted Amounts (lbs/day) |
|-------------------------------|--|
| Arsenic | 2.9 |
| Cadmium | 1.4 |
| Chromium (Total) | 36 |
| Copper | 25 |

| Wastewater Constituent | Aggregate Maximum Permitted Amounts (lbs/day) |
|---------------------------------------|--|
| Lead | 13 |
| Mercury | 0.011 |
| Nickel | 1.8 |
| Selenium | 1.1 |
| Silver | 4.8 |
| Zinc | 71 |
| Cyanide | 5.25 |
| Methylene Chloride | 254 |
| Chloroform | 13 |
| Tetrachloroethene (Perchloroethylene) | 1.6 |
| Benzene | 9.3 |
| Carbon Tetrachloride | 0.46 |
| cBOD | 21,700 |
| Total Dissolved Solids (TDS) | 39,000 |
| Electrical Conductivity ¹ | 20 |

¹ Units for electrical conductivity are not strictly lbs/day since the electrical conductivity concentrations used in the calculations is in units of micro-Siemens per centimeter ($\mu\text{S}/\text{cm}$) instead of milligram per liter (mg/L)

- (c) Notwithstanding the provisions of (a) and (b) above, in no event shall any permit be issued which allows an Interfering Discharge, or a Pass Through, or allows a violation of a Categorical Standard.

ARTICLE III. WASTEWATER VOLUME DETERMINATION.

SECTION 3.1. GENERAL. For the purposes of these regulations unless otherwise provided pursuant to the provisions of this Article, wastewater volumes shall be determined upon the basis of volumes of freshwater, including all sources of non-wastewater, used by, or furnished to, a user.

SECTION 3.2. METERING. Upon application of a user, and upon a finding by Authority's Manager, subject to the concurrence of the Agency's Director of the Agency within the boundaries of which the premises to be served by the sewerage facilities is located, that a significant portion of freshwater or non-wastewater, received by the user from any metered source does not flow into the sewerage facilities because of the principal activity of the user, or by reason of removal of wastewater

by other means, Authority's Manager, with the concurrence of said Agency's Director, may authorize determination of the volume of wastewater discharge to be made by an appropriate metering device. Upon such determination, a metering device, of a type approved by Authority's Manager, and at a location approved by Authority's Manager, shall be installed at the user's expense. Such metering device shall measure either the amount of wastewater discharged into the sewerage facilities, or the amount of freshwater or non-wastewater diverted from the sewerage facilities. Upon installation, such meters shall be maintained and tested periodically for accuracy in accordance with requirements established by Authority's Manager, all of which maintenance and testing shall be at the expense of the user.

SECTION 3.3. EXCEPTIONS - ESTIMATED VOLUME. In lieu of use of a metering device as specified in section 3.2, and upon a determination by Authority's Manager, subject to the concurrence of the Agency's Director of the Agency within the boundaries of which the premises to be served by the sewerage facilities is located, that it would be unnecessary or impracticable to install, maintain, or operate such metering device, wastewater volume discharged by a user into the sewerage facilities may be based upon an estimate thereof determined by Authority's Manager, with the concurrence of said Agency's Director. The determination of such estimated wastewater volume shall be based upon such factors as the number of fixtures through which wastewater flows into the sewerage facilities from the user's premises, seating capacity of buildings or improvements upon the premises, the population equivalent associated with the premises, annual production of goods and services related to the premises, or other factors reasonably relating to water use, wastewater volume calculations, and/or diversions of wastewater flow from the sewerage facilities.

SECTION 3.4. BASIS FOR DETERMINATION, AGENCY'S CONCURRENCE. The determination by Authority's Manager to require measurement of wastewater volumes by metering devices or calculation of estimated flows pursuant to Section 3.2 or 3.3, respectively, shall be based upon such data, statistics, description of premises to be served by the sewerage facilities and operations

conducted thereon together with corresponding reasons submitted by the user in support of use of such metering devices or calculations, as the case may be, and such other information deemed necessary or appropriate by Authority's Manager to enable him or her to make a reasoned determination.

ARTICLE IV. REPORTS, PERMITS AND ADMINISTRATION.

SECTION 4.1. REPORTS.

SECTION 4.1.1. GENERAL. Reports required to be submitted pursuant to permits issued under these regulations or otherwise required by the Act, or regulations implementative thereof, including, but not limited to, compliance schedule progress reports, reports on compliance with categorical deadlines, periodic compliance reports, notice of changed discharge reports, and reports from noncategorical industrial users, shall conform to pertinent provisions of such permits, these regulations, or other requirements of law, and shall be submitted in accordance with applicable filing requirements, including, but not limited to, deadlines.

SECTION 4.1.2. PERIODIC DISCHARGE REPORTS. In addition to all other reports which may be required to be submitted by a user, upon a determination by Authority's Manager, or the Agency's Director of the Agency within the boundaries of which the premises to be served by the sewerage facilities is located, that such information is necessary or appropriate for them reasonably to carry out their respective duties and to exercise their respective authority under these regulations, each or either of them may require that any person discharging, causing to be discharged, permitting to be discharged, or proposing to discharge wastewater into the sewerage facilities shall file a periodic discharge report, the cost of which shall be borne by such person. Such report may include, but shall not necessarily be limited to, information relating to the nature of manufacturing, fabricating, or other processes, fresh or non-wastewater volumes, wastewater volumes, rates of flow, mass emission rates, production quantities, hours of operation, number and classification of employees, or other information relating to the generation of waste, including wastewater constituents and characteristics of the pertinent wastewater discharge. Authority's Manager or said Agency's Director may also require that such reports

include chemical constituents and quantity of liquid or gaseous materials stored on the premises relating to such discharge, even though such materials are not normally discharged into, or become a part of the wastewater in, the sewerage facilities.

Such reports shall be in addition to self-monitoring reports, information furnished in connection with wastewater discharge permits, or other permits authorized under these regulations. The reports authorized and required under this section shall be filed with Authority's Manager or said Agency's Director periodically and/or at such other times as either of them may reasonably require.

SECTION 4.1.3. SIGNATORY REQUIREMENTS. Baseline and Monitoring Reports, 90 Day Compliance Reports, and Periodic Reports on Continued Compliance (as said reports are defined and described in Subdivisions (b), (d) and (e) of Section 403.12 of Title 40, Code of Federal Regulations, and such other reports as may be specified by Authority's Manager, shall be signed by an authorized representative of the industrial user, or other user or other person required to submit such report. An authorized representative may be:

- (1) A principal executive officer of at least the level of vice president, if the industrial user, other user or other person submitting such report is a corporation;
- (2) A general partner or proprietor if the industrial user, other user, or other person submitting such report is a partnership or sole proprietorship, respectively; or
- (3) A duly authorized representative of the individual designated in (1) or (2) above, if such representative is responsible for the overall operation of the facility with respect to which such report pertains.

SECTION 4.1.4. CERTIFICATION. Reports required to be submitted pursuant to permits issued under these regulations, or otherwise required that by these regulations, by the Act, or by regulations implementative thereof, shall, unless otherwise specified by Authority's Manager, include the following certification of the signatory thereto:

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

SECTION 4.2. MANDATORY WASTEWATER DISCHARGE PERMITS. No significant industrial user shall connect to, or discharge waste or wastewater into, the sewerage facilities without first obtaining a wastewater discharge permit therefor. No significant industrial user, or other user discharging, or proposing to discharge wastewater having characteristics or quantities equivalent to that of a significant industrial user whose premises are connected to the sewerage facilities upon the effective date of these regulations shall discharge wastewater into the sewerage facilities on or after 90 days after such effective date without a wastewater discharge permit therefor.

SECTION 4.3. DISCRETIONARY WASTEWATER DISCHARGE PERMITS. A wastewater discharge permit may be issued to any user, upon application therefor, who (1) requests that charges and fees established pursuant to these regulations be based upon an estimated volume of wastewater discharged, or to be discharged, into the sewerage system, or (2) establishes to the satisfaction of Authority's Manager that wastewater proposed to be discharged from such user's premises into the sewerage system has, or will have, wastewater strength characteristics less than the normal range for the user classification to which such user is assigned, by reason of pretreatment, process changes, or other factors affecting such wastewater characteristics, or (3) requests or requires a permit pursuant to the provisions of Sections 2.1(b), 2.2., or 2.5.

SECTION 4.4. WASTEWATER DISCHARGE PERMITS.

SECTION 4.4.1. APPLICATIONS FOR MANDATORY WASTEWATER DISCHARGE PERMITS. Applications for mandatory permits required under Section 4.2 shall be made to Authority's Manager in writing in such form as Authority's Manager shall require, and shall set forth the following:

- (a) The name and address of the applicant/user and the business name or other designation by which the premises or facility located thereon to which the application pertains is known, the address of said premises or facility (if different than the name and address of the applicant), and the name or names of the manager or other person in charge of said facility or premises;
- (b) A list of any environmental control permits held by the applicant for the facility or premises;
- (c) A brief description of the nature, average rate of production and standard industrial classification of the operation(s) carried out by the applicant;
- (d) Flow measurement showing average daily and maximum daily flow from each process stream to which the application pertains;
- (e) Wastewater constituents and characteristics of the wastewater proposed to be discharged into the sewerage facilities, including, but not limited to, those categories thereof described in Sections 2.2, 2.3, and 2.4, the presence and amount of which shall be determined by a laboratory competent to test and describe such constituents and characteristics, and approved by Authority's Manager;
- (f) The time and duration of the proposed wastewater discharge;
- (g) The average and thirty minute peak wastewater flow rates proposed to be discharged, including daily, monthly, and seasonal variations, if any;
- (h) Site plans, floor plans, mechanical and plumbing plans, in detail necessary or appropriate to show and to describe all building sewers and appurtenances by size, location and elevation;
- (i) A description of the activities, facilities, and plant processes conducted, or proposed to be conducted on the premises, including, but not necessarily limited to, all materials manufactured, fabricated, or processed, and the types of materials which are or could be discharged into the sewerage facilities;
- (j) Identification of pretreatment standards applicable to each process;
- (k) A statement, reviewed by an authorized representative of the applicant and certified by a qualified professional, stating whether categorical standards are being or will be met on a consistent basis and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the applicant to meet such standards and requirements;
- (l) Requirements, if any, for additional pretreatment and/or operation and maintenance in order to meet categorical standards and the shortest schedule by which the applicant will provide such additional pretreatment and/or operation and maintenance (the completion date in said schedule shall not be later than the compliance date established for any applicable categorical standard);
- (m) Such other information deemed necessary by Authority's Manager to determine the effect upon the sewerage facilities of the proposed discharge or activities related thereto, or otherwise reasonably necessary to enable Authority's Manager or the Agency's Director of the Agency within the boundaries of which the premises to be served by the sewerage facilities is located, to carry out the provisions of these regulations, or any other requirements of law.

SECTION 4.4.2. APPLICATIONS FOR DISCRETIONARY WASTEWATER DISCHARGE

PERMITS. Applications for wastewater discharge permits which may be issued pursuant to Section 2.1(b), Section 2.2, Section 2.5 and Section 4.3, shall be made to Authority's Manager in writing in such form as Authority's Manager shall require and shall set forth the following:

- (a) The name and address of the applicant/user and the business name (if applicable) or other designation by which the premises or facility located thereon to which the application pertains is known, the address of said premises or facility (if different then the name and address of the applicant), and the name or names of the manager or other person in charge of said facility or premises;
- (b) The time and duration of the proposed wastewater discharge;
- (c) A description of the activities, facilities, or other operations pertaining to the proposed discharge including, but not necessarily limited to, types of materials which are or could be discharged into the sewerage facilities;
- (d) Such other information deemed necessary by Authority's Manager to determine the effect upon the sewerage facilities of the proposed discharge or activities related thereto, or otherwise reasonably necessary to enable Authority's Manager or the Agency's Director of the Agency within the boundaries of which the premises from or with respect to which the proposed discharge is located, to carry out the provisions of these regulations, or any other requirements of law.

SECTION 4.4.3. SIGNATORY REQUIREMENTS. Applications for permits shall be signed by the persons designated in Section 4.1.3 (pertaining to signatories for certain reports) and shall contain the certification specified in Section 4.1.4 (pertaining to certification for certain reports).

SECTION 4.4.4. ISSUANCE. Upon evaluation of and approval of all pertinent data and information, Authority's Manager shall issue a wastewater discharge permit, subject to the consent of the Agency's Director of the Agency within the boundaries of which the premises to be served by the sewerage facilities is located, and further subject to terms and conditions required or authorized under the provisions of these regulations, the said Agency's regulations pertaining to use of its sewerage facilities not inconsistent with these regulations, and deemed necessary or appropriate by Authority's Manager or said Agency's Director, as the case may be, to carry out the purposes and intent of these regulations or said Agency's regulations.

SECTION 4.5. PERMIT CONDITIONS.

SECTION 4.5.1. GENERAL. Wastewater discharge permits authorized under these regulations shall be subject to all applicable provisions and requirements of these regulations, the regulations of the Agency within the boundaries of which the premises to be served by the sewerage facilities is located and which are implementative hereof and not inconsistent with the provisions of these regulations, and to all other applicable requirements of law.

SECTION 4.5.2. EXPRESS CONDITIONS. Permits authorized under these regulations may include any or all of the following:

- (a) The unit charge or schedule of charges and fees for the service and use of the sewerage facilities to be paid by the permittee, and the terms and conditions of such payment;
- (b) The allowable average and maximum wastewater constituents and characteristics thereof permitted to be discharged into the sewerage facilities;
- (c) Limitations upon time and rate of wastewater discharge, or requirements for flow regulations and equalization thereof;
- (d) Requirements for the installation of inspection, sampling or testing facilities;
- (e) Pretreatment requirements;
- (f) Specifications for monitoring programs which may include, but shall not necessarily be limited to, sampling locations, frequency and method of sampling, number, types and standards for tests, and reporting schedule;
- (g) Requirements for submission of technical reports or wastewater discharge reports;
- (h) Requirements for maintaining, for not less than 3 years, plant records relating to the wastewater discharge as specified by Authority's Manager and providing for access thereto of Authority's Manager or the Agency's Director of the Agency within the boundaries of which the premises to be served by the sewerage facilities is located, including provisions pursuant to which such records shall be made available for copying and inspection by Authority's Manager or said Agency's Director;
- (i) The mean and maximum mass emission rates, or other appropriate limits when incompatible pollutants are proposed to be discharged into, or are present in, the permittee's wastewater discharge;
- (j) Requirements for submission, prior to closure or abandonment of the permittee's facilities, of a closure plan detailing the means by which the permittee's sanitary facilities, including pretreatment facilities, shall be secured upon such closure or abandonment; and

- (k) Such other conditions, requirements, or provisions deemed appropriate by Authority's Manager or the aforesaid Agency's Director to ensure compliance with the provisions of these regulations, or said Agency's regulations, or other requirements of law.

SECTION 4.6. DURATION OF PERMITS. Wastewater discharge permits authorized under these regulations shall be effective for the period described therein, but in any event, for no longer than five years from the date of issuance. The period specified in a permit may be less than a year, may be expressed in years, or may specify a date of expiration.

Upon expiration of the express term of wastewater discharge permit, the term thereof shall be deemed renewed automatically for successive 1-year periods, the first of which shall commence upon the day next following the last day of the express term; provided, however, that in the event Authority's Manager gives written notice to the permittee of the termination or expiration of the permit not less than 30 days prior to the expiration of the express term thereof, or prior to the expiration of any successive 1-year term thereof, then a new permit shall be required subject to the provisions of these regulations.

Every permit shall be subject to modification, amendment, or other revision during the term thereof by Authority's Manager with the concurrence of the Agency's Director of the Agency within the boundaries of which the premises to which the permit pertains is located, as determined necessary by Authority's Manager and said Agency's Director in order to obtain compliance by the user with the requirements of these regulations, or other requirements of law. To the extent practicable, Authority's Manager shall give written notice to a permittee of any proposed modification, amendment or revision not less than 30 days prior to the effective date of such modification, amendment or revision. To the extent reasonably necessary or appropriate, Authority's Manager may specify a reasonable time schedule for compliance with any new conditions, provisions, or requirements established by modification, amendment or revision to a permit.

SECTION 4.7. NON-ASSIGNABILITY. Wastewater discharge permits shall be personal to each permittee, and shall relate only to the use or operation described therein. No person shall assign, reassign, sell, lease, sublet, or otherwise transfer a wastewater discharge permit, or any interest therein,

to any person other than the permittee, or use, cause to be used, or permit to be used, such permit in connection with a different premises, or a different operation than that specified in the permit, or with a new, expanded, or modified operation.

SECTION 4.8. MONITORING FACILITIES. Authority's Manager may require a user to construct, operate, and maintain, at the user's own expense, monitoring, sampling, or metering facilities or other equipment to allow inspection, sampling, and flow measurement of the user's building sewer, or internal drainage systems, or waste or wastewater discharges. Such monitoring, sampling, or metering facilities or equipment shall be located on the user's premises; provided, however, that Authority's Manager may allow such equipment or facility to be constructed upon public property adjacent to the user's premises upon a determination by Authority's Manager, with the concurrence of the Agency's Director of the Agency within the boundaries of which the premises to which the permit pertains is located, that location of such equipment or facilities upon the user's premises would be impracticable or cause unnecessary or undue hardship. In the event that Authority's Manager makes the foregoing determination with the concurrence of said Agency's Director, and the public property upon which such facilities or equipment are proposed to be constructed or installed is outside said Agency's boundaries, the user shall obtain permission for such installation or construction, and for the maintenance and operation of such facilities or equipment, from the governmental Agency which owns or exercises managerial control over such property.

Monitoring, sampling, or metering facilities or equipment to be provided, installed, maintained and operated pursuant to the provisions of this section shall be so situated, constructed and installed as to permit safe and immediate access thereto by Authority's Manager; provided, however, that Authority's Manager may, at the option of the user, secure such equipment or facilities with a lock furnished by Authority's Manager, at the expense of the user. The user shall provide sufficient space, as determined by Authority's Manager, at or near such equipment or facilities so as to allow ready and accurate monitoring, sampling, and compositing of samples for analysis. Such equipment and facilities, and the

sampling and measuring equipment to be maintained and operated in connection therewith, shall be so maintained and operated at all times in a safe and proper condition, by and at the expense of the user.

Monitoring, sampling or metering equipment or facilities to be furnished pursuant to the provisions of this section shall be provided in accordance with all reasonable requirements of Authority's Manager relating thereto, and all applicable construction standards and specifications of the Agency, or other governmental authority regulating such matters wherein such equipment or facilities are located. Installation and construction of such facilities or equipment shall be completed within 90 days following written notification requiring such installation or construction from Authority's Manager; provided, however, that Authority's Manager may, at his or her discretion, extend the time of performance of such installation or construction.

SECTION 4.9. INSPECTION AND SAMPLING. Authority's Manager is hereby authorized to inspect the premises, and inspect and copy the records, of any user at all reasonable times to ascertain whether such user is in compliance with the provisions of these regulations, or the provisions of any permit issued pursuant to these regulations. Owners or occupants of premises where wastewater is created, held or discharged shall allow Authority's Manager ready access at all such reasonable times to all parts of the premises for the purposes of inspecting the facilities and appurtenances thereon, inspecting and copying records, sampling, monitoring, or performing any or all of the duties reasonably necessary or appropriate in carrying out or enforcing the provisions of these regulations, or any permit issued pursuant to these regulations. Authority's Manager shall further have the right to install and use on the user's premises such devices as are reasonably necessary or appropriate to conduct sampling, metering, or monitoring operations or other of the aforesaid duties. In the event a user has established security measures requiring identification and clearance prior to entry onto such user's premises, the user shall furnish and provide such identification or clearance to Authority's Manager so as to permit ready access of Authority's Manager to the premises for the purposes described in this section.

SECTION 4.10. PRETREATMENT. Pretreatment of wastes or wastewater shall be furnished by every user on the user's premises when such waste or wastewater, prior to pretreatment, does not comply with the minimum acceptable requirements and criteria therefor for discharge into the sewerage facilities as set forth in Article II. Such pretreatment facilities shall be provided and maintained at the user's expense, and shall be of sufficient design and capacity to pretreat waste or wastewater discharged from the premises into the sewerage facilities to a level meeting such minimum requirements, and such other requirements established by Authority's Manager reasonably necessary or appropriate for the sewerage facilities to treat adequately such waste or wastewater under normal operating and treatment conditions.

Prior to the installation of pretreatment facilities, plans and specifications therefor shall be submitted to Authority's Manager, together with such data and descriptive material relating to the waste or wastewater prior to, and after such proposed pretreatment as Authority's Manager may require, in order that Authority's Manager may ascertain the wastewater constituents and characteristics and volume of the wastewater discharge after pretreatment. The user shall make such modifications, amendments or revisions to said plans and specifications as Authority's Manager may reasonably require in order that the provisions of these regulations, or any permit issued, or to be issued pursuant to these regulations, shall be complied with. Upon approval of such plans and specifications by Authority's Manager, the user may proceed with the construction of the pretreatment facilities in conformance therewith; provided, however, that such approval shall not be deemed to waive or modify any other requirement of these regulations, or of any permit issued pursuant to these regulations, or of any other requirements of law.

Approval of plans and specifications of pretreatment facilities pursuant to this section shall not relieve the user from the responsibility of modifying such pretreatment facilities as necessary to produce effluent therefrom complying with all pertinent provisions of these regulations, or any permit issued pursuant to these regulations, or any other requirements of law. Any proposed cessation of use, or

alteration, modification, or other change to approved pretreatment facilities or any portion thereof, or any change in method of operation thereof, shall be reported to Authority's Manager prior to commencement thereof, and shall be subject to the approval of Authority's Manager. Such approval may be withheld, granted, or granted subject to such terms, conditions, or requirements as Authority's Manager may reasonably require in order to ensure compliance with the provisions of these regulations, or any permit issued pursuant to the provisions of these regulations.

SECTION 4.11. ACCIDENTAL DISCHARGES. Every user shall provide protective measures against accidental or unauthorized discharges of prohibited wastes, wastewater constituents or characteristics, or volumes into the sewerage facilities as set forth in Article II, or as may be otherwise set forth in any permit issued pursuant to these regulations. Such measures shall consist of operational or other procedures and/or facilities as determined reasonably necessary or appropriate by Authority's Manager. All costs of such measures shall be borne by the user.

Authority's Manager may specify standard procedures and/or facilities for each classification of user, and, to the extent so specified, he or she is hereby authorized and directed to require the institution and use of such procedures, and the installation and construction of such facilities for each such classification. Alternatively, Authority's Manager may require any user to propose such procedures and/or facilities, which proposals shall be submitted to Authority's Manager for review, with such supporting plans, specifications, data, explanations, or other matters as may reasonably be required by Authority's Manager in order to ascertain the effectiveness of the procedures and/or facilities proposed. Authority's Manager may require such revisions, amendments, modifications, or other changes to such proposals, or approve, or reject the same, as Authority's Manager deems reasonably necessary or appropriate in order that such proposals ensure protection against accidental or unauthorized discharge.

SECTION 4.12. PUBLIC INFORMATION. All information and data furnished by, or regarding the operations of, a user obtained from reports, questionnaires, permit applications, permits, monitoring programs, inspections, or from other sources provided or required under the provisions of

these regulations shall be available to the public or other governmental agencies without restriction unless the user requests in writing that such information be maintained confidential, and establishes to the satisfaction of Authority's Manager that the disclosure of the information to other persons would result in unfair competitive disadvantage to the user; provided, however, that in no event shall wastewater constituents, characteristics, or volumes be deemed confidential information. Notwithstanding the foregoing, information approved by Authority's Manager as confidential shall be available for use by an Agency, the Authority, the State, the federal government, or any official or agency of said entities, in connection with enforcement proceedings, or any judicial proceedings to which the user is a party.

SECTION 4.13. SPECIAL AGREEMENTS. The provisions of these regulations shall not be deemed a limitation upon the Authority or an Agency to enter into agreements, and to recover costs relating thereto, with any user relating to treatment, pretreatment, or other matters in furtherance of the provisions of these regulations and the purposes thereof, and not inconsistent therewith, when unique, unusual or extraordinary circumstances require such special agreements; provided, however, that no such agreement shall authorize an extension of the final dates for compliance with required federal standards nor waive such standards.

ARTICLE V. CHARGES AND FEES.

SECTION 5.1. USER CLASSIFICATIONS, ADMINISTRATION. For the purpose of imposing the charges and fees in this Article V authorized, Authority's Commission shall, by resolution, establish user classifications based upon standard limitations upon wastewater characteristics, constituents, and volumes uniformly applicable to users within each such classification, and shall establish terms and conditions for payment and collection of such charges and fees.

SECTION 5.2. GENERAL. Authority's Commission shall, by resolution, establish a schedule of charges and fees to be imposed by Authority and collected from all owners of premises served by the sewerage facilities, or from users of the sewerage facilities, based upon user classifications, for the use

of the sewerage facilities and services furnished to said premises or users, in such amounts as will provide for each user to pay his or her proportionate share of the costs of operation and maintenance (including replacement) of the sewerage facilities; provided, that such charges shall also provide for payment by industrial users of the sewerage facilities of that portion, if any, of Authority's treatment works which is allocable to the treatment of such industrial user's waste. The schedule of fees and charges authorized hereunder shall also compensate Authority for services ancillary to the foregoing.

SECTION 5.3. SPECIFIC CHARGES AND FEES. Authority's Commission may adopt charges and fees which may include, but shall not necessarily be limited to:

- (a) Fees for reimbursement of costs of establishing and operating Authority's pretreatment program;
- (b) Fees for monitoring, inspections and surveillance procedures;
- (c) Fees for reviewing accidental discharge procedures and construction;
- (d) Fees for processing permit applications and issuing permits;
- (e) Fees for processing and hearing appeals;
- (f) Fees for consistent removal by Authority of pollutants otherwise subject to Authority's pretreatment requirements;
- (g) Such other fees and charges as Authority may deem necessary or appropriate to carry out the provisions of these regulations or otherwise to reimburse Authority for the transmission, treatment and disposal services provided by Authority.

SECTION 5.4. COMBINED FEES AND CHARGES. To the extent convenient or appropriate, certain of the fees and charges authorized under this Article V may, with the consent of the governing bodies of each of the Agencies, be combined with fees and charges imposed and collected by the Agencies, respectively. Nothing herein contained shall be deemed a limitation upon the obligation of the Agencies to impose and collect uniform charges pursuant to the Joint Exercise of Powers Agreement establishing Authority and described in Section 1.3.4.

SECTION 5.5. AGENCIES' CHARGES EXCLUDED. Nothing contained in this Article V shall be deemed a limitation upon each of the Agencies to impose and collect such fees and charges as

they, respectively, may establish with respect to that portion of the sewerage facilities furnished by said Agencies, or with respect to ancillary services or facilities likewise so furnished.

ARTICLE VI. ENFORCEMENT.

SECTION 6.1. RESPONSIBILITY. The primary responsibility for enforcement of the provisions of these regulations shall be vested in Authority's Manager; provided, however, that said Manager shall be, and he or she hereby is, authorized and empowered to delegate his or her authority hereunder to such officers, employees or agents of Authority as he or she shall designate; and, provided further, that field inspectors or other employees of Authority, upon written certification thereof from Authority's Manager to the respective Agencies' Directors, are hereby authorized to act as enforcement agents of each of their respective agencies with respect to regulations consistent herewith adopted said by Agencies in accordance with the provisions of Section 6.14 hereinafter.

SECTION 6.2. UNAUTHORIZED DISCHARGES.

SECTION 6.2.1. NOTIFICATION. Every user shall notify Authority's Manager immediately upon discharging wastes or wastewater in violation of the provisions of these regulations, or any permit issued pursuant to these regulations. A user who discharges, causes to be discharged, or permits to be discharged such wastes or wastewater shall, within 15 days of the occurrence thereof, submit a written report to Authority's Manager describing the cause or causes of such unauthorized discharge, and measures taken, or proposed to be taken, to prevent future similar occurrences. Such report shall not relieve any user of liability for any expense, loss, or damage suffered or incurred by an Agency or the Authority, directly or indirectly, by reason of such unauthorized discharge. Such report shall not relieve or absolve any person from civil liabilities, or imposition of civil or criminal penalties in any manner whatsoever.

SECTION 6.2.2. NOTICES TO EMPLOYEES. Every non-domestic user, every user issued a mandatory wastewater discharge permit pursuant to Section 4.2, and every user issued a discretionary wastewater discharge permit pursuant to Section 4.3 shall prominently post a notice on the premises to

which the permit pertains advising of the requirement to notify Authority's Manager of any unauthorized discharge, including the telephone number of Authority's Manager to be called in the event of such discharge. Authority's Manager may require any user to inform and advise his or her officers, agents, and employees of any particular provisions of these regulations, any permit issued pursuant to these regulations, or other requirements of law, or of any other information which may be of assistance in ensuring compliance with these regulations, such permit, or other requirements of law.

SECTION 6.3. CEASE AND DESIST ORDERS. Upon a determination by Authority's Manager that a discharge of waste or wastewater has occurred, or is occurring, or is about to occur in violation of any provision of these regulations, or of any provision of any permit issued pursuant to these regulations, Authority's Manager may issue an order to cease and desist such discharge, or practice, or operation likely to cause such discharge, and further order such person to:

- (a) Comply forthwith with the provisions of these regulations, or the provisions of any permit issued pursuant to these regulations;
- (b) Comply in accordance with a time schedule established by Authority's Manager; and/or
- (c) Take appropriate remedial or preventive action.

SECTION 6.4. TIME SCHEDULES. Upon a determination by Authority's Manager that a discharge of waste or wastewater has occurred, or is occurring, or is about to occur in violation of the provisions of these regulations, or in violation of any provision of a permit issued pursuant to these regulations, Authority's Manager may require the person or user having so discharged, or discharging, or about to discharge, to submit for approval, subject to such modifications, terms and conditions as Authority's Manager reasonably deems necessary or appropriate, a detailed time schedule of specific actions which the person or user shall take in order to eliminate or prevent such violation or violations.

SECTION 6.5. EMERGENCY CORRECTIONS. In the event repairs, construction, or other public work is performed on any premises pursuant to any provision of law relating to the emergency performance of public work and the expenditure of public funds therefor, or pursuant to any other provision of law authorizing public work on private property in order to correct, eliminate *or* abate a

condition upon such premises which threatens to cause, causes, or caused damage to the sewerage facilities or which otherwise threatens to cause, causes, or caused a violation of any provision of these regulations, or of any permit issued pursuant these regulations, or of any other requirement of law, the user responsible for the occurrence or condition giving rise to such work, the occupant and the owner of the premises shall be liable for such public expenditures, jointly and severally to the Authority and any Agency or Agencies having made such expenditures.

SECTION 6.6. DAMAGES TO SEWERAGE FACILITIES. In the event damages are caused to the sewerage facilities, or any portion thereof, by reason of a waste or wastewater discharge from any premises in violation of the provisions of these regulations, or any permit issued pursuant to these regulations, or of any other requirement of law, the user responsible for the occurrence or condition giving rise to such damages, the occupant and the owner of the premises shall be liable, for the full amount thereof, jointly and severally, to the Authority and/or any Agency or Agencies having incurred such damages.

SECTION 6.7. EMERGENCY TERMINATION OF SERVICE. Authority's Manager or an Agency's Director, as applicable, are hereby authorized and empowered immediately to terminate sanitary sewerage service to any premises for the purpose of halting or preventing any discharge into the sewerage facilities which the Manager or Agency's Director, as applicable, reasonably determines to constitute a detrimental discharge, or otherwise significantly imperils the public health, safety or welfare. In such case, the Manager or said Agency's Director, as applicable, shall make a reasonable effort to notify the user and/or the owner of the premises prior to halting or preventing such discharge; provided, however, that the failure of the user or owner to receive such notice shall not affect any action taken hereunder, so long as the determination of detrimental discharge or imperilment of the public health, safety or welfare made by Authority's Manager or said Agency's Director, as applicable, was reasonable and made in good faith.

In the event that the Manager or an Agency's Director, as the case may be, terminates sanitary sewerage service to any premises pursuant to the provisions of this section, the Manager or said Agency's Director, shall notify the user and the owner and occupant of the premises (if such persons are not the same as the user) that sanitary sewerage service has been terminated, and shall provide said user, owner or occupant an opportunity to be heard on the matter of termination not more than ten (10) days following such termination. Notice of such hearing shall be given in the manner provided for giving notices of violation pursuant to Section 6.9 and such hearing shall be conducted in the manner provided for enforcement hearings pursuant to Section 6.10. Appeals from the determination of Authority's Manager may be taken in the manner provided for appeals pursuant to Section 6.11.

SECTION 6.8. PERMIT REVOCATION. Authority's Manager may revoke, after a hearing on the question of revocation, any permit issued pursuant to the provisions of these regulations upon a determination by him or her that:

- (a) The permittee has failed to report factually the wastewater constituents, characteristics, or volume of the permitted wastewater discharge;
- (b) The permittee has failed to report significant or substantial changes in the operations conducted upon the premises to which the permit pertains, or significant or substantial changes in wastewater constituents, characteristics, or volumes pertaining to said premises;
- (c) The permittee has refused, or failed to permit, reasonable access to the premises to which the permit pertains; or
- (d) The permittee has violated, caused to be violated, or permitted to be violated, any term, condition, or provision of the permit.

In the event that Authority's Manager preliminarily determines that a permit should be revoked for any of the foregoing reasons, he or she shall notify the permittee and the owner and occupant of the premises (if such persons are not the same as the user) to which the permit pertains of a hearing on the question of revocation. Notice of such hearing shall be given in the manner provided for giving notices of violation pursuant to Section 6.9 and such hearing shall be conducted in the manner provided for enforcement hearings pursuant to Section 6.10. Appeals from the determination of Authority's Manager may be taken in the manner provided for appeals pursuant to Section 6.11.

SECTION 6.9. NOTICE OF VIOLATION. Whenever Authority's Manager or an Agency's Director of the Agency within the boundaries of which a user's premises is located finds that any such user has violated or is threatening to violate any provision or requirement of these regulations, or any provision or requirement of any permit issued pursuant to these regulations, or any prohibition, limitation, or requirement of law, Authority's Manager, or said Agency's Director, as the case may be, shall serve upon such user written notice stating the nature of the violation, ordering cessation thereof and directing submittal of a written explanation of the cause of the violation. Service of such notice shall be made personally or by certified or registered mail (return receipt requested), addressed to the premises which is the source or location of such violation, the address of the user or permittee theretofore specified by said user or permittee to Authority's Manager or said Agency's Director (if different than the address of the premises) and also to the owner of said premises as shown on the last equalized assessment roll prepared by the County Assessor, County of San Mateo. Within 30 days of the date of said notice, the user, permittee, and/or owner of the premises shall submit to Authority's Manager (with a copy to said Agency's Director) a written explanation of the cause of such violation.

SECTION 6.10 ENFORCEMENT HEARING.

SECTION 6.10.1. HEARING. Authority's Manager may order any user who causes or allows an unauthorized discharge to enter the sewerage facilities or who has otherwise violated, or is threatening to violate, any provision or requirement of these regulations, or any provision or requirement of any permit issued pursuant to these regulations, or any prohibition, limitation or requirement of law, to show cause before him or her why a proposed enforcement action should not be taken. Notice of a hearing thereon shall be served on the user and/or permittee (if such violation pertains to a permit issued pursuant to these regulations) specifying the time, place and date of the hearing, the nature of the violation of these regulations or of any permit issued pursuant to these regulations or of any other requirement of law giving rise to the enforcement proceedings, a proposed enforcement action or actions and directing the user to show cause before Authority's Manager why the

proposed enforcement action should not be taken. Said notice may be combined with a notice of violation issued pursuant to Section 6.9.

Notice of the hearing shall be served personally or by certified mail (return receipt requested) addressed, in the case of a user or permittee, to the premises where the alleged violation has taken, or is taking place, to the address theretofore specified by said user or permittee to Authority's Manager or said Agency's Director (if different than the address of the premises) and also to the owner of said premises as shown on the last equalized assessment roll prepared by the County Assessor, County of San Mateo. Said hearing shall be held within 60 days following the date of service of the notice.

SECTION 6.10.2. PROCEDURE. At the hearing the user and/or permittee, the owner of the premises above—mentioned, and the Agency's Director of the Agency within the boundaries of which the premises is located shall be given the opportunity to be heard. Formal rules of evidence shall not be applicable, provided however, that oral and documentary evidence shall be received by Authority's Manager relevant to the issue being heard.

A verbatim transcript of the record need not be prepared; provided, however, that if the user, permittee, or owner of the premises requests a transcript, the Authority shall cause a transcript to be prepared; provided, further, that the cost of preparing such transcript shall be borne by the party requesting it. A request for the preparation of a transcript shall be made not less than five (5) business days prior to the hearing. The requesting party shall deposit with Authority's Manager the estimated cost of providing a transcript prior to commencement of the hearing. Failure to deposit the estimated cost shall be deemed a waiver of the request, and in such instance the Authority shall not be required to provide a transcript. The notice of hearing shall contain notification of the requirements hereof relating to the preparation of a transcript.

SECTION 6.10.3. DECISION. Upon completion of the hearing, and upon a finding by Authority's Manager that a violation of these regulations or of any permit issued pursuant to these regulations or any other requirement of law has occurred, Authority's Manager may issue an order to

the user, permittee, or owner of the premises to which the violation pertains, who or which Authority's Manager finds responsible for said violation, directing that, following a specified time period, sewerage service shall be discontinued, and/or the permit with respect to which the violation occurred shall be revoked unless (i) adequate treatment facilities, devices or other related appurtenances shall have been installed or used in conjunction with existing treatment facilities, devices or other related appurtenances, or (ii) existing treatment facilities, devices or related appurtenances are properly operated, maintained or repaired, or (iii) other appropriate remedial action specified by Authority's Manager shall have been taken. Authority's Manager may issue such other orders and directives as are necessary or appropriate to obtain compliance with the provisions of these regulations, any permit issued pursuant to these regulations or any other requirement of law.

SECTION 6.11. APPEALS.

SECTION 6.11.1. RIGHT TO APPEAL. Any user, permittee, applicant, or owner of premises aggrieved by the determination of Authority's Manager may appeal such determination to Authority's Commission by filing a written notice of appeal with Authority's Manager within 30 days of the date of said Manager's determination. The notice of appeal shall set forth the facts and reasons supporting the appeal. Hearing on the appeal shall be held by Authority's Commission within 60 days from the date of filing the notice of appeal. Notice of the date, time and place of the hearing on the appeal shall be given in the manner specified for hearings under Section 6.10.1 and shall include notice of the appellant's right to preparation of a transcript of the appeal hearing upon request therefor and depositing the estimated cost thereof in the manner provided under Section 6.10.2.

SECTION 6.11.2. PROCEDURE. Hearing on the appeal by Authority's Commission, shall be conducted in the manner provided for enforcement hearings specified in Section 6.10.2, including, without limitation, the provisions relating to preparation of a transcript of the hearing.

SECTION 6.11.3. DECISION. Upon conclusion of the hearing, Authority's Commission may affirm, reverse or modify the determination of Authority's Manager as the Commission deems just and

equitable, and in furtherance of the provisions, purposes and intent of these regulations. During the pendency of any such appeal, the determination of Authority's Manager shall remain in full force and effect. The determination of Authority's Commission on the appeal shall be final.

SECTION 6.12. PUBLIC NUISANCE. Any discharge, or threatened discharge, or any condition which is in any manner in violation of the provisions of these regulations, or of any permit, or any order or directive of Authority's Manager issued or made pursuant to these regulations, shall be, and the same is hereby declared to be a public nuisance. Such nuisance may be abated, removed, or enjoined, and damages assessed therefor, in any manner provided by law.

SECTION 6.13. CIVIL ASSESSMENTS. Any user, permittee, or owner of premises or other person who or which violates any requirement of these regulations, or of any permit, directive, or order issued or made pursuant to these regulations requiring pretreatment of any industrial waste which would otherwise be detrimental to the sewerage facilities or their proper and efficient operation and maintenance, the health and safety of the employees of the Authority or the environment or which requires the prevention of the entry of such waste into the sewerage facilities, may be civilly liable pursuant to the provisions of California Government Code Sections 54740 or 54740.5. The Authority's Manager is hereby authorized to issue administrative complaints pursuant to Government Code Section 54740.5. (Amended, Res. SVCW No. 05-39, 06/14/05)

SECTION 6.14. AGENCY'S REGULATIONS. Pursuant to the provisions of the Joint Exercise of Powers Agreement referenced in Section 1.3.4, each Agency shall enact an ordinance, uniform in content with these regulations; provided, however, that in addition to the enforcement provisions herein contained, each such ordinance shall include provisions to the effect that any person violating or causing the violation of any provision of such ordinance or of any permit issued pursuant to these regulations or otherwise issued by Authority's Manager, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not more than One Thousand Dollars (\$1,000.00), or by imprisonment in the County jail for a term not exceeding six months, or by both such

fine and imprisonment, and that every day such violation shall continue shall constitute a separate offense. Nothing in this section, or these regulations, contained shall be deemed a limitation upon any Agency to enact regulations pertaining to said Agency's portion of the sewerage facilities, or otherwise pertaining to the sewerage facilities, not inconsistent with the provisions of these regulations. Said Agency regulations shall also vest Authority's Manager and Authority's Commission with the powers, functions and authority granted to them, respectively, pursuant to these regulations.

SECTION 6.15. AUTHORITY'S DISCRETION. Authority, or Authority's Manager, as the enforcing agent or officer so designated by each of the Agencies' regulations adopted pursuant to Section 6.14 hereof, and as empowered and vested with the authority and functions correspondingly herein provided, shall have, and are hereby granted, the discretion to proceed with enforcement actions pursuant to either said Agencies' regulations or these regulations in any particular instance.

SECTION 6.16. REMEDIES CUMULATIVE. The remedies provided for in these regulations shall be cumulative and not exclusive, and shall be in addition to any and all other remedies available to Authority in the exercise of its powers.

SECTION 6.17. SEVERABILITY. If any provision of these regulations or the application thereof to any person is held invalid, such invalidity shall not affect any other provision or application of these regulations which can be given effect without the invalid provision or application, and to this end the provisions of these regulations are severable.